

Introduced 6/1/15  
 Public Hearing 6/15/15 *Tabled 7/1*  
 Council Action 7/31/15  
 Executive Action 8/16/15  
 Effective Date 10/10/15

## County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

### Bill No. 28 - 2015

Introduced by:  
 Jon Weinstein, Councilperson

Co-sponsored by:  
 Calvin Ball, Councilperson  
 Jennifer Terrasa, Councilperson

**AN ACT** prohibiting the use of Electronic Smoking Devices in certain public places and in certain places of employment; defining certain terms; and generally relating to smoking in Howard County.

Introduced and read first time June 1, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
 Jessica Feldmark, 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 June 15, 2015.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Tabled July 6, 2015  
 This Bill was read the third time on July 31, 2015 and Passed   , Passed with amendments , Failed   .

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31<sup>st</sup> day of July, 2015 at 3 a.m./p.m.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved by the County Executive 30th Aug 10, 2015

Allan H. Kittleman  
 Allan H. Kittleman, County Executive

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

1           **WHEREAS**, according to the National Institute of Health’s National Institute on  
2 Drug Abuse, electronic cigarettes or Electronic Smoking Devices (ESDs) were first  
3 introduced in China in 2003, have been available in the United States since 2007, and  
4 there are currently over 250 electronic cigarette brands in the United States; and  
5

6           **WHEREAS**, the National Institute on Drug Abuse reports that electronic  
7 cigarette use has doubled every year since 2010 resulting in a more than \$1.5 billion  
8 industry; and  
9

10           **WHEREAS**, electronic cigarettes are mostly unregulated under federal law and  
11 the Food and Drug Administration is currently seeking to regulate the sale, manufacture,  
12 and distribution of these products without a known completion date; and  
13

14           **WHEREAS**, currently there are no official standards for ESD design or contents  
15 and no requirement to provide public information on the devise’s contents; and  
16

17           **WHEREAS**, the National Institute on Drug Abuse has raised concerns are that  
18 ESD use may renormalize smoking, could potentially be used with controlled substances,  
19 and are being marketed to youth; and  
20

21           **WHEREAS**, Howard County took leadership on a critical public health issue in  
22 2006 by passing Council Bill 38, which essentially banned smoking in public places  
23 before the Statewide ban was enacted; and  
24

25           **WHEREAS**, the Council strongly believes that ESD use poses many of the same  
26 public health concerns which led the County to ban smoking in public places in 2006,  
27 particularly unwanted exposure to second hand smoke.  
28  
29  
30

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

3  
4 By amending:

5 Title 12. Health and Social Services  
6 Subtitle 6. Smoking in Public Places

7  
8 **Title 12 – Health and Social Services**  
9 **SUBTITLE 6 – SMOKING IN PUBLIC PLACES**

10  
11 **Sec. 12.600. - Findings and purpose.**

12  
13 (a) The Howard County Council finds that secondhand tobacco smoke is a hazard to the  
14 health of the public.

15 (b) The purpose of this subtitle is:

16 (1) To protect the public health, safety, and welfare by prohibiting the smoking of  
17 tobacco products in public places, at public meetings, in certain government  
18 vehicles, in places of employment, and within certain distances from entrances  
19 to public places; and

20 (2) To protect the public from involuntary exposure to smoke from tobacco  
21 products.

22 **Sec. 12.601. - Definitions.**

23 Terms in this subtitle have the meanings indicated.

24 (a) *Bar* means an establishment, portion of an establishment, or area of a restaurant  
25 licensed under the State Code Article 2B to serve alcoholic beverages for  
26 consumption by individuals on the premises and where serving food is only  
27 incidental to the consumption of alcoholic beverages. *Bar* includes a cocktail lounge.

1 ~~(B) *ELECTRONIC SMOKING DEVICE* MEANS AN ELECTRONIC DEVICE THAT CAN BE USED TO~~  
2 ~~DELIVER NICOTINE OR OTHER SUBSTANCES TO THE INDIVIDUAL INHALING FROM THE~~  
3 ~~DEVICE.~~

4 (B) *ELECTRONIC SMOKING DEVICE* MEANS ANY PRODUCT CONTAINING OR DELIVERING  
5 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
6 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE  
7 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,  
8 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR SIMILAR  
9 PRODUCT NAME OR DESCRIPTOR FOR SUCH A DEVICE.

10 ([b])C*Employee* means an individual who:

11 (1) Works for an employer in consideration for direct or indirect monetary wages or  
12 profit; or

13 (2) Volunteers services for a nonprofit entity or business entity.

14 ([c])D*Employer* means a person, partnership, corporation, nonprofit entity, or other  
15 business entity that employs the services of one or more individuals.

16 ([d])E*Enclosed area* means an area that is bounded on all sides by walls that extend  
17 from the floor to the ceiling regardless of whether the walls contain doors, windows,  
18 or vents.

19 ([e])F*Government vehicle* means each car, bus, truck, or van owned or leased by  
20 Howard County.

21 ([f])G*Health care facility* means an office or institution where individual care or  
22 treatment of a physical, mental, emotional, physiological, or psychological illness or  
23 condition is provided including, but not limited to, a hospital, clinic, nursing home,  
24 assisted living facility, ambulatory health care facility, limited care facility, adult day  
25 care center, home for the aging or chronically ill, medical laboratory, and the Office  
26 of a physician, dentist, psychologist, psychiatrist, physiologist, podiatrist,  
27 optometrist, chiropractor, or optician.

28 ([g])H*International "No Smoking" symbol* means a pictorial representation of a burning  
29 cigarette enclosed in a red circle with a red bar across it.

1 ([[h]]I) *Outdoor seating area* means any patio, courtyard, sidewalk cafe, backyard or  
2 other outdoor area of a restaurant or bar where food and/or beverages are served  
3 and/or consumed.

4 ([[i]]J) *Partially enclosed* means an outdoor seating area where the circulation of outdoor  
5 air is obstructed by a temporary or permanent wall, tarp, shield, blind, or other kind  
6 of covering, exclusive of a temporary or permanent roof, ceiling, overhang, or  
7 overhead structure and the perimeter of the adjoining enclosed restaurant or business.

8 ([[j]]K) *Person* means an individual, corporation, partnership, business trust, limited  
9 liability company, or any other type of business entity.

10 ([[k]]L) *Place of employment* means an area within a building that employees normally  
11 frequent during the course of employment that is under the control of their employer,  
12 including, but not limited to, a work area, employee lounge, restroom, conference  
13 and meeting rooms, class room, cafeteria, photocopy room, private offices, elevator,  
14 auditorium, medical facility, stairs and hallway.

15 ([[l]]M) *Public meeting* means a meeting, wherever held, open to the public and having no  
16 membership restraints.

17 ([[m]]N) *Public place* means:

18 (1) An enclosed area to or in which members of the public are invited or permitted,  
19 including, but not limited to:

20 (i) An auditorium;

21 (ii) A bar;

22 (iii) A beauty or barber shop;

23 (iv) A bowling alley;

24 (v) A building owned or leased by Howard County including, but not limited  
25 to, any part of a building that is owned, leased, or occupied by the County  
26 or a County agency;

- 1 (vi) A building used for or designed for the primary purpose of exhibiting a  
2 motion picture, stage, drama, lecture, musical recital, concert or other  
3 similar performance;
- 4 (vii) A business organization open to the public, including a retail store, bank,  
5 credit union, and other financial institution, office, factory, or any other  
6 private business, office, or organization;
- 7 (viii) A common area of an apartment building, condominium, retirement  
8 facility, or other multiunit residential facility including, but not limited to, a  
9 lobby, hallway, laundry facility, storage facility, exercise facility, restroom,  
10 or garage;
- 11 (ix) A convention hall;
- 12 (x) An elevator, regardless of capacity, except an elevator in a single-family  
13 dwelling;
- 14 (xi) A facility meeting the definition of an assembly occupancy as defined in the  
15 Howard County Fire Code;
- 16 (xii) A facility offering private, community or school based camp, or recreational  
17 programs to minors;
- 18 (xiii) A health care facility, including, but not limited to, waiting rooms,  
19 hallways, wards, and private and semiprivate sleeping rooms;
- 20 (xiv) A library, museum, and gallery;
- 21 (xv) A pool hall;
- 22 (xvi) A public or private educational facility;
- 23 (xvii) A public transportation facility, including, but not limited to, a ticket,  
24 boarding, and waiting area;
- 25 (xviii) A public transportation vehicle, including, but not limited to, a bus or  
26 taxicab;
- 27 (xix) A restaurant;

- 1 (xx) A restroom;
- 2 (xxi) A room, chamber, or place used for a public meeting;
- 3 (xxii) A service line;
- 4 (xxiii) A shopping mall including, but not limited to, the common areas,  
5 hallways, restrooms and storage facilities;
- 6 (xxiv) A sleeping room, common area, or banquet hall of a hotel or motel  
7 including, but not limited to, a lobby, hallway, laundry facility, exercise  
8 facility, storage facility, restroom, or garage; and
- 9 (xxv) A sports arena; and
- 10 (2) An outdoor seating or viewing area that is used by the public:
- 11 (i) To observe a concert, motion picture, stage drama, lecture, musical recital,  
12 or other similar performance; or
- 13 (ii) To observe or participate in an athletic event including the bleacher area of  
14 a ball field or sports arena.

15 ([[n]]O) *Restaurant* means:

- 16 (1) A place that offers for sale or sells food and drink to the public, guests, patrons,  
17 or employees including, but not limited to, a coffee shop, fast-food  
18 establishment, cafeteria, sandwich stand, private or public school cafeteria; and
- 19 (2) A kitchen where food is prepared on the premises for serving elsewhere, such as  
20 a catering facility.

21 ([[o]]P) *Retail store* means:

- 22 (1) An establishment whose primary purpose is to sell or offer for sale to consumers  
23 goods, wares, merchandise, food for consumption off the premises, or other  
24 tangible items; and
- 25 (2) All related and incidental activities, operations, and services.

1 ~~[[p]]~~Q) *Retail tobacco store* means a retail store that primarily sells or offers for sale  
2 tobacco products, ~~ELECTRONIC SMOKING DEVICES~~, and accessories, and where the  
3 sale of other products is incidental.

4 ~~[[q]]~~R) *Service line* means an indoor line where one or more individuals wait for or  
5 receive service of any kind, whether or not the service involves the exchange of  
6 money.

7 ~~[[r]]~~ *Separately enclosed and ventilated bar area* means an enclosed area that was in  
8 existence prior to April 1, 2005 as defined below:

9 (1) In a restaurant, the cocktail lounge or bar area which is separated from the  
10 restaurant dining area by a permanent floor to ceiling partition and is accessed  
11 by a door for ingress and egress and has a separate ventilation system; or

12 (2) Within a bar, a smaller cocktail lounge or bar area which is separated from the  
13 main bar area by a permanent floor to ceiling partition and is accessed by a door  
14 for ingress and egress and has a separate ventilation system.]]

15 (s) *Shared government vehicle* means any vehicle used expressly for Howard County  
16 Government purposes that is not assigned to any one employee for exclusive use.

17 ~~(t) *Smoking or to smoke* means the act of smoking, inhaling smoke OR VAPOR from [[a]]~~  
18 ~~AN ELECTRONIC SMOKING DEVICE, hookah, or water pipe, or carrying a lighted cigar,~~  
19 ~~cigarette, pipe, bidi of any kind, or any lighted tobacco or lighting a cigar, cigarette,~~  
20 ~~pipe, bidi, of any kind, or tobacco OR NICOTINE of any kind, EXCLUDING PATCHES.~~

21 (T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR  
22 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO OR  
23 PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
24 “SMOKING” ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
25 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
26 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
27 OF SMOKING IN THIS ARTICLE.

28 (u) *Sports arena* means a sports pavilion, gymnasium, health spa, boxing arena,  
29 swimming pool, roller rink, ice rink, baseball field, football field, soccer field and



1 other similar places where members of the public assemble to engage in physical  
2 exercise, participate in athletic competition, or to witness sports events.

3 ~~(v) Tobacco product means any substance containing tobacco OR NICOTINE including,~~  
4 ~~but not limited to, bidis, cigars, cigarettes, ELECTRONIC SMOKING DEVICES, snuff,~~  
5 ~~chew, dip, and smokeless tobacco, EXCLUDING PATCHES.~~

6 (V)(1) TOBACCO PRODUCT MEANS ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM  
7 TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER  
8 SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR  
9 INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES,  
10 CIGARS, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO, SNUFF.

11 (2) "TOBACCO PRODUCT" INCLUDES ELECTRONIC SMOKING DEVICES.

12 (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY:

13 (a) "TOBACCO PRODUCT" INCLUDES ANY COMPONENT, PART, OR  
14 ACCESSORY OF A TOBACCO PRODUCT, WHETHER OR NOT SOLD  
15 SEPARATELY; AND

16 (b) "TOBACCO PRODUCT" DOES NOT INCLUDE PATCHES INTENDED FOR  
17 SMOKING CESSATION.

18 (W) VAPING OR TO VAPE MEANS THE ACT OF USING AN ELECTRONIC SMOKING DEVICE TO  
19 DELIVER NICOTINE OR OTHER SUBSTANCES.

20

21 **Sec. 12.602. - Prohibition.**

22

23 Except as otherwise provided in this subtitle, a person shall not smoke:

- 24 (a) In a public place;
- 25 (b) At a public meeting;
- 26 (c) In a shared government vehicle or in any government vehicle when occupied by  
27 more than one person; or
- 28 (d) In a place of employment.

29

1 **Sec. 12.603. - Distance from a public place or place of employment.**

2  
3 Smoking is prohibited within a distance of 15 feet outside public entrances and exits  
4 of an enclosed public place or place of employment where smoking is prohibited, except  
5 this does not apply in the Ellicott City Historic District or to restaurants and bars with  
6 outdoor seating areas that comply with section 12.604.

7  
8 **Sec. 12.604. - Exceptions to prohibition.**

9  
10 (a) The prohibitions in section 12.602 do not apply to:

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

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

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

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

19 (3) Outdoor seating areas. Smoking may be allowed in an outdoor seating area,  
20 provided that such area shall:

21 (i) Adjoin an enclosed restaurant or bar; and

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

24 (iii) Is not enclosed or partially enclosed; and

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

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

3 (5) A retail tobacco store provided, however, that smoke from the retail tobacco  
4 store does not infiltrate areas where smoking is prohibited under the provisions  
5 of this subtitle;

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

9

10 **Sec. 12.605. - Notification of smoking prohibition in places of employment.**

11

12 The prohibition on smoking in places of employment shall be communicated to all  
13 existing employees by the effective date of this subtitle and to all prospective employees  
14 upon their application for employment.

15

16 **Sec. 12.606. - Posting signs.**

17

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

20 (1) State "Smoking, ~~or~~ Carrying Lighted Tobacco Products, ~~OR VAPING~~  
21 Prohibited by Law. Violators are subject to a penalty not to exceed \$250.00";  
22 and

23 (2) Display the international "No Smoking" symbol.

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**Sec. 12.607. - Responsibilities of owner, operator, etc.**

- (a) An owner, operator, manager, or person in control of a public place or place of employment shall remove from any area where smoking is prohibited by this subtitle, all ashtrays and other smoking paraphernalia.
- (b) An owner, operator, manager, or person in control of a restaurant or bar where smoking is prohibited 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.

**Sec. 12.608. - Enforcement.**

- (a) A person who observes a violation of this subtitle may file a complaint with the Police Department.
- (b) If, during an inspection of a building or area regulated by this subtitle, an inspector from the State Fire Marshal's Office, the Department of Fire and Rescue Services, the Health Department, or the Department of Inspections, Licenses and Permits, observes a violation of this subtitle, the inspector may issue a citation under this subtitle.

**Sec. 12.609. - Nonretaliation.**

A person or employer shall not discharge, refuse to hire, or in any manner retaliate against an employee or Applicant for employment because the employee or Applicant exercises the right to a smoke-free environment afforded by this subtitle.

**Sec. 12.610. - Penalties.**

- 1 (a) (1) If an individual smokes in violation of section 12.602 of this subtitle, a Police  
2 Officer may issue a civil citation to the individual pursuant to title 24, "Civil  
3 Penalties," of this Code.
- 4 (2) A violation of section 12.602 of this subtitle is a Class C offense.
- 5 (3) Each day that a violation continues is a separate offense.
- 6 (b) (1) If an owner, manager, operator, or person in control of a public place or place of  
7 employment violates section 12.605, section 12.606, or section 12.607 of this  
8 subtitle, a Police Officer may issue a civil citation pursuant to the title 24, "Civil  
9 Penalties," of this Code.
- 10 (2) A violation of section 12.605, section 12.606, or section 12.607 of this subtitle is  
11 a Class B offense.
- 12 (3) Each day that a violation continues is a separate offense.

13

14 **Sec. 12.611. - Public education.**

15

16 The Public Information Office and the Health Department shall engage in a program  
17 to explain and clarify the purposes and requirements of this subtitle to persons affected by  
18 it and to guide owners, operators, and managers in their compliance with it. The program  
19 may include publication of a brochure for affected businesses and individuals explaining  
20 the provisions of this subtitle.

21

22 **Sec. 12.612. - Provisions cumulative to other laws and regulations.**

23

24 The provisions of this subtitle are in addition to the provisions of any other Federal,  
25 State, or County law, ordinance, rule, or regulation.

26

27 **Sec. 12.613. - Severability.**

28

1 If any provision of this subtitle or the application thereof to any person or  
2 circumstance is held invalid for any reason in a court of competent jurisdiction, the  
3 invalidity shall not affect other provisions or any other application of this subtitle which  
4 can be given effect without the invalid provision or application, and for this purpose the  
5 provisions of this subtitle are severable.

6  
7  
8 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***  
9 ***Maryland, that Section 1 of this Act shall become effective 61 days after its enactment.***

10  
11 ***Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that***  
12 ***the Howard County Code is amended as follows:***

13  
14 ***By amending:***

15 ***Title 12. Health and Social Services***

16 ***Subtitle 6. Smoking in Public Places***

17 ***Sec. 12.606. - Posting signs***

18 ***Subsection (a)***

19  
20 ***Sec. 12.606. - Posting signs***

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

23 ***(1) State "Smoking, [[or]] Carrying Lighted Tobacco Products, OR VAPING***  
24 ***Prohibited by Law. Violators are subject to a penalty not to exceed \$250.00";***  
25 ***and***

26 ***(2) Display the international "No Smoking" symbol AND A "NO VAPING" SYMBOL.***

27  
28 ***Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that***  
29 ***Section 3 of this Act shall become effective January 1, 2016.***

**Amendment 2 to Council Bill 28-2015**

**BY: Jon Weinstein**

**Legislative Day No: 9**

**Date: July 31, 2015**

**Amendment No. 2**

1 (This amendment would change the definitions of "Electronic Smoking Device", "Retail  
2 Tobacco Store", "Smoking", and "Tobacco product").  
3  
4  
5

6 On page 3, strike lines 1 through 3, and substitute the following:

7 "(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING  
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE  
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,  
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR  
12 SIMILAR PRODUCT NAME OR DESCRIPTOR FOR SUCH A DEVICE."

13 On page 6, in line 22, strike "ELECTRONIC SMOKING DEVICES,".

14 On page 7, strike lines 11 through 14, and substitute the following:

15 "(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR  
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO  
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
18 "SMOKING" ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
21 OF SMOKING IN THIS ARTICLE."

22  
23 On page 7, strike lines 19 through 21, and substitute the following:

24 ~~"(V) TOBACCO PRODUCT MEANS:~~

25 ~~(1) ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT~~  
26 ~~IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,~~

1 ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER  
2 MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
3 CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4 “(v)(1) TOBACCO PRODUCT MEANS ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM  
5 TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED,  
6 HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY  
7 ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
8 CHEWING TOBACCO, PIPE TOBACCO, SNUFF.

9 (2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE  
10 PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN  
11 ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.

12 (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY,  
13 “TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A  
14 TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY.”.

15 (2) “TOBACCO PRODUCT” INCLUDES ELECTRONIC SMOKING DEVICES.

16 (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY:

17 (a) “TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF  
18 A TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY; AND

19 (b) “TOBACCO PRODUCT” DOES NOT INCLUDE PATCHES INTENDED FOR SMOKING  
20 CESSATION.”.

21

REMOVED 7/31/15  
FBI/DOJ  
SIGNATURE Jessica Feldman



Amendment 1 to Amendment 2 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9

Date: July 31, 2015

Amendment No. 1 to Amendment 2

(This amendment would clarify the definitions of "Retail Tobacco Store" and "Tobacco Product")

On page 1, in line 1, following "'Electronic Smoking Device'", insert "Retail Tobacco Store".

On page 1, immediately following line 13, insert following:

"On page 6, in line 22, strike ", ELECTRONIC SMOKING DEVICES,".

On pages 1 and 2, strike lines 24 – 26 and lines 1 – 3, respectively, and substitute the following:

"(V)(1) TOBACCO PRODUCT MEANS ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO, SNUFF.

On page 2, strike lines 4 – 10, and substitute the following:

"(2) "TOBACCO PRODUCT" INCLUDES ELECTRONIC SMOKING DEVICES.

(3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY:

(a) "TOBACCO PRODUCT" INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY; AND

(b) "TOBACCO PRODUCT" DOES NOT INCLUDE PATCHES INTENDED FOR SMOKING CESSATION."

~~\_\_\_\_\_~~ 7/31/15  
FAILED  
SIGNATURE Jessica Feldman

Amendment 2 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9  
Date: July 31, 2015

Amendment No. 2

1 (This amendment would change the definitions of "Electronic Smoking Device", "Smoking",  
2 and "Tobacco product").  
3  
4  
5

6 On page 3, strike lines 1 through 3, and substitute the following:

7 "(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING  
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE  
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,  
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR  
12 SIMILAR PRODUCT NAME OR DESCRIPTOR FOR SUCH A DEVICE."

13  
14 On page 7, strike lines 11 through 14, and substitute the following:

15 "(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR  
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO  
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
18 "SMOKING" ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
21 OF SMOKING IN THIS ARTICLE."

22  
23 On page 7, strike lines 19 through 21, and substitute the following:

24 "(V) TOBACCO PRODUCT MEANS:

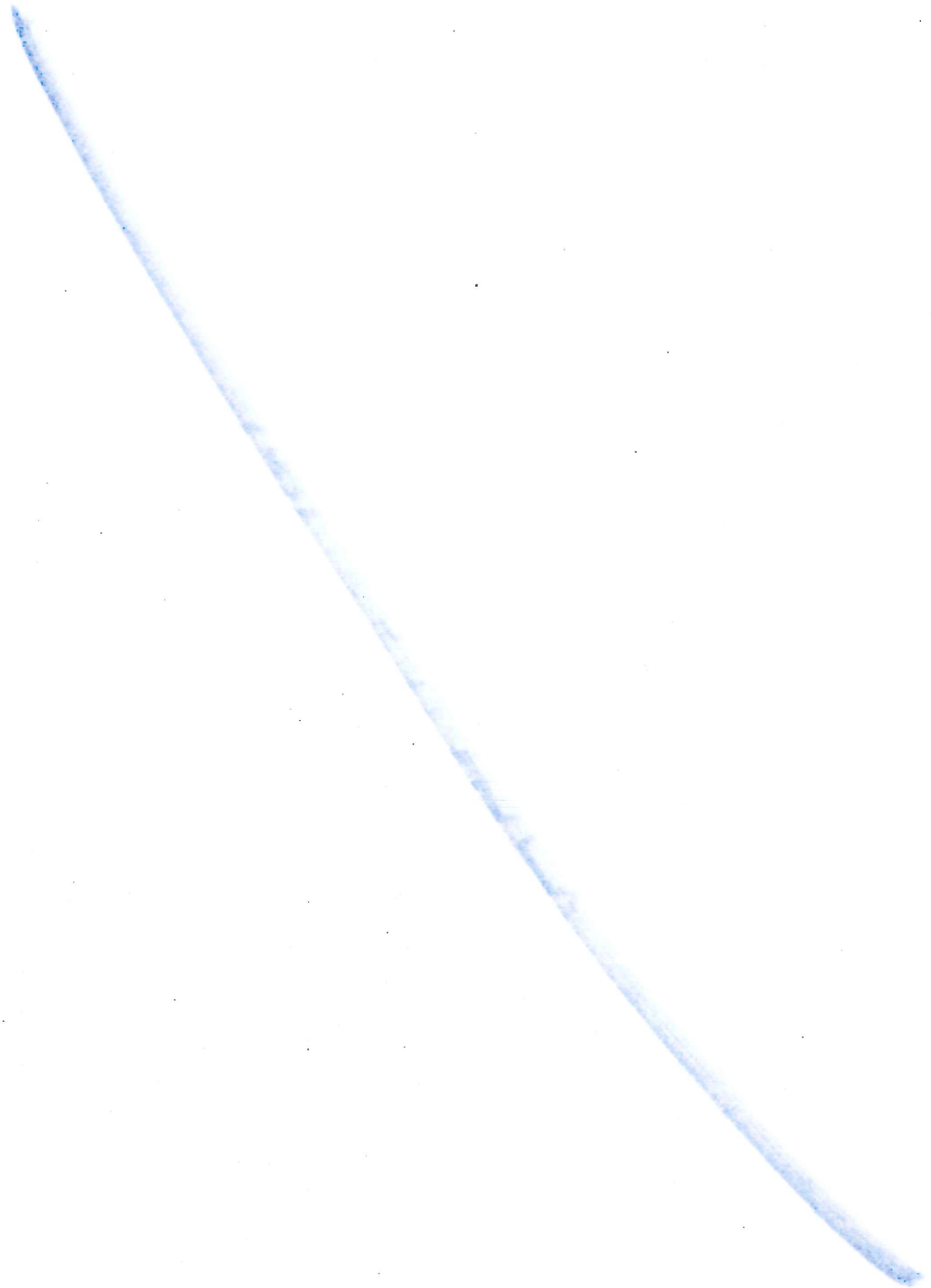
25 (1) ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS  
26 INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,



1 ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER  
2 MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
3 CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4 (2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE  
5 PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN  
6 ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.

7 (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY,  
8 “TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A  
9 TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY.”  
10



Amendment 3 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9

Date: July 31, 2015

Amendment No. 3

*(This amendment delays the requirement to post "no vaping" signs until January 1, 2016; penalties for failure to post a "no vaping" sign would therefore not exist until that date.)*

1 On page 9, in line 24, strike the brackets and strike "OR VAPING".

2

3 On page 12, in line 16, before "*this Act*" insert "Section 1 of".

4

5 Also on page 12, after line 16, insert

6

7 "Section 3, and Be It Further Enacted by the County Council of Howard County, Maryland, that the  
8 Howard County Code is amended as follows:

9

10 By amending:

11 Title 12. Health and Social Services

12 Subtitle 6. Smoking in Public Places

13 Sec. 12.606. - Posting signs

14 Subsection (a)

15

16 Sec. 12.606. - Posting signs

17 (a) An owner, operator, manager, or person in control of a building or area regulated by

18 this subtitle shall post a sign at each entrance used by the public that shall:

19 (1) State "Smoking, [[or]] Carrying Lighted Tobacco Products, OR VAPING Prohibited by  
20 Law. Violators are subject to a penalty not to exceed \$250.00"; and

21 (2) Display the international "No Smoking" symbol AND A "NO VAPING" SYMBOL.

22

23 Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that Section

3 of this Act shall become effective January 1, 2016."

~~DELETED~~

7/31/15

PALED

SIGNATURE

*Janice Johnson*

Amendment 1 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 8  
Date: July 6, 2015

Amendment No. 1

1 (This amendment would change the definitions of "Electronic Smoking Device", "Smoking",  
2 and "Tobacco product").  
3  
4  
5

6 On page 3, strike lines 1 through 3, and substitute the following:

7 "(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING  
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL. THE  
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, ASSEMBLED, OR  
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR UNDER  
12 ANY OTHER PRODUCT NAME OR DESCRIPTOR."

13  
14 On page 7, strike lines 11 through 14, and substitute the following:

15 "(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING A LIGHTED OR  
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO  
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
18 "SMOKING" ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
21 OF SMOKING IN THIS ARTICLE."

22  
23 On page 7, strike lines 19 through 21, and substitute the following:

24 "(V) TOBACCO PRODUCT MEANS:

25 (1) ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS  
26 INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,



1 ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER  
2 MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
3 CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4 (2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE  
5 PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN  
6 ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.

7 (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTIONS (A) AND (B) TO THE CONTRARY,  
8 "TOBACCO PRODUCT" INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A  
9 TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY."  
10

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 7

Bill No. ~~28~~ 2015

Introduced by:  
Jon Weinstein, Councilperson

Co-sponsored by:  
Calvin Ball, Councilperson  
Jennifer Terrasa, Councilperson

**AN ACT** prohibiting the use of Electronic Smoking Devices in certain public places and in certain places of employment; defining certain terms; and generally relating to smoking in Howard County.

Introduced and read first time \_\_\_\_\_, 2015. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, 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 \_\_\_\_\_, 2015.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2015 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2015

\_\_\_\_\_  
Allan H. Kittleman, County Executive

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



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

3  
4 By amending:

5 Title 12. Health and Social Services

6 Subtitle 6. Smoking in Public Places

7  
8 **Title 12 – Health and Social Services**

9 **SUBTITLE 6 – SMOKING IN PUBLIC PLACES**

10  
11 **Sec. 12.600. - Findings and purpose.**

12  
13 (a) The Howard County Council finds that secondhand tobacco smoke is a hazard to the  
14 health of the public.

15 (b) The purpose of this subtitle is:

16 (1) To protect the public health, safety, and welfare by prohibiting the smoking of  
17 tobacco products in public places, at public meetings, in certain government  
18 vehicles, in places of employment, and within certain distances from entrances  
19 to public places; and

20 (2) To protect the public from involuntary exposure to smoke from tobacco  
21 products.

22 **Sec. 12.601. - Definitions.**

23  
24 Terms in this subtitle have the meanings indicated.

25  
26 (a) *Bar* means an establishment, portion of an establishment, or area of a restaurant  
27 licensed under the State Code Article 2B to serve alcoholic beverages for  
28 consumption by individuals on the premises and where serving food is only  
29 incidental to the consumption of alcoholic beverages. *Bar* includes a cocktail lounge.

1 (B) *ELECTRONIC SMOKING DEVICE* MEANS AN ELECTRONIC DEVICE THAT CAN BE USED TO  
2 DELIVER NICOTINE OR OTHER SUBSTANCES TO THE INDIVIDUAL INHALING FROM THE  
3 DEVICE.

4 ([[b]]C) *Employee* means an individual who:

5 (1) Works for an employer in consideration for direct or indirect monetary wages or  
6 profit; or

7 (2) Volunteers services for a nonprofit entity or business entity.

8 ([[c]]D) *Employer* means a person, partnership, corporation, nonprofit entity, or other  
9 business entity that employs the services of one or more individuals.

10 ([[d]]E) *Enclosed area* means an area that is bounded on all sides by walls that extend  
11 from the floor to the ceiling regardless of whether the walls contain doors, windows,  
12 or vents.

13 ([[e]]F) *Government vehicle* means each car, bus, truck, or van owned or leased by  
14 Howard County.

15 ([[f]]G) *Health care facility* means an office or institution where individual care or  
16 treatment of a physical, mental, emotional, physiological, or psychological illness or  
17 condition is provided including, but not limited to, a hospital, clinic, nursing home,  
18 assisted living facility, ambulatory health care facility, limited care facility, adult day  
19 care center, home for the aging or chronically ill, medical laboratory, and the Office  
20 of a physician, dentist, psychologist, psychiatrist, physiologist, podiatrist,  
21 optometrist, chiropractor, or optician.

22 ([[g]]H) *International "No Smoking" symbol* means a pictorial representation of a burning  
23 cigarette enclosed in a red circle with a red bar across it.

24 ([[h]]I) *Outdoor seating area* means any patio, courtyard, sidewalk cafe, backyard or  
25 other outdoor area of a restaurant or bar where food and/or beverages are served  
26 and/or consumed.

27 ([[i]]J) *Partially enclosed* means an outdoor seating area where the circulation of outdoor  
28 air is obstructed by a temporary or permanent wall, tarp, shield, blind, or other kind

1 of covering, exclusive of a temporary or permanent roof, ceiling, overhang, or  
2 overhead structure and the perimeter of the adjoining enclosed restaurant or business.

3 ([[j]]K) *Person* means an individual, corporation, partnership, business trust, limited  
4 liability company, or any other type of business entity.

5 ([[k]]L) *Place of employment* means an area within a building that employees normally  
6 frequent during the course of employment that is under the control of their employer,  
7 including, but not limited to, a work area, employee lounge, restroom, conference  
8 and meeting rooms, class room, cafeteria, photocopy room, private offices, elevator,  
9 auditorium, medical facility, stairs and hallway.

10 ([[l]]M) *Public meeting* means a meeting, wherever held, open to the public and having no  
11 membership restraints.

12 ([[m]]N) *Public place* means:

13 (1) An enclosed area to or in which members of the public are invited or permitted,  
14 including, but not limited to:

15 (i) An auditorium;

16 (ii) A bar;

17 (iii) A beauty or barber shop;

18 (iv) A bowling alley;

19 (v) A building owned or leased by Howard County including, but not limited  
20 to, any part of a building that is owned, leased, or occupied by the County  
21 or a County agency;

22 (vi) A building used for or designed for the primary purpose of exhibiting a  
23 motion picture, stage, drama, lecture, musical recital, concert or other  
24 similar performance;

25 (vii) A business organization open to the public, including a retail store, bank,  
26 credit union, and other financial institution, office, factory, or any other  
27 private business, office, or organization;

- 1 (viii) A common area of an apartment building, condominium, retirement  
2 facility, or other multiunit residential facility including, but not limited to, a  
3 lobby, hallway, laundry facility, storage facility, exercise facility, restroom,  
4 or garage;
- 5 (ix) A convention hall;
- 6 (x) An elevator, regardless of capacity, except an elevator in a single-family  
7 dwelling;
- 8 (xi) A facility meeting the definition of an assembly occupancy as defined in the  
9 Howard County Fire Code;
- 10 (xii) A facility offering private, community or school based camp, or recreational  
11 programs to minors;
- 12 (xiii) A health care facility, including, but not limited to, waiting rooms,  
13 hallways, wards, and private and semiprivate sleeping rooms;
- 14 (xiv) A library, museum, and gallery;
- 15 (xv) A pool hall;
- 16 (xvi) A public or private educational facility;
- 17 (xvii) A public transportation facility, including, but not limited to, a ticket,  
18 boarding, and waiting area;
- 19 (xviii) A public transportation vehicle, including, but not limited to, a bus or  
20 taxicab;
- 21 (xix) A restaurant;
- 22 (xx) A restroom;
- 23 (xxi) A room, chamber, or place used for a public meeting;
- 24 (xxii) A service line;
- 25 (xxiii) A shopping mall including, but not limited to, the common areas,  
26 hallways, restrooms and storage facilities;

1 (xxiv) A sleeping room, common area, or banquet hall of a hotel or motel  
2 including, but not limited to, a lobby, hallway, laundry facility, exercise  
3 facility, storage facility, restroom, or garage; and

4 (xxv) A sports arena; and

5 (2) An outdoor seating or viewing area that is used by the public:

6 (i) To observe a concert, motion picture, stage drama, lecture, musical recital,  
7 or other similar performance; or

8 (ii) To observe or participate in an athletic event including the bleacher area of  
9 a ball field or sports arena.

10 ([[n]]O) *Restaurant* means:

11 (1) A place that offers for sale or sells food and drink to the public, guests, patrons,  
12 or employees including, but not limited to, a coffee shop, fast-food  
13 establishment, cafeteria, sandwich stand, private or public school cafeteria; and

14 (2) A kitchen where food is prepared on the premises for serving elsewhere, such as  
15 a catering facility.

16 ([[o]]P) *Retail store* means:

17 (1) An establishment whose primary purpose is to sell or offer for sale to consumers  
18 goods, wares, merchandise, food for consumption off the premises, or other  
19 tangible items; and

20 (2) All related and incidental activities, operations, and services.

21 ([[p]]Q) *Retail tobacco store* means a retail store that primarily sells or offers for sale  
22 tobacco products, ELECTRONIC SMOKING DEVICES, and accessories, and where the  
23 sale of other products is incidental.

24 ([[q]]R) *Service line* means an indoor line where one or more individuals wait for or  
25 receive service of any kind, whether or not the service involves the exchange of  
26 money.



1    [[r) *Separately enclosed and ventilated bar area* means an enclosed area that was in  
2       existence prior to April 1, 2005 as defined below:

3       (1) In a restaurant, the cocktail lounge or bar area which is separated from the  
4           restaurant dining area by a permanent floor to ceiling partition and is accessed  
5           by a door for ingress and egress and has a separate ventilation system; or

6       (2) Within a bar, a smaller cocktail lounge or bar area which is separated from the  
7           main bar area by a permanent floor to ceiling partition and is accessed by a door  
8           for ingress and egress and has a separate ventilation system.]]

