



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 18, 2025

The Honorable Marc Korman
Chair, Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401-199

RE: House Bill (HB) 804 – Multifamily Dwellings - Smoking Policies – Letter of Support with Amendments

Dear Chair Korman and Committee members:

The Maryland Department of Health (the Department) submits this letter of support with amendments for House Bill (HB) 804 - Multifamily Dwellings - Smoking Policies. HB 804 requires the governing body of a common ownership community to develop a smoking policy if the property subject to control is a multifamily dwelling. The bill only applies to condominiums, excluding other multifamily residences, such as apartments. While governing bodies of condominiums would be required to develop smoking policies, the bill does not require these policies prohibit smoking or vaping within multifamily dwellings or on associated property. In addition, these policies must include an exemption for current residents or tenants and may not prohibit these individuals from smoking or vaping if they occupied the unit before the governing body adopts the smoking policy.

Exposure to secondhand smoke (SHS) and secondhand vape are major public health concerns. “Smoking,” as outlined in the bill, would include tobacco, other lighted matter/substances (e.g., cannabis), and electronic smoking devices (i.e., vapes, electronic cigarettes, etc.). Each year, over 41,000 nonsmoking adults and 400 infants die annually from SHS exposure¹ with the home being the primary source of exposure for children and a major source for nonsmoking adults.² An estimated 28 million U.S. residents living in multifamily dwellings are exposed to SHS each year.³ Currently, only one in three multifamily housing residents in the U.S. are covered by smoke-free building policies.

¹ Centers for Disease Control and Prevention (2014). The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: US Dept of Health and Human Services; 2014. Accessed 10 Jan 2025 at <https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html>.

² Yao, T., Sung, H., Wang, Y., Lightwood, J., & Max, W. (2016). Sociodemographic Differences among U.S. Children and Adults Exposed to Secondhand Smoke at Home: National Health Interview Surveys 2000 and 2010. *Public Health Reports*, 131(2), 357–366. <https://doi.org/10.1177/003335491613100220>.

³ King, B. A., Babb, S. D., Tynan, M. A., & Gerzoff, R. B. (2012). National and state estimates of secondhand smoke infiltration among U.S. multiunit housing residents. *Nicotine & Tobacco Research*, 15(7), 1316–1321. <https://doi.org/10.1093/ntr/nts254>.

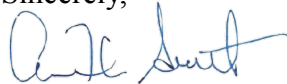
HB 804 focuses solely on housing such as condominiums and requires smoking policies to include exemptions for current residents or tenants, significantly limiting the public health benefits of this bill. Smoke-free policies are the most effective way to fully protect residents and children from involuntary exposure to SHS and to reduce tobacco-related health disparities.⁴ Studies show most multifamily housing residents seek these smoke-free policies.⁵ Smoke-free policies would not require individuals to quit smoking or limit housing approvals based on smoking status. Rather, these policies can be developed through a collaborative effort between housing providers, residents, health departments, and community partners, and can identify and designate areas where individuals may smoke outdoors while protecting their neighbors indoors and across units.

The exemption in HB 804 that would allow for current residents who smoke or vape to continue to use these products leaves no recourse for neighbors experiencing SHS drift into their unit, as no amount of filtration or other safeguards can fully eliminate SHS.⁶ While residents who smoke or vape could find alternatives (i.e., smoke outdoors), those exposed to SHS are forced to either continue risking their health or to move. Lower income residents, who have fewer housing alternatives, often have more exposure to SHS, and are thus at risk of adverse health outcomes associated with SHS. The Department proposes the attached amendment to strengthen this bill by removing the exemption for current residents who smoke or vape. Eliminating the exemption will allow for increased public health protections and reduction in SHS exposure.

HB 804 also requires developing a smoking policy that is “at least as stringent as the applicable State and local laws regarding smoking.” As some local jurisdictions have adopted stricter smoking laws than the statewide Clean Indoor Air Act (CIAA), this provision would require communities in those jurisdictions to adopt similarly stringent smoking policies. The Department supports this approach, as there is no safe amount of SHS exposure.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

Attachment:
Amendment to HB 804

⁴ American Lung Association. (2024, November 20). Health Effects of Secondhand Smoke. Accessed 31 Jan 2025 from <<https://www.lung.org/quit-smoking/smoking-facts/health-effects/secondhand-smoke>>.

⁵ Andrea Licht, Brian King, et al. “Attitudes, Experiences, and Acceptance of Smoke-Free Policies Among US Multiunit Housing Residents, American Public Health Association, Accessed 3 Feb 2025, <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2012.300717>>.

⁶ ASHRAE. (2023). ASHRAE position document on environmental tobacco smoke. In *ASHRAE Position Document on Environmental Tobacco Smoke* (pp. 1–8). Accessed 31 Jan 2025 from <https://www.ashrae.org/file%20library/about/position%20documents/pd_environmental-tobacco-smoke-2023-06-28.pdf>.

AMENDMENT TO HOUSE BILL 804

(First Reading File Bill)

On page 3, strike lines 16 through 19, inclusive.

On page 3, line 20, strike “(F)” and substitute with “(e)”.