

1

By: Delegate Kramer
(To be offered in the County Affairs Committee)

AMENDMENTS TO MC 10-13
(Sprint Copy)

AMENDMENT NO. 1

On page 1, in line 6, strike "abate" and substitute "enjoin an individual from committing"; and in line 11, after "time;" insert "establishing that a certain provision of law does not impose any duty or liability on the owner or manager of a multifamily residential building;".

AMENDMENT NO. 2

On page 3, in line 21, before "AN" insert "(A)"; in line 23, strike "ABATE" and substitute "ENJOIN AN INDIVIDUAL FROM COMMITTING"; and, after line 25, insert:

"(B) THIS SECTION DOES NOT IMPOSE ANY DUTY OR LIABILITY ON THE OWNER OR MANAGER OF A MULTIFAMILY RESIDENTIAL BUILDING."

Explanation of Amendments:

Amendment No. 1 is technical.

Amendment No. 2:

(1) changes the nature of the action that may be brought by an individual to remedy a tobacco smoke nuisance in a multiunit residential building from an action to abate the nuisance to an action to enjoin another individual from committing the nuisance; and

(2) clarifies that the creation of the private right of action to remedy the tobacco smoke nuisance does not impose any duty or liability on an owner or manager of an apartment building.

2

By: Delegate Kramer
(To be offered in the County Affairs Committee)

AMENDMENTS TO MC 10-13
(Sprint Copy)

AMENDMENT NO. 1

On page 1, in line 11, after "time;" insert "declaring the intent of the General Assembly that the authority granted to a local health officer under certain provisions of law does not include a certain type of nuisance;".

AMENDMENT NO. 2

On page 3, in line 14, after "(C)" strike "IN" and substitute "(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IN"; and after line 19, insert:

"(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AUTHORITY GRANTED TO A LOCAL HEALTH OFFICER UNDER §§ 20-302, 20-305, AND 20-306 OF THIS SUBTITLE MAY NOT INCLUDE THE NUISANCE DEFINED IN PARAGRAPH (1) OF THIS SUBSECTION."

Explanation of the Amendments:

Amendment No. 1 is technical.

Amendment No. 2 clarifies that this bill does not change the existing authority of a local health officer to investigate a suspected nuisance or bring an action to enjoin a person from committing a nuisance, which does not include tobacco smoke that drifts from one unit to another in a multidwelling building.

3

By: Delegate Kramer
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AMENDMENTS TO MC 10-13
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AMENDMENT NO. 1

On page 1, in line 7, strike "person" and substitute "individual".

AMENDMENT NO. 2

On page 3, in line 24, strike "PERSON" and substitute "INDIVIDUAL".

Explanation of Amendments:

Amendment No. 1 is technical.

Amendment No. 2 provides that the action to remedy a tobacco smoke nuisance in a multiunit residential building may be brought only against another individual.