

(II) 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 VOLUNTEER 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.

(4) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION:

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

(II) 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.

(D) (1) After a public hearing and with the approval of the Advisory Committee on Wage and Hour Law, the Commissioner may adopt regulations that are necessary to carry out Title 3, Subtitle 4 of this article.

(2) Unless the Commissioner provides otherwise, a regulation that the Commissioner adopts under this subsection takes effect on publication.