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February 18, 2025

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

From: Karen S. Straughn
Consumer Protection Division

Re: House Bill 804 – Multifamily Dwellings – Smoking Policies (SUPPORT)

The Office of the Attorney General submits the following written testimony in support of House Bill 804 sponsored by Delegates Chao Wu, et al. 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 a family purchases a home in a multifamily 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.

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 that provide greater protection.

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 Frank M. Conaway, Jr.
 The Honorable Jessica Feldmark
 The Honorable Linda Foley
 The Honorable Michele Guyton
 The Honorable Terri L. Hill
 The Honorable Mary A. Lehman
 The Honorable Julie Palakovich Carr
 The Honorable Josaline A. Pena-Melnyk
 The Honorable Sheree Sample-Hughes
 The Honorable Deni Taveras
 The Honorable Natalie Ziegler
 Members, Environment and Transportation Committee