

**CITY OF BALTIMORE  
COUNCIL BILL 08-0231  
(First Reader)**

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Introduced by: Councilmember Curran, President Rawlings-Blake, Councilmembers Holton,  
Kraft, Reisinger, Middleton, D'Adamo, Henry, Branch, Cole

Introduced and read first time: November 17, 2008

Assigned to: Public Safety and Health Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental  
Control Board, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Health – Smoking On or Adjacent to Hospital Premises**

3 FOR the purpose of prohibiting smoking on or adjacent to hospital premises; defining certain  
4 terms; providing for certain exceptions; imposing certain penalties; providing for a special  
5 effective date; and generally relating to smoking in areas near hospitals.

6 BY adding

7 Article - Health

8 Section(s) 12-601 through 12-612, inclusive, to be under the new subtitle

9 “Subtitle 6. Smoking On or Adjacent to Hospital Premises”

10 Baltimore City Revised Code

11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 1 - Mayor, City Council, and Municipal Agencies

14 Section(s) 40-14(e)(7)(Title 12) and 41-14(6)(Title 12)

15 Baltimore City Code

16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
18 Laws of Baltimore City read as follows:

19 **Baltimore City Revised Code**

20 **Article – Health**

21 **Title 12. Tobacco Products**

22 **SUBTITLE 6. SMOKING ON OR ADJACENT TO HOSPITAL PREMISES**

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24 **§ 12-601. DEFINITIONS.**

25 (A) *IN GENERAL.*

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1           IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

2           (B) *HOSPITAL*.

3           “HOSPITAL” MEANS AN INSTITUTION THAT:

4                   (1) HAS A GROUP OF AT LEAST 5 PHYSICIANS WHO ARE ORGANIZED AS A MEDICAL  
5                   STAFF FOR THE INSTITUTION;

6                   (2) MAINTAINS FACILITIES TO PROVIDE, UNDER THE SUPERVISION OF THE MEDICAL  
7                   STAFF, DIAGNOSTIC AND TREATMENT SERVICES FOR 2 OR MORE UNRELATED  
8                   INDIVIDUALS; AND

9                   (3) ADMITS OR RETAINS THE INDIVIDUALS FOR OVERNIGHT CARE.

10          (C) *SMOKE*.

11          “SMOKE” MEANS TO INHALE, BURN, OR CARRY ANY LIGHTED CIGARETTE, CIGAR, PIPE  
12          TOBACCO, OR OTHER TOBACCO, WEED, OR PLANT PRODUCT OF ANY KIND.

13          **§ 12-602. {RESERVED}**

14          **§ 12-603. SMOKING PROHIBITED.**

15          EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, SMOKING IS PROHIBITED:

16                   (1) ON THE PREMISES OF ANY HOSPITAL; AND

17                   (2) ON ANY PUBLIC RIGHT-OF-WAY (INCLUDING SIDEWALKS, ALLEYS, AND THEIR  
18                   SURROUNDING GRASS, TREE, OR OTHER PLANTED AREAS ) ADJOINING THE PREMISES OF  
19                   A HOSPITAL AND EXTENDING TO THE CLOSEST CURB LINE.

20          **§ 12-604. EXCEPTION.**

21          THIS SUBTITLE DOES NOT APPLY TO A PERSON WHO OCCUPIES A MOVING VEHICLE IN AN  
22          ALLEY.

23          **§ 12-605. “NO SMOKING” SIGNS.**

24                   (A) *HOSPITALS TO POST*.

25                   EVERY HOSPITAL MUST “NO SMOKING” SIGNS, “SMOKE FREE AREA” SIGNS, OR THE  
26                   INTERNATIONAL NO-SMOKING SYMBOL (A BURNING CIGARETTE ENCLOSED IN A RED  
27                   CIRCLE WITH A RED ACROSS IT) IN CONSPICUOUS PLACES ON ITS PREMISES SUFFICIENT TO  
28                   PROVIDE PUBLIC NOTICE OF THE SMOKING PROHIBITION.

29                   (B) *FAILURE TO POST*.

30          THE FAILURE OF A HOSPITAL TO POST THESE SIGNS:

31                   (1) IS NOT PUNISHABLE UNDER THIS SUBTITLE; AND

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(2) IS NOT A DEFENSE TO SMOKING IN VIOLATION OF THIS SUBTITLE.

**§§ 12-606 TO 12-610. {RESERVED}**

**§ 12-611. ENFORCEMENT BY CITATION.**

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE,  
THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1,  
SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR

(2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL  
CITATIONS"}

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING  
ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

**§ 12-612. PENALTIES.**

ANY PERSON WHO SMOKES IN VIOLATION OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF  
NOT MORE THAN \$50 FOR EACH OFFENSE.

**Baltimore City Code**

**Article 1. Mayor, City Council, and Municipal Agencies**

**Subtitle 40. Environmental Control Board**

**§ 40-14. Violations to which subtitle applies.**

(e) *Provisions and penalties enumerated.*

(7) **Health Code**

Title 12: Tobacco Products

Subtitle 1: Indoor Smoking

Person smoking \$250

Employer, other person in charge \$500

Subtitle 2: Sale of Unpackaged Cigarettes \$150

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1	Subtitle 4: Placement of Tobacco Products	\$500
2	Subtitle 5: Distribution to Minors	\$500
3	SUBTITLE 6: SMOKING ON OR ADJACENT TO HOSPITAL PREMISES	\$ 50

**Subtitle 41. Civil Citations**

**§ 41-14. Offenses to which subtitle applies – Listing.**

**(6) *Health Code***

Title 12: Tobacco Products

Subtitle 1: Indoor Smoking

Person smoking \$250

Employer, other person in charge \$500

Subtitle 2: Sale of Unpackaged Cigarettes \$150

Subtitle 4: Placement of Tobacco Products \$500

Subtitle 5: Distribution to Minors \$500

SUBTITLE 6: SMOKING ON OR ADJACENT TO HOSPITAL PREMISES \$ 50

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.