

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel



ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Direct Dial No.

410-576-7942
kstraughn@oag.state.md.us
Fax: 410-576-7040

February 6, 2024

To: The Honorable Marc Korman
Chair, Environment and Transportation Committee

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 199 – Multifamily Dwellings – Smoking Policies (SUPPORT)

The Office of the Attorney General submits the following written testimony in support of House Bill 199 sponsored by Delegates Wu, Hill, Kaufman, T. Morgan, Palakovich Carr and Simmons. This bill requires the governing body of a common ownership community to develop a smoking policy if the property is a multifamily dwelling.

Smoking, including second-hand smoke, leads to disease and disability and harms nearly every organ system of the body. It is the leading cause of preventable death. In addition, there are many unknowns about vaping, including what chemicals make up the vapor and how they affect physical health over the long term. Emerging data suggests links to chronic lung disease and asthma as well as cardiovascular disease. And the legalization of cannabis in Maryland raises additional issues regarding second-hand smoke. When an individual purchases a home in a multi-family dwelling, however, they may be involuntarily exposed to these risks by the actions of their neighbors, which they cannot easily avoid.

By requiring associations to develop a smoking policy that mandates where smoking and vaping may be authorized and where it may be prohibited, as well as establishing fines for violations of the policy, association members can have a role in determining how and where they may be exposed to these harmful chemicals. Establishing a policy setting clear rules regarding smoking may also help to reduce disputes among neighbors about second-hand smoke. Notably, the bill

does not require any particular policy or penalties; the association makes the determination of the specifics of the policy. It merely requires a policy so that prospective purchasers and current owners can determine when and where smoking may be permitted within the association grounds.

The Attorney General's Consumer Protection Division has received complaints from residents in common ownership communities who are dismayed by the inability to have any control over whether they are exposed to second-hand smoke. While our office attempts to mediate these concerns, they rarely result in any positive outcome due to the inability of an association to control the actions of their residents in this respect. This bill would provide a greater ability to ensure that those who wish to be protected from second-hand smoke can choose to live in associations which provide greater protections.

For these reasons, we ask that the Environment and Transportation Committee return a favorable report on this bill.

cc: The Honorable Chao Wu
The Honorable Terri L. Hill
The Honorable Aaron M. Kaufman
The Honorable Todd B. Morgan
The Honorable Julie Palakovich Carr
The Honorable Gary Simmons
Members, Environment and Transportation Committee