

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 132.

This bill creates an exception to the comprehensive law passed last year regulating smoking in the workplace for a for-profit bingo establishment. Such an establishment would be exempt from the authority of the Secretary of Labor, Licensing and Regulation and the Commissioner of Labor to restrict smoking in the workplace. Under the bill, smoking would be permitted in up to 40% of the premises of a for-profit bingo establishment and the requirement that the smoking area be enclosed in a separate room would not apply. Proponents of the legislation have argued that such an exemption "levels the playing field" because under current law fraternal, religious, patriotic, or charitable organizations, or fire or rescue squads may allow smoking on up to 40% of their premises without the need for a separately enclosed room. Some of these organizations conduct bingo on a nonprofit basis.

The comprehensive law passed last year arose out of my commitment to ensure that the health of workers in Maryland is protected from the effects of second-hand smoke. Maryland leads the nation in certain cancer-related deaths. Last year's law was the product of lengthy debate and discussion between this Administration and the General Assembly, as well as within the General Assembly itself. The exemptions in the bill were generally based on two grounds. First, the law allows smoking in up to 40% of certain establishments without the need for a separately enclosed room based on whether the establishment is part of the hospitality industry or a club and has an alcoholic beverage license. Second, smoking is allowed on up to 40% of the premises of certain nonprofit entities such as fraternal, religious or charitable organizations during an event open to the public.

This bill clearly expands the closely tailored exemptions established last year to include for-profit entities not associated with the hospitality industry, in this case for-profit bingo establishments. Very simply, this exemption further erodes the authority of the Secretary and the Commissioner to regulate smoking in the workplace. While I have listened to the arguments raised by the for-profit bingo owners, I suspect there are many for-profit establishments throughout the State who, as employers, would prefer to have a specific exemption from the authority of the Secretary of Labor, Licensing and Regulation and the Commissioner of Labor to restrict smoking in the workplace. I do not believe further exemptions should be made to the smoking law of the kind proposed here.

For these reasons, I have vetoed House Bill 132.

Sincerely,
Parris N. Glendening
Governor

House Bill No. 132

AN ACT concerning

Smoking in the Workplace – Exemption – For-Profit Bingo Establishments

FOR the purpose of permitting the smoking of tobacco products in a certain percentage of certain premises subject to the authority of the Secretary of Labor, Licensing, and