



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DAWN LUEDTKE
COUNCILMEMBER
DISTRICT 7

February 17, 2023

The Honorable Delegate Kumar Barve
Taylor House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

SUBJECT: Support HB 315

Dear Chairman Barve and Members of the Environment and Transportation Committee,

I write in support of House Bill 315, a necessary measure to provide common ownership communities with the ability to develop smoking policies for multifamily dwellings.

In 2011, Montgomery County adopted a public health resolution prohibiting smoking in common areas of all multifamily dwellings and mandating the posting of “no smoking” notices in common areas.¹ This pre-dated the rise in usage of vape devices and authorization of cannabis for medical use in Maryland. HB315 clarifies the definition of smoking to include lighted matter or substances as well as those inhaled or exhaled via an aerosolized or vaporized substance delivered via a device. This broader definition of “smoking” is necessary to bring health measures current with existing products for delivery of nicotine, cannabis, and other chemical substances.

Research shows that secondhand smoke could cause health problems, especially for vulnerable communities such as children and those with existing respiratory challenges. With Maryland legalizing cannabis for recreational use, we must be aware of potential new health risks. While data is limited due to federal restrictions on cannabis, preliminary research shows that secondhand cannabis smoke presents many of the same health risks as tobacco smoke, in addition to carrying enough THC to impact the mental state of a child or someone with low tolerance.^{2,3}

A lawsuit claiming a neighbor’s use of cannabis in a multifamily dwelling presented a public nuisance and diminished the quality of life went to trial in January in the District of Columbia.⁴ Rather than resorting to litigation among neighbors, HB315 will allow the governing bodies of common ownership communities to proactively address this issue and set policies for the benefit of all residents and their common enjoyment of their residential dwellings.

Yours Truly,

Dawn Luedtke,
Councilmember, District 7
Montgomery County

¹ https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/res/2011/20110712_17-210.pdf.

² <https://www.cdc.gov/marijuana/health-effects/second-hand-smoke.html>

³ <https://nida.nih.gov/publications/research-reports/marijuana/what-are-effects-secondhand-exposure-to-marijuana-smoke>

⁴ <https://www.washingtonpost.com/dc-md-va/2023/01/14/marijuana-smell-lawsuit/>