9    (s) *Shared government vehicle* means any vehicle used expressly for Howard County  
10       Government purposes that is not assigned to any one employee for exclusive use.

11   (t) *Smoking or to smoke* means the act of smoking, inhaling smoke OR VAPOR from [[a]]  
12       AN ELECTRONIC SMOKING DEVICE, hookah, or water pipe, or carrying a lighted cigar,  
13       cigarette, pipe, bidi of any kind, or any lighted tobacco or lighting a cigar, cigarette,  
14       pipe, bidi, of any kind, or tobacco OR NICOTINE of any kind, EXCLUDING PATCHES.

15   (u) *Sports arena* means a sports pavilion, gymnasium, health spa, boxing arena,  
16       swimming pool, roller rink, ice rink, baseball field, football field, soccer field and  
17       other similar places where members of the public assemble to engage in physical  
18       exercise, participate in athletic competition, or to witness sports events.

19   (v) *Tobacco product* means any substance containing tobacco OR NICOTINE including,  
20       but not limited to, bidis, cigars, cigarettes, ELECTRONIC SMOKING DEVICES, snuff,  
21       chew, dip, and smokeless tobacco, EXCLUDING PATCHES.

22   (W) *VAPING OR TO VAPE* MEANS THE ACT OF USING AN ELECTRONIC SMOKING DEVICE TO  
23       DELIVER NICOTINE OR OTHER SUBSTANCES.

24

25   **Sec. 12.602. - Prohibition.**

26

27       Except as otherwise provided in this subtitle, a person shall not smoke:

28       (a) In a public place;

- 1 (b) At a public meeting;
- 2 (c) In a shared government vehicle or in any government vehicle when occupied by  
3 more than one person; or
- 4 (d) In a place of employment.

5

6 **Sec. 12.603. - Distance from a public place or place of employment.**

7

8 Smoking is prohibited within a distance of 15 feet outside public entrances and exits  
9 of an enclosed public place or place of employment where smoking is prohibited, except  
10 this does not apply in the Ellicott City Historic District or to restaurants and bars with  
11 outdoor seating areas that comply with section 12.604.

12

13 **Sec. 12.604. - Exceptions to prohibition.**

14

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

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

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

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

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

24 (3) Outdoor seating areas. Smoking may be allowed in an outdoor seating area,  
25 provided that such area shall:

26 (i) Adjoin an enclosed restaurant or bar; and

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

- 1 (iii) Is not enclosed or partially enclosed; and
- 2 (iv) Is located in such a way to minimize the likelihood that smoke from the
- 3 outdoor seating area will infiltrate enclosed areas where smoking is
- 4 prohibited as provided by the provisions of this subtitle.
- 5 (4) Smoking as an integral part of a theatrical performance held in a facility
- 6 primarily used for theatrical performances;
- 7 (5) A retail tobacco store provided, however, that smoke from the retail tobacco
- 8 store does not infiltrate areas where smoking is prohibited under the provisions
- 9 of this subtitle;
- 10 (b) Notwithstanding any other provision of this section, an owner, operator, manager, or
- 11 other person who controls an establishment subject to this section may declare the
- 12 establishment as a nonsmoking establishment.

13

14 **Sec. 12.605. - Notification of smoking prohibition in places of employment.**

15

16 The prohibition on smoking in places of employment shall be communicated to all

17 existing employees by the effective date of this subtitle and to all prospective employees

18 upon their application for employment.

19

20 **Sec. 12.606. - Posting signs.**

- 21
- 22 (a) An owner, operator, manager, or person in control of a building or area regulated by
  - 23 this subtitle shall post a sign at each entrance used by the public that shall:
    - 24 (1) State "Smoking, [[or]] Carrying Lighted Tobacco Products, OR VAPING
    - 25 Prohibited by Law. Violators are subject to a penalty not to exceed \$250.00";
    - 26 and
    - 27 (2) Display the international "No Smoking" symbol.
  - 28 (b) Each sign shall be conspicuously displayed and have letters of not less than one inch
  - 29 in height.

- 1 (c) An establishment that sells tobacco products shall clearly display signs stating that  
2 the sale of tobacco products to minors is forbidden by law.
- 3 (d) The owner, manager, or operator of a theatre or auditorium shall post signs in the  
4 lobby stating that smoking is prohibited within the theatre or auditorium.

5

6 **Sec. 12.607. - Responsibilities of owner, operator, etc.**

7

- 8 (a) An owner, operator, manager, or person in control of a public place or place of  
9 employment shall remove from any area where smoking is prohibited by this  
10 subtitle, all ashtrays and other smoking paraphernalia.
- 11 (b) An owner, operator, manager, or person in control of a restaurant or bar where  
12 smoking is prohibited must refuse to serve or seat any person who smokes where  
13 smoking is prohibited and must ask the person to leave the establishment if the  
14 person continues to smoke after an initial warning.

15

16 **Sec. 12.608. - Enforcement.**

17

- 18 (a) A person who observes a violation of this subtitle may file a complaint with the  
19 Police Department.
- 20 (b) If, during an inspection of a building or area regulated by this subtitle, an inspector  
21 from the State Fire Marshal's Office, the Department of Fire and Rescue Services,  
22 the Health Department, or the Department of Inspections, Licenses and Permits,  
23 observes a violation of this subtitle, the inspector may issue a citation under this  
24 subtitle.

25

26

27

28

29

1 **Sec. 12.609. - Nonretaliation.**

2  
3 A person or employer shall not discharge, refuse to hire, or in any manner retaliate  
4 against an employee or Applicant for employment because the employee or Applicant  
5 exercises the right to a smoke-free environment afforded by this subtitle.

6  
7 **Sec. 12.610. - Penalties.**

8  
9 (a) (1) If an individual smokes in violation of section 12.602 of this subtitle, a Police  
10 Officer may issue a civil citation to the individual pursuant to title 24, "Civil  
11 Penalties," of this Code.

12 (2) A violation of section 12.602 of this subtitle is a Class C offense.

13 (3) Each day that a violation continues is a separate offense.

14 (b) (1) If an owner, manager, operator, or person in control of a public place or place of  
15 employment violates section 12.605, section 12.606, or section 12.607 of this  
16 subtitle, a Police Officer may issue a civil citation pursuant to the title 24, "Civil  
17 Penalties," of this Code.

18 (2) A violation of section 12.605, section 12.606, or section 12.607 of this subtitle is  
19 a Class B offense.

20 (3) Each day that a violation continues is a separate offense.

21  
22 **Sec. 12.611. - Public education.**

23  
24 The Public Information Office and the Health Department shall engage in a program  
25 to explain and clarify the purposes and requirements of this subtitle to persons affected by  
26 it and to guide owners, operators, and managers in their compliance with it. The program  
27 may include publication of a brochure for affected businesses and individuals explaining  
28 the provisions of this subtitle.

1 **Sec. 12.612. - Provisions cumulative to other laws and regulations.**

2

3 The provisions of this subtitle are in addition to the provisions of any other Federal,  
4 State, or County law, ordinance, rule, or regulation.

5

6 **Sec. 12.613. - Severability.**

7

8 If any provision of this subtitle or the application thereof to any person or  
9 circumstance is held invalid for any reason in a court of competent jurisdiction, the  
10 invalidity shall not affect other provisions or any other application of this subtitle which  
11 can be given effect without the invalid provision or application, and for this purpose the  
12 provisions of this subtitle are severable.

13

14

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

17

18

19



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 10, 2015.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council



## Regarding CB 28-2015 and e-cigs

Glenn Schneider [sfmglen@comcast.net] on behalf of glenn@actioncenters.net

**Sent:** Thursday, September 03, 2015 10:25 PM

**To:** CouncilMail

Dear County Council,

Thought you might like to see this news about e-cigarettes...

Hope you had a great summer.

Glenn Schneider  
443-812-6955 cell

PS Thanks again for enacting CB 28!!!

**FILE COPY**

---

**From:** Announcements regarding tobacco control. [mailto:STANGLANTZ-L@LISTSRV.UCSF.EDU] **On Behalf Of** Glantz, Stanton A

**Sent:** Thursday, September 03, 2015 8:23 PM

**To:** STANGLANTZ-L@LISTSRV.UCSF.EDU

**Subject:** Calif Health Watchdog Finds High Levels of Cancer-Causing Chemicals in the Majority of Nearly 100 E-cigarettes Tested

On September 2, 2015, the [Center for Environmental Health](#) released a the largest study of the toxicity of e-cigarettes done to date. As they have done with several other consumer products, they went in to stores and bought the same e-cigarettes that consumers bought, then did laboratory testing on them. The found high levels of the cancer-causing chemicals formaldehyde and acetaldehyde, in violation of California safety standards.

The full report, *A Smoking Gun: Cancer Causing Chemicals in E-cigarettes*, is available [here](#).

They have also filed a notice to sue the e-cigarette companies under California Proposition 65. Filing that action gives California Attorney General Kamala Harris (who is running for US Senate) 60 days to take up the case on behalf of the people of California. Here is the CEH press release:

### **Health Watchdog Finds High Levels of Cancer-Causing Chemicals in the Majority of Nearly 100 E-cigarettes Tested**

*Legal action launched to hold e-cigarette makers accountable for failure to warn consumers*

Oakland, CA-The national nonprofit health watchdog [Center for Environmental Health](#) (CEH) today announced that the majority of 97 e-cigarettes and other “vaping” products tested produce high levels of the cancer-causing chemicals formaldehyde and acetaldehyde, in violation of California safety standards. The independent lab testing of products from two dozen e-cigarette makers, including RJ Reynolds (Vuse brand e-cigarettes), Imperial Tobacco/ITG Brands (blu brand), NJoy and other major companies found that 90% of the companies had at least one product that produced high levels of one or both chemicals, above the state safety limit. A test on one e-cigarette found the level of formaldehyde was more than 470 times higher than the California safety standard.

The CEH report, “*A Smoking Gun: Cancer Causing Chemicals in E-cigarettes*,” outlines the first-ever large sampling of actual e-cigarettes and vaping products tested simulating real-world use of the products, and demonstrating that the majority of e-cigarettes tested pose a serious cancer risk. CEH is initiating legal action against the companies producing the cancer-causing products for failing to warn consumers, as required under California’s strong consumer protection law known as Proposition 65. This follows CEH’s legal action earlier this year against e-cigarette makers for failing to warn consumers about risks from nicotine in e-cigarettes.

“For decades, the tobacco industry mounted a campaign of lies about cigarettes, and now these same

companies claim that their e-cigarettes are harmless. Anyone who thinks that vaping is harmless needs to know that our testing unequivocally shows that it's not safe to vape," said Michael Green, Executive Director of CEH. "This is especially troubling given the reckless marketing practices of the e-cigarette industry, which targets teens and young people, and deceives the public with unfounded health and safety claims. Our legal action aims to force the industry to comply with the law and create pressure to end their most abusive practices."

CEH purchased e-cigarettes, e-liquids, and other vaping products from major retailers including RiteAid, 7-Eleven, and from many online retailers and Bay Area vape shops between February and July 2015. The nonprofit commissioned an independent lab accredited by the American Association for Laboratory Accreditation to test 97 products, including 15 disposable "cigalikes" e-cigarettes, 32 cartridge devices, and 50 refillable devices, for formaldehyde and acetaldehyde. The two chemicals are known to cause cancer and are also linked to genetic damage, birth defects, and reduced fertility. The lab used standard smoking machines that simulate how consumers use the products.

Almost ninety percent of the companies whose products were tested (21 of 24 companies) had one or more products that produced hazardous amounts of one or both of the chemicals, in violation of California law. The testing showed that 21 products produced a level of one of the chemicals at more than ten times the state safety standard, and 7 products produced one of the chemicals at more than 100 times the safety level. While some consumers believe that nicotine-free e-cigarettes are safe, the CEH testing found high levels of the chemicals even in several of these varieties. For example, one nicotine-free product produced acetaldehyde at more than 13 times the state legal safety threshold and formaldehyde at more than 74 times the threshold. In all, the majority of the products tested (50 of the 97 products) showed high levels of one or both of the cancer-causing chemicals, in excess of the California standards.

The e-cigarette industry heavily markets their products as safe, even claiming that e-cigarettes produce nothing more than "harmless water vapor." A 2014 study of e-cigarette websites found companies market the products as healthier (60% of brands) and cleaner (95% of websites) than traditional cigarettes, and make unsubstantiated claims that the products do not produce secondhand smoke (76%) and can be used where smoking is banned or restricted. The study also found ads featuring doctors approving of e-cigarettes (22%). The industry also claims e-cigarettes are safe smoking cessation devices, but experts say e-cigarettes are more likely a gateway to traditional tobacco: a recent study of high schoolers who used e-cigarettes found that they are almost twice as likely as non-users to start smoking traditional cigarettes.

The e-cigarette industry aggressively markets its products to teens and young people, yet the CEH testing exposing the prevalence of cancer-causing chemicals in e-cigarettes means that teen e-cigarette users are not only being exposed to the addictive, brain-altering chemical nicotine but also to what could end up being a lifetime of exposure to potent carcinogens. E-cigarette use is particularly problematic for pregnant teens and young women, since exposure to nicotine and other chemicals during pregnancy can contribute to small babies, premature birth, and stillbirth.

Many of the products CEH purchased were made with bright colors and/or candy or dessert flavors. Nicotine is especially dangerous for young children: A teaspoon of a typical e-liquid contains enough nicotine to be lethal to an adult; smaller amounts would be lethal to a child. Already one death has been attributed to a child accidentally swallowing e-liquid. Nationwide, the number of cases of child poisoning linked to e-liquids jumped to 1,543 in 2013, and almost 4,000 in 2014.

"Parents should know about the dangers of e-cigarettes and young people should be wary of the industry's deceptive marketing," said Green. "We must not stand by while the tobacco industry preys on a new generation of victims. Consumers need to know that the smoke from e-cigarettes is far from harmless vapor, but is in fact a cancer-causing cocktail of toxic chemicals."

*The Center for Environmental Health has a nearly 20-year track record of protecting children and families from harmful chemicals in our air, water, food and in dozens of every day products. CEH also works with major industries and leaders in green business to promote healthier alternatives to toxic products and practices. In 2010, the San Francisco Business Times bestowed its annual "Green Champion" award to CEH for its work to improve health and the environment in the Bay Area and beyond.*

## NEWS DIGEST

# Council OKs ban on public 'vaping'

Vote to limit use of electronic cigarettes and vaporizers is unanimous

By AMANDA YEAGER  
Baltimore Sun Media Group

The Howard County Council has unanimously approved a bill banning "vaping" — or the use of electronic cigarettes and vaporizers — in public places.

Introduced by Councilman Jon Weinstein, an Ellicott City Democrat, the bill builds on the county's law against smoking in restaurants and bars, at outdoor athletic events and in amphitheatres, among other public places.

Howard went smoke-free in 2006, and five years later became the first county in Maryland to ban smoking in parks.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants that decide to allow vaping in their establishments.

E-cigarettes — battery-powered devices that allow smokers to inhale nicotine without producing the noxious smoke of a traditional cigarette — have blossomed into

a \$1.5 billion industry since being introduced in the United States less than a decade ago.

Weinstein said in June he decided to introduce the bill because he's concerned that smoke from e-cigarettes might have unknown harmful effects.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown. According to a National Institute on Drug Abuse report cited in the bill, "vaping" has doubled every year since 2010.

## Outdoor walks offered

A series of outdoor walks hosted by the Columbia Association will explore the lakes, streams, woodlands and wildlife of Columbia. The walks will be held on five Thursdays from August through October, with a sixth date possible in November in case a walk is postponed due to weather.

Environmental author Ned Tillman will guide discussions on the nature, history and future of the outdoor settings. The schedule of walks and meeting locations include:

■ Aug. 20: Lake Elkhorn. Meet at the docks across the street from the McDonald's on Cradlerock Way.

■ Sept. 10: Jackson Pond. Meet at Phelps Luck Neighborhood Center, 5355 Phelps

Luck Drive.

■ Sept. 24: Lake Kittamaquidi. Meet by the People Tree down at the Lakefront Plaza, 10221 Wincopin Circle.

■ Oct. 15, Middle Patuxent Watershed. Meet at River Hill Pool, 6330 Trotter Road.

■ Oct. 29, Wilde Lake. Meet at the boathouse off Hyla Brook Road.

All walks will begin at 10 a.m. Registration is not required but is encouraged by contacting [Open.Space@ColumbiaAssociation.org](mailto:Open.Space@ColumbiaAssociation.org) or CA's Open Space Management Division at 410-312-6330.

— Andrew Michaels, Baltimore Sun Media Group

## Call for oral histories

The Columbia Association is looking for volunteers to tell their Columbia stories by being interviewed for an oral history project about the community. The interview will take no longer than 90 minutes, and the association is seeking a broad range of residents from various ages, races and ethnicities. The association also wants both those who've moved to Columbia recently and those who have lived here longer.

Anyone interested can go to [bit.ly/columbiaoralhistory](http://bit.ly/columbiaoralhistory) to fill out a brief form. If selected to be part of the project,

volunteers will be contacted in September to schedule an interview that will be conducted in late September and October 2015. This project is being conducted in partnership with the University of Maryland.

For information or questions, contact Barbara Kellner at [Barbara.Kellner@ColumbiaAssociation.org](mailto:Barbara.Kellner@ColumbiaAssociation.org) or 410-715-3103.

— Andrew Michaels, Baltimore Sun Media Group

## Pump station upgrade set

A construction project to upgrade the Elkridge water pump station is scheduled to begin on or about Aug. 17 at 6430 Elibank Drive. Electrical, mechanical and structural improvements will be made to the existing pump station, and an emergency generator will be installed. While signs will be in place to advise residents of the construction, the project is not expected to affect the flow of traffic.

Weather permitting, the project is expected to be completed by mid-August 2016. For more details, contact Lisa Brightwell at 410-313-3440 or [publicworks@howard-countymd.gov](mailto:publicworks@howard-countymd.gov).

— Andrew Michaels, Baltimore Sun Media Group

## COUNTY DIGEST

### Vets to vets

Gilchrist Hospice Services is seeking military veterans and active-duty personnel to visit patients in the homes and care facilities to present "We Honor Veterans" commemorative pins. Information: [kaplan965@hotmail.com](mailto:kaplan965@hotmail.com)

### Volunteers needed

The Howard County Center of African American Culture seeks volunteers to assist with activities. Call 410-715-1921 or email [hccaacmd@juno.com](mailto:hccaacmd@juno.com) and leave contact information and the area in which you are interested in volunteering.

