



American Lung Association House Bill 837
Judiciary Committee
February 14, 2022
Letter of Information

Chairman Clippinger and Members of the Committee:

Thank you for the opportunity to provide comments on House Bill 837, Cannabis Reform.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

The American Lung Association strongly believes that the use of electronic smoking devices should be prohibited in all places where the smoking of other tobacco products or marijuana are prohibited.

The current Clean Indoor Air statute in Maryland, has a significant loophole by not currently including the use of electronic smoking devices. Under House Bill 837 as drafted it could potentially exacerbate this loophole and allow for the vaping of marijuana indoors. The American Lung Association is extremely concerned by this and the potential exposure to harmful secondhand aerosol to Marylanders. Since marijuana smoke harms lung health, the American Lung Association opposes the inhalation of smoke or aerosol of marijuana. The American Lung Association supports measures to require totally smokefree environments, including prohibiting the smoking or vaping of marijuana.

We are glad to see that the smoking of marijuana is prohibited in all places where smoking is prohibited under state law in this bill and urge that those provisions remain in the bill unaltered going forward. However, we would strongly recommend that the legislation before you be amended to also prohibit the use of electronic smoking devices or vaping indoors for all products containing tobacco, nicotine and marijuana.

In order to protect the health of Marylanders from the harmful effects of secondhand smoke and aerosol the American Lung Association is encouraging the following changes:

- The definition of “environmental smoke” be removed as it is not necessary in the legislation.
- To ensure that the legislation captures electronic smoking devices properly we would encourage the addition of a definition of electronic smoking devices which would read: *“Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.”*
- Update the definition of smoking to be comprehensive of all 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.”*

The U.S. Surgeon General has concluded that there is no safe level of exposure to toxic secondhand smoke.¹ 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.”² 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.³

The American Lung Association thanks 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 included in the bill as it moves forward.

Sincerely,



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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.

² 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.

³HHS, 2006.