

Daniel Meijer

March 5, 2024

Montgomery County Council
100 Maryland Avenue
Rockville Maryland 20850

Support: Bill 3-24 "Late Night Establishments- Hours of Operation"

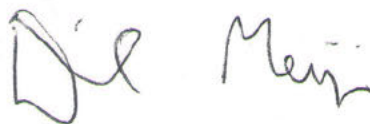
I support Bill 3-24 whose "Purpose" is accurately stated on page two of the staff report:

"Bill 3-24 is intended to address issues of public safety concerns relating to secondary effects like crime, which has increased significantly because of late night hookah establishments. There has been an increase in the number of arrests, police presences in central business districts, and excess overtime expenditure for the police department"

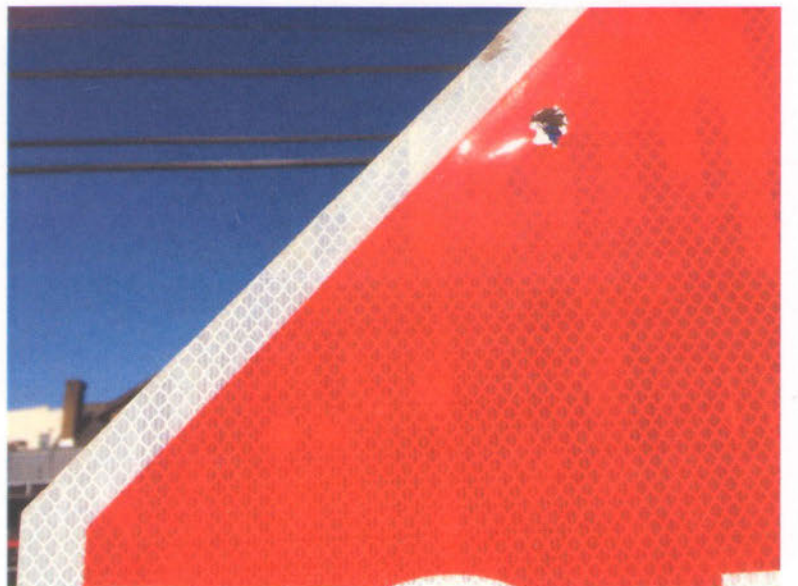
Attached is a photo collage I made of the bullet holes on the 900 block of Bonifant Street in downtown Silver Spring that exemplify this problem.

Be aware that State law forbids smoking in business establishments, with only one exemption: as an "incidental activity" in a tobacco shop (see second attachment). By limiting the hours Hookah bars may operate as proposed, this Bill then also helps ensure that such establishment comply with the Maryland *no-smoking in public places* laws.

Thank you for addressing this important public safety issue,



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Hookah facilities possess a trader license for a tobacco shop, and therefore operating as a tobacco shop the business may be called a Hookah facility. Hookah facilities are permitted to sell tobacco and other incidentals (lighters, hookah pipes and other tobacco products), but not food and drink. The basis under which this operates is under the regulation by Maryland COMAR 10.19.04, which is the "Clean Indoor Air Act", and the Montgomery County Code, Chapter 24. These codes state: it is illegal to smoke in an indoor area that is open to the public. The regulation and code define smoking as the burning of a lighted cigarette, cigar, pipe, or another matter or substance that contains tobacco. Montgomery County defines smoking as the act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette, or pipe, of any kind. **As a result, a Hookah facility serving food and drink would be illegal.**

Here is more from that site:

Under the Montgomery County Code, Chapter 24, a variety of smoking related topics are covered: smoking and tobacco products; availability and distribution to minors and enforcement. The code also says a person must not smoke or use any electronic cigarette in an indoor area open to the public except in a tobacco shop or a vape shop. A vape shop does not include an area of a larger store in which electronic cigarettes are sold. Vape shops cannot serve food and drink. Click link below for complete information and contacts. For complaints regarding establishment issues including violations and underage sales, online users may submit a request by clicking on the **Create Service Request** button below. Please complete all of the fields in the **Contact Information** section then scroll down to the bottom of the page and provide a brief description of the request in the **Brief Description** field. **Tobacco Violations are handled by Department of Liquor Control.**

Also see COMAR Sec. 10.19.04.03. "Exclusions"

[to the State no-smoking in public places laws]

D. A retail tobacco business that is a sole proprietorship, limited liability company, corporation, partnership, or other enterprise, in which:

(1) **The primary activity is the retail sale of tobacco-containing products and accessories; and**

(2) The sale of other products is incidental;

This implies to me that the [zoning?] code may only allow [on-site] hookah [smoking] as an incidental activity of/in a tobacco business/shop - which I suspect may not be the case for such establishments in DTSS that currently very loudly advertise/display "Hookah" on their store front window[s]?