Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2026 Legislative Session Legislative Day No. 9

Bill No. 48 -2026

Introduced by: Christiana Rigby

SHORT TITLE: Clean Air Integrity Act

TITLE: AN ACT amending certain definitions; modifying certain establishments from exceptions to the prohibition on smoking in public places; making certain technical corrections; and generally relating to smoking in public places in Howard County.

Introduced and read first time _____, 2026. Ordered posted and hearing scheduled.

By order_____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2026 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____day of _____, 2026 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2026

_____
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

WHEREAS, Maryland's Clean Indoor Air Act has protected employees and members of the public from exposure to secondhand smoke since 2007 while providing limited exceptions for certain establishments; and

WHEREAS, reducing exposure to secondhand smoke promotes public health and helps create safer indoor environments for workers, customers, and visitors throughout Howard County; and

WHEREAS, certain provisions of the Howard County Code relating to smoking in public places no longer fully reflect the language contained in State law and should be updated for consistency and clarity; and

WHEREAS, the General Assembly established the Workgroup on the Issuance of Alcoholic Beverages Licenses to Tobacconists in 2024 to study the interaction between retail tobacco stores, indoor smoking, and the service of alcoholic beverages; and

WHEREAS, the Workgroup issued its report in July 2025 and identified the need for clearer standards governing retail tobacco stores and establishments that permit indoor smoking; and

WHEREAS, legislation considered by the Maryland General Assembly during the 2026 legislative session did not result in the enactment of a statewide framework governing the issuance of alcoholic beverage licenses to retail tobacco stores; and

WHEREAS, the expiration of the State moratorium on June 30, 2026 has created uncertainty regarding the operation and regulation of retail tobacco stores that permit indoor smoking; and

WHEREAS, Howard County finds that objective standards and clear definitions are necessary to ensure consistent enforcement of local clean indoor air requirements and to preserve the limited nature of the retail tobacco store exception.

Section 1. Be It Enacted *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

By amending:

Title 12 -. "Health and Social Services"

Subtitle 6 -. "Smoking in Public Places"

Section 12.601 -. "Definitions"

Section 12.604 -. "Exceptions to prohibition"

Section 12.606 -. "Posting signs"

Title 12 – Health and Social Services

Subtitle 6. Smoking in Public Places

Section. 12.601. Definitions.

Terms in this subtitle have the meanings indicated.

(a) *Bar* means an establishment, portion of an establishment, or area of a restaurant licensed under the **[[**State Code Article 2B**]]** ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND to serve alcoholic beverages for consumption by individuals on the premises and where serving food is only incidental to the consumption of alcoholic beverages. *Bar* includes a cocktail lounge.

(q) *Retail tobacco store* means a retail store that **[[**primarily sells or offers for sale tobacco products and accessories, and where the sale of other products is incidental**]]** DERIVES AT LEAST 70% OF ITS REVENUES, MEASURED BY AVERAGE DAILY RECEIPTS, FROM THE SALE OF PREMIUM CIGARS, PIPE TOBACCO, AND RELATED ACCESSORIES.

Section. 12.604. Exceptions to prohibition.

(a) The prohibitions in section 12.602 do not apply to:

[[(1) A private club or lodge owned and operated by a membership association licensed under article 2B of the State Code if:

(i) The association's duties are performed by its members, including, but not limited to, food preparation and security; and

(ii) The members do not receive compensation for the performance of the association's duties;**]]**

[[(2)**]]** (1) A sleeping room of a hotel or motel, as long as that hotel or motel maintains at least 75 percent of all of its sleeping rooms as smoke-free;

[[(3)**]]** (2) Outdoor seating areas. Smoking may be allowed in an outdoor seating area, provided that such area shall:

(i) Adjoin an enclosed restaurant or bar; and

(ii) Has seating that constitutes no more than 40 percent of the total enclosed seating capacity of the establishment; and

(iii) Is not enclosed or partially enclosed; and

(iv) Is located in such a way to minimize the likelihood that smoke from the outdoor seating area will infiltrate enclosed areas where smoking is prohibited as provided by the provisions of this subtitle.

[[(4) Smoking as an integral part of a theatrical performance held in a facility primarily used for theatrical performances;**]]**

[[(5)**]]** (3) A retail tobacco store provided, however, that smoke from the retail tobacco store does not infiltrate areas where smoking is prohibited under the provisions of this subtitle AND THE RETAIL TOBACCO STORE DOES NOT PERMIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES;

(b) Notwithstanding any other provision of this section, an owner, operator, manager, or other person who controls an establishment subject to this section may declare the establishment as a nonsmoking establishment.

Section. 12.606. Posting signs.

(a) An owner, operator, manager, or person in control of a building or area regulated by this subtitle shall post a sign at each entrance used by the public that shall:

(1) State "Smoking, Carrying Lighted Tobacco Products, or Vaping Prohibited by Law. Violators are subject to a penalty not to exceed $250.00"; and

(2) Display the international "No Smoking" symbol and a "No Vaping" symbol.

(b) Each sign shall be conspicuously displayed and have letters of not less than one inch in height.

(c) An establishment that sells tobacco products shall clearly display signs stating that the sale of tobacco products to minors is forbidden by law.

[[(d) The owner, manager, or operator of a theatre or auditorium shall post signs in the lobby stating that smoking is prohibited within the theatre or auditorium.**]]**

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland that this Act shall become effective 61 days after its enactment.*