



2024 SESSION POSITION PAPER

BILL: HB 199 - Multifamily Dwellings – Smoking Policies
COMMITTEE: House – Environment and Transportation Committee
POSITION: Letter of Support
BILL ANALYSIS: HB 199 would require the governing body of a common ownership community to develop a smoking policy if the property subject to the control of the governing body is a multifamily dwelling; generally relating to multifamily dwellings in the State.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports the overall goals of HB 199. Instituting residential smoking policies in multifamily dwellings would be 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.¹ Exposure to secondhand smoke is a major concern, as secondhand smoke exposure can cause coronary heart disease, infant death syndrome, stroke, asthmas attacks, and lung cancer.² Additionally, smoking-related fires are the leading cause of fire deaths and even when the smoke clears, the risks remain due to thirdhand smoke, which is a nearly impossible and expensive surface residue to remove that lingers in homes for months.³ The long-term health effects of secondhand vaping exposure are not well understood given how new e-cigarette technology is, but inhaled and exhaled e-cigarette vapor does include nicotine, ultrafine particles, flavoring chemicals, and known carcinogens which makes it just as dangerous as traditional smoke.^{4,5}

Significant inequities exist within multifamily housing, as smoke-free bans are less common among smoking families with older children and in households located in predominantly Black and Hispanic neighborhoods.⁵ As a result, low-income and minority residents are at higher risk of secondhand smoke, with seven in ten Black children in the U.S. being exposed annually.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

While HB 199 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 and vaping are allowed and prohibited on the property, conditions that allow individuals to smoke or vape in otherwise prohibited areas, a process to file complaints, and any penalties for policy violations. Importantly, SB 141 promotes safe and healthy living environments for residents, while considering the societal and structural factors that may further complicate the living situations of certain individuals who may use smoking as a coping mechanism.⁵ SB 141 does not prevent local jurisdictions from passing more stringent smoking laws or impede nuisance smoking lawsuits. This helps safeguard continued efforts to promote the implementation of comprehensive statewide laws prohibiting smoking in workplaces and public places, smoke-free policies in multiunit housing, and voluntary smoke-free home and vehicle rules to protect nonsmokers from secondhand smoke in the places they live, work, and gather.⁵

For these reasons, the Maryland Association of County Health Officers submits this LOS for the Committee's consideration on HB 199. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

REFERENCES:

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