(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) THE COMMISSIONER MAY NOT PROPOSE OR ADOPT ANY REGULATION THAT RESTRICTS THE SMOKING OR POSSESSION OF TOBACCO PRODUCTS IN ANY OF THE FOLLOWING:

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

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

3. 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 THAT ALLOWS CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES OF THE CLUB.

(II) 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 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: