

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2026, Legislative Day No. 14

Bill No. 68-26

Councilmembers Ertel & Marks

By the County Council, July 6, 2026

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Smoke Shops

FOR the purpose of defining a smoke shop; establishing certain location and proximity standards for a smoke shop with regard to schools, certain treatment facilities, recreation centers, public parks, and other smoke shops; requiring certain uses to be considered a smoke shop and subject to smoke shop requirements under certain circumstances; providing for limitations on lighting; re-numbering certain sections; requiring certain property owners of non-conforming smoke shops to come into compliance within a certain time; and generally relating to smoke shops.

BY adding

Sections 101.1, the definition of “smoke shop” listed alphabetically, and 448.8
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY re-numbering

Section 448.8 to be 448.9
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

ARTICLE 1 – GENERAL PROVISIONS

Section 101 – Definitions

§ 101.1. Word usage; definitions.

Words used in the present tense include the future; words in the singular number include the plural number; the word “shall” is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster’s Third New International Dictionary of the English Language, Unabridged.

SMOKE SHOP – A BUSINESS THAT:

A. IS ENGAGED IN THE RETAIL SALE OR ON-SITE CONSUMPTION OF TOBACCO PRODUCTS, TOBACCO SMOKING ACCESSORIES, ANY DEVICE OR PARAPHERNALIA THAT CAN BE USED TO DELIVER NICOTINE OR OTHER SUBSTANCES TO THE INDIVIDUAL INHALING FROM THE DEVICE, OR ANY CARTRIDGE, COMPONENT, OR ACCESSORY OF THE DEVICE; AND

1 B. OPERATES UNDER 1 OR MORE OF THE FOLLOWING LICENSES
2 ESTABLISHED BY THE STATE BUSINESS REGULATION ARTICLE:

3 1. A CIGARETTE RETAILER, AS ESTABLISHED BY SUBTITLE 2
4 OF TITLE 16;

5 2. A TOBACCONIST LICENSE, AS ESTABLISHED BY § 16.5-201;

6 3. A RETAILER OF OTHER TOBACCO PRODUCTS, AS
7 ESTABLISHED BY § 16.5-201;

8 4. AN ELECTRONIC SMOKING DEVICES RETAILER, AS
9 ESTABLISHED BY § 16.7-201; OR

10 5. A VAPE SHOP VENDOR, AS ESTABLISHED BY § 16.7-201; AND

11 C. DEVOTES MORE THAN 5 LINEAR FEET OF DISPLAY AREA,
12 MEASURED BY SHELF SPACE, COUNTER SPACE, AND WALL-MOUNTED DISPLAYS,
13 WHETHER VERTICAL OR HORIZONTAL, TO 1 OR MORE OF THE FOLLOWING
14 PRODUCTS OR DEVICES DEFINED BY THE STATE BUSINESS REGULATION
15 ARTICLE:

16 1. OTHER TOBACCO PRODUCTS, AS DEFINED BY § 16.5-101(J);

17 2. ELECTRONIC SMOKING DEVICES, AS DEFINED BY § 16.7-
18 101(C); OR

19 3. A COMBINATION OF BOTH TOBACCO PRODUCTS AND
20 ELECTRONIC SMOKING DEVICES; AND

21 D. IS NOT A BUSINESS:

1 1. THAT PRIMARILY DERIVES ITS REVENUE FROM THE SALE
2 OF PREMIUM CIGARS, PIPE TOBACCO, MEMBERSHIP FEES, OR LOCKER RENTALS;
3 OR

4 2. WHERE THE SALE OF TOBACCO PRODUCTS IS SECONDARY
5 TO THE BUSINESSES' PRIMARY RETAIL FUNCTION AND LESS THAN 10% OF THE
6 BUSINESSES' REVENUE IS DERIVED FROM THE SALE OF TOBACCO PRODUCTS.

7
8 ARTICLE 4 – SPECIAL REGULATIONS

9 Section 448 – Hookah and Vapor Lounges; SMOKE SHOPS
10

11 § 448.8. SMOKE SHOPS.

12 A. FINDINGS.

13 1. IT IS WELL ESTABLISHED THAT SMOKING AND THE USE OF
14 TOBACCO PRODUCTS IS ONE OF THE LEADING CAUSES OF DEATH IN THE UNITED
15 STATES AND THAT MOST, IF NOT ALL, TOBACCO PRODUCTS CONTAIN THE
16 HIGHLY ADDICTIVE SUBSTANCE NICOTINE.

17 2. OVER DECADES OF RESEARCH, STUDIES HAVE SHOWN THAT
18 MOST SMOKERS BEGAN SMOKING AS TEENAGERS AND THE MOST EFFECTIVE
19 PUBLIC HEALTH POLICIES TO PREVENT A PERSON FROM STARTING TO SMOKE
20 INVOLVE LIMITING ACCESS TO TEENS, YOUNG ADULTS, AND THOSE ALREADY
21 SUFFERING FROM ADDICTION.

