



## Legislation Text

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**File #:** 08-0231, **Version:** 0

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

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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	\$ 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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