

A. is not a restaurant or hotel as defined in Article 2B, § 1-102 of the Code;

B. possesses an alcoholic beverages license issued under Article 2B of the Code that allows consumption of alcoholic beverages on the premises of the establishment; and

C. is generally recognized as a bar or tavern;

3. a bar in a hotel or motel;

4. a club as defined in Article 2B, § 1-102 of the Code that possesses an alcoholic beverages license issued under Article 2B of the Code and that allows consumption of alcoholic beverages on the premises of the club;

5. in the case of a restaurant as defined in Article 2B, § 1-102 of the Code[;]:

A. if the restaurant does not possess an alcoholic beverages license issued under Article 2B of the Code, a separate enclosed room not to exceed 40% of the total area of the restaurant; or

B. if the restaurant possesses an alcoholic beverages license issued under Article 2B of the Code, a bar or bar area, a separate enclosed room not exceeding 40% of the restaurant, or a combination of a bar or bar area and a separate enclosed room not exceeding 40% of the total area of the restaurant including the bar or bar area;

6. up to 40% of the sleeping rooms in a hotel or motel;

7. a separate enclosed room of an establishment other than an establishment specified in items 1 through 6 of this subparagraph that possesses an alcoholic beverages license issued under Article 2B of the Code that allows consumption of alcoholic beverages on the premises of the establishment; [or]

8. up to 40% of the premises of a fraternal, religious, patriotic, or charitable organization or corporation or fire company or rescue squad that is subject to the authority of the Secretary during an event that the organization or corporation holds on its own property and which is open to the public; OR

9. UP TO 40% OF A PREMISES SUBJECT TO THE AUTHORITY OF THE COMMISSIONER WHERE A GAME OF BINGO IS BEING CONDUCTED FOR PROFIT AND THAT IS OPEN TO THE PUBLIC.

(ii) A separate enclosed room in which smoking is permitted under subparagraph (i) of this paragraph is not required to have a specially modified ventilation system for the room.

(2) For the purposes of paragraph (1)(i)5B of this subsection, "bar or bar area" means an area within a restaurant that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is incidental to the consumption of the alcoholic beverages, and the immediately adjacent seating area.