

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.

~~(H) THE PROHIBITION ON REGULATIONS UNDER SUBPARAGRAPH (1) 2 AND 3, 3, AND 4 OF THIS PARAGRAPH APPLIES ONLY TO THE AREA IN WHICH ALCOHOLIC BEVERAGES MAY BE CONSUMED.~~

~~(2) THE COMMISSIONER MAY ADOPT REGULATIONS TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS IN SPECIFIED AREAS OF A FRATERNAL, RELIGIOUS, PATRIOTIC, OR CHARITABLE ORGANIZATION OR CORPORATION OR FIRE COMPANY OR RESCUE SQUAD THAT IS SUBJECT TO THE AUTHORITY OF THE COMMISSIONER AND THAT HOLDS AN EVENT OPEN TO THE PUBLIC ON ITS OWN PROPERTY WHILE THE EVENT IS OCCURRING IF THE REGULATIONS DO NOT REQUIRE:~~

~~(I) THAT LESS THAN 50% NOR MORE THAN 60% OF THE PREMISES BE SUBJECT TO THE SMOKING PROHIBITION; OR~~

~~(II) THAT THE STRUCTURAL OR ATMOSPHERIC CONDITIONS OF THOSE PREMISES BE MODIFIED.~~

~~(3) THE COMMISSIONER MAY ADOPT REGULATIONS TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS IN SPECIFIED AREAS OF A RESTAURANT AS DEFINED IN ARTICLE 2B, § 1-102 OF THE CODE THAT POSSESSES AN ALCOHOLIC BEVERAGES LICENSE ISSUED UNDER ARTICLE 2B OF THE CODE, A HOTEL, OR A MOTEL, IF THE REGULATIONS DO NOT REQUIRE:~~

~~(I) THAT LESS THAN 50% NOR MORE THAN 60% OF THE PREMISES OF THE RESTAURANT, OR LESS THAN 50% NOR MORE THAN 60% OF THE HOTEL OR MOTEL ROOMS BE SUBJECT TO THE SMOKING PROHIBITION; OR~~

~~(II) THAT THE STRUCTURAL OR ATMOSPHERIC CONDITIONS OF THE AREAS OF THE RESTAURANT, HOTEL, OR MOTEL BE MODIFIED.~~

~~(II) A SEPARATE ENCLOSED ROOM IN WHICH SMOKING IS PERMITTED UNDER SUBPARAGRAPH (1) OF THIS PARAGRAPH IS NOT REQUIRED TO HAVE A SPECIALLY MODIFIED VENTILATION SYSTEM FOR THE ROOM.~~

~~(2) FOR THE PURPOSES OF PARAGRAPH (1)(1)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.~~

~~(4) (3) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION:~~

~~(H) A PROPRIETOR OF AN ESTABLISHMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY RESTRICT OR PROHIBIT SMOKING ON THE PREMISES OF THE ESTABLISHMENT; AND~~