22 3. RISING RATES OF EXPOSURE TO AND USE OF TOBACCO
23 PRODUCTS IS CORRELATED WITH AN INCREASED USE OF ALTERNATIVE

1 TOBACCO PRODUCTS, SUCH AS VAPES, E-CIGARETTES, FLAVORED TOBACCO,
2 AND TOBACCO POUCHES, AS WELL AS HIGHLY TARGETED MARKETING
3 CAMPAIGNS.

4 4. A 2025 STUDY BY THE MARYLAND ALCOHOL, TOBACCO, AND
5 CANNABIS COMMISSION FOUND THAT BALTIMORE COUNTY HAS THE MOST
6 ELECTRONIC SMOKING DEVICE RETAILERS AND THE THIRD MOST CIGARETTE
7 RETAILERS AND OTHER-TOBACCO-PRODUCT RETAILERS OF ANY JURISDICTION
8 IN THE STATE.

9 B. PURPOSE. PURSUANT TO THE ABOVE FINDINGS, AND IN ORDER TO
10 PROMOTE THE HEALTH, SAFETY, AND PUBLIC WELFARE OF BALTIMORE COUNTY
11 RESIDENTS, IT IS THE PURPOSE OF THIS SECTION TO ESTABLISH CERTAIN LAND
12 USE STANDARDS AND REGULATIONS FOR SMOKE SHOPS.

13 C. A SMOKE SHOP SHALL NOT BE LOCATED WITHIN 1,000 FEET OF:

- 14 1. A PUBLIC OR PRIVATE SCHOOL;
15 2. A HOSPITAL, MENTAL HEALTH CENTER, OR SUBSTANCE ABUSE
16 CENTER LICENSED BY THE MARYLAND DEPARTMENT OF HEALTH;
17 3. A PUBLIC RECREATION CENTER;
18 4. A PUBLIC PARK OR PLAYGROUND; OR
19 5. ANOTHER SMOKE SHOP.

20 D. IN DETERMINING THE DISTANCE BETWEEN PROPERTIES, THE
21 MEASUREMENT SHALL BE CALCULATED USING THE SHORTEST SEPARATION
22 BETWEEN THE PROPERTY BOUNDARY LINES.

1 E. REGARDLESS OF ANY OTHER PROVISION IN THESE REGULATIONS TO
2 THE CONTRARY, THE FOLLOWING USES SHALL BE CONSIDERED A SMOKE SHOP
3 AND, IN ADDITION TO ANY OTHER REQUIREMENTS, ARE SUBJECT TO THE
4 REQUIREMENTS OF THIS SUBSECTION IF THEY MEET THE QUALIFICATIONS OF
5 PARAGRAPHS B AND C OF THE DEFINITION OF A SMOKE SHOP UNDER SECTION
6 101.1 OF THESE REGULATIONS:

- 7 1. A HOOKAH LOUNGE OR VAPOR LOUNGE;
- 8 2. A CONVENIENCE STORE; OR
- 9 3. A FUEL SERVICE STATION OR AUTOMOTIVE SERVICE STATION.

10 F. THE FOLLOWING LIGHTS OR LIGHTING ARE PROHIBITED:

11 1. ANY DISPLAYS OR SIGNS IN OR ON THE BUILDING OR PREMISES
12 WITH:

- 13 A. LED FLASHING LIGHTS; OR
- 14 B. PERMANENT ILLUMINATED TUBING OR STRINGS OF
15 LIGHTS OUTLINING PROPERTY LINES, SALES AREAS, ROOFLINES, DOORS,
16 WINDOWS, EDGES OF ANY BUILDING, OR FENCING; OR

17 2. A REVOLVING DEVICE THAT CAUSES INTERMITTENT FLASHES OF
18 LIGHT TO BE PROJECTED.

19
20 § [448.8.] 448.9. Regulations.

21 The department may adopt regulations in accordance with article 3, title 7 of the county
22 code, to carry out the provisions of section 448 of these regulations.

1 SECTION 2. AND BE IT FURTHER ENACTED, that the owner of a premises where a
2 smoke shop is located shall have one year from the effective date of this Act to come into
3 compliance with the requirements of Section 448.8. Any such smoke shop that does not conform
4 to the distance requirements set forth in Section 448.8.B of the Baltimore County Zoning
5 Regulations may continue to operate for one year from the effective date of this Act, but as of
6 that date, such businesses shall be required to comply with Section 448.8.B of these Regulations.
7 All other provisions of this Act shall take effect on the date as set forth in Section 3 of this Act.

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9 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
10 the affirmative vote of five members of the County Council, shall take effect 14 days after its
11 enactment.