



DEPARTMENT OF HEALTH

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

January 30, 2024

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

RE: SB 141 - Multifamily Dwellings - Smoking Policies - Letter of Support

Dear Senator Smith and Committee Members:

The Maryland Department of Health (MDH) submits this letter of support for Senate Bill 141 (SB 141) entitled “Multifamily Dwellings - Smoking Policies”. SB 141 requires the governing body of a multifamily dwelling common ownership community to develop a smoking policy. While governing bodies are required to develop smoking policies, the bill does not require these policies to prohibit smoking or vaping within multifamily dwellings or on the property.

The current definition for “smoking” outlined in the bill would include tobacco, other lighted matter/substances (e.g., cannabis), and electronic smoking devices (ESDs) (i.e., vapes, electronic cigarettes, etc.). Exposure to secondhand smoke (SHS), secondhand vape (SHV), and cannabis smoke/vape are major public health concerns. SHV, the aerosol users exhale from ESDs, is not harmless water vapor—it 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 The home is the primary source of SHS exposure among children, and data collected during the 2021-22 school year reveal that about one-quarter of Maryland high school students live with a current tobacco smoker (26 percent) and report recent exposure to SHS (23 percent).³ Smoke-free policies are the most effective way to fully protect residents and children from involuntary exposure to SHS,⁴ but only 1 in 3 multifamily housing residents in the U.S. are currently covered by smoke-free building policies.⁵

SB 141 focuses on housing such as condominiums. 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

¹ American Non-Smokers’ Rights Foundation, “Electronic Smoking Devices and Secondhand Aerosol,” 1 Oct 2023, Accessed 9 Jan 2024, 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,” 31 Mar 2023, U.S. Center for Disease Control and Prevention, Accessed 9 Jan 2024, <<https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html>>.

³ Maryland Department of Health. Youth Risk Behavior Survey/Youth Tobacco Survey (2021-2022). IBIS Dataset Query System. Accessed 9 Jan 2024 at <<https://ibis.health.maryland.gov/ibisph-view/about/Welcome.html>>.

⁴ Ibid fn 2.

⁵ U.S. Centers for Disease Control and Prevention, “Going Smoke-free Matters: Multiunit Housing,” 14 Sep 2022, Accessed 9 Jan 2024, <https://www.cdc.gov/tobacco/secondhand-smoke/going-smokefree-matters/multi-unit/index.html>>.

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, local health departments, and community partners.

SB 141 requires developing a smoking policy that is “at least as stringent as the applicable State and local laws regarding smoking”. MDH supports this language, as it is inclusive of local and Statewide standards for smoke-free environments.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

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