### 'Ride with the Heroes'

The Howard County Police Department and the Howard County Department of Fire & Rescue are hosting a motorcycle ride to benefit Grassroots Crisis Intervention Center and the International Critical Incident Stress Foundation on Sunday, Aug. 30, starting at 9 a.m. at the Howard County Public Safety Training center in Marriottsville.

Sponsorship dollars support the foundation's efforts to provide stress management training to help first responders, members of the military and other individuals who have experienced a critical incident or natural disaster. The money will also

support Grassroots, which provides suicide prevention, walk-in counseling, 24/7 crisis intervention and shelter for the homeless.

"Riding with the Heroes" will be a ceremonial police-escorted ride led by members of the military, veterans, police, fire and Emergency Medical Services personnel. It will include a scenic tour from Marriottsville through Frederick County, visiting three historic covered bridges along the way. Donations of \$25 per rider and \$15 per passenger are suggested. Participants will receive a T-shirt and lunch provided by Mission BBQ.

Sponsorships are available. Go to [Ride-WithTheHeroes.com](http://Ride-WithTheHeroes.com) to register for the event. For sponsorship information, contact

John Newnan, 410-750-9500, ext. 107, [jnewnan.icisf.org](mailto:jnewnan.icisf.org), or Major Ellsworth Jones, 410-313-2207, [ejones@howardcountymd.gov](mailto:ejones@howardcountymd.gov).

### Spanish speakers

The Foreign-Born Information and Referral Network, 5999 Harpers Farm Road, Suite 200-E, Columbia, needs Spanish-speaking volunteers to greet clients, answer basic questions, make appointments and support the staff. Hours are 9 a.m. to 1 p.m. or 1 p.m. to 5 p.m. Mondays, Tuesdays, Thursdays and Fridays; other times may be considered. Information: 410-992-1923, ext. 14.

Stay up to date with news from the day, sports and more each weeknight

Sign Up Today for the Evening Sun e-newsletter membership. [baltimoresun.com/newsletters](http://baltimoresun.com/newsletters)

The Evening Sun

Amendment 1 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 8  
Date: July 6, 2015

Amendment No. 1

1 (This amendment would change the definitions of "Electronic Smoking Device", "Smoking",  
2 and "Tobacco product").  
3  
4  
5

6 On page 3, strike lines 1 through 3, and substitute the following:

7 "(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING  
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE  
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,  
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR UNDER  
12 ANY OTHER PRODUCT NAME OR DESCRIPTOR."  
13

14 On page 7, strike lines 11 through 14, and substitute the following:

15 "(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR  
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO  
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
18 "SMOKING" ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
21 OF SMOKING IN THIS ARTICLE."  
22

23 On page 7, strike lines 19 through 21, and substitute the following:

24 "(V) TOBACCO PRODUCT MEANS:

25 (1) ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS  
26 INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,

1                   ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER  
2                   MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
3                   CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4                   (2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE  
5                   PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN  
6                   ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.

7                   (3) NOTWITHSTANDING ANY PROVISION OF SUBSECTIONS (A) AND (B) TO THE CONTRARY,  
8                   “TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A  
9                   TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY.” .

10

Amendment 1 to Amendment 2 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9

Date: July 31, 2015

Amendment No. 1

1 (This amendment would clarify the definitions of "Retail Tobacco Store" and "Tobacco  
2 Product")

3  
4 On page 1, in line 1, following "'Electronic Smoking Device'", insert "Retail Tobacco  
5 Store".

6  
7 On page 1, immediately following line 13, insert following:

8 "On page 6, in line 22, strike ", ELECTRONIC SMOKING DEVICES,".

9  
10 On pages 1 and 2, strike lines 24 – 26 and lines 1 – 3, respectively, and substitute the  
11 following:

12 "(v)(1) TOBACCO PRODUCT MEANS ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM  
13 TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER  
14 SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED,  
15 OR INGESTED BY ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES,  
16 CIGARS, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO, SNUFF.

17  
18 On page 2, strike lines 4 – 10, and substitute the following:

19 "(2) "TOBACCO PRODUCT" INCLUDES ELECTRONIC SMOKING DEVICES.

20 "(3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY:

21 (a) "TOBACCO PRODUCT" INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF  
22 A TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY; AND

23 (b) "TOBACCO PRODUCT" DOES NOT INCLUDE PATCHES INTENDED FOR SMOKING  
24 CESSATION." .

25



Amendment 2 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9  
Date: July 31, 2015

Amendment No. 2

1 (This amendment would change the definitions of "Electronic Smoking Device", "Smoking",  
2 and "Tobacco product").  
3  
4  
5

6 On page 3, strike lines 1 through 3, and substitute the following:

7 "(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING  
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE  
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE  
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,  
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR  
12 SIMILAR PRODUCT NAME OR DESCRIPTOR FOR SUCH A DEVICE."

13  
14 On page 7, strike lines 11 through 14, and substitute the following:

15 "(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR  
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO  
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.  
18 "SMOKING" ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH  
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF  
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION  
21 OF SMOKING IN THIS ARTICLE."

22  
23 On page 7, strike lines 19 through 21, and substitute the following:

24 "(V) TOBACCO PRODUCT MEANS:  
25 (1) ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT IS  
26 INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,



1                   ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER  
2                   MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,  
3                   CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4                   (2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE  
5                   PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN  
6                   ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.

7                   (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY,  
8                   "TOBACCO PRODUCT" INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A  
9                   TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY."  
10

Amendment 3 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9

Date: July 31, 2015

Amendment No. 3

*(This amendment delays the requirement to post "no vaping" signs until January 1, 2016; penalties for failure to post a "no vaping" sign would therefore not exist until that date.)*

1 On page 9, in line 24, strike the brackets and strike "OR VAPING".

2

3 On page 12, in line 16, before "*this Act*" insert "Section 1 of".

4

5 Also on page 12, after line 16, insert

6

7 "Section 3, and Be It Further Enacted by the County Council of Howard County, Maryland, that the  
8 Howard County Code is amended as follows:

9

10 By amending:

11

Title 12. Health and Social Services

12

Subtitle 6. Smoking in Public Places

13

Sec. 12.606. - Posting signs

14

Subsection (a)

15

16

Sec. 12.606. - Posting signs

17

(a) An owner, operator, manager, or person in control of a building or area regulated by

18

this subtitle shall post a sign at each entrance used by the public that shall:

19

(1) State "Smoking, [[or]] Carrying Lighted Tobacco Products, OR VAPING Prohibited by

20

Law. Violators are subject to a penalty not to exceed \$250.00"; and

21

(2) Display the international "No Smoking" symbol AND A "NO VAPING" SYMBOL.

22

23

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that Section

3 of this Act shall become effective January 1, 2016. "

## CRIME LOG

The following is compiled from police reports. Descriptions of perpetrators are included only when the description makes identification possible.

## Ellicott City

**Baltimore National Pike**, 9200 block, 4:43 p.m. Aug. 3. Man walked into Wells Fargo bank, approached teller, demanded money. Teller complied, man ran away. No one injured. Investigation ongoing.

**Montgomery Run Road**, 8300 block, 10 p.m. Aug. 1 to 12:52 p.m. Aug. 2. White 2006 BMW, MD 81960CE stolen.

## Elkridge/Jessup

**Washington Boulevard**, 6200 block, 7:35 p.m. July 28. Man entered Shell gas station, approached counter, threatened employee with handgun, demanded money. Employee complied, man ran away. No injuries. Investigation ongoing.

**Old Washington Road**, 6300 block, 1:09 a.m. July 30. Officers saw two men sitting in vehicle at Water Works Car Wash before speeding away. Investigation found vacuum machines pried open, coins stolen. Charges pending against Shawn Lee Strother, 23, of Catonsville, and Derwin Keith Magwood, 47, of Gwynn Oak.

**Washington Boulevard**, 8600 block, 5:30 a.m. Aug. 2. Three men entered Royal Farms with faces partially covered, demanded money. Clerk complied, men ran away. No injuries. Investigation ongoing.

## Savage/North Laurel

**Wild Cherry Court**, 8300 block, 2:33 p.m. July 29. Resident returned home, found man inside. When confronted, man ran away. Officers found him driving nearby. Man drove off, but eventually arrested. Henry Cong Pham, 40, of Montgomery Village, charged with five counts of theft, first-, third-, fourth-degree burglary, malicious destruction of property.

## Clarksville/Fulton

**Old Hopkins Road**, 11200 block, 4 to 5 p.m. July 27. Residence entered through unknown means, safe stolen.

## West County

**Beetz Road**, 800 block, 6:39 a.m. July 30. White Ford F350 stolen.

**Ten Oaks Road**, 4200 block, 12:57 p.m. Aug. 1. ATVs stolen from unattached shed.

**Marriottsville Road**, 2000 block, 4:30 a.m. Aug. 4. Man with face partially covered entered Dunkin' Donuts, showed handgun, demanded money. Man ran away. No one injured. *If you have any further information about these crimes, call Howard County police at 410-313-2200.*

## AT A GLANCE

# Council votes unanimously to prohibit vaping in public places

On Friday, Howard County council unanimously approved a bill banning "vaping" — or the use of electronic cigarettes and vaporizers — in public places.

Introduced by Councilman Jon Weinstein, an Ellicott City Democrat, the bill builds on the county's law against smoking in restaurants and bars, at outdoor athletic events and in amphitheaters, among other public places.

Howard led the state by going completely smoke-free in 2006, and five years later passed another milestone by becoming the first county in Maryland to ban smoking in parks.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants that decide to allow vaping in their establishments.

E-cigarettes — battery-powered devices that allow smokers to inhale nicotine without producing the noxious smoke of a traditional cigarette — have blossomed into a \$1.5 billion industry since being introduced in the United States less than a decade ago.

Councilman Jon Weinstein, a Democrat from Ellicott City, introduced the legislation at a June council's voting session. Councilmembers Calvin Ball and Jen Terrasa are co-sponsors.

The councilman said in June he decided to introduce the bill because he's concerned that smoke from e-cigarettes might have unknown harmful effects.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown. According to a National Institute on Drug Abuse report cited in the bill, use of electronic cigarettes and vaporizers, or "vaping," has doubled every year since 2010.

—Amanda Yeager

## United Way announces grants to stabilize families

United Way of Central Maryland announced on July 23 that \$450,000 in grants will go toward programming to support United Way's goal of building self-sufficient families and stronger communities in Howard County.

United Way's grants will support the organization's overall mission to stabilize families and provide all central Marylanders the opportunity to attain a quality education, financial stability and good health through programs that provide emergency housing, child abuse victim advocacy, and legal services.

"Our work to stabilize families in our region focuses on creating a solid foundation for success," said Duane St. Clair, chair of United Way of Central Maryland's Howard County partnership board and president, St. Clair Consulting. The seven community operating grants totaling \$104,000 include:

- Bridges to Housing Stability, \$20,000 to support their financial stability programs
- Community Action Council of Howard County, \$20,000 to support their health programs
- Family and Children's Services of Central Maryland, \$18,000 for their Child Abuse Treatment Program
- Foundation for Human Development, doing business as MakingChange, \$10,000 to support their financial coaching program
- Grassroots Crisis Intervention Center, \$20,000 for their Family Shelter
- Neighbor Ride, \$10,000 to provide services to the county's senior population
- St. John Baptists Church Mentoring Program, \$6,000 to continue the mentoring program of African Americans, ages 9 to 17

More than \$340,000 has also been invested in United Way's homelessness prevention and shelter diversion programs, which will be implemented by Bridges to Housing Stability and Family & Children Services.

## New Haven on the Lake general manager hired

The Columbia Association has hired Arielle Feinberg as general manager of Haven on the Lake, CA's Mind Body wellness retreat in Downtown Columbia.

Haven on the Lake is on the lower level of the Whole Foods Market in Downtown Columbia at 10275 Little Patuxent Parkway.

Feinberg brings extensive experience

in the fitness and spa industries and will begin her new position at Haven on the Lake on Aug. 10.

Feinberg grew up in Laurel, and worked as a lifeguard for CA while she was in college, later extending her career working for fitness facilities and spas around the country. Her experience includes management and director-level experience with luxury hotels and resorts in California, Florida and the Washington, D.C., area.

## CA seeking volunteers for oral history project

The Columbia Association is looking for volunteers to tell the Columbia story by being interviewed for an oral history project with answers to questions like, why residents chose Columbia and their impressions of the community.

The interviews of 90 minutes or less are to cover a broad range of Columbians, including various ages, races and ethnicities. CA also wants both those who've moved to Columbia recently and those who have lived here longer.

Anyone interested can go to [bit.ly/columbiaoralhistory](http://bit.ly/columbiaoralhistory) to fill out a brief form. If selected to be part of the project, CA will contact residents in September to schedule an interview that will be conducted in late September and October 2015. This project is being conducted in partnership with the University of Maryland.

For information or questions, contact Barbara Kellner, director of the Columbia Archives, at [Barbara.Kellner@ColumbiaAssociation.org](mailto:Barbara.Kellner@ColumbiaAssociation.org) or 410-715-3103.

—Andrew Michaels

## Elkridge pump station upgrade to begin Aug. 17

A Howard County construction project to upgrade the water pump station is scheduled to begin on or about Aug. 17 at 6430 Elibank Drive in Elkridge.

Electrical, mechanical and structural improvements will be made to the existing pump station, and an emergency generator will be installed. While signs will be in place to advise residents of the construction, the project is not expected to impact the flow of traffic.



## CRIME LOG

The following is compiled from police reports. Descriptions of perpetrators are included only when the description makes identification possible.

## East Columbia

**Columbia 100 Parkway**, 8800 block, July 28. Man attempted to gain entry to hotel room through window, ran away when confronted by occupants.

**Pinecone Road**, 9400 block, 5:15 a.m. July 28. Resident found window screen removed, backpack stolen from home. Backpack found in yard along with toolbox stolen from neighbor's unlocked car.

**Broken Land Parkway at Stevens Forest Road**, 2:18 p.m. July 28. Police found stolen vehicle traveling eastbound on Broken Land Parkway. Driver pulled over, ran away, but apprehended by officers nearby. Juvenile male, 17, charged with motor vehicle theft.

**Twin Knolls Road**, 5500 block, 2:18 p.m. July 30. Victim walking when approached by two men who stole his prescription medication. No one injured. Investigation ongoing.

**Woodpark Lane**, 7600 block, 4:44 a.m. Aug. 3. Apartment entered through unlocked sliding door. Couch, TV vandalized. Nothing reported stolen.

**Cloudleap Court**, 8700 block, 8:30 p.m. July 30 to 6:57 a.m. July 31. Silver 1998 Silver VW Passat, MD 8BB7270 stolen.

**Pennacook Court**, 6500 block, 6:10 p.m. Aug. 3. Victim walking when approached by two male teenagers, one implied he had weapon. Teens stole wallet, other personal belongings.

**Stevens Forest Road**, 5600 block, 3:28 p.m. Aug. 1. 2011 BMW M/C stolen.

## West Columbia

**Little Patuxent Parkway**, 11600 block, 11:19 a.m. July 30. Clary's Forest Pool fence climbed, property entered. Picnic tables thrown in pool.

**Faulkner Ridge Circle**, 10500 block, July 29 to 8:55 a.m. July 30. Blue/white 2012 Kawasaki motorcycle, MD 43186Y stolen.

**Little Patuxent Parkway**, 11600 block, 11:15 p.m. Aug. 1. Food taken from concession stand at Clary's Forest Pool. No signs of forced entry.

## Clarksville/Fulton

**Old Hopkins Road**, 11200 block, 4 to 5 p.m. July 27. Residence entered through unknown means, safe stolen.

If you have any further information about these crimes, call Howard County police at 410-313-2200.

## AT A GLANCE

# Council votes unanimously to prohibit vaping in public places

On Friday, Howard County council unanimously approved a bill banning "vaping" — or the use of electronic cigarettes and vaporizers — in public places.

Introduced by Councilman Jon Weinstein, an Ellicott City Democrat, the bill builds on the county's law against smoking in restaurants and bars, at outdoor athletic events and in amphitheaters, among other public places.

Howard led the state by going completely smoke-free in 2006, and five years later passed another milestone by becoming the first county in Maryland to ban smoking in parks.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants that decide to allow vaping in their establishments.

E-cigarettes — battery-powered devices that allow smokers to inhale nicotine without producing the noxious smoke of a traditional cigarette — have blossomed into a \$1.5 billion industry since being introduced in the United States less than a decade ago.

Councilman Jon Weinstein, a Democrat from Ellicott City, introduced the legislation at a June council's voting session. Councilmembers Calvin Ball and Jen Terrasa are co-sponsors.

The councilman said in June he decided to introduce the bill because he's concerned that smoke from e-cigarettes might have unknown harmful effects.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown. According to a National Institute on Drug Abuse report cited in the bill, use of electronic cigarettes and vaporizers, or "vaping," has doubled every year since 2010.

—Amanda Yeager

## United Way announces grants to stabilize families

United Way of Central Maryland announced on July 23 that \$450,000 in grants will go toward programming to support United Way's goal of building self-sufficient families and stronger communities in Howard County.

United Way's grants will support the organization's overall mission to stabilize families and provide all central Marylanders the opportunity to attain a quality education, financial stability and good health through programs that provide emergency housing, child abuse victim advocacy, and legal services.

"Our work to stabilize families in our region focuses on creating a solid foundation for success," said Duane St. Clair, chair of United Way of Central Maryland's Howard County partnership board and president, St. Clair Consulting. The seven community operating grants totaling \$104,000 include:

- Bridges to Housing Stability, \$20,000 to support their financial stability programs
- Community Action Council of Howard County, \$20,000 to support their health programs
- Family and Children's Services of Central Maryland, \$18,000 for their Child Abuse Treatment Program
- Foundation for Human Development, doing business as MakingChange, \$10,000 to support their financial coaching program
- Grassroots Crisis Intervention Center, \$20,000 for their Family Shelter
- Neighbor Ride, \$10,000 to provide services to the county's senior population
- St. John Baptists Church Mentoring Program, \$6,000 to continue the mentoring program of African Americans, ages 9 to 17

More than \$340,000 has also been invested in United Way's homelessness prevention and shelter diversion programs, which will be implemented by Bridges to Housing Stability and Family & Children Services.

## New Haven on the Lake general manager hired

The Columbia Association has hired Arielle Feinberg as general manager of Haven on the Lake, CA's Mind Body wellness retreat in Downtown Columbia.

Haven on the Lake is on the lower level of the Whole Foods Market in Downtown Columbia at 10275 Little Patuxent Parkway.

Feinberg brings extensive experience

in the fitness and spa industries and will begin her new position at Haven on the Lake on Aug. 10.

