

# MARYLAND STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS

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February 28, 2023

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

## **RE: SB 817 - Multifamily Dwellings - Smoking Policies**

Dear Chair Smith and Committee Members:

The Maryland State Advisory Council on Health and Wellness (the Council) is submitting this letter of support for Senate Bill 817 (SB 817) - "Multifamily Dwellings - Smoking Policies." SB 817 requires the governing bodies of common ownership communities with multifamily dwellings to develop a smoking policy for their properties.

One of the Council's core responsibilities is to promote evidence-based strategies to prevent chronic diseases. Tobacco use contributes significantly to the risk of numerous chronic diseases including cardiovascular disease, diabetes, chronic obstructive pulmonary disease, and cancer.<sup>1</sup> Use of e-cigarettes is associated with increased risk of developing asthma, emphysema, and chronic obstructive pulmonary disease.<sup>2</sup> Exposure to secondhand smoke is a major concern, as secondhand smoke exposure can cause coronary heart disease, stroke, and lung cancer.<sup>3</sup> The health effects of secondhand vaping exposure are not well-understood given how new e-cigarette technology is, but exhaled e-cigarette vapor includes nicotine, ultrafine particles, and known carcinogens.<sup>4</sup>

Approximately one in four Americans live in multifamily dwellings, and an estimated 28 million U.S. residents living in multifamily dwellings are exposed to secondhand smoke each year.<sup>5,6</sup> A recent survey of Maryland teenagers revealed that about one-third of Maryland high school students live with a current tobacco smoker and report recent exposure to secondhand smoke.<sup>7</sup> Further, low-income and minority residents are at higher risk, with seven in 10 Black children in the U.S. exposed to secondhand smoke.<sup>8</sup>

Smoke-free building policies can protect residents from secondhand smoke and vape exposure and reduce the risk of building fires, however only one in three multifamily

<sup>1</sup> Centers for Disease Control and Prevention. Smoking and Tobacco Use: Health Effects; retrieved 5 January 2022 at [https://www.cdc.gov/tobacco/basic\\_information/health\\_effects/index.htm](https://www.cdc.gov/tobacco/basic_information/health_effects/index.htm)

<sup>2</sup> Xie W, Kathuria H, Galiatsatos P, et al. Association of electronic cigarette use with incident respiratory conditions among US adults from 2013 to 2018. *JAMA Netw Open.* 2020;3(11):e2020816. doi:10.1001/jamanetworkopen.2020.20816

<sup>3</sup> Centers for Disease Control and Prevention (2020). Health Problems Caused by Secondhand Smoke; retrieved 27 January 2023 at [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/health\\_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20\(SIDS\)](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,infant%20death%20syndrome%20(SIDS))

<sup>4</sup> McCabe, B. (2019). Is Secondhand Vaping Something to be Concerned About? Hackensack Meridian Health.

[https://www.hackensackmeridianhealth.org/en/HealthU/2019/11/27/is-secondhand-vaping-something-to-be-concerned-about#.Yg\\_Ic9\\_MK5c](https://www.hackensackmeridianhealth.org/en/HealthU/2019/11/27/is-secondhand-vaping-something-to-be-concerned-about#.Yg_Ic9_MK5c)

<sup>5</sup> U.S. Department of Housing and Urban Development. Housing Agency (HA) Profiles; retrieved 17 February 2022 at [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/systems/pic/haprofiles](https://www.hud.gov/program_offices/public_indian_housing/systems/pic/haprofiles)

<sup>6</sup> King BA, Babb SD, Tynan MA, et al. National and state estimates of secondhand smoke infiltration among U.S. multiunit housing residents. *Nicotine Tobacco Research.* 2013 Jul; 15(7):1316-21; <https://pubmed.ncbi.nlm.nih.gov/23248030/>

<sup>7</sup> Maryland Department of Health. 2021 Youth Pandemic Behavior Survey Detailed Report; <https://health.maryland.gov/phpa/ohpetup/Documents/2021%20Youth%20Pandemic%20Behavior%20Survey%20Detailed%20Report.pdf>

<sup>8</sup> Homa DM, Neff LJ, King BA, et al. Vital Signs: Disparities in nonsmokers' exposure to secondhand smoke — United States, 1999–2012. *MMWR Morb Mortal Wkly Rep* 2015; 64(04):103-108; [https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6404a7.htm?s\\_cid=mm6404a7\\_w](https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6404a7.htm?s_cid=mm6404a7_w)

housing residents in the U.S. are currently covered by smoke-free building policies.<sup>9,10</sup> More than 585 municipalities across the U.S. have enacted policies or laws that partially restrict or fully prohibit smoking in private units of multi-unit public housing buildings.<sup>11</sup> While SB 817 does not compel common ownership communities to make their properties smoke-free, the bill does require them to develop a comprehensive smoking policy that outlines locations where smoking and vaping are allowed and prohibited on the property, conditions that allow individuals to smoke/vape in otherwise prohibited areas, a process to file complaints, and any penalties for policy violations. Importantly, SB 817 does not prevent local jurisdictions from passing more stringent smoking laws or impede nuisance smoking lawsuits.

As written, SB 817 would only apply to common ownership communities and would not impact the approximately 868,000 Maryland residents who live in apartments, many of whom are lower income and at risk for poor health outcomes.<sup>12</sup> The Council feels including residential smoking policies in multifamily dwellings would be a meaningful step toward reducing exposure to secondhand smoke and improving the health of Maryland residents. We respectfully ask for the Committee to approve SB 817 and consider further extending its benefits to all multifamily dwellings.

Sincerely,

A handwritten signature in black ink that reads "Jessica Kiel". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jessica Kiel, M.S., R.D., Chair, State Advisory Council on Health and Wellness

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<sup>9</sup> American Lung Association (2022). Smokefree Policies in Multi-Unit Housing;

<https://www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing>

<sup>10</sup> Licht AS, King BA, Travers MJ, et al. Attitudes, experiences, and acceptance of smoke-free policies among US multiunit housing residents. *American Journal of Public Health*. 2012 Oct; 102(10):1868–1871; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3490662/>

<sup>11</sup> American Nonsmokers' Rights Foundation (2023). Smokefree Multi-Unit Housing Policies: Where Are We Now?

<https://no-smoke.org/smokefree-multi-unit-housing-policies-now/#:~:text=Hawaii%2C%20Maine%2C%20Montana%2C%20New.the%20states%20housing%20finance%20agencies>.

<sup>12</sup> National Multifamily Housing Council. Geography of Apartment Residents. Accessed 27 January 2023 at

<https://www.nmhc.org/research-insight/quick-facts-figures/quick-facts-resident-demographics/geography-of-apartment-residents/>