

~~(I) ANY ESTABLISHMENTS OR RESTAURANTS THAT POSSESS AN ALCOHOLIC BEVERAGE LICENSE ISSUED UNDER ARTICLE 2B OF THE CODE;~~

~~(II) BARS;~~

~~(III) TAVERNS;~~

~~(IV) HOTELS; AND~~

~~(V) MOTELS.~~

~~(2) THE COMMISSIONER MAY ADOPT REGULATIONS TO PROHIBIT THE SMOKING OF TOBACCO PRODUCTS IN SPECIFIED AREAS OF AN ESTABLISHMENT DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, PROVIDED THAT THE AREAS OF THE ESTABLISHMENT WHERE SMOKING IS ALLOWED SHALL:~~

~~(I) BE ENTITLED TO RECEIVE THE SAME SERVICES, ALLOW THE SAME ACTIVITIES, AND BE AT LEAST THE SAME AREA SIZE AS THE AREAS IN THE ESTABLISHMENT THAT PROHIBIT SMOKING; AND~~

~~(II) BE ESTABLISHED WITHOUT ANY REQUIREMENTS TO MODIFY THE STRUCTURAL OR ATMOSPHERIC CONDITIONS OF THE AREAS OF THE ESTABLISHMENT.~~

(1) (I) NOTWITHSTANDING ANY REGULATIONS ADOPTED BY THE COMMISSIONER MAY NOT PROPOSE OR ADOPT ANY REGULATION THAT RESTRICTS UNDER THIS SECTION, THE SMOKING OF TOBACCO PRODUCTS IS PERMITTED IN ANY OF THE FOLLOWING LOCATIONS UNLESS RESTRICTED AS AUTHORIZED UNDER PARAGRAPH (3) OF THIS SUBSECTION:

1. ANY PORTION OF A PRIVATE RESIDENCE WHICH IS NOT OPEN TO THE PUBLIC FOR BUSINESS PURPOSES;

2. ANY ESTABLISHMENT THAT:

A. IS NOT A RESTAURANT OR HOTEL AS DEFINED IN ARTICLE 2B, § 1-102 OF THE CODE AND THAT;

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; OR

3. A BAR IN A HOTEL OR MOTEL; OR

4. A CLUB AS DEFINED IN ARTICLE 2B, § 1-102 OF THE CODE AND 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;