



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

January 15, 2025

The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill (SB) 108 – Multifamily Dwellings - Smoking Policies – Letter of Support

Dear Chair Smith and Committee members:

The Maryland Department of Health (the Department) submits this letter of support for Senate Bill (SB) 108 entitled “Multifamily Dwellings - Smoking Policies.” SB 108 requires the governing body of a common ownership community to develop a smoking policy if the property subject to control of the governing body is a multifamily dwelling. While governing bodies are required to develop smoking policies, the bill does not require these policies to prohibit smoking or vaping within multifamily dwellings or on property where multifamily dwellings are located.

The current definition for “smoking” outlined in the bill would include tobacco, other lighted matter/substances (e.g., cannabis), and electronic smoking devices (ESDs) (i.e., vapes, electronic cigarettes, etc.). Exposure to secondhand smoke (SHS), secondhand vape, and cannabis smoke/vape are major public health concerns. More than 41,000 nonsmoking adults and 400 infants die annually from SHS exposure.¹ The home is the primary source of SHS 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 Data collected during the 2022-2023 school year revealed that 23 percent of Maryland high school students live with a current tobacco smoker and 24 percent report recent exposure to SHS. Only one in three multifamily housing residents in the U.S. are currently covered by smoke-free building policies. According to the US Surgeon General, 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

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>

⁴ US Department of Health and Human Services. (2024). *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic

Studies show most multifamily housing residents want smoke-free policies. One major concern has been the potential results of enforcing such a policy. However, smoke-free policies do not require individuals to quit smoking or limit housing approvals based on smoking status. Rather, these policies designate areas where individuals have access to smoke outdoors in order to protect those indoors and across units. Developing such policies will necessitate a concerted effort among housing providers, residents, health departments, and community partners.

SB 108 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 smoking laws more stringent than the State standard, this requirement will lead to communities in those jurisdictions adopting smoking policies at least as stringent as those local laws. The Department supports this approach, as there is no amount of SHS exposure that is safe.

As written, SB 108 would not have a significant impact on the Department, as most communication regarding implementation of the smoking policies would come from the individual governing bodies for the housing units.

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,

A handwritten signature in blue ink, appearing to read 'LH Scott', is positioned above the typed name.

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