CITY OF BALTIMORE ORDINANCE _____ Council Bill 23-0418

Introduced by: Councilmembers Burnett, Porter, Dorsey, Middleton, Ramos, Bullock, Cohen,

Torrence

Introduced and read first time: August 21, 2023

Assigned to: Health, Environment, and Technology Committee

Committee Report: Favorable Council action: Adopted

Read second time: January 29, 2024

AN ORDINANCE CONCERNING

1	Tobacco Products – Tobacco Product Use in Stadiums – Prohibition	
2 3	FOR the purpose of prohibiting the use of tobacco products in stadiums; defining certain terms; establishing certain penalties; and providing for a special effective date.	
4 5 6 7 8 9	By adding Article - Health Sections 12-1001 to 12-1004, to be under the new subtitle designation "Subtitle 10. Tobacco Product Use in Stadiums" Baltimore City Revised Code (Edition 2000)	
10 11 12 13	By repealing and re-ordaining, with amendments Article 1 - Mayor, City Council, and Municipal Agencies Sections 40-14(e)(7) and 41-14(6) Baltimore City Code (Edition 2000)	
15 16	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:	
17	Baltimore City Revised Code	
18	Article – Health	
19	SUBTITLE 10. TOBACCO PRODUCT USE IN STADIUMS	
20	§ 12-1001. DEFINITIONS.	
21	(A) IN GENERAL.	
22	IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

Strike out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

1	(B) ELECTRONIC SMOKING DEVICE.
2 3	"ELECTRONIC SMOKING DEVICE" HAS THE MEANING STATED IN \S 12-101 {"Definitions" OF THIS TITLE.
4	(C) Professional sporting event.
5	(1) IN GENERAL.
6 7	"PROFESSIONAL SPORTING EVENT" MEANS ANY SPORTING OR ATHLETIC EVENT FOR WHICH THE COMPETING ATHLETES RECEIVE MONETARY PAYMENT FOR PARTICIPATION
8	(2) INCLUSIONS.
9	"PROFESSIONAL SPORTING EVENT" INCLUDES:
10	(I) A COLLEGIATE SPORTING OR ATHLETIC EVENT;
11	(II) AN OLYMPIC OR INTERNATIONAL SPORTING OR ATHLETIC EVENT; OR
12	(III) A MOTOR RACE EVENT.
13	(3) EXCLUSIONS.
14	"PROFESSIONAL SPORTING EVENT" EXCLUDES:
15	(I) A HIGH SCHOOL SPORTING OR ATHLETIC EVENT; AND
16 17	(II) AN AMATEUR SPORTING OR ATHLETIC EVENT FOR WHICH THE COMPETING ATHLETES DO NOT RECEIVE MONETARY PAYMENT FOR PARTICIPATION.
18	(D) TOBACCO PRODUCT.
19	(1) IN GENERAL.
20	"TOBACCO PRODUCT" MEANS A PRODUCT THAT IS:
21 22 23	(I) INTENDED FOR HUMAN CONSUMPTION OR LIKELY TO BE CONSUMED, WHETHER INHALED, CHEWED, ABSORBED, DISSOLVED, SMOKED, OR INGESTED IN ANY OTHER MANNER, AND THAT IS MADE OR DERIVED FROM, OR THAT CONTAINS:
24	(A) TOBACCO; OR
25	(B) NICOTINE; OR
26 27	(II) AN ACCESSORY OR A COMPONENT USED IN ANY MANNER OF CONSUMPTION DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

