

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0178

Introduced by: President Young, Councilmember Stokes
Introduced and read first time: January 22, 2018
Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: February 5, 2018

AN ORDINANCE CONCERNING

Indoor Smoking – Hookah Lounges

FOR the purpose of excepting hookah lounges from the City’s indoor-smoking restrictions, subject to certain conditions; repealing two obsolete exceptions that have been preempted by more stringent State law and, as such, are invalid; and generally relating to the operation of hookah lounges.

BY repealing and reordaining, with amendments

Article - Health
Section 12-107
Baltimore City Revised 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 and Smoking Devices

Subtitle 1. Indoor Smoking

§ 12-107. Exceptions – [Private clubs, smoking bars, tobacconists] RETAIL TOBACCO ESTABLISHMENTS; HOOKAH LOUNGES.

(a) *In general.*

This subtitle does not apply to [a private club or lodge, a smoking bar, or] a retail tobacco establishment OR A HOOKAH LOUNGE that qualifies [for an exemption] under this section.

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.

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1 [(b) *Qualifications.*]

2 [(1) A private club or lodge qualifies under this section only if it:

3 (i) has a limited membership elected pursuant to its charter or bylaws;

4 (ii) excludes the general public from its premises or place of meeting;

5 (iii) is organized with officers and directors;

6 (iv) holds all property for the common benefit of its members; and

7 (v) does not permit nonmembers to pay a temporary fee to use its premises or attend
8 its meetings.]

9 [(2) A smoking bar qualifies under this section only if it:

10 (i) is licensed under State Code Article 2B to serve alcoholic beverages;

11 (ii) derives at least 50% of its revenues, measured by average daily receipts, from the
12 sale of non-cigarette tobacco products;

13 (iii) has a ventilation system that prevents smoke from infiltrating into any area where
14 smoking is prohibited under this subtitle; and

15 (iv) prohibits the entry of minors at all times.]

16 (B) *RETAIL TOBACCO ESTABLISHMENTS.*

17 [(3)] A retail tobacco establishment qualifies under this section only if it:

18 (1) [(i)] derives at least 75% of its revenues, measured by average daily receipts, from
19 the sale of non-cigarette tobacco products;

20 (2) [(ii)] has a ventilation system that prevents smoke from infiltrating into any area
21 where smoking is prohibited under this subtitle; and

22 (3) [(iii)] prohibits the entry of minors at all times.

23 (C) *HOOCAH LOUNGES.*

24 (1) *“HOOCAH LOUNGE” DEFINED.*

25 IN THIS SUBSECTION, “HOOCAH LOUNGE” MEANS AN ESTABLISHMENT THAT IS
26 PRIMARILY DEVOTED TO THE ON-PREMISES USE OF 1 OR MORE HOOKAHS (ALSO KNOWN
27 AS A HOOKAH PIPE, WATER PIPE, SHISHA, OR NARGHILE) FOR SMOKING TOBACCO OR
28 OTHER SUBSTANCES.

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1 (2) *QUALIFICATIONS.*

2 A HOOKAH LOUNGE QUALIFIES UNDER THIS SECTION ONLY IF IT:

3 (I) MEETS THE CRITERIA LISTED IN STATE LAW;

4 (II) ~~(H)~~ DERIVES AT LEAST 75% OF ITS REVENUES, MEASURED BY AVERAGE DAILY
5 RECEIPTS, FROM THE SALE OR USE OF NON-CIGARETTE SMOKING PRODUCTS
6 AND ACCESSORIES;

7 (III) ~~(H)~~ HAS A VENTILATION SYSTEM THAT PREVENTS SMOKE FROM INFILTRATING
8 INTO ANY AREA WHERE SMOKING IS PROHIBITED UNDER THIS SUBTITLE;
9 AND

10 (IV) ~~(H)~~ PROHIBITS THE PRESENCE OF MINORS AT ALL TIMES.

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 30th day
15 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City