



Legislation Details (With Text)

File #: 23-0418 **Version:** 0 **Name:** Tobacco Products - Tobacco Product Use in Stadiums - Prohibition

Type: Ordinance **Status:** Enacted

File created: 8/21/2023 **In control:** Baltimore City Council

On agenda: **Final action:** 3/13/2024

Enactment date: **Enactment #:** 24-317

Title: Tobacco Products - Tobacco Product Use in Stadiums - Prohibition
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.

Sponsors: Kristerfer Burnett, Phylcia Porter, Ryan Dorsey, Sharon Green Middleton, Odette Ramos, John Bullock, Zeke Cohen, James Torrence

Indexes: Prohibited, Tobacco

Code sections:

Attachments: 1. 01 Coversheet 23-0418, 2. 02 Standing Committees List, 3. 03 Synopsis 23-0418, 4. 04 Agency Reports Cover, 5. 04A LAW, 6. 04B Health, 7. 05 Public Comments Cover, 8. 5A Campaign, 9. 5B Amer Lung, 10. 5C CancerSoc, 11. 5D AmerHeart, 12. 5E JHU-Public-Health-Implications-Tobacco-Product-Use-Ballparks, 13. 5F MLB Letter to Councilwoman McCray re Council Bill 23-0418, 14. 07 1st Reader, 15. XX Agenda 23-0418, 16. XX Final Synopsis 23-0418, 17. XX Hearing Annoucement 23-0418, 18. XX Hearing Notes 23-0418, 19. XX Minutes 23-0418, 20. 23-0418~3rd Reader, 21. 23-0418 Signed, 22. Complete Ordinance 23-0418 24-317

Date	Ver.	Action By	Action	Result
3/18/2024	0	Mayor	Signed by Mayor	
2/12/2024	0	Baltimore City Council	Approved and Sent to the Mayor	
1/29/2024	0	Baltimore City Council	3rd Reader, for final passage	
1/29/2024	0	Health, Environment, and Technology	Recommended Favorably	
1/24/2024	0	Health, Environment, and Technology	Recommended Favorably	Pass
11/20/2023	0	Health, Environment, and Technology	Scheduled for a Public Hearing	
8/24/2023	0	Baltimore City Council	Refer to Dept. of Health	
8/24/2023	0	Baltimore City Council	Refer to City Solicitor	
8/21/2023	0	Baltimore City Council	Assigned	
8/21/2023	0	Baltimore City Council	Introduced	

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.

Introductory*

**City of Baltimore
Council Bill**

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

A Bill Entitled

An Ordinance concerning

Tobacco Products - Tobacco Product Use in Stadiums - Prohibition

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.

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)

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)

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

Subtitle 10. Tobacco Product Use in Stadiums

§ 12-1001. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Electronic smoking device.*

“Electronic smoking device” has the meaning stated in § 12-101 {“Definitions”} of this title.

(c) *Professional sporting event.*

(1) *In general.*

“Professional sporting event” means any sporting or athletic event for which the competing athletes receive monetary payment for participation.

(2) *Inclusions.*

“Professional sporting event” includes:

- (i) a collegiate sporting or athletic event;
- (ii) an Olympic or international sporting or athletic event; or
- (iii) a motor race event.

(3) *Exclusions.*

“Professional sporting event” excludes:

- (i) a high school sporting or athletic event; and
- (ii) an amateur sporting or athletic event for which the competing athletes do not receive monetary payment for participation.

(d) *Tobacco product.*

(1) *In general.*

“Tobacco product” means a product that is:

- (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:
 - (A) tobacco; or
 - (B) nicotine; or
- (ii) an accessory or a component used in any manner of consumption described under subparagraph (i) of this paragraph.

(2) *Inclusions.*

“Tobacco product” includes:

- (i) cigarettes;
- (ii) cigars;
- (iii) pipe tobacco;
- (iv) chewing tobacco;
- (v) snuff;
- (vi) snus;
- (vii) electronic smoking devices;
- (viii) filters;
- (ix) rolling papers;
- (x) pipes; and

(xi) liquids used in electronic smoking devices, regardless of nicotine content.

(3) *Exclusions.*

“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.

(d) *Stadium.*

(1) *In general.*

“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:

- (i) primarily for the viewing of athletic events; and
- (ii) secondarily, for entertainment and other public gathering purposes.

(2) *Inclusions.*

“Stadium” includes:

- (i) any “athletic facility”, as defined in § 12-801 {“Definitions”} of this title; and
- (ii) any swimming pool or other body of water that is used:
 - (A) to train or practice for competitive swimming or diving; or
 - (B) for sporting events.

§ 12-1002. Use prohibition - Stadiums.

Use of a tobacco product in any manner is prohibited in any stadium.

§ 12-1003. 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.

§ 12-1004. Civil penalties: \$500.

Any person who violates any provision of this subtitle is subject to a civil fine of not more than \$500 for each violation.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

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

(e) *Provisions and penalties enumerated.*

(7) **Health Code**

...

Title 12: Tobacco Products and Smoking Devices

...

Subtitle 9: Nicotine Replacement Therapy Products \$100

Subtitle 10: Tobacco Product Use in Stadiums
Non-professional sporting event \$50

Professional sporting event \$500

Subtitle 41. Civil Citations

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

(6) **Health Code**

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Title 12: Tobacco Products and Smoking Devices

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Subtitle 9: Nicotine Replacement Therapy Products \$100

Subtitle 10: Tobacco Product Use in Stadiums
Non-professional sporting event \$50

Professional sporting event \$500

Section 2. And be it further ordained, That this Ordinance takes effect on the date it is enacted.