

City of Baltimore

City Council City Hall, Room 408 100 North Holliday Street Baltimore, Maryland 21202

Legislation Details (With Text)

File #: 08-0231 Version: 0 Name: Health - Smoking On or Adjacent to Hospital

Premises

Type: Ordinance Status: Failed - End of Term

File created: 11/17/2008 In control: City Council

On agenda: Final action:
Enactment date: Enactment #:

Title: Health - Smoking On or Adjacent to Hospital Premises

FOR the purpose of prohibiting smoking on or adjacent to hospital premises; defining certain terms; providing for certain exceptions; imposing certain penalties; providing for a special effective date; and

generally relating to smoking in areas near hospitals.

Sponsors: Robert Curran, Stephanie President Rawlings-Blake, Helen L. Holton, James B. Kraft, Sharon Green

Middleton, Nicholas C. D'Adamo, Bill Henry, Warren Branch, William H. Cole, IV, Edward Reisinger

Indexes: Health, Hospital, Smoking

Code sections:

Attachments: 1. 08-0231 - 1st Reader.pdf, 2. Health - 08-0231.pdf, 3. Finance - 08-0231.pdf, 4. Environmental

Control - 08-0231.pdf, 5. Law - 08-0231.pdf

Date	Ver.	Action By	Action	Result
12/6/2010	0	The City Council	Reassigned	
9/14/2009	0	Public Safety and Health Committee	Scheduled for a Public Hearing	
7/13/2009	0	Public Safety and Health Committee	Scheduled for a Public Hearing	
1/26/2009	0	Public Safety and Health Committee	Scheduled for a Public Hearing	
12/4/2008	0	Public Safety and Health Committee	Scheduled for a Public Hearing	
11/20/2008	0	The City Council	Referred for a Report	
11/20/2008	0	The City Council	Referred for a Report	
11/20/2008	0	The City Council	Referred for a Report	
11/20/2008	0	The City Council	Referred for a Report	
11/17/2008	0	City Council	Assigned	
11/17/2008	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE COUNCIL BILL

Introduced by: Councilmember Curran

A BILL ENTITLED

AN ORDINANCE concerning

Health - Smoking On or Adjacent to Hospital Premises

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

BY adding

Article - Health

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

"Subtitle 6. Smoking On or Adjacent to Hospital Premises"

Baltimore City Revised Code

(Edition 2000)

BY repealing and reordaining, 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 6. SMOKING ON OR ADJACENT TO HOSPITAL PREMISES

§ 12-601. DEFINITIONS.

(A) IN GENERAL.

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

(B) HOSPITAL.

"HOSPITAL" MEANS AN INSTITUTION THAT:

- (1) HAS A GROUP OF AT LEAST 5 PHYSICIANS WHO ARE ORGANIZED AS A MEDICAL STAFF FOR THE INSTITUTION;
- (2) MAINTAINS FACILITIES TO PROVIDE, UNDER THE SUPERVISION OF THE MEDICAL STAFF,

DIAGNOSTIC AND TREATMENT SERVICES FOR 2 OR MORE UNRELATED INDIVIDUALS; AND

- (3) ADMITS OR RETAINS THE INDIVIDUALS FOR OVERNIGHT CARE.
 - (C) SMOKE.

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

§ 12-602. {RESERVED}

§ 12-603. SMOKING PROHIBITED.

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

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

§ 12-604. EXCEPTION.

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

§ 12-605. "NO SMOKING" SIGNS.

(A) HOSPITALS TO POST.

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

(B) FAILURE TO POST.

THE FAILURE OF A HOSPITAL TO POST THESE SIGNS:

- (1) IS NOT PUNISHABLE UNDER THIS SUBTITLE; AND
- (2) IS NOT A DEFENSE TO SMOKING IN VIOLATION OF THIS SUBTITLE.

§§ 12-606 TO 12-610. {RESERVED}

§ 12611. 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.

§ 12612. 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

- § 4014. 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		
Subtitle 4: Placement of Tobacco Products	\$500		
Subtitle 5: Distribution to Minors		\$500	
SUBTITLE 6: SMOKING ON OR ADJACENT TO HOSPITAL PREMISES	S	\$ 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 30th day after the date it is enacted.

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