Feinberg grew up in Laurel, and worked as a lifeguard for CA while she was in college, later extending her career working for fitness facilities and spas around the country. Her experience includes management and director-level experience with luxury hotels and resorts in California, Florida and the Washington, D.C., area.

## CA seeking volunteers for oral history project

The Columbia Association is looking for volunteers to tell the Columbia story by being interviewed for an oral history project with answers to questions like, why residents chose Columbia and their impressions of the community.

The interviews of 90 minutes or less are to cover a broad range of Columbians, including various ages, races and ethnicities. CA also wants both those who've moved to Columbia recently and those who have lived here longer.

Anyone interested can go to [bit.ly/columbiaoralhistory](http://bit.ly/columbiaoralhistory) to fill out a brief form. If selected to be part of the project, CA will contact residents in September to schedule an interview that will be conducted in late September and October 2015. This project is being conducted in partnership with the University of Maryland.

For information or questions, contact Barbara Kellner, director of the Columbia Archives, at [Barbara.Kellner@ColumbiaAssociation.org](mailto:Barbara.Kellner@ColumbiaAssociation.org) or 410-715-3103. —Andrew Michaels

## Elkridge pump station upgrade to begin Aug. 17

A Howard County construction project to upgrade the water pump station is scheduled to begin on or about Aug. 17 at 6430 Elibank Drive in Elkridge.

Electrical, mechanical and structural improvements will be made to the existing pump station, and an emergency generator will be installed. While signs will be in place to advise residents of the construction, the project is not expected to impact the flow of traffic.



**Re; CB: 28-2015**

Noirlene FFFF [eh0004@hotmail.com]

**Sent:** Thursday, July 30, 2015 7:46 PM

**To:** CouncilMail

**FILE COPY**

Council Members,

- Please let's not go backwards.
- Please pass CB: 28-2015 with **NO EXCEPTIONS FOR BARS AND RESTAURANTS.**
- If people want to vape, let them do it where no one else is exposed to their vapor.

Thank you,

Eileen Haggerty

Dayton, Howard County, Maryland





28  
**FW: Regarding Council Bill 26-2015**

Clay, Mary

**Sent:** Thursday, July 30, 2015 11:55 AM

**To:** Feldmark, Jessica; Sayers, Margery; councilrecords

**FILE COPY**

Regarding CB28-2015.

**Mary T. Clay | Special Assistant to Council Chairperson Mary Kay Sigaty**

Howard County Council, District 4

3430 Court House Drive | Ellicott City, MD 21043

Office: 410.313.2001 | Fax: 410.313.3297

**From:** Keith K [mailto:mayorkelley@gmail.com]

**Sent:** Thursday, July 30, 2015 11:26 AM

**To:** Weinstein, Jon; Smith, Gary; Ball, Calvin B; Pruiem, Kimberly; Terrasa, Jen; Sigaty, Mary Kay; Clay, Mary; Fox, Greg; Knight, Karen

**Subject:** Regarding Council Bill 26-2015

To the Howard County Council,

I am a 55 year old native resident of Ellicott City, born and raised here since 1960. I wanted to share my thoughts with regard to 26-2015, a proposal to ban indoor use of a vape device. I will be brief.

I smoked for some 35+ years. During that time, I attempted to quit with every method possible, but failed at each. I am proud to say today, I quit the first day I picked up a vape device. Within 1 week, I knew I would no longer be going back to smoking cigarettes. You just can't imagine the level of elation and freedom. My breathing and physical fitness level have improved significantly.

Over the many decades I have lived here, HoCo has always embraced innovative thinking and disruptive technology. I could point out examples from the concept behind Columbia's inception, to the NotifyMeHoward system. The creation of an indoor vaping ban goes against our principles, including the promotion of better public health. Vaping helps save lives like mine, and the research continues to show great promise as we learn more.

I would be happy to cite studies and research completed by well known entities such as Drexel University, Boston University, Commonwealth of Virginia and other PhD's within the medical community to support my position. Currently, research has clearly demonstrated vaping is not a threat to public health.

I understand there is an enormous amount of information both for, and against this technology. Politics, money and special interests on both sides of the argument are clouding good and reasonable judgement. But the industry has done something big tobacco and pharma companies have been unable to accomplish. I believe we need to give this opportunity a chance, and I believe an indoor ban would completely do more harm than good.

The irony of this pending action is not lost on me. If a ban is passed, I must go outside with cigarette smokers, subjecting myself to the harm of 2nd hand tobacco smoke I'm currently protected from. This makes no sense to me on any level.

I would respectfully ask the Council to table this bill and resubmit a proposal based on allowing a business owners to determine indoor vapor use policy.



Regards,

Keith Kelley  
10215 Feaga Farm Ct.  
Ellicott City, MD 21042  
410-382-1927

**FW: Howard County Council plans to ban vaping indoors - Just like Smoking!**

Clay, Mary

**Sent:** Thursday, July 30, 2015 10:55 AM

**To:** Feldmark, Jessica; Sayers, Margery; councilrecords

**FILE COPY**

Testimony on CB28-2015.

Mary T. Clay | Special Assistant to Council Chairperson Mary Kay Sigaty

Howard County Council, District 4

3430 Court House Drive | Ellicott City, MD 21043

Office: 410.313.2001 | Fax: 410.313.3297

---

**From:** Ken Yannacci [mailto:ken@TEK411.COM]

**Sent:** Thursday, July 30, 2015 10:43 AM

**To:** Weinstein, Jon; Smith, Gary; Ball, Calvin B; Pruum, Kimberly; Terrasa, Jen; Sigaty, Mary Kay; Clay, Mary; Fox, Greg; Knight, Karen

**Subject:** FW: Howard County Council plans to ban vaping indoors - Just like Smoking!

First, thank you for all you do to make our lives better every day!

**Please vote NO on the indoor vaping ban (see email below)! Why does the county need to ban something like this? Smoking I can understand but vaping is harmless water vapor and the business owner (not the county) should decide if she/he wishes to ban vaping in their establishment.**

Thanks,

Ken

“A human being is a part of the whole called by us universe, a part limited in time and space. He experiences himself, his thoughts and feeling as something separated from the rest, a kind of optical delusion of his consciousness. This delusion is a kind of prison for us, restricting us to our personal desires and to affection for a few persons nearest to us. Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty.”

– Albert Einstein

---

**From:** CASAA [mailto:takeaction@casaa.org]

**Sent:** Thursday, July 30, 2015 10:33 AM

**To:** [kyannacci@gmail.com](mailto:kyannacci@gmail.com)

**Subject:** Howard County Council plans to ban vaping indoors - Just like Smoking!

Howard County, MD

ЛІТЕ СОБА

## Indoor Vaping Ban

The County Council will be considering a bill ([Council Bill 26-2015](#)) that would deceptively redefine smoking to include the use of an electronic cigarette. Although this regulation would allow for certain exemptions -- the same exemptions allowed for smoking -- vaping would be prohibited in thousands of workplaces and other public spaces throughout the county.

**Please make plans to attend this hearing:**

**Friday, July 31st 2015**  
**10:00 AM**

Banneker Room, George Howard Building  
3430 Court House Drive  
Ellicott City, MD

**Please take a moment now to email the council members** urging them to oppose this bill. We have provided contact information and **talking points** below.

Please share this link on social media:

- <http://blog.casaa.org/2015/07/howard-co-md-local-alert-oppose-and.html>

**Please forward this email to friends in Howard County!**

Thank You,  
CASAA Legislative Team

### Howard County, MD - County Council

Dist		Email	Phone
1	<b>Jon Weinstein</b>	<a href="mailto:jweinstein@howardcountymd.gov">jweinstein@howardcountymd.gov</a>	410-313-2001
1	Gary L. Smith (Special Assistant)	<a href="mailto:glsmith@howardcountymd.gov">glsmith@howardcountymd.gov</a>	410-313-3110
2	<b>Dr. Calvin Ball</b>	<a href="mailto:cball@howardcountymd.gov">cball@howardcountymd.gov</a>	410-313-2001
2	Kim Pruum (Special Assistant)	<a href="mailto:kpruum@howardcountymd.gov">kpruum@howardcountymd.gov</a>	410-313-2001
3	<b>Jen Terrasa</b>	<a href="mailto:jterrasa@howardcountymd.gov">jterrasa@howardcountymd.gov</a>	410-313-2001
3	Kate McCleod (Special Assistant)		410-313-3108
4	<b>Mary Kay Sigaty</b>	<a href="mailto:mksigaty@howardcountymd.gov">mksigaty@howardcountymd.gov</a>	410-313-2001
4	Mary Clay (Special Assistant)	<a href="mailto:mclay@howardcountymd.gov">mclay@howardcountymd.gov</a>	410-313-2001
5	<b>Greg Fox</b>	<a href="mailto:gfox@howardcountymd.gov">gfox@howardcountymd.gov</a>	410-313-2001

5	Karen Knight (Special Assistant)	<a href="mailto:kknight@howardcountymd.gov">kknight@howardcountymd.gov</a>	410-313-2001
---	-------------------------------------	--	--------------

**Comma delimited email list:**

[jweinstein@howardcountymd.gov](mailto:jweinstein@howardcountymd.gov), [gsmith@howardcountymd.gov](mailto:gsmith@howardcountymd.gov),  
[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov), [kpruim@howardcountymd.gov](mailto:kpruim@howardcountymd.gov),  
[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov), [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov),  
[mclay@howardcountymd.gov](mailto:mclay@howardcountymd.gov), [gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov),  
[kknight@howardcountymd.gov](mailto:kknight@howardcountymd.gov)

**Indoor Vaping Ban**

**Suggested Talking Points - Indoor Use**

- (Please choose a few of the points below -- topics you are most comfortable discussing.)
- 1. You are a resident and you oppose banning e-cigarette use where smoking is prohibited. *(If you are responding to a Call to Action or Local Alert for a city or state in which you are not a resident, please mention any connection you have to the area, for example, you travel there on vacation or have friends/family in the area.)*
- 2. Tell your story on how switching to an e-cigarette has changed your life. (Avoid using slang terms such as "juice.")
- 3. Clarify that:
  - a. Smoking bans are ostensibly enacted to protect the public from the harm of secondhand smoke, but e-cigarettes have not been found to pose a risk to bystanders. In fact, all evidence to date shows that the low health risks associated with e-cigarettes are comparable to other smokeless nicotine products.
  - b. The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor.
  - c. [A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health](#) based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure.
  - d. Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is often practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing use bans on electronic cigarettes would be nearly impossible.
  - e. The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch and reduce their health risks by an estimated 99%.
  - f. Losing the ability to test e-liquids before purchasing will have a significant



- and negative impact on your ability to purchase/sell e-liquids.
- g. Many smokers first try e-cigarettes because they can use them where they cannot smoke, however, they often become "accidental quitters." This is a documented phenomenon unique to e-cigarettes. It may take a few months or only a few days, but they inevitably stop smoking conventional cigarettes. This is why including e-cigarettes in smoking bans could have serious unintended consequences!
  - h. By making e-cigarette users go outdoors, the City will also be sending a strong message to traditional smokers that e-cigarettes are no safer than smoking. This will actually maintain the number of smokers, rather than help reduce smoking. This is a far more realistic risk to public health than any unfounded concerns about possible youth or non-smoker use uptake. In fact, the most recent report by the CDC showed that the dramatic increase in e-cigarette use over that past 3 years has not led to an increase in youth smoking. Youth smoking of traditional cigarettes continues to decline to record low levels.
  - i. The children of smoking parents are far more likely to become smokers than the children of non-smoking parents who see smoking behaviors in public. The children of smoking parents who quit aren't any more likely to smoke than those of non-smoking parents. Prohibiting vapor products in public does little to protect the children of non-smoking parents from becoming smokers, but significantly increases the likelihood that many smoking parents won't switch to e-cigarettes. This only serves to keep the highest-risk children at risk.
  - j. E-cigarette use does not promote the smoking of traditional cigarettes, nor does it threaten the gains of tobacco control over the past few decades. In fact, by normalizing e-cigarette use over traditional smoking, the efforts of tobacco control are being supported. If anything, e-cigarette use denormalizes conventional smoking by setting the example of smokers choosing a far less harmful alternative to traditional smoking. The CDC surveys clearly show that there has been no "gateway effect" causing non-smokers to start smoking. As e-cigarettes have become more popular, all available evidence is showing that more and more smokers are quitting traditional cigarettes, including youth smokers.
  - k. Important Note: A typical and frequent lawmaker response to e-cigarette users who object to public use bans is "We aren't banning all use or sales, just use where smoking is also prohibited." Don't give them the opportunity to counter you in that way! Make it very clear that you understand that this is not a ban of e-cigarette sales or a ban of e-cigarette use where smoking is allowed, but that what IS proposed is still a step backward in public health, not a step forward.
- 4) Direct them to the CASAA.org website, as well as the CASAA Research Library, for more information.

Unsubscribe





**Sayers, Margery**

---

**From:** Feldmark, Jessica  
**Sent:** Wednesday, June 24, 2015 12:59 PM  
**To:** Sayers, Margery; Habicht, Kelli  
**Subject:** CB28-2015  
**Attachments:** E-cigarettes ; Recommend passage of E-Cigarette bill in Howard County; CB28-2015; Proposed Amendments to CB28-2015; More on Vaping bill; CB 28-2015 -- For Work Session Consideration; I support CB28-2015

More for testimony to file and post...

Thanks,  
Jess

Jessica Feldmark  
Administrator  
Howard County Council  
410-313-3111  
[jfeldmark@howardcountymd.gov](mailto:jfeldmark@howardcountymd.gov)

## Sayers, Margery

---

**From:** Ron Apatoff <ron@beltsvilledevelopment.com>  
**Sent:** Wednesday, June 24, 2015 9:30 AM  
**To:** CouncilMail  
**Subject:** E-cigarettes

Council,

I would like to urge you to support the bill recently introduced that would prohibit the use E-cigarettes wherever tobacco cigarettes are prohibited. This type of legislation has been approved in the county where I live, Montgomery, as well as where I work, Prince George's. I dine and shop in Howard County and would hope and encourage you to follow other counties lead.

Thank you,

Ronald Apatoff  
Executive Vice President  
Beltsville Development Co., Inc.  
w-email [ron@BeltsvilleDevelopment.com](mailto:ron@BeltsvilleDevelopment.com)  
w-tel (301) 937-1200  
f-fax (301) 937-4086  
cell (301) 346-4855

## Sayers, Margery

---

**From:** Glenn Schneider <sfmglen@comcast.net> on behalf of glenn@actioncenters.net  
**Sent:** Sunday, June 21, 2015 4:38 PM  
**To:** CouncilMail  
**Subject:** More on Vaping bill

Dear Council,

Wanted to share a recent blog post of Dr. Stan Glantz, a professor of medicine at UCSF and a leader in tobacco control research for the past number of decades. Here he's blogging about a new vaping study. Learn more about Dr. Glantz at <http://tobacco.ucsf.edu/users/sglantz>

Also, here's more on CDC's campaign on e-cigarettes.  
<http://www.cdc.gov/tobacco/campaign/tips/stories/kristy.html>

Thanks,

Glenn Schneider  
443-812-6955 cell  
443-766-1217 work

**From:** "Stanton A Glantz" <[Stanton.Glantz@UCSF.EDU](mailto:Stanton.Glantz@UCSF.EDU)>  
**To:** [STANGLANTZ-L@LISTSRV.UCSF.EDU](mailto:STANGLANTZ-L@LISTSRV.UCSF.EDU)  
**Sent:** Tuesday, June 16, 2015 10:40:12 AM  
**Subject:** More evidence that e-cigs are depressing quitting smoking in the real world

Erin Sutfin and colleagues at Wake Forest University just published "[The Impact of Trying Electronic Cigarettes on Cigarette Smoking by College Students: A Prospective Analysis](#)" in *American Journal of Public Health* that adds to the evidence that e-cigarette use is depressing quitting smoking cigarettes.

This paper follows several hundred college students over 3 years during which time they assessed smoking behavior, how often respondents smoked (a measure of nicotine dependence) other tobacco use, and a variety of personality and demographic characteristics. Controlling for all these factors, the authors found that among young adults who were smoking at baseline, e-cigarette use was associated with higher likelihood of smoking at follow-up.

Here is the abstract:

*Objectives.* We assessed the impact of trying e-cigarettes on future cigarette smoking in a sample of college student smokers.

*Methods.* In this longitudinal study, first-semester college students at 7 colleges in North Carolina and 4 in Virginia completed a baseline survey and 5 follow-up surveys between fall 2010 and fall 2013. Current cigarette smoking at wave 6 was the primary outcome. Participants (n = 271) reported current cigarette smoking at baseline and no history of e-cigarette use. We measured trying e-cigarettes at each wave, defined as use in the past 6 months.

*Results.* By wave 5, 43.5% had tried e-cigarettes. Even after controlling for other variables associated with cigarette smoking, trying e-cigarettes was a significant predictor of cigarette smoking at wave 6 (adjusted odds ratio [AOR] = 2.48; 95% confidence interval [CI] = 1.32, 4.66), as was friends' cigarette smoking (AOR = 4.20; 95% CI = 2.22, 7.96) and lifetime use of other tobacco products (AOR = 1.63; 95% CI = 1.22, 2.17).

*Conclusions.* Trying e-cigarettes during college did not deter cigarette smoking and may have contributed to continued smoking. (*Am J Public Health*. Published online ahead of print June 11, 2015: e1–e7. [doi:10.2105/AJPH.2015.302707](https://doi.org/10.2105/AJPH.2015.302707))

Put in terms of the odds of quitting, use of e-cigarettes is associated with reduced quitting with an adjusted odds ratio of 0.40 (95% CI 0.21-0.76), consistent with the overall findings of the rest of the studies of the effects of e-cigarette use on quitting conventional cigarettes.

This is, of course, good news for the multinational cigarette companies, which are increasingly dominating the e-cigarette business.

**Sayers, Margery**

---

**From:** Ralph Welsh <rwelsh1@comcast.net>  
**Sent:** Wednesday, June 24, 2015 7:19 AM  
**To:** CouncilMail  
**Cc:** MDGASP  
**Subject:** Recommend passage of E-Cigarette bill in Howard County

Hi Howard County Council,

I recommend that you pass CB 28-2015 that would prohibit the use of E-cigarettes wherever the use of tobacco cigarettes is prohibited. I live in neighbor county, Prince George's, and visit Howard County often

Thanks for your consideration.

