

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.

(H) THE PROHIBITION ON REGULATIONS UNDER SUBPARAGRAPH (I)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