

Introduced by: Councilmember Bullock, *10-17 Ernest*, Henry Funke, *10/17*, Clark

Prepared by: Department of Legislative Reference *SNGET* Date: November 27, 2018

Referred to: TAXATION, FINANCE & ECONOMIC DEVELOPMENT Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL *18-0312*

A BILL ENTITLED

**WITHDRAWN**

AN ORDINANCE concerning

**Required Retail Tobacco Health Warnings and Smoking Cessation Information**

FOR the purpose of requiring the Health Commissioner to create and distribute to retailers of tobacco products signs that contain certain tobacco health warnings and smoking cessation information; requiring retailers of tobacco products to prominently place the signs distributed by the Health Commissioner in their places of business; providing for a special effective date; and imposing certain civil penalties for violations.

By adding

Article - Health

Section(s) 12-901 through 12-902, inclusive, to be under the new subtitle designation "Subtitle 9. Retail Tobacco Health Warnings and Smoking Cessation Information"

Baltimore City Revised Code  
(Edition 2000)

By repealing and re-ordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

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

Baltimore City Code  
(Edition 2000)

*Handwritten signatures and initials: John Bullock, Bill H., and others.*


**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____

**Boards and Commissions**

_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____

<b>FROM</b>	NAME & TITLE	Rebecca Woods, Esq., Executive Director <i>RW</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 N. Charles St., Suite 1300, Baltimore, MD 21202		
	SUBJECT	City Council Bill # 18-0312 Required Retail Tobacco Health Warnings and Smoking Cessation Information		

DATE:

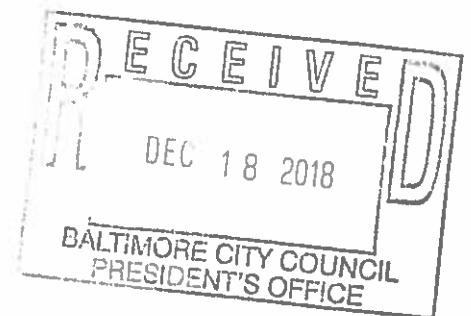
TO

The Honorable President and Members  
of the Baltimore City Council

December 18, 2018

The Baltimore City Environmental Control Board (ECB) has been requested to review City Council Bill #18-0312, Required Retail Tobacco Health Warnings and Smoking Cessation Information. The purpose of the bill is to require the Health Commissioner to create and distribute to retailers of tobacco products signs that contain certain tobacco health warnings and smoking cessation information, require retailers of tobacco products to prominently place the signs distributed by the Health Commissioner in their places of business, provide for a special effective date, and impose certain civil penalties for violations.

It is anticipated that the number of citations that will be issued for violations of the relevant provision(s) will have no significant impact on ECB operations. For this reason ECB has no objections to the passage of this bill.



*no obj*







**MEMORANDUM**

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO  
Baltimore Development Corporation

**DATE:** December 11, 2018

**SUBJECT:** City Council Bill No. 18-0312  
Required Retail Tobacco Health Warnings and Smoking Cessation Information

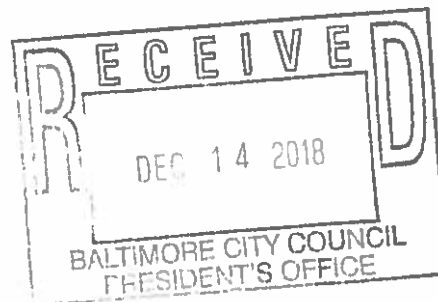
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The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0312 for the purpose of requiring the Health Commissioner to create and distribute to retailers of tobacco products signs that contain certain tobacco health warnings and smoking cessation information; requiring retailers of tobacco products to prominently place the signs distributed by the Health Commissioner in their places of business; providing for a special effective date; and imposing certain civil penalties.

Health warnings displayed at the point of sale are a counter-advertising mechanism involving written and sometimes pictorial warnings of the health impacts of tobacco use along with information about cessation services. Signage such as this impacts smokers and potential smokers, while providing a means to quit.

BDC has reviewed and supports the proposed legislation and is respectfully requesting that Bill No. 18-0312 be given favorable consideration by the City Council.

cc: Kyron Banks



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**CITY OF BALTIMORE  
COUNCIL BILL 18-0312  
(First Reader)**

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Introduced by: Councilmembers Bullock, Scott, Burnett, Henry, Pinkett, Cohen, Clarke, Sneed  
Introduced and read first time: December 6, 2018

Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental  
Control Board, Baltimore Development Corporation

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**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Required Retail Tobacco Health Warnings and Smoking Cessation Information**

3 FOR the purpose of requiring the Health Commissioner to create and distribute to retailers of  
4 tobacco products signs that contain certain tobacco health warnings and smoking cessation  
5 information; requiring retailers of tobacco products to prominently place the signs distributed  
6 by the Health Commissioner in their places of business; providing for a special effective date;  
7 and imposing certain civil penalties for violations.