Ralph

Ralph D Welsh Jr  
12308 Backus Dr  
Bowie MD 20720-4434  
301-464-9596  
[rwelsh1@comcast.net](mailto:rwelsh1@comcast.net)

**From:** "MDGASP" <[Mdgasp@aol.com](mailto:Mdgasp@aol.com)>  
**To:** "MDGASP" <[MDGASP@aol.com](mailto:MDGASP@aol.com)>  
**Sent:** Tuesday, June 23, 2015 9:39:38 PM  
**Subject:** Fwd: Action Alert....E-Cigarette bill in Howard County

The Howard County Council has introduced a bill to prohibit the use of E-cigarettes wherever the use of tobacco cigarettes is prohibited.

A hearing was held on the bill last Tuesday and the opposition came out in force with lobbyists and vape shop owners who provided all kinds of twisted testimony in an attempt to defeat the bill. Unfortunately, due to other commitments our side did not have much representation.

**In order to assure that we keep our momentum on e-Cigarette legislation the Howard County Council members need to hear from you.**





**The bill will be voted on during the County Council meeting on July 6.**

**Please contact the council members at the e-mail address below and ask them to pass CB 28-2015. If you live in Howard County be sure to let them know that. If you reside elsewhere tell them you work, shop and or visit Howard County for entertainment and you choose to do so in an environment free of tobacco smoke and E-cigarette vapor.**

Messages can be sent to the Council en masse at [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) or for a list of individual Council emails, visit <http://cc.howardcountymd.gov/Contact-Us>

**We must all work together to get these bills passed to protect each other from E-cigarette vapor.**



## Sayers, Margery

---

**From:** Glenn Schneider <sfmglen@comcast.net> on behalf of glenn@actioncenters.net  
**Sent:** Sunday, June 21, 2015 2:50 PM  
**To:** CouncilMail  
**Subject:** CB 28-2015 -- For Work Session Consideration  
**Attachments:** Suggested Amendments to CB 28.docx

Dear Madame Chair and Members of the County Council,

I am very sorry that I could not be at the public hearing for CB 28-2015, the bill that would add vaping to our local clean indoor air act. Though I was on vacation with the family, I did tune into the hearing. Had I been there in person, I would have expressed my family's strong support for the bill and would have expressed our sincere thanks to the bill's sponsors for introducing it. I would have also submitted a few amendments for you to consider (see attached and below).

As you know, I have been an advocate for tobacco use prevention for many years in our county and across the state. For those of you who don't know or remember my personal story, my parents were wonderful people who sacrificed a lot to give me an amazing childhood, made friends everywhere they went, served their community and church, and followed the Golden Rule better than anyone I've ever known. My Dad was an RJ Reynolds tobacco salesman and my Mom a homemaker. Both my parents smoked – a lot. To say that they were addicted would be an understatement. They smoked the minute they woke up and the moment before they slept.

My Mom died of lung cancer after 40 years of smoking back in 1999 and I lost my Dad in April of this year due to smoking-caused COPD. Yes, I know what tobacco addiction looks like. And I know the devastation it causes and the loss it brings. My parents both suffered because of an addiction they struggled to kick. If I thought for ONE MINUTE that vaping could help people quit and make people healthier, I would have lined up with Mr. Conley to testify against the bill. But my public health training leads me to believe that e-cigarettes are a danger to both the user and the public.

Here are a few thoughts for you to consider:

1. Mr. Conley, though extremely polished, is a lawyer by training and is not a scientist, a medical or public health expert, or someone who can speak with authority on the studies that have been conducted on the topic. He was a fellow at the Heartlands Institute which has done much work to promote Big Tobacco's philosophies over time. See <http://www.prwatch.org/news/2014/05/12464/heartland-institute-reluctantly-stands-denial-cigarette-smoking-risks>. While he absolutely can speak to the interest of vaping companies, I would be deeply skeptical of his assertions that vaping can be used to help people quit smoking or that they bring any real benefits to its users.
2. To the contrary, there are MANY studies that show:
  - a. E-cigarettes are not useful in helping people quit; and
  - b. The aerosol and vapor emitted by e-cigarettes are a danger to public health; and
  - c. Young people are beginning to use e-cigarettes at higher rates. See <http://www.cdc.gov/media/releases/2015/p0416-e-cigarette-use.html>; and
  - d. Tobacco companies are promoting e-cigarettes as a "bridge" for people who can't smoke cigarettes in the workplace and have purchased many of the vaping companies for this purpose. See <http://bit.ly/1GfC4va>
  - e. See <http://no-smoke.org/learnmore.php?id=645> for a complete summary of research, news, and more.
3. National health authorities have already concluded that e-cigarettes are a public health risk:
  - a. You cannot use e-cigarettes on airplanes.
  - b. The FDA is considering how it might regulate the sale and advertising of e-cigarettes.

- c. 354 municipalities and 3 states already prohibit e-cigarette use in public places.
- d. The Centers for Disease Control and Prevention has been warning against e-cigarette use in its advertising. See <http://www.bloomberg.com/news/articles/2015-03-26/the-cdc-s-anti-smoking-ads-now-include-e-cigarettes>
- e. You already know that the American Heart Association, American Cancer Society and many other national public health organizations are working to educate people about the dangers of e-cigarettes and are advocating for laws to protect the public from e-cigarettes.

Voting to prohibit e-cigarette use in places where smoking is prohibited is warranted given the existing body of evidence. I would suggest some amendments to ensure that our law effectively and efficiently protects the public health. I concur with the amendments that the American Cancer Society submitted as part of its testimony. I would also suggest that you consider some additional amendments to ensure that you don't unwittingly allow e-cigarette use in places where smoking is currently not allowed. See attachment.

Thanks for considering this long email. And just to be clear, I am speaking to you as a long-time public health advocate in the community and not as a representative of the Foundation (i.e., my day job).

Let me know if you have any questions. I will be attending your work session tomorrow.

Thanks,

Glenn  
443-812-6955 cell  
443-766-1217 work

## Suggested Amendments to CB 28-2015

1. Amend the definition of smoking devices as follows **(ACS Amendment)**:

*“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.*

2. Amend the definition of smoking as follows **(ACS Amendment)**:

*“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.*

3. Amend the definition of tobacco product as follows **(ACS Amendment)**:

*“Tobacco product” means:*

*(a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus; and*

*(b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.*

*(c) Notwithstanding any provision of subsections (a) and (b) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately.*

**My proposed amendments are as follows:**

4. Amend the exceptions in 12.604 to be consistent with state law.

Our county's smoking law was passed in 2006 and the State Clean Indoor Air Act was passed a year later. When state law is stronger than local law, it supercedes. When local law is stronger, it reigns supreme.

As you can see in COMAR,

<http://www.dsd.state.md.us/comar/getfile.aspx?file=10.19.04.03.htm>, state law does not allow for some of the exceptions found in our local law. Therefore, they should be deleted from our law and the exceptions should be renumbered. See below. If you don't make these changes, e-cigarette use will be allowed in private clubs even though smoking in those same facilities are prohibited.

Sec. 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;]

(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;

(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;]

(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;

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.

**Sayers, Margery**

---

**From:** Harvey Eisen <heisen9929@aol.com>  
**Sent:** Tuesday, June 23, 2015 9:43 PM  
**To:** CouncilMail  
**Subject:** CB28-2015

I hope that you will do the right thing for public health and pass this bill regulating 'vaping.' Vaping is nearly as noxious as smoking and may yet prove to be harmful. I don't want to be anywhere around it and most other people don't either. Thank you for your consideration,  
Harvey Eisen, Ph.D.

**Sayers, Margery**

---

**From:** WAYNE <waynebethards@comcast.net>  
**Sent:** Wednesday, June 17, 2015 11:36 AM  
**To:** CouncilMail  
**Subject:** I support CB28-2015

I strongly support passage of CB28-2015 to add e-cigarettes to our smoke-free laws. The reasons are obvious.

Thank you.

Wayne Bethards  
10521 Morning Wind Lane  
Columbia, MD 21044-2416  
410-730-2173



## Sayers, Margery

---

**From:** Caitlin McDonough <caitlin.mcdonough@mdlobbyist.com>  
**Sent:** Monday, June 22, 2015 11:12 AM  
**To:** CouncilMail  
**Subject:** Proposed Amendments to CB28-2015  
**Attachments:** ProposedAmednments to HC CB-28-2015[2].docx

Dear Councilmember:

Attached please find proposed amendments to CB28-2015, for your consideration. The amendments remove electronic smoking devices and vaping from the definitions of smoking and tobacco products, but establish a general prohibition on the use of those devices in public areas and places of employment. The amendments also create an exception for designated areas of restaurants and bars, when the owner of the establishment opts to permit the use of electronic smoking devices and meets certain notice requirements.

Please let me know if you have any questions, and thank you again for your time and attention on this matter.

### **Caitlin E. McDonough**

Attorney at Law  
Harris Jones & Malone, LLC  
2423 Maryland Avenue, Suite 100  
Baltimore, Maryland 21218  
(410) 366-1500 Office  
(410) 366-1501 Facsimile  
(301) 509-1342 Cell  
[caitlin.mcdonough@mdlobbyist.com](mailto:caitlin.mcdonough@mdlobbyist.com)  
[www.mdlobbyist.com](http://www.mdlobbyist.com)

<image001.png>

*\*HJM is a certified MBE firm for the State of Maryland, the City of Baltimore, Howard County and the MD/DC MSDC.*

**Proposed Amendments to Howard County Legislation – CB28-2015**

**AMENDMENT NO. 1:**

On page 7, in line 11, strike the words “OR VAPOR”, in line 12 strike the words “AN ELECTRONIC SMOKING DEVICE”, and in line 14, strike the words “OR NICOTINE” and “EXCLUDING PATCHES”

On page 7, in line 19, strikes the words “OR NICOTINE”, in line 20, strike the words “ELECTRONIC SMOKING DEVICES”, and in line 21, strike the words “EXCLUDING PATCHES”

**AMENDMENT NO. 2:**

On page 7, in line 27, after the word “smoke” insert “**OR VAPE**”

On page 8, in line 8, after the word “Smoking” insert “**OR VAPING**” and in line 9, after the word “smoking” insert “**OR VAPING**”

On page 8, in line 24, after the word “smoking” insert “**OR VAPING**”

On page 9, in line 2, after the word “smoke” insert “**OR VAPOR**”, and in line 3, after the word “smoking” insert “**OR VAPING**”

On page 9, in line 5, after the word “Smoking” insert “**OR VAPING**”

On page 9, in line 7, after the word “smoke” insert “**OR VAPOR**”, and in line 8, after the word “smoking” insert “**OR VAPING**”

On page 9, in line 12, after the word “nonsmoking” insert “**OR NON-VAPING**”

On page 9, in line 14, after the word “smoking:” insert “**OR VAPING**”, and in line 16, after the word “smoking” insert “**OR VAPING**”

On page 10, in line 1, after the words “tobacco products” insert “**OR ELECTRONIC SMOKING DEVICES**”, and in line 2, after the words “tobacco products” insert “**OR ELECTRONIC SMOKING DEVICES**”

On page 10, in line 4, after the word “smoking” insert “**OR VAPING**”

On page 10, in line 12, after the word “smoking” insert “**OR VAPING**” and after the word “smokes” insert “**OR VAPES**”, in line 13, after the word “smoking” insert “**OR VAPING**”, and in line 14, after the word “smoke” insert “**OR VAPE**”

On page 11, in line 5, after the word “smoke-free” insert “**OR VAPOR-FREE**”

On page 11, in line 9, after the word “smokes” insert “**OR VAPES**”

**AMENDMENT NO. 3:**

On page 9, after line 9, insert “**(6) RESTAURANTS OR BARS OR ONE OR MORE DESIGNATED AREAS OF A RESTAURANT OR BAR, IF THE ESTABLISHMENT NOTIFIES ITS PATRONS AND POTENTIAL PATRONS THAT THE USE OF ELECTRONIC SMOKING DEVICES IS ALLOWED ON OR IN DESIGNATED AREAS OF THE PREMISES, PROVIDED THAT SUCH NOTIFICATION IS A PROMINENTLY POSTED NOTICE, AT LEAST 17” X 22”, THAT IS CLEARLY READABLE BY ALL PATRONS UPON ENTRY TO THE ESTABLISHMENT.**”



June 15, 2015

Honorable Council Members

On behalf of the more than 1,000 members of the Maryland Group Against Smoker's Pollution (MDGASP), I urge you to support and vote for passage of CB28-2015. This bill would prohibit the use of E-cigarettes where the smoking of normal tobacco cigarettes is prohibited. Since there are over 200 manufacturers of E-cigarettes, and since they are mostly foreign manufactured with no government oversight, nobody knows what is contained in the aerosols from these devices. It is incumbent on governing bodies, such as the Howard County Council, to protect your citizens from exposure to these devices.

Many of our MDGASP members reside in Howard County. Thank you for protecting them and those of us who frequent Howard County for shopping, dining and entertainment.

John O' Hara: Ph. D  
President  
Maryland Group Against Smoker's Pollution  
Box 863, Bowie, MD 20718  
(P) 301-262-3434  
[MDGASP@aol.com](mailto:MDGASP@aol.com)





217 East Redwood Street  
Suite 2300  
Baltimore, Maryland 21202  
June 15, 2015

**To:** Members and Chair  
The Howard County Council

**From:** Michaeline R. Fedder, MA, Director of  
Government Relations, Maryland

**Re:** Enthusiastic Support for CB 28-2015

The American Heart Association unequivocally and enthusiastically supports CB 28-2015, which, when passed and enacted into law, will treat electronic smoking devices the same way that “regular” cigarettes are treated under Howard County’s Smoking in Public Places Subtitle 6 of the Health and Social Services Title of the Howard County Code.

Of most significance to us is that these very dangerous devices could no longer be used in indoor public places including restaurants, bars, workplaces and public transportation. The bill states very clearly that the intent is **“to protect the public health, safety and welfare.”**

This is about health and nothing else!!!

In the past year alone, an abundance of research has been conducted documenting the danger to the e-cigarette user and to those in the presence of the user. A recent study, conducted at our own Johns Hopkins Bloomberg School of Public Health, supports the contention that exposure to e-cigarette vapor is dangerous and can adversely affect the lungs and the immune system.

Electronic cigarettes are battery-operated devices, electronic delivery systems that vaporize e-liquids containing nicotine, a dangerous, addictive product, as well as other toxic chemicals including propylene glycol, a component found in automotive anti-freeze, formaldehyde, nitrosamines, metals and many others whose names I cannot pronounce.

Of particular concern is that the device manufacturers, of which there are already hundreds and hundreds, are adding flavoring to their poisonous brew, flavoring that has particular appeal to children. And it is the blatant marketing to young people that AHA finds especially onerous. The products are being touted as “low-risk,” lulling the kids into a false sense of security. The reality is that they are a gateway drug to which young users become addicted quite rapidly. These same young users probably would never start smoking regular cigarettes. And the data are showing that the use of these cigarettes by middle and high school children has doubled between 2011 and 2012.

The manufacturers are also promoting e-cigarettes as products that help current smokers quit...but in reality addicted smokers are using the devices in addition to their regular cigarettes when they are in venues in which the use of regular cigarettes is forbidden by law. (This is known as Dual-Use)

Whereas regular cigarettes are covered by strong laws that govern their use and marketing, electronic cigarettes have a free pass. We cannot continue to let that happen. Clearly, more studies are needed, and they are happening but the evidence to date indicates that there is a need to control electronic cigarettes. The Medical and Public Health world are of one voice about this.

The only people who would disagree are the tobacco manufacturers and the bar and restaurant people who will tell you, just as they did leading up to the statewide 2007 CIA Act, that we will put people and business out of commission. Well we passed CIA and the bar scene is thriving.

We urge you to recognize the need to step up to the plate and pass CB 28-2015, with implementation to start immediately. **THIS IS ABOUT HEALTH!** This is about the health of people who live, work and play in your outstanding county. They deserve your support of this bill.



## TESTIMONY OF GREGORY CONLEY

HOWARD COUNTY COUNCIL

JUNE 15, 2015

Re: Opposition to CB28-2015

~~Gregory Conley~~ distinguished members of the County Council:

Thank you for the opportunity to testify on the important topic of vapor products, which are commonly referred to as electronic cigarettes or e-cigarettes. I am here today on behalf of the American Vaping Association, an organization that advocates for small- and medium-sized vapor businesses across the country that manufacture, wholesale, and retail vapor products, as well as nicotine-containing and nicotine-free e-liquid. This includes vapor retail outlets and wholesalers located in the State of Maryland that are employing Maryland citizens, paying sales, unemployment and excise taxes, and occupying what may otherwise be empty storefronts.

Neither the AVA nor these vape stores represent or speak for Big Tobacco. The AVA has received no funding from cigarette companies and Maryland's "vape shops" (e-cigarette specialty stores) do not sell any products sold by Big Tobacco. We do not consider ourselves to be in the tobacco industry at all. Instead, we consider vapor products to be anti-tobacco technology products, as they are tobacco-free, smoke-free, often nicotine-free, and are increasingly being recognized as a smart way to get smokers to transition away from smoking combustible cigarettes.

As explained below, the AVA urges you to reject the proposed ordinance to treat 'vaping' and 'smoking' identically under Howard County law.

### **I. Science on E-Cigarette Vapor Demonstrates No Risk to Bystanders**

As the council is aware, research in this field is contentious, but that is true in many other areas that the legislature is forced to consider each year. A thoughtful examination of claims made by opponents reveals flawed and often careless interpretations of the scientific literature. Below, claims with regard to four chemical classes are analyzed.

#### ***A. Chemicals in E-Cigarette Vapor are at Trace Levels – Potential of Any Significant Adverse Effects are Minimal***



A favorite tactic of e-cigarette detractors is to make reference to chemicals that have been detected in e-cigarette liquid or vapor. Critically, they fail to note the actual levels of these chemicals found. In doing so, they ignore a central tenet of toxicology – the dose makes the poison. It's not just a presence of a chemical that matter, it is the amount that is present.

In late-2013, the medical journal *BMC Public Health* published a study by Drexel University Professor and expert toxicologist Dr. Igor Burstyn entitled "Peering Through the Mist."<sup>1</sup> Dr. Burstyn utilized over 9,000 observations of electronic cigarette liquids and vapor in order to assess possible threats to the direct user and bystanders. Dr. Burstyn concluded that the levels of chemicals in e-cigarette vapor are so low so as to pose no apparent risk to bystanders.

#### **i. Metals**

Opponents often note that e-cigarette vapor contains various metals, implying that e-cigarette vapor is a source of inhaled toxic metals. Without proper context, presentation of this information is patently misleading. Dr. Michael Siegel, a long-time anti-tobacco researcher who testified against cigarette companies in lawsuits that cost them billions, has noted that the levels of metals delivered to vapor product users (bystanders are exposed to much less) are far lower than the daily exposures permitted by the authoritative United States Pharmacopeial Convention for inhalable medications.<sup>2</sup>

Dr. Siegel compared the levels of metals expected to be inhaled by the average e-cigarette user vs. the average user of the FDA-approved Nicorette nicotine inhaler and found that the levels were nearly identical. For some metals, electronic cigarette vapor contained LESS metals than the Nicorette inhaler. But again, these trace levels are allowed in medications, and metals in neither e-cigarette vapor nor the mist released by a nicotine inhaler represent a threat to the user or bystander.

