

**R032-0506**

10     **A RESOLUTION CONCERNING**  
20     **TOBACCO USE IN PRIVATE ESTABLISHMENTS IN THE STATE OF MARYLAND**

30     **WHEREAS:**     The rights of personal property owners is a cornerstone of American Democracy; and,

40     **WHEREAS:**     Many municipalities both in the state of Maryland and elsewhere have recently sought to  
50                     quash these property rights by making it a crime for owners of bars and restaurants to  
60                     allow tobacco use in their own establishments. Most notably Montgomery County and  
70                     Prince George's County have eliminated all smoking in bars and restaurants, with other  
80                     municipalities considering similar action, and;

90     **WHEREAS:**     Tobacco is a legal product which is consumed by millions of consenting adults; and,

100    **WHEREAS:**     In the years before the enactment of so-called “smoking bans” drinking and dining  
110                    establishments were free to make their own policies on tobacco use. Many places  
120                    prohibited tobacco use, and others continued to allow it. The free market forces of  
130                    capitalism were allowed to dictate where you could and could not smoke, and proprietors  
140                    routinely set their own rules; and,

150    **WHEREAS:**     The basis for banning smoking is based on the premise that incidental second-hand smoke  
160                    can have grave consequences, although it is equally true that the proper ventilation system  
170                    can eliminate the possibility of second hand smoke having any affect on a passer-by; and,

180    **THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges both State and Local  
190                    officials in the State of Maryland to refrain from passing anymore widespread indoor  
200                    smoking bans and repeal those currently on the books, thus affirming the rights of  
210                    property owners to set their own rules on the matter; and,

220    **BE IT FURTHER RESOLVED:** That any municipality seeking to mitigate effects of second hand smoke  
230                    can simply require better ventilation for establishments that wish to allow smoking, thus  
240                    protecting the health of their citizens while still recognizing the legal rights of consenting  
250                    adults to engage in legal behavior.

260    **MANDATES:**     Governor Bob Ehrlich  
270                    State Senator Mike Miller, Senate Majority Leader  
280                    Delegate Mike Busch, Speaker of the House  
290                    Mayor Martin O'Malley  
300                    County Executive Doug Duncan, Montgomery County  
310                    County Executive Jack Johnson, Prince Georges County  
320                    County Executive Janet Owens, Anne Arundel County  
330                    County Executive Jim Smith, Baltimore County

**Sponsor:**

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