8 BY adding

9 Article - Health  
10 Section(s) 12-901 through 12-902, inclusive, to be under the new subtitle designation  
11 "Subtitle 9. Retail Tobacco Health Warnings and Smoking Cessation Information"  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 BY repealing and re-ordaining, with amendments

15 Article 1 - Mayor, City Council, and Municipal Agencies  
16 Section(s) 40-14(e)(7)(Title 12) and 41-14(6)(Title 12)  
17 Baltimore City Code  
18 (Edition 2000)

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

21 **Baltimore City Revised Code**

22 **Article – Health**

23 **Title 12. Tobacco Products**

24 **SUBTITLE 9. RETAIL TOBACCO HEALTH WARNINGS AND SMOKING CESSATION**  
25 **INFORMATION**

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

**Council Bill 18-0312**

1     **§ 12-901. SIGNAGE REQUIRED.**

2             (A) *COMMISSIONER TO CREATE AND DISTRIBUTE SIGNS.*

3             THE COMMISSIONER IS RESPONSIBLE FOR CREATING AND DISTRIBUTING TO CITY  
4             RETAILERS OF TOBACCO PRODUCTS SIGNS THAT:

5                     (1) INCLUDE INFORMATION ABOUT THE ADVERSE HEALTH EFFECTS OF TOBACCO USE  
6                     AND HOW TO GET HELP TO QUIT; AND

7                     (2) ARE A MINIMUM OF 324 SQUARE INCHES AND NO MORE THAN 1296 SQUARE INCHES.

8             (B) *POSTING OF SIGNS.*

9             A RETAILER OF TOBACCO PRODUCTS IN BALTIMORE CITY MUST PROMINENTLY DISPLAY  
10            THE SIGN REQUIRED BY THIS SUBTITLE:

11                    (1) AT THE FRONT OF THE STORE SO THAT THE SIGN CAN BE READ EASILY BY EACH  
12                    CONSUMER ENTERING THE STORE; AND

13                    (2) SO THAT THE BOTTOM OF THE SIGN IS NO LESS THAN 4 FEET FROM THE FLOOR AND  
14                    THE TOP OF THE SIGN IS NO MORE THAN 7 FEET FROM THE FLOOR.

15     **§ 12-902. ENFORCEMENT BY CITATION.**

16             (A) *IN GENERAL.*

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

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

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

23             (B) *PROCESS NOT EXCLUSIVE.*

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

26                                    **Baltimore City Code**

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

28                                    **Subtitle 40. Environmental Control Board**

29     **§ 40-14. Violations to which subtitle applies.**

30             (c) *Provisions and penalties enumerated.*



**Council Bill 18-0312**

1           (7) *Health Code*

2                   Title 12: Tobacco Products and Smoking Devices

3                    ...

4                    SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS                   \$500

5   **Subtitle 41. Civil Citations**

6   **§ 41-14. Offenses to which subtitle applies – Listing.**

7           (6) *Health Code*

8                   Title 12: Tobacco Products and Smoking Devices

9                    ...

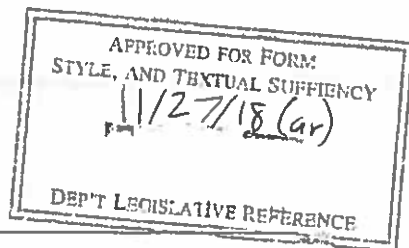
10                   SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS                   \$500

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

14           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180<sup>th</sup>  
15 day after the date it is enacted.



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmember Bullock

A BILL ENTITLED

AN ORDINANCE concerning

**Required Retail Tobacco Health Warnings and Smoking Cessation Information**

FOR the purpose of requiring the Health Commissioner to create and distribute to retailers of tobacco products signs that contain certain tobacco health warnings and smoking cessation information; requiring retailers of tobacco products to prominently place the signs distributed by the Health Commissioner in their places of business; providing for a special effective date; and imposing certain civil penalties for violations.

BY adding

Article - Health

Section(s) 12-901 through 12-902, inclusive, to be under the new subtitle designation

“Subtitle 9. Retail Tobacco Health Warnings and Smoking Cessation Information”

Baltimore City Revised Code

(Edition 2000)

BY repealing and re-ordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

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

Baltimore City Code

(Edition 2000)

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

**Baltimore City Revised Code**

**Article – Health**

**Title 12. Tobacco Products**

**SUBTITLE 9. RETAIL TOBACCO HEALTH WARNINGS AND SMOKING CESSATION INFORMATION**

**§ 12-901. SIGNAGE REQUIRED.**

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

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(A) *COMMISSIONER TO CREATE AND DISTRIBUTE SIGNS.*

THE COMMISSIONER IS RESPONSIBLE FOR CREATING AND DISTRIBUTING TO CITY RETAILERS OF TOBACCO PRODUCTS SIGNS THAT:

- (1) INCLUDE INFORMATION ABOUT THE ADVERSE HEALTH EFFECTS OF TOBACCO USE AND HOW TO GET HELP TO QUIT; AND
- (2) ARE A MINIMUM OF 324 SQUARE INCHES AND NO MORE THAN 1296 SQUARE INCHES.