There is no evidence that e-cigarettes are a source of any appreciable level of harmful chemicals. In a study funded in part by the National Institutes of Health, 12 different e-cigarette products were tested vs. a traditional combustible cigarette vs. the FDA-approved Nicorette inhaler. That study reported the levels of toxicants and chemicals identified as causing harm in cigarette smoke were present at trace amounts 9-450x less than in cigarette smoke.<sup>3</sup> Even more importantly, the researchers noted that the levels were similar to those that are released by the Nicorette inhaler.

---

<sup>1</sup> Burstyn, I. "Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks." *BMC Public Health Journal*, January 2014.

<sup>2</sup> Siegel, M. "Metals in Electronic Cigarette Vapor are Below USP Standards for Metals in Inhalation Medications," *Rest of the Story – Tobacco Analysis and Commentary*, April 2013.  
<http://tobaccoanalysis.blogspot.com/2013/04/metals-in-electronic-cigarette-vapor.html>

<sup>3</sup> Goniewicz, M., et. al. "Levels of selected carcinogens and toxicants in vapour from electronic cigarettes," *Tobacco Control*, March 2013.  
<http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.abstract>

Recently, Dr. Konstantinos Farsalinos, a cardiologist and researcher at the Onassis Cardiac Surgery Center in Athens, Greece, published a thorough analysis using data from two studies that claimed to have found metals in e-cigarette vapor.<sup>4</sup> Dr. Farsalinos analyzed this data against recognized international standards for inhalable medications. Assuming 600 puffs a day – about 300-400 more than the average vaper takes – Dr. Farsalinos concluded that the average daily exposure for the metals identified was 2.6 to 77,514 times lower than the standards allow.

Please note that these are exposures to *the user*. Bystanders will be exposed to an even tinier and negligible amount of these chemicals.

A summary of the results of the study is reproduced below:

<u>Metals</u>	<u>Average of 13 products tested</u>	<u>Daily Exposure Limits</u>	<u>Ratio – E-ciq vs. Daily Limits</u>
<u>Cadmium</u>	<u>0.57 µg</u>	<u>1.5 µg</u>	<u>2.6</u>
<u>Chromium</u>	<u>0.06 µg</u>	<u>25 µg</u>	<u>386.9</u>
<u>Copper</u>	<u>1.87 µg</u>	<u>70 µg</u>	<u>37.4</u>
<u>Lead</u>	<u>0.70 µg</u>	<u>5 µg</u>	<u>7.1</u>
<u>Nickel</u>	<u>0.32 µg</u>	<u>1.5 µg</u>	<u>4.7</u>
<u>Iron</u>	<u>62.40 µg</u>	<u>41,500 µg</u>	<u>665.1</u>
<u>Tin</u>	<u>4.44 µg</u>	<u>16,600 µg</u>	<u>3738.7</u>
<u>Titanium</u>	<u>0.24 µg</u>	<u>2,490 µg</u>	<u>10,375</u>
<u>Zinc</u>	<u>0.54 µg</u>	<u>41,500 µg</u>	<u>77,514.4</u>

<sup>4</sup> “Are Metals Emitted from Electronic Cigarettes a Reason for Health Concern? A Risk-Assessment Analysis of Currently Available Literature.” Int. Journal of Env. Research and Pub. Health. 12(5):5215-5232, 2015. <http://www.mdpi.com/1660-4601/12/5/5215>

ii. **Volatile Organic Compounds**

As with metals, activists opposed to e-cigarette use often state that volatile organic compounds (VOCs) have been found in e-cigarette vapor. In a study published in the Journal of Indoor Air, German investigators at the Fraunhofer Wilhelm-Klauditz-Institute's Department of Material Analysis and Indoor Chemistry detected virtually no quantifiable levels of 20 VOCs found in cigarette smoke.<sup>5</sup>

Of the six chemicals detected (see below), five were at levels less than 1% the permissible exposure limits (PELs) set by the Occupational Safety and Health Administration. The sixth chemical, formaldehyde, was present at 2.4% of the PEL. However, the researchers noted because formaldehyde was detected at similar levels before the e-cigarette was used, the presence of formaldehyde "might be caused by the person in the chamber itself, because people are known to exhale formaldehyde in low amounts."

<b>Concentrations (ug/m3) of VOCs in Vapor From Three E-cigarettes (Average) and Smoke From a Cigarette</b>		
VOC	E-cigarette Vapor	Cigarette Smoke
Propylene glycol	*	112
1-hydroxy-2-propanone	*	62
2,3-butanedione	*	21
2,5-dimethylfuran	*	5
2-butanone	2	19
2-furaldehyde	*	21
2-methylfurane	*	19
3-ethenyl-pyridine	*	24
Acetic acid	13	68
Acetone	20	64
Benzene	*	22
Isoprene	*	135
Limonene	*	21
M,p-xylene	*	18
Phenol	*	15
Pyrrole	*	61
Toluene	*	44
Formaldehyde	12	86
Acetaldehyde	2	119
Propanal	*	12

\*Unquantifiable/same as empty chamber

<sup>5</sup> Schripp T., et. al. "Does e-cigarette consumption cause passive vaping?" Indoor Air 23: 25–31, 2013. <http://www.ncbi.nlm.nih.gov/pubmed/22672560>

### iii. Polycyclic Aromatic Hydrocarbons (PAHs)

A flawed study in 2013 asserted that levels of polycyclic aromatic hydrocarbons (PAHs) were raised by 20% after non e-cigarette users were exposed to e-cigarette vapor for a significant period of time. This study has been soundly criticized for its methodological flaws. As explained by Dr. Konstantinos Farsalinos and Dr. Riccardo Polosa – the most published researchers on this topic throughout the world -- in a review of e-cigarette science:

[A] major methodological problem of this study is that control environmental measurements were performed on a separate day and not on the same day of EC use. This is a major limitation, because the levels of environmental PAHs have significant diurnal and day-to-day variations [Ravindra et al. 2008]; therefore, it is highly likely that the differences in levels of PAHs (which are mainly products of combustion and are not expected to be emitted from EC use) represented changes due to environmental conditions and not due to EC use. Bertholon and colleagues [Bertholon et al. 2013] examined the EC aerosol exhaled from a user, in comparison with exhaled smoke from a smoker. The authors found that particle size diameters were 0.29–0.033 $\mu$ m. They observed that the half life of EC aerosol was 11 seconds compared with 20 minutes for cigarette smoke, indicating that risk of passive vaping exposure is significantly lower compared with passive smoking.<sup>6</sup>

### iv. Particulate Matter

With regard to particulate matter, e-cigarette opponents have misinterpreted the science. It is inherently misleading to refer to the aerosol droplets created by e-cigarettes as “particulates,” as doing so leads the reader to believe that liquid droplets are particles that lead to the same health concerns when inhaled as solid particles (i.e., smoke of any kind). As explained by Dr. Carl Phillips, a longtime researcher on tobacco harm reduction:

While droplets are particulates in the broadest sense of the term, in the context of environmental pollution that term generally refers to fine solid particles that can lodge in or be absorbed through the lungs intact. A liquid, of course, just dilutes into the bloodstream or other bodily liquids, regardless of particle size and deposition location. Thus, the extensive discussion of particulate size, let alone the explicit claims about health implications, is highly misleading. Indeed, the results they found are not all that different from the “particulate” exposure when someone takes a cold shower in terms of both “particle” size and concentrations, which illustrates the need to characterize the tiny bits of matter that disperse light, not merely determine that they exist.

The device the authors used to detect “particles” does not distinguish between droplets and solid particles; to assess any health-relevant particles the authors

---

<sup>6</sup> Farsalinos, K., et. al. “Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review.” *Ther. Adv. Drug. Saf.*; 5(2): 67-68.  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4110871/?report=classic>

should have used gravimetric techniques that determine the mass of solid particles emitted into the air. As such, the authors' work suffers from inadequate testing of their major conclusion and confirmation bias: they assumed health-relevant particles would be present in the aerosol, performed a test that was incapable of ruling that out, and then interpreted their results as confirmation.<sup>7</sup>

## **II. Conclusion**

The science does not support restricting the use of vapor products where smoking is banned. Therefore, private business owners should retain the ability to allow or disallow e-cigarette usage.

In making your decisions, please consider the following:

*"Health professionals should embrace this potential by encouraging smokers, particularly those disinclined to use licensed nicotine replacement therapies, to try them, and, when possible, to do so in conjunction with existing NHS smoking cessation and harm reduction support. **E-cigarettes will save lives, and we should support their use.**"*

- Royal College of Physicians editorial by Dr Ilze Bogdanovica, Professor Linda Bauld and Professor John Britton from the UK Centre for Tobacco and Alcohol Studies<sup>8</sup>

Thank you for your consideration.

Sincerely,



Gregory Conley, J.D., M.B.A.  
President – American Vaping Association

---

<sup>7</sup> Phillips, C. "Letter re fatal flaws in Schober et al. paper on environmental vapor." Anti-THR Lies. January 2014. <http://antithrlies.com/2014/01/29/letter-re-fatal-flaws-in-schober-et-al-paper-on-environmental-vapor/>

<sup>8</sup> Bogdanovica, et. al. "What you need to know about e-cigarettes." Royal College of Physicians. March 2014. <https://www.rcplondon.ac.uk/commentary/what-you-need-know-about-electronic-cigarettes>

# Kittleman hires new planning and zoning director

By AMANDA YEAGER  
ayeager@tribune.com

Howard County Executive Allan Kittleman has hired a new director for the Department of Planning and Zoning.

Valdis Lazdins, who currently serves as chief of research and special projects for Montgomery County's planning department, will start in Howard on Monday, June 22. He's replacing current DPZ director Marsha McLaughlin, who has spent 27 years of her career in Howard County.

Since he took office in December, Kittleman has said he planned to replace

McLaughlin, who will retire June 30. During his campaign for county executive, he criticized the Department of Planning and Zoning and implied decisions made by the department were not always fair.

At a town hall in Glenwood last August, he said Howard has "a situation where the leadership of the county has allowed the Department of Planning and Zoning to be controlled by a few people."

In a statement announcing Lazdins' hiring, Kittleman said the new director "shares my vision of a more accessible department and a transparent, inclusive process to help us make land use decisions.

"I am confident that Valdis is the right person for this job, particularly as we look ahead to some exciting new development and redevelopment projects," he said.

Lazdins has worked in the Montgomery County planning department, where he has focused on analyzing the county's land use related to demographic, economic and housing trends for the past three years. Before that, he was a principal planner for LSL Planning Inc. in Grand Rapids, Mich., and an assistant planning director for the city of Grand Rapids.

Other career highlights include designing ski areas, golf courses and master-planned communities, and developing

zoning regulations for the Kodiak Island and Matanuska-Sustina Boroughs in Alaska, according to a county-provided biography.

Lazdins, who lived in Howard County from 1984 to 1996, also worked on planning the communities of Columbia and Reston.

"This is an exciting opportunity for me to be back in Howard County," Lazdins said in a statement. "Times have changed though, and Howard County is a much different place than when I left. It's in a different place on the development curve — a maturing place with a greater focus on redevelopment and revitalization."

## POLITICAL NOTEBOOK

# Council urged to look at Baltimore law on vaping

Howard County should follow Baltimore's lead and allow bars and restaurants to choose whether or not to allow vaping, rather than banning the practice altogether, the leader of an association of vaping businesses told the County Council Monday night.

The suggestion was part of testimony on a new bill, introduced by Democratic Councilman Jon Weinstein, that would incorporate vaping, or smoking electronic cigarettes, into the current ban on traditional cigarette smoking in public places. The law prohibits smoking in public areas, including bars and restaurants, offices, stores and open-air venues, such as sports arenas and concert pavilions.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants that decide to allow vaping in their establishments.

E-cigarettes are a relatively new phenomenon in the United States — the National Institute of Health's National Institute on Drug Abuse says they have been available to Americans since 2007.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown.

Opponents worry about their potential impact on health, while supporters say e-cigarettes are playing a role in helping smokers quit traditional cigarettes by offering up a cleaner source of nicotine.

"Vapor products are creating ex-smokers every day in Maryland, and this council should take no action that would

actively discourage smokers to stop smoking," Gregory Conley, the president of the American Vaping Association, a nonprofit supported by small and medium-sized vaping businesses, told council members.

But Michaeline Fedder, government relations director for the American Heart Association, called e-cigarettes "dangerous" and pointed to lack of oversight for their manufacturers, as well as the potential for small children to accidentally drink the nicotine-containing vapor "juice" and for older ones to become addicted to vaping.

"The bottom line for us is it should be treated exactly how cigarettes are treated," she said.

Though Conley and Fedder were the only people to testify in person Monday night, six more individuals and organizations — including the American Cancer Society and the Maryland Group Against Smoker's Pollution — sent testimony in support of the bill.

"I work in a bar/restaurant and do not want to be forced to inhale unknown substances in my workplace!" Rosalee Bennett, who lives in Chester, wrote.

Tuesday, Weinstein said he didn't expect to make any changes to his bill.

"I need to take a look at more detail that has been offered as supporting evidence" for assertions made by Conley and Fedder, he said, but "I think right now it's pretty solid and reflects the direction I want to go."



Amanda Yeager

AYEAGER@TRIBUNE.COM

## Garber nomination

Supporters, and a few opponents, of Susan Garber's nomination to the Planning Board turned out in force Monday night to testify on her appointment.

The high level of attendance was a deviation from the usually routine appointment process, in which council members typically approve the county executive's appointments to boards and commissions without much discussion.

Garber's appointment, however, has generated debate over the past few weeks.

While supporters point to her years of community involvement, opponents of her nomination say they object to some of her past positions, particularly a July 2014 editorial in The Howard County Times that characterized the Howard County Education Association as "greedy" and "manipulative."

In a letter to the council, HCEA President Paul Lemle called Garber's remarks, written during a stand-still in negotiations between the union and the public school system's administration, "inflammatory" and "unfair."

"The association has serious doubts that Ms. Garber will treat the people of our county with the kindness, dignity, and respect they deserve," Lemle wrote.

Though most of the people who testified Monday night supported Garber's appointment — 16 of 18 spoke in favor — the council heard from 52 others,

mostly teachers, who were opposed.

Savage resident Ron Coleman said he thought the critiques related to Garber's editorial were irrelevant. "The criticism lodged at her this past weekend has absolutely nothing to do with the affairs of the Planning Board," he said.

Coleman and others said Garber's enthusiasm and experience as a former special education teacher, program director for the Johns Hopkins University/Maryland State Department of Education Center for Technology in Human Disabilities (now the Center for Technology in Education) and founder of the nonprofit ATLAST qualified her for a role on the Planning Board, which reviews development plans for proposed projects across the county.

If appointed, Garber would replace board chair Josh Tzucker, whose five-year term ended in May. Tzucker, who is eligible to serve three more years, has said he was "surprised" by County Executive Allan Kittleman's decision not to renew his term.

Garber, who leads the Savage Community Association and has been a community volunteer and activist for many years, told the council she looked forward "to involvement at a time when the county faces new challenges and opportunities" if her appointment is confirmed.

"I'll apply the rules as written, guided by my intent to promote the health, safety and wellness of the community," she said.

The council is expected to vote on Garber's appointment and the vaping bill in early July.



# Kittleman hires new planning and zoning director

BY AMANDA YEAGER  
ayeager@tribune.com

Howard County Executive Allan Kittleman has hired a new director for the Department of Planning and Zoning.

Valdis Lazdins, who currently serves as chief of research and special projects for Montgomery County's planning department, will start in Howard on Monday, June 22. He's replacing current DPZ director Marsha McLaughlin, who has spent 27 years of her career in Howard County.

Since he took office in December, Kittleman has said he planned to replace

McLaughlin, who will retire June 30. During his campaign for county executive, he criticized the Department of Planning and Zoning and implied decisions made by the department were not always fair.

At a town hall in Glenwood last August, he said Howard has "a situation where the leadership of the county has allowed the Department of Planning and Zoning to be controlled by a few people."

In a statement announcing Lazdins' hiring, Kittleman said the new director "shares my vision of a more accessible department and a transparent, inclusive process to help us make land use decisions.

"I am confident that Valdis is the right person for this job, particularly as we look ahead to some exciting new development and redevelopment projects," he said.

Lazdins has worked in the Montgomery County planning department, where he has focused on analyzing the county's land use related to demographic, economic and housing trends for the past three years. Before that, he was a principal planner for LSL Planning Inc. in Grand Rapids, Mich., and an assistant planning director for the city of Grand Rapids.

Other career highlights include designing ski areas, golf courses and master-planned communities, and developing

zoning regulations for the Kodiak Island and Matanuska-Sustina Boroughs in Alaska, according to a county-provided biography.

Lazdins, who lived in Howard County from 1984 to 1996, also worked on planning the communities of Columbia and Reston.

"This is an exciting opportunity for me to be back in Howard County," Lazdins said in a statement. "Times have changed though, and Howard County is a much different place than when I left. It's in a different place on the development curve — a maturing place with a greater focus on redevelopment and revitalization."

## POLITICAL NOTEBOOK

# Council urged to look at Baltimore law on vaping

Howard County should follow Baltimore's lead and allow bars and restaurants to choose whether or not to allow vaping, rather than banning the practice altogether, the leader of an association of vaping businesses told the County Council Monday night.

The suggestion was part of testimony on a new bill, introduced by Democratic Councilman Jon Weinstein, that would incorporate vaping, or smoking electronic cigarettes, into the current ban on traditional cigarette smoking in public places. The law prohibits smoking in public areas, including bars and restaurants, offices, stores and open-air venues, such as sports arenas and concert pavilions.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants that decide to allow vaping in their establishments.

E-cigarettes are a relatively new phenomenon in the United States — the National Institute of Health's National Institute on Drug Abuse says they have been available to Americans since 2007.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown.

Opponents worry about their potential impact on health, while supporters say e-cigarettes are playing a role in helping smokers quit traditional cigarettes by offering up a cleaner source of nicotine.

"Vapor products are creating ex-smokers every day in Maryland, and this council should take no action that would

actively discourage smokers to stop smoking," Gregory Conley, the president of the American Vaping Association, a nonprofit supported by small and medium-sized vaping businesses, told council members.

