



PRINCE GEORGE'S COUNTY HEALTH DEPARTMENT

OFFICE OF THE HEALTH OFFICER

Jack B. Johnson
County Executive

December 30, 2005

Notice to All Eating and Drinking Establishments

Prince George's County, Maryland

Greetings:

This notice is provided to share Council Bill 68-2005 with eating and drinking establishments that may be impacted by the enforcement of the bill. The bill was introduced and subsequently enacted by the County Council on November 8, 2005. Council Bill 68-2005 makes it unlawful for any person to smoke in any eating and drinking establishment open to the public in Prince George's County, with exceptions for certain clubs and licensees as defined in the State alcoholic beverages law as provided in Council Bill-68-2005. Council Bill-68-2005 takes effect December 30, 2005.

The Prince George's County Health Department will be the agency responsible for enforcement of this law. The Health Department will provide one color copy of the sign that is required to be posted and will visit establishments to ensure compliance. The sign may be reproduced in color and posted in as many areas in the establishment as desired.

Enclosed with this notice are one (1) color sign and the text as it appears in the County Code. If there are additional questions concerning the bill, please contact me at the number listed below. Thank you for your cooperation in enforcing this bill in your establishment.

Sincerely,

A handwritten signature in cursive script, reading "Gwen P. Clerkley".

Acting Health Officer

1701 McCormick Drive
Largo, Maryland 20774
Telephone: 301-883-7834
Fax: 301-883-7896



No Smoking



By order of

Prince George's County

Code §§ 19-130 through 19-134.

Violators are subject to a \$200 fine.

**Enforced by the Prince George's
County Health Department.**

301-883-7879

DIVISION 3. SMOKING IN EATING AND DRINKING ESTABLISHMENTS.

Sec. 19-130. Definitions.

(a) Eating and drinking establishment shall mean any business for which a use and occupancy permit is required or has been obtained for a food or drinking establishment pursuant to Subtitles 4 and 27.

(b) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(c) Smoking or to smoke shall mean the act of smoking or carrying a lighted or smoldering cigar, cigarette, cigarillo, or pipe or lighting a cigar, cigarette, cigarillo, or pipe of any kind.

(CB-68-2005)

Sec. 19-131. Smoking prohibited.

(a) It shall be unlawful for any person to smoke in any eating and drinking establishment open to the public except as provided in (b) below.

(b) Smoking is not prohibited by this Section in the bar and dining area of an eating and drinking establishment that:

(1) (A) Is a club as defined in the State alcoholic beverages law;

(B) Has an alcoholic beverages license issued to private clubs under the State alcoholic beverages law; and

(C) Allows consumption of alcoholic beverages on its premises; or

(2) Is licensed pursuant to Section 6-201(r)(13) of the State alcoholic beverages law.

(CB-68-2005)

Sec. 19-132. Posting signs.

(a) Signs prohibiting smoking shall be displayed conspicuously by the owner or person having control of the eating or drinking establishment at each entrance to the premises. The signs shall contain symbols or language that smoking is prohibited and that violators are subject to a Two Hundred Dollar (\$200) fine.

(CB-68-2005)

Sec. 19-133. Enforcement and penalties.

(a) The owner or person in control of an eating or drinking establishment where smoking is prohibited by this Division must refuse to serve or seat any person who smokes where smoking is prohibited and must ask the person to leave the establishment if the person continues to smoke after an initial warning.

(b) Any person found guilty of refusing to comply with a request to cease smoking shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed Two Hundred Dollars (\$200).

(c) An owner or person in charge of an eating or drinking establishment found guilty of the following specific violations shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000) and costs:

(1) Failure to post appropriate signs as provided in this Division.

(2) Failure to comply with Subsection (a) of this Section.

(CB-68-2005)

Sec. 19-134. Regulations.

(a) The County Executive shall adopt and promulgate reasonable and necessary rules and regulations for the implementation, administration and enforcement of this Division.

(CB-68-2005)