

(B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROHIBIT ENVIRONMENTAL TOBACCO SMOKE, AS DEFINED IN § 24-501 OF THE HEALTH - GENERAL ARTICLE, IN INDOOR PLACES OF EMPLOYMENT NOT NORMALLY OPEN TO THE GENERAL PUBLIC.

(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SUBTITLE:

(I) FOR A FIRST VIOLATION, SHALL BE ISSUED A WRITTEN REPRIMAND BY THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE;

(II) FOR A SECOND VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF \$100; AND

(III) FOR EACH SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$250.

(C) THE COMMISSIONER MAY WAIVE A PENALTY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:

(1) THE SERIOUSNESS OF THE VIOLATION; AND

(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(D) A PENALTY COLLECTED BY THE COMMISSIONER UNDER THIS SECTION SHALL BE PAID TO THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

~~(G)~~ (E) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, THE DEPARTMENT SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(1) THE ENFORCEMENT EFFORTS OF THE DEPARTMENT TO ELIMINATE ENVIRONMENTAL TOBACCO SMOKE, AS DEFINED IN § 24-501 OF THE HEALTH - GENERAL ARTICLE, IN INDOOR PLACES OF EMPLOYMENT DURING THE PRIOR YEAR; AND

(2) THE RESULTS OF THESE ENFORCEMENT EFFORTS.

~~(D)~~ (F) AN EMPLOYER WHO DISCHARGES OR DISCRIMINATES AGAINST AN EMPLOYEE BECAUSE THAT EMPLOYEE HAS MADE A COMPLAINT