



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 28, 2023

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 817 - Multifamily Dwellings - Smoking Policies - Letter of Information

Dear Chair Smith:

The Maryland Department of Health (MDH) submits this letter of information for Senate Bill 817 (SB 817) entitled “Multifamily Dwellings - Smoking Policies”. SB 817 requires the governing body of a common ownership community to develop a smoking policy if the property subject to control of the governing body is a multifamily dwelling.

The current definition for “smoking” outlined in the bill would include tobacco, other lighted matter/substances (i.e., cannabis), and electronic smoking devices (i.e., vapes, electronic cigarettes, etc.). Exposure to secondhand smoke (SHS), secondhand vape (SHV), and cannabis smoke are major concerns. SHV, the aerosol users exhale from ESDs, is not harmless water vapor and contains many of the same toxic chemicals found in cigarette smoke.¹ An estimated 28 million U.S. residents living in multifamily dwellings are exposed to SHS each year.² Data collected during the COVID-19 pandemic reveal that about one-third of Maryland high school students live with a current tobacco smoker (31 percent) and report recent exposure to SHS (35 percent).³ Only 1 in 3 multifamily housing residents in the U.S. are currently covered by smoke-free building policies.⁴ The home is the primary source of SHS exposure among children. Smoke-free policies are the most effective way to fully protect residents and children from involuntary exposure to SHS.⁵ SB 817 focuses on housing such as condominiums. However,

¹ American Non-Smokers’ Rights Foundation, “Electronic Smoking Devices and Secondhand Aerosol,” 1 January 2023, Accessed 30 January 2023, at <<https://no-smoke.org/electronic-smoking-devices-secondhand-aerosol/>>.

² State Tobacco Activities Tracking and Evaluation (STATE) System, Secondhand Smoke Exposure in Multiunit Housing Facilities Is Detrimental to the Health of Children and Nonsmoking Adults, 25 October 2022, U.S. Center for Disease Control and Prevention, Accessed on 29 January 2023, <https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html#:~:text=Approximately%2080%20million%20residents%20in%20the%20United%20States,savings%20for%20multi-unit%20housing%20operators%20and%20society.%20%2C9%2C10> >.

³ 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>

⁴ Going Smoke-free Matters Multiunit Housing, U.S. Centers for Disease Control and Prevention, Accessed on 29 January 2023, <https://www.cdc.gov/tobacco/infographics/policy/pdfs/going-smokefree-matters-multiunit-housing-infographic.pdf#:~:text=Approximately%201%20in%203%20multiunit%20housing%20residents%20are,have%20chosen%20to%20make%20their%20own%20homes%20smokefree.5> >.

⁵ State Tobacco Activities Tracking and Evaluation (STATE) System, Secondhand Smoke Exposure in Multiunit Housing Facilities Is Detrimental to the Health of Children and Nonsmoking Adults, 25 October 2022, U.S. Center for Disease Control and Prevention, Accessed on 29 January

including all multiunit housing residences would be considered comprehensive and further promote health equity. Lower income residents, who have fewer housing alternatives, often have more exposure to SHS, and are thus at risk of adverse health outcomes associated with SHS.⁶ Studies show most multifamily housing residents want smoke-free policies.⁷ One major concern has been the potential results of enforcing such a policy. However, smoke-free policies do not require individuals to quit smoking or limit housing approvals based on smoking status. Rather, these policies could designate areas where individuals have access to smoke outdoors in order to protect those indoors and across units. Developing such policies will necessitate a concerted effort among housing providers, residents, health departments, and community partners.

SB 817, as written, would not have a significant impact on MDH, as most communication regarding implementation of the smoking policies would likely come from the individual governing bodies for the housing units.

If you have any further questions, please contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

2023, <https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html#:~:text=Approximately%2080%20million%20residents%20in%20the%20United%20States,savings%20for%20multi-unit%20housing%20operators%20and%20society.%208%2C9%2C10> >.

⁶ People with Low Socioeconomic Status Need More Protection from Secondhand Smoke Exposure, 27 June 2022, U.S. Center for Disease Control and Prevention, Accessed on 29 January 2023 <https://www.cdc.gov/tobacco/health-equity/low-ses/secondhand-smoke.htm> >.

⁷ Andrea Licht, Brian King, et al. "Attitudes, Experiences, and Acceptance of Smoke-Free Policies Among US Multiunit Housing Residents, American Public Health Association, Accessed on 29 January 2023, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2012.300717?searchHistoryKey=&prevSearch=%5BTitle%3A+attitudes%5D+and+%5BContrib%3A+hyland%5D> >.