1	(2) INCLUSIONS.	
2	"TOBACCO PRODUCT" INCLUDES:	
3	(I) CIGARETTES;	
4	(II) CIGARS;	
5	(III) PIPE TOBACCO;	
6	(IV) CHEWING TOBACCO;	
7	(V) SNUFF;	
8	(VI) SNUS;	
9	(VII) ELECTRONIC SMOKING DEVICES;	
10	(VIII) FILTERS;	
11	(IX) ROLLING PAPERS;	
12	(X) PIPES; AND	
13 14	(XI) LIQUIDS USED IN ELECTRONIC SMOKING DEVICES, REGARDLESS OF NICOTINE CONTENT.	
15	(3) EXCLUSIONS.	
16 17 18	"TOBACCO PRODUCT" DOES NOT INCLUDE DRUGS, DEVICES, OR COMBINATION PRODUCTS APPROVED FOR SALE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, AS DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.	
19	(D) STADIUM.	
20	(1) IN GENERAL.	
21 22	"STADIUM" MEANS A STRUCTURE WITH TIERS OF SEATS RISING AROUND A FIELD OR COURT, OR ANOTHER AREA WHERE SPORTING EVENTS OCCUR, INTENDED TO BE USED:	
23	(I) PRIMARILY FOR THE VIEWING OF ATHLETIC EVENTS; AND	
24 25	(II) SECONDARILY, FOR ENTERTAINMENT AND OTHER PUBLIC GATHERING PURPOSES.	
26	(2) INCLUSIONS.	
27	"STADIUM" INCLUDES:	

1 2	(I) ANY "ATHLETIC FACILITY", AS DEFINED IN § 12-801 {"DEFINITIONS"} OF THIS TITLE; AND			
3	(II) ANY SWIMMING POOL OR OTHER BODY OF WATER THAT IS USED:			
4	(A) TO TRAIN OR PRACTICE FOR COMPETITIVE SWIMMING OR DIVING; OR			
5	(B) FOR SPORTING EVENTS.			
6	§ 12-1002. USE PROHIBITION - STADIUMS.			
7	USE OF A TOBACCO PRODUCT IN ANY MANNER IS PROHIBITED IN ANY STADIUM.			
8	§ 12-1003. Enforcement by citation.			
9	(A) IN GENERAL.			
10 11	IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:			
12 13	(1) AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}; OR			
14 15	(2) A CIVIL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.			
16	(B) PROCESS NOT EXCLUSIVE.			
17 18	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.			
19	§ 12-1004. CIVIL PENALTIES: \$500.			
20 21	Any person who violates any provision of this subtitle is subject to a civil fine of not more than $\$500$ for each violation.			
22	Article 1. Mayor, City Council, and Municipal Agencies			
23	Subtitle 40. Environmental Control Board			
24	§ 40-14. Violations to which this subtitle applies.			
25	(e) Provisions and penalties enumerated.			
26	(7) Health Code			
2.7				

1	Title 12: Tobacco Products and Smoking Devices	
2	•	
3	Subtitle 9: Nicotine Replacement Therapy Products	\$100
4 5 6	SUBTITLE 10: TOBACCO PRODUCT USE IN STADIUMS NON-PROFESSIONAL SPORTING EVENT PROFESSIONAL SPORTING EVENT	\$50 \$500
7	Subtitle 41. Civil Citations	
8	§ 41-14. Offenses to which subtitle applies – Listing.	
9	(6) Health Code	
10		
11	Title 12: Tobacco Products and Smoking Devices	
12	•••	
13	Subtitle 9: Nicotine Replacement Therapy Products	\$100
14 15 16	SUBTITLE 10: TOBACCO PRODUCT USE IN STADIUMS NON-PROFESSIONAL SPORTING EVENT PROFESSIONAL SPORTING EVENT	\$50 \$500
17 18	SECTION 2. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect cenacted.	on the date it is

Certified as duly passed this 12 day of February, 2024					
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	President, Baltimore City Council				
Certified as duly delivered to His Honor, the Mayor,					
this 12 day of February, 2024					
_	Chief Clerk				
Approved this 1 day of 6 -10, 2024					
	Mayor, Baltimore City				

Approved for Form and Legal Sufficiency This 13th Day of February, 2024.

Elena R. DiPietro

Chief Solicitor