

MMHA - 2022 - HB 1295 - smoking in MFDs - JPR.pdf

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Position: INFO



Bill Title: House Bill 1295, Multifamily Dwellings - Smoking Policies

Committee: Judicial Proceedings Committee

Date: April 5, 2022

Position: Information

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 210,000 rental housing homes in over 958 apartment communities. Our members house over 538,000 residents of the State of Maryland. MMHA also represents over 250 associate member companies who supply goods and services to the multi-housing industry.

As amended by the House of Delegates, House Bill 1295 requires a common ownership community, not a multi-family dwelling with individually leased units, to develop a smoking policy if the property is subject to the control of the governing body. MMHA does **not** oppose the amended version of House Bill 1295. Should the Senate amend the current version of House Bill 1295, MMHA may choose to oppose the bill.

Aaron J. Greenfield, MMHA Director of Government Affairs, 410.446.1992

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April 5, 2022

The Honorable William C. Smith
Chair, Judicial Proceedings Committee
Room 251, House Office Building
Annapolis, MD 21401-1991

RE: HB 1295 (3rd) - Multifamily Dwellings - Smoking Policies - Letter of Information

Dear Chair Smith and Committee Members:

The Maryland State Advisory Council on Health and Wellness (the Council) is submitting this letter of information for HB 1295 (3rd) - "Multifamily Dwellings - Smoking Policies." HB 1295 (3rd) will require the governing bodies of certain 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.¹ Use of e-cigarettes is associated with increased risk of developing asthma, emphysema, and chronic obstructive pulmonary disease.² Exposure to secondhand smoke is a major concern, as secondhand smoke exposure can cause coronary heart disease, stroke, and lung cancer.³ 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.⁴ The Council supports HB 1295 (3rd) as a meaningful step toward reducing exposure to secondhand smoke and improving the health of Maryland residents.

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.^{5,6} 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.⁷ Further, low-income and minority residents are at higher risk, with seven in 10 Black children in the U.S. exposed to secondhand smoke.⁸

¹ 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>

² 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.

³ Centers for Disease Control and Prevention (2020). Health Effects of Secondhand Smoke. [https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm#:~:text=There%20is%20no%20risk%2Dfree,in%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,in%20death%20syndrome%20(SIDS))

⁴ 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

⁵ 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>

⁶ 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; retrieved 17 February 2022 at

<<https://pubmed.ncbi.nlm.nih.gov/23248030/>>

⁷ Maryland Department of Health. 2021 Youth Pandemic Behavior Survey Detailed Report; retrieved 17 February 2022 at

<<https://health.maryland.gov/phpa/ohpetup/Documents/2021%20Youth%20Pandemic%20Behavior%20Survey%20Detailed%20Report.pdf>>

⁸ 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; retrieved 17 February 2022 at

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6404a7.htm?s_cid=mm6404a7_w>

Smoke-free building policies can protect residents from secondhand smoke exposure and reduce the risk of building fires, however only one in three multifamily housing residents in the U.S. are currently covered by smoke-free building policies.^{9,10} 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.¹¹ Maryland passed the Clean Indoor Air Act (CIAA) in 2007 to prohibit smoking in virtually all indoor public places across the state, including common or shared areas found in multifamily dwellings.¹² While HB 1295 (3rd) 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 is allowed and prohibited on the property, conditions that allow individuals to smoke in otherwise prohibited areas, a process to file complaints, and any penalties for policy violations. The definition for “smoking” outlined in HB 1295 (3rd) would include any lighted matter or lighted substance, as well as electronic smoking devices, providing a more inclusive definition than that listed in the CIAA and potentially reducing exposure to all kinds of secondhand smoke for multifamily dwelling residents.

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

⁹ American Lung Association. Smokefree Policies in Multi-Unit Housing; retrieved 17 February 2022 at <https://www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing>

¹⁰ 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; retrieved 17 February 2022 at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3490662/>

¹¹ American Nonsmokers' Rights Foundation. Smokefree Multi-Unit Housing Policies: Where Are We Now?; retrieved 17 February 2022 at <https://no-smoke.org/smokefree-multi-unit-housing-policies-now/#:~:text=Hawaii%2C%20Maine%2C%20Montana%2C%20New,the%20states%20housing%20finance%20agencies.>>

¹² Clean Indoor Air Act Regulations. Retrieved 17 February 2022 at https://health.maryland.gov/phpa/OEHFP/EH/Shared%20Documents/CIAA_regulations.pdf