

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER PERTAINING TO
SMOKING IN JUDICIAL BRANCH FACILITIES

WHEREAS, Scientific research has demonstrated that smoke, emissions, and aerosols from cigarettes, cigars, cigarillos, pipes, and other smoking apparatuses including, but not limited to, electronic smoking devices are harmful to the health both of individuals who do not smoke and those who do; and

WHEREAS, In 2016, the Surgeon General concluded that secondhand emissions from electronic cigarettes contain, “nicotine; ultrafine particles; flavorings such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead”; and

WHEREAS, The Clean Indoor Air Act of 2007 was implemented to protect the public and employees from involuntary exposure to environmental tobacco smoke in indoor areas open to the public, indoor places of employment, and certain designated private areas; and

WHEREAS, Section 01.01.1992.20. of the Code of Maryland Regulations, Executive Agency Policy on Smoking, prohibits smoking in all State-owned or leased Executive Branch buildings, facilities, and offices, and in all government-operated shuttle buses utilized in the Executive Branch; and

WHEREAS, The General Assembly of Maryland has prohibited smoking in all offices and work areas of the Department of Legislative Services in compliance with the Clean Indoor Air Act, including the use of electronic smoking devices; and

WHEREAS, It is the responsibility of the Judicial Branch of the State Government to promote a healthy and safe environment for all persons, including judicial officials and employees who work in, or members of the public who conduct business in or visit, State-owned, leased, or occupied Judicial Branch facilities; and

WHEREAS, An Administrative Order pertaining to smoking in Judicial Branch facilities was issued previously on November 9, 1992; and

WHEREAS, It is appropriate to reissue an updated Order so as to include smoking devices that pose similar health risks,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 29th day of August 2019 that, effective immediately:

- (a) The following policy is adopted to promote a healthful environment in all State-owned, leased, or occupied buildings, facilities, or offices housing Judicial Branch officials or employees.
- (b) All Judicial Branch officials, personnel, and contractors, whether they are compensated by the State or local government, as well as all individuals doing business at or visiting Judicial Branch locations described in (a), are prohibited from the following activities while within those locations or in the vicinity of the entrances and exits, including steps or ramps leading thereto:
 - (1) Smoking, using, or carrying any activated or lighted cigarettes, cigars, cigarillos, pipes, or other smoking apparatuses including, but not limited to, electronic smoking devices or products that use a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor or smoke from a solution or other substance.
- (c) The State Court Administrator, in order to implement this policy, shall develop procedures for:
 - (1) Informing Judicial Branch officials, employees, and other affected individuals of the policy, including posting of signage in appropriate locations;
 - (2) Disseminating information on smoking cessation programs available to assist officials and employees of the Judicial Branch;
 - (3) Preventing violations by encouraging voluntary compliance; and
 - (4) Establishing protocols for enforcing compliance, including interventions by security personnel, if necessary.
- (d) Any official or employee of the Judicial Branch who is found to have violated the policy shall be subject to appropriate disciplinary action.
- (e) To the extent local laws, shared facility policies, or lease requirements are more stringent than this policy, they shall govern with regard to those Judicial

Branch facilities located within such jurisdictions or housed in shared or leased facilities.

- (f) The Administrative Order issued under the above title on July 22, 2019, shall be, and hereby is, rescinded effective immediately.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed:

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk