

(A) IN THIS SECTION "SMOKING" MEANS THE ACT OF SMOKING OR CARRYING A BURNING:

- (1) CIGAR;
- (2) CIGARETTE;
- (3) PIPE; OR
- (4) OTHER TOBACCO PRODUCT OF ANY KIND.

(B) Every Director of a [hospital,] nursing home, health clinic, or physician's office shall make and carry out a plan that adequately protects the health of nonsmoking patients by regulating the smoking of tobacco products on the premises.

(C) (1) AN INDIVIDUAL MAY NOT SMOKE IN ANY AREA OF A HOSPITAL.

(2) THE HOSPITAL DIRECTOR SHALL PROVIDE FOR THE POSTING AND PLACEMENT OF CONSPICUOUS SIGNS THAT CLEARLY INDICATE THAT SMOKING IS NOT PERMITTED IN THE HOSPITAL.

(D) ~~AN INDIVIDUAL WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS SUBJECT TO:~~

~~(1) A CIVIL PENALTY OF \$25; AND~~

~~(2) EXPULSION FROM THE HOSPITAL BY THE HOSPITAL DIRECTOR OR THE HOSPITAL DIRECTOR'S AGENT.~~

~~(E) (1) THIS SECTION DOES NOT APPLY TO A FACILITY FOR THE TREATMENT OF MENTAL DISORDERS AS DEFINED IN § 12-101(E) AND (F) OF THIS ARTICLE. PATIENTS WHO ARE:~~

(I) IN A FACILITY FOR THE TREATMENT OF MENTAL DISORDERS AS DEFINED IN § 10-101(E) OF THIS ARTICLE;

(II) IN A FACILITY WHERE THE AVERAGE PATIENT STAY IS MORE THAN 30 DAYS; OR

(III) IN AN ACUTE CARE HOSPITAL AND THE ATTENDING PHYSICIAN AUTHORIZES SMOKING, IN WRITING, AS PART OF THE CARE FOR THE PATIENT.

(2) SMOKING PERMITTED UNDER THIS SECTION SHALL BE IN DESIGNATED AREAS THAT ARE CONSIDERED SAFE AND PROVIDE NONSMOKING PATIENTS, FAMILY MEMBERS, AND EMPLOYEES PROTECTION FROM TOBACCO SMOKE.

(3) SMOKING MAY NOT BE PERMITTED WHERE NONSMOKING PATIENTS SLEEP.