But Michaeline Fedder, government relations director for the American Heart Association, called e-cigarettes "dangerous" and pointed to lack of oversight for their manufacturers, as well as the potential for small children to accidentally drink the nicotine-containing vapor "juice" and for older ones to become addicted to vaping.

"The bottom line for us is it should be treated exactly how cigarettes are treated," she said.

Though Conley and Fedder were the only people to testify in person Monday night, six more individuals and organizations — including the American Cancer Society and the Maryland Group Against Smoker's Pollution — sent testimony in support of the bill.

"I work in a bar/restaurant and do not want to be forced to inhale unknown substances in my workplace!" Rosalee Bennett, who lives in Chester, wrote.

Tuesday, Weinstein said he didn't expect to make any changes to his bill.

"I need to take a look at more detail that has been offered as supporting evidence" for assertions made by Conley and Fedder, he said, but "I think right now it's pretty solid and reflects the direction I want to go."



Amanda Yeager

AYEAGER@TRIBUNE.COM

## Garber nomination

Supporters, and a few opponents, of Susan Garber's nomination to the Planning Board turned out in force Monday night to testify on her appointment.

The high level of attendance was a deviation from the usually routine appointment process, in which council members typically approve the county executive's appointments to boards and commissions without much discussion.

Garber's appointment, however, has generated debate over the past few weeks.

While supporters point to her years of community involvement, opponents of her nomination say they object to some of her past positions, particularly a July 2014 editorial in The Howard County Times that characterized the Howard County Education Association as "greedy" and "manipulative."

In a letter to the council, HCEA President Paul Lemle called Garber's remarks, written during a stand-still in negotiations between the union and the public school system's administration, "inflammatory" and "unfair."

"The association has serious doubts that Ms. Garber will treat the people of our county with the kindness, dignity, and respect they deserve," Lemle wrote.

Though most of the people who testified Monday night supported Garber's appointment — 16 of 18 spoke in favor — the council heard from 52 others,

mostly teachers, who were opposed.

Savage resident Ron Coleman said he thought the critiques related to Garber's editorial were irrelevant. "The criticism lodged at her this past weekend has absolutely nothing to do with the affairs of the Planning Board," he said.

Coleman and others said Garber's enthusiasm and experience as a former special education teacher, program director for the Johns Hopkins University/Maryland State Department of Education Center for Technology in Human Disabilities (now the Center for Technology in Education) and founder of the nonprofit ATLAST qualified her for a role on the Planning Board, which reviews development plans for proposed projects across the county.

If appointed, Garber would replace board chair Josh Tzucker, whose five-year term ended in May. Tzucker, who is eligible to serve three more years, has said he was "surprised" by County Executive Allan Kittleman's decision not to renew his term.

Garber, who leads the Savage Community Association and has been a community volunteer and activist for many years, told the council she looked forward "to involvement at a time when the county faces new challenges and opportunities" if her appointment is confirmed.

"I'll apply the rules as written, guided by my intent to promote the health, safety and wellness of the community," she said.

The council is expected to vote on Garber's appointment and the vaping bill in early July.





# Vaping advocate says Howard council should take inspiration from Baltimore law

By Amanda Yeager

Howard County Times/Columbia Flier

JUNE 16, 2015, 3:41 PM

**H**oward County should follow Baltimore's lead and allow bars and restaurants to choose whether or not to allow vaping, rather than banning the practice altogether, the leader of an association of vaping businesses told the County Council Monday night.

The suggestion was part of testimony on a new bill, introduced by Democratic Councilman Jon Weinstein, that would incorporate vaping, or smoking electronic cigarettes, into the current ban on traditional cigarette smoking in public places. The law prohibits smoking in public areas, including bars and restaurants, offices, stores and open-air venues, such as sports arenas and concert pavilions.

Last November, the Baltimore City Council passed a law banning electronic cigarettes in most of the city's public places, with an exception for bars and restaurants who decide to allow vaping in their establishments.

E-cigarettes are a relatively new phenomenon in the United States -- the National Institute of Health's National Institute on Drug Abuse says they have been available to Americans since 2007.

The devices, which are not regulated by the U.S. Food and Drug Administration, have sparked controversy as their use has grown.

Opponents worry about their potential impact on health, while supporters say e-cigarettes are playing a role in helping smokers quit traditional cigarettes by offering up a cleaner source of nicotine.

"Vapor products are creating ex-smokers every day in Maryland, and this council should take no action that would actively discourage smokers to stop smoking," Gregory Conley, the president of the American Vaping Association, a nonprofit supported by small and medium-sized vaping businesses, told council members.

But Michaeline Fedder, government relations director for the American Heart Association, called e-cigarettes "dangerous" and pointed to lack of oversight for their manufacturers, as well as the potential for small children to accidentally drink the nicotine-containing vapor "juice" and for older ones to become addicted to vaping.

"The bottom line for us is it should be treated exactly how cigarettes are treated," she said.

Though Conley and Fedder were the only people to testify in person Monday night, six more individuals and organizations -- including the American Cancer Society and the Maryland Group Against Smoker's Pollution -- sent testimony in support of the bill.

"I work in a bar/restaurant and do not want to be forced to inhale unknown substances in my workplace!" Rosalee Bennett, who lives in Chester, Md., wrote.

Tuesday, Weinstein said he didn't expect to make any changes to his bill.

"I need to take a look at more detail that has been offered as supporting evidence" for assertions made by Conley and

Fedder, he said, but "I think right now it's pretty solid and reflects the direction I want to go."

### **Garber nomination**

Supporters, and a few opponents, of Susan Garber's nomination to the Planning Board turned out in force Monday night to testify on her appointment.

The high level of attendance was a deviation from the usually routine appointment process, in which council members typically approve the county executive's appointments to boards and commissions without much discussion.

Garber's appointment, however, has generated debate over the past few weeks.

While supporters point to her years of community involvement, opponents of her nomination say they object to some of her past positions, particularly a July 2014 editorial in The Howard County Times that characterized the Howard County Education Association as "greedy" and "manipulative."

In a letter to the council, HCEA President Paul Lemle called Garber's remarks, written during a stand-still in negotiations between the union and the public school system's administration, "inflammatory" and "unfair."

"The association has serious doubts that Ms. Garber will treat the people of our county with the kindness, dignity, and respect they deserve," Lemle wrote.

Though most of the XX people who testified Monday night supported Garber's appointment, the council heard from 52 others, mostly teachers, who were opposed.

Savage resident Ron Coleman said he thought the critiques related to Garber's editorial were irrelevant. "The criticism lodged at her this past weekend has absolutely nothing to do with the affairs of the Planning Board," he said.

Coleman and others said Garber's enthusiasm and experience as a former special education teacher, program director for the Johns Hopkins University/Maryland State Department of Education Center for Technology in Human Disabilities (now the Center for Technology in Education) and founder of the nonprofit AT:LAST qualified her for a role on the Planning Board, which reviews development plans for proposed projects across the county.

If appointed, Garber would replace board chair Josh Tzucker, whose five-year term ended in May. Tzucker, who is eligible to serve three more years, has said he was "surprised" by County Executive Allan Kittleman's decision not to renew his term.

Garber, who leads the Savage Community Association and has been a community volunteer and activist for many years, told the council she looked forward "to involvement at a time when the county faces new challenges and opportunities" if her appointment is confirmed.

"I'll apply the rules as written, guided by my intent to promote the health, safety and wellness of the community," she said.

The council is expected to vote on Garber's appointment and the vaping bill in early July.

Copyright © 2015, The Baltimore Sun

# Howard council to consider vaping ban for public places

By **Amanda Yeager** and [ayeager@tribune.com](mailto:ayeager@tribune.com)  
Howard County Times

JUNE 1, 2015, 8:36 PM

**T**he Howard County Council is considering a ban on smoking electronic cigarettes in public places.

Councilman Jon Weinstein, a Democrat from Ellicott City, introduced the legislation at the council's voting session Monday night. Democratic councilmembers Calvin Ball and Jen Terrasa are co-sponsors.

E-cigarettes – battery-powered devices that allow smokers to inhale nicotine without producing the noxious smoke of a traditional cigarette – have blossomed into a \$1.5 billion industry since being introduced in the United States less than a decade ago.

According to a National Institute on Drug Abuse report cited in the bill, use of electronic cigarettes and vaporizers, or "vaping," has doubled every year since 2010.

Weinstein's legislation would add e-cigarettes to a 2006 law banning smoking in public places, including inside bars, restaurants, stores and offices, and at open-air concert venues and sports arenas.

The councilman said he decided to introduce the bill because he's concerned that smoke from e-cigarettes might have unknown harmful effects. The U.S. Food and Drug Administration does not yet regulate the devices. On its website, the FDA notes that e-cigarettes "have not been fully studied" and might come with as-yet-undiscovered risks, including the possibility that inhaling secondhand vapor from the devices could expose bystanders to harmful chemicals.

A recent study from the Centers for Disease Control and Prevention found that e-cigarette use increased dramatically among teenagers last year; 13.4 percent of high schoolers surveyed said they had used an e-cigarette at least once in the past 30 days, compared with 4.5 percent who said the same in 2013.

"For me, it's just common sense with the rapid increase of use, particularly among teens and younger teens, which for me was particularly alarming," Weinstein said. "We need to treat it like any other kind of smoking, whether the device is something you light with a match or you have a battery in."

Locally and nationwide, lawmakers are considering the effects of the rise in vaping on public health. Though the Maryland General Assembly has declined to prohibit vaping in public places, Maryland is among a growing number of states that bans minors from buying e-cigarettes. In November, the Baltimore City Council approved a bill prohibiting vaping inside most businesses, and Boston, New York City, New Jersey, Los Angeles and Utah have all passed similar bans.

But Shawn Bowser, who owns Big Kahuna, a vape shop in Ellicott City, said he doesn't understand concerns about teens turning to vaping. Most of his customers are former smokers or people trying to kick a smoking habit.

"Most people's goal is actually to quit smoking," Bowser, who has operated his business for three years and sold vaping products out of a brick-and-mortar store at the Normandy shopping center for the past two, said.

He said he "could count on one hand" the number of teenage customers who have entered the shop. Only about 10 customers he's met had never smoked before.

The vaping ban is the next in a series of public health and safety bills proposed by Democrats on the council in recent months.

Last month, councilmembers voted 4-1 to pass a bill banning weapons in county buildings, with exceptions for police officers and people who have permission to carry guns on county business. Fulton Republican Greg Fox, who said the bill would be ineffective at making county buildings safer because they are not equipped with metal detectors, was the dissenting vote.

The council is also considering a bill that would create a set of nutritional standards for food and drinks sold on county property, with the goal of offering healthier options. That legislation was tabled Monday night.

Ball, the nutrition bill's sponsor, said he wanted to iron out the details of the bill after a busy budget season.

"This gives us the time to work through any questions and clarifications," he said of the decision to table.

Copyright © 2015, The Baltimore Sun

---

## Sayers, Margery

---

**From:** Feldmark, Jessica  
**Sent:** Sunday, June 14, 2015 8:20 PM  
**To:** Sayers, Margery; Habicht, Kelli  
**Subject:** CB28-2015  
**Attachments:** CB 28-2015; E Cigarette Bill; Please vote to pass CB 28-2015 to add e-cigs to HC's smoke-free air law; bill number is CB 28-2015 re: e cigarettes; Support CB 28-2015; Please pass CB 28-2015; support of CB28-2015; Please vote for passage of CB28-2015

Testimony to post and file...thanks!

Jessica Feldmark  
Administrator  
Howard County Council  
410-313-3111  
[jfeldmark@howardcountymd.gov](mailto:jfeldmark@howardcountymd.gov)

## Sayers, Margery

---

**From:** Bonita Pennino <bonita.pennino@cancer.org>  
**Sent:** Friday, June 12, 2015 3:34 PM  
**To:** CouncilMail  
**Subject:** CB 28-2015  
**Attachments:** e-cigarettes Howard Co Written.doc

Attached please find the written testimony of the American Cancer Society Cancer Action Network pertaining to CB 28-2015.

**Bonita Pennino, MS** | Maryland and DC Government Relations Director  
American Cancer Society Cancer Action Network, Inc.  
801 Roeder Rd Suite 800  
Silver Spring, MD 20910  
Phone: 301.562.3621 | Mobile: 301.758.1255

[acscan.org](http://acscan.org)



[acscan.org](http://acscan.org)

*This message (including any attachments) is intended exclusively for the individual to whom it is addressed and may contain proprietary, protected, or confidential information. If you are not the named addressee, you are not authorized to read, print, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately.*



American Cancer Society  
Cancer Action Network  
801 Roeder Road, Suite 800  
Silver Spring, MD 20910  
301.758.1255  
www.acscan.org

June 15, 2015

**TO:** Members Howard County Council  
**FROM:** Bonita M. Pennino, MS, Government Relations Director  
**RE:** Bill 28 -2015 Prohibiting the use of Electronic Smoking Devices in public places and places of employment  
**Position:** **Support with amendments**

**The American Cancer Society Cancer Action Network (ACS CAN) strongly supports prohibiting the use of electronic smoking devices in restricted areas in parity with traditional tobacco products.**

The American Cancer Society Cancer Action Network has significant concerns about the potential public health effects of electronic smoking devices such as electronic-cigarettes. There are concerns that they may create new tobacco users, keep people smoking rather than quit, and reverse efforts that have made smoking socially unacceptable. There is still no scientific evidence that electronic smoking devices can help smokers quit. Much more research is needed to determine what ingredients these products contain, how they are being used and what health effects they have on both users and those around the user.

Although ACS CAN supports the inclusion of electronic smoking devices in smoke-free laws, caution must be exercised when opening an existing law to ensure that it is not weakened in any way. In addition, to eliminate any confusion and strengthen the bill, ACS CAN makes the following recommendations:

1. Remove the exemptions for FDA approved electronic cigarettes. If the FDA approves electronic cigarettes as cessation product, allowing their use in public places due to social norming issues, involuntary exposure to aerosol emitted by product, and inability of business owners and public to distinguish between products approved by FDA and those that are not.
2. Amend the definition of smoking devices as follows:  
*“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.*





3. Amend the definition of smoking as follows:

*“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.*

4. Amend the definition of tobacco product as follows

*“Tobacco product” means:*

*(a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus; and*

*(b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.*

*(c) Notwithstanding any provision of subsections (a) and (b) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.*

Until more research has been done regarding the potential health consequences caused by electronic smoking devices, ACS CAN supports restricting their use in parity with traditional tobacco products. Comprehensive smoke-free laws, along with regularly and significantly increasing the price of all tobacco products, and adequately funding tobacco prevention and cessation programs, are proven, effective ways to reduce tobacco’s toll.



## Sayers, Margery

---

**From:** Ingrid Castronovo <ingridcastronovo@gmail.com>  
**Sent:** Tuesday, May 26, 2015 10:53 AM  
**To:** CouncilMail  
**Subject:** bill number is CB 28-2015 re: e cigarettes

Dear County Council Members:

Please, please support Bill CB 28-2015. Howard Co. has made such excellent progress for the public health of its constituents. "Big Tobacco" is looking for any crack they can find to continue to profit from cigarettes and e-cigarettes. We must not make it easy for them. No one wants anyone in their family to vape e cigarettes and damage their lungs and health. Or, to use e cigarettes in public as they set a bad example for children and also are a gateway to tobacco cigarettes. Let's keep this new angle from Big Tobacco at bay as much as we can. Please support the bill and discourage the use of these devices.

Thank you for reading this.

Ingrid Castronovo  
410-780-6248

**Sayers, Margery**

---

**From:** Royal Buyer <royalbuyer5@gmail.com>  
**Sent:** Friday, June 12, 2015 8:16 PM  
**To:** CouncilMail  
**Subject:** support of CB28-2015

Congratulations on introducing a bill prohibiting e-cigarettes.

Your action will encourage other counties to take similar action.

May there be a large audience in favor of the bill.

I am a resident of Montgomery County and wish you well.

Royal S. Buyer

**Sayers, Margery**

---

**From:** Rosalee Bennett <rozannben@msn.com>  
**Sent:** Thursday, June 11, 2015 2:28 PM  
**To:** CouncilMail  
**Subject:** E Cigarette Bill

Please vote FOR CB 28-2015!!! I do not wish to be subject for the unknown...most probably toxic...vapors in public places! I work in a bar/restaurant and do not want to be forced to inhale unknown substances in my workplace!!!

Rosalee Bennett  
402 Hanna Ct.  
Chester, Md. 21619

Sent from Windows Mail

**Sayers, Margery**

---

**From:** Laura G <parlerhablar@gmail.com>  
**Sent:** Tuesday, May 26, 2015 10:40 AM  
**To:** CouncilMail  
**Subject:** Support CB 28-2015

Howard County Council Members,

Please support CB 28-2015 which would ban the use of e-cigarettes in key public places and places of employment. e-Cigarettes are known to be carcinogenic as well as pollute the air for anyone nearby, and therefore are not viable replacements for tobacco products. Additionally, this bill would help stem the rising usage among teens.

Laura Galvin  
Bethesda, MD 20814

## Sayers, Margery

---

**From:** Mdgasp@aol.com  
**Sent:** Thursday, June 11, 2015 3:07 PM  
**To:** CouncilMail  
**Cc:** MDGASP@aol.com  
**Subject:** Please vote for passage of CB28-2015

Honorable Council Members

On behalf of the more than 1,000 members of the Maryland Group Against Smoker's Pollution (MDGASP), I urge you to support and vote for passage of CB28-2015. This bill would prohibit the use of E-cigarettes where the smoking of normal tobacco cigarettes is prohibited. Since there are over 200 manufacturers of E-cigarettes and since they are mostly foreign manufactured with no government oversight, nobody knows what is contained in the aerosols from these devices. It is incumbent on the governments, such as the Howard County Council, to protect your citizens from exposure to these devices.

Many of our MDGASP members reside in Howard County. Thank you for protecting them and those of us who frequent Howard County for shopping, dining and entertainment.

John O' Hara: Ph. D  
President  
Maryland Group Against Smoker's Pollution  
Box 863, Bowie, MD 20718  
(P) 301-262-3434  
[MDGASP@aol.com](mailto:MDGASP@aol.com)



**Sayers, Margery**

---

**From:** David Kosterlitz <david.s.kosterlitz@gmail.com>  
**Sent:** Thursday, June 11, 2015 1:50 PM  
**To:** CouncilMail  
**Subject:** Please vote to pass CB 28-2015 to add e-cigs to HC's smoke-free air law

Hi HC Councilmembers:

Please pass CB 28-2015 to add e-cigs to HC's smoke-free air law.

Thanks very much!

--

David S. Kosterlitz  
6209 Hollins Dr  
Bethesda, MD 20817

(301) 564-5734

