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HB0804

February 18, 2025

TO: Members of the Environment and Transportation Committee
FROM: Nina Themelis, Director of Mayor's Office of Government Relations
RE: House Bill 804 – Multifamily Dwellings - Smoking Policies

POSITION: Favorable with Amendment

Chair Korman, Vice Chair Boyce, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports with amendment** House Bill (HB) 804 .

HB 804 requires the governing body of common ownership communities (such as condominiums) that have at least four dwelling units to develop a smoking policy that states where smoking is prohibited as well as how to file a complaint if the policy is broken. Smoking and second-hand smoke have significant negative health implications, especially for children and pregnant people. Having a clear smoking policy in common ownership communities will help reduce families' smoke exposure at home and provide critical information to people looking for a healthy place to live.

This bill has been introduced previously and is very similar to Senate Bill (SB) 108, which the BCA supports. We recommend amending HB 804 to conform to SB 108. HB 804 would require policies to only apply to common areas. Additionally, HB 804 specifically allows residents of the building who were already residing there when the policy was adopted to be "grandfathered in" to being allowed to smoke in their units. SB 108 is a more expansive approach to multi-unit dwelling smoking policies.

In unit smoking can also have significant impacts on neighbors' health, as nicotine and other particulate matter can permeate walls and disseminate through shared ventilation. Research shows that exposure to secondhand smoke plays a critical role in the development and severity of asthma in children.ⁱ Asthma is a significant health burden for Maryland residents, with almost a quarter of state high schoolers diagnosed with the condition.ⁱⁱ This number is even higher in Baltimore City, where **one-third of City high schoolers have asthma**.ⁱⁱ Baltimore City residents also have an alarming rate of asthma-related emergency department visits, at nearly 105 per 10,000 people.ⁱⁱⁱ For context, this is **nearly twice the rate** of the county with the next-highest rate (Dorchester). Exacerbated or poorly controlled asthma can greatly hamper children's lives, causing them to miss out on school attendance, sports and physical activity, and more.

Pregnant people and babies are also disproportionately affected by exposure to secondhand smoke. According to the CDC, infants exposed to secondhand smoke are more likely to die from Sudden Infant

Death Syndrome (SIDS). Exposure to smoke for pregnant people increases the likelihood of premature birth and lower birth weight babies, both factors which increase newborns' risk of additional health complications.^{iv,v}

Protecting the lives and health of children and adults is of critical importance to City government. This bill would provide residents with the power to make healthier decisions for themselves and their families – and perhaps lead them to advocate for smoke-free policies. For these reasons, the BCA respectfully requests a **favorable with amendment** report on HB 804.

ⁱ Ogbu CE, Ogbu SC, Khadka D, Kirby RS. Childhood Asthma and Smoking: Moderating Effect of Preterm Status and Birth Weight. *Cureus*. 2021 Apr 17;13(4):e14536. doi: 10.7759/cureus.14536. PMID: 34017652; PMCID: PMC8128281.

ⁱⁱ Maryland Department of Health. (n.d.) Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) 2018-2019. Retrieved from <https://health.maryland.gov/phpa/ccdpc/Reports/Pages/YRBS2018.aspx>

ⁱⁱⁱ Maryland Department of Health. (2025). Emergency Department (ED) Visits for Asthma. Retrieved from <https://maps.health.maryland.gov/ephtportal/asthma/status/EDRates#close/>

^{iv} Rang, N. N., Hien, T. Q., Chanh, T. Q., & Thuyen, T. K. (2020). Preterm birth and secondhand smoking during pregnancy: A case-control study from Vietnam. *PloS one*, 15(10), e0240289. <https://doi.org/10.1371/journal.pone.0240289>

^v Centers for Disease Control and Prevention. (2022). Health Problems Caused by Secondhand Smoke. Retrieved from <https://www.cdc.gov/tobacco/secondhand-smoke/health.html>