



March 8, 2022

TO: The Honorable Kumar P. Barve, Chair
The Honorable Dana Stein, Vice-Chair
Members of the House Environment and Transportation Committee
House Office Building
6 Bladen St., Room 251
Annapolis, MD 21401

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SUBJECT: HB 1295 – Multifamily Dwellings – Smoking Policies

Position: Favorable with Amendments

We thank you for the opportunity to provide public comments on HB 1295. As drafted, the American Cancer Society Cancer Action Network (ACS CAN) and the American Lung Association (ALA) support this legislation with some suggested amendments outlined below.

The American Lung Association and the American Cancer Society Cancer Action Network believes everyone is entitled to a safe and healthy indoor environment. Our organizations support construction standards, building and housing codes, disclosure and mitigation requirements, and enforcement measures that will protect public health in all residential spaces, including single and multi-family, publicly and privately owned. The American Lung Association and the American Cancer Society Cancer Action Network support measures to require totally smoke-free environments in multi-unit housing and to encourage smoke-free single-family housing, recognizing that no ventilation system or other alternative provides adequate protection.



The U.S. Surgeon General has concluded that there is no safe level of exposure to toxic secondhand smoke.ⁱ The U.S. Surgeon General has also concluded that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. In addition, in a 2016 report, the Surgeon General concluded that secondhand e-cigarette emissions contain, “nicotine; ultrafine particles; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel, tin, and lead.”ⁱⁱ The only effective way to fully protect nonsmokers from exposure to secondhand smoke and aerosol is to completely eliminate smoking and vaping in indoor public spaces.ⁱⁱⁱ

Secondhand smoke causes over 41,000 deaths per year in the United States and can cause lung cancer, heart disease, stroke and can make asthma and Chronic Obstructive Pulmonary Disease (COPD) worse. The smoke contains hundreds of chemicals, some of which have been identified as cancer-causing and can make cancer treatment less effective. For children, it can be especially dangerous as they can be at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and severe asthma.

According to the Centers for Disease Control and Prevention (CDC) secondhand smoke can travel through walls and infiltrate into other units through hallways and stairwells. Therefore, all indoor areas of multi-unit housing, including units and balconies, should be smokefree including the use of electronic smoking devices. If outdoor smoking areas must exist, they should be at least 25 feet from building entrances or exits, windows and ventilation intakes.

Landlords and property owners of multi-family dwellings including apartments and condominiums have an important role to play in protecting people from the harmful effects of secondhand smoke by having policies that prohibit smoking inclusive of electronic smoking devices. While we support House Bill 1295, we would suggest the following changes in order to protect the health of Marylanders from the harmful effects of secondhand smoke and aerosol:

- Update the definition of smoking to be comprehensive of all products and any future facing products. If the current definition of smoking is kept, adding the 2nd sentence below will add electronic smoking devices (e-cigarettes) to it. We suggest: *“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.*”



- Adding language that would specify that multi-family dwellings under this section are specifically allowed to prohibit smoking in or on their property. We would suggest: *Multi-Family dwellings under this section are specifically allowed to prohibit smoking in and on the property, they control*

The American Lung Association and American Cancer Society Cancer Action Network thank the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland and encourages the committee to include the recommended changes in the bill as it moves forward.

¹U.S. Department of Health and Human Services (HHS). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

ⁱⁱ U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General—Executive Summary*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

³ HHS, 2006.