(B) *POSTING OF SIGNS.*

A RETAILER OF TOBACCO PRODUCTS IN BALTIMORE CITY MUST PROMINENTLY DISPLAY THE SIGN REQUIRED BY THIS SUBTITLE:

- (1) AT THE FRONT OF THE STORE SO THAT THE SIGN CAN BE READ EASILY BY EACH CONSUMER ENTERING THE STORE; AND
- (2) SO THAT THE BOTTOM OF THE SIGN IS NO LESS THAN 4 FEET FROM THE FLOOR AND THE TOP OF THE SIGN IS NO MORE THAN 7 FEET FROM THE FLOOR.

**§ 12-902. ENFORCEMENT BY CITATION.**

(A) *IN GENERAL.*

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

- (1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY THE CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR
- (2) A CIVIL CITATION AS AUTHORIZED BY THE 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.

**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 and Smoking Devices

SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS

\$500

**Subtitle 41. Civil Citations**

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

*(6) Health Code*

Title 12: Tobacco Products and Smoking Devices

...

SUBTITLE 9: RETAIL TOBACCO HEALTH WARNINGS

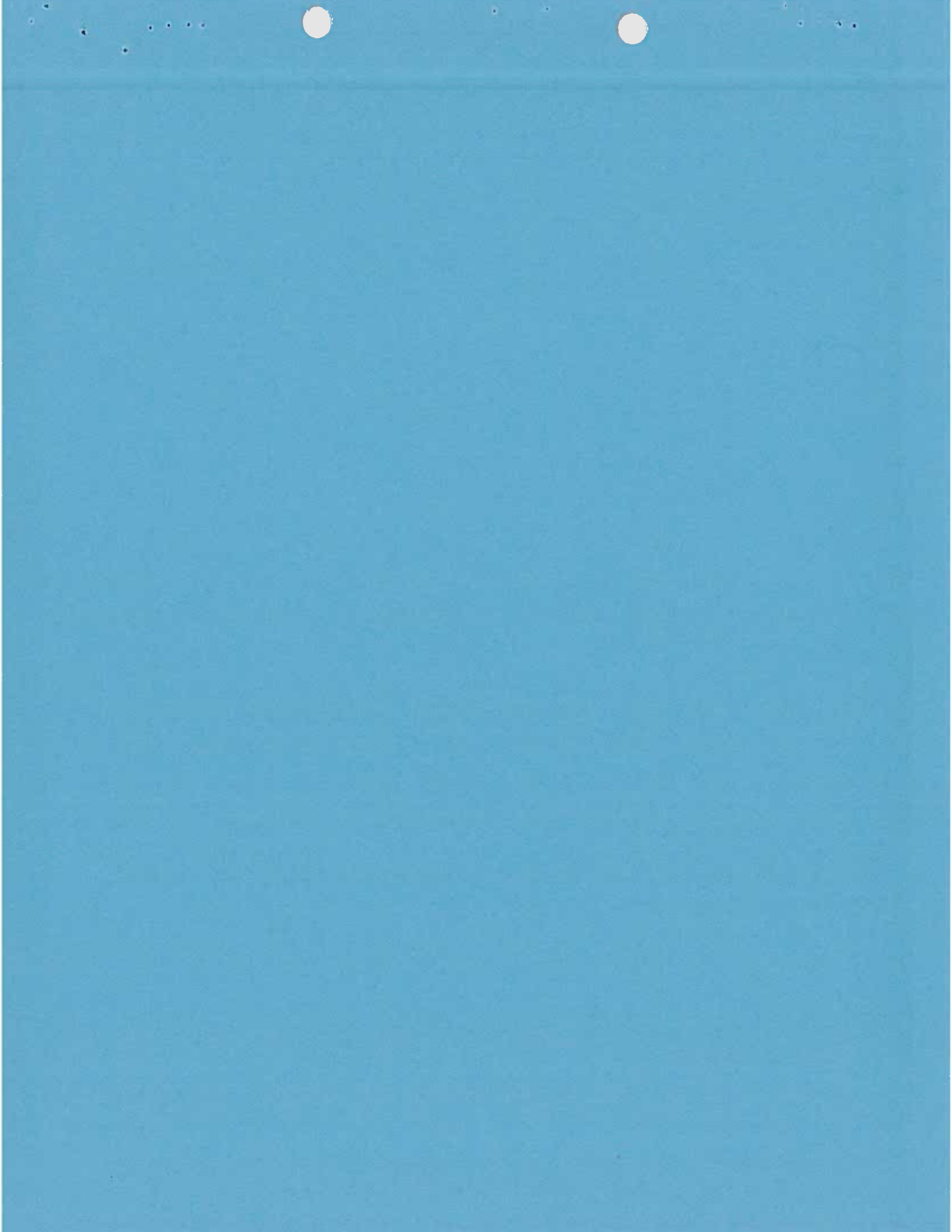
\$500

**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 180<sup>th</sup> day after the date it is enacted.







**ACTION BY THE CITY COUNCIL**

DEC 06 2018

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

\_\_\_\_\_  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

\_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Clerk