

~~(H) 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 (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.

~~(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~~

~~(H) AN ENTITY DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION AND A PROPRIETOR OF A RESTAURANT, HOTEL, OR MOTEL DESCRIBED IN PARAGRAPH (3) OF THIS SUBSECTION MAY RESTRICT OR PROHIBIT SMOKING TO A GREATER EXTENT THAN REQUIRED BY REGULATIONS ADOPTED UNDER THIS SUBSECTION.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed retroactively and shall be applied to and interpreted to affect the enforcement of any regulations, including COMAR 09.12.23.01 through .05, that have been proposed or adopted by the Secretary of Licensing and Regulation or the Commissioner of the Division of Labor and Industry that address the smoking or possession of tobacco products in establishments affected by this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is not intended to preempt the authority of a county or municipal corporation to enact any law or ordinance that is more restrictive of smoking in establishments open to the public in which smoking is permitted under Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved March 27, 1995.