

## **SB 108 Support Letter.pdf**

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Position: FAV



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January 15, 2025

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Karen S. Straughn  
Consumer Protection Division

Re: Senate Bill 108 – Multifamily Dwellings – Smoking Policies (SUPPORT)

The Office of the Attorney General submits the following written testimony in support of Senate Bill 108 sponsored by Senator Alonzo T. Washington. 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 multi-family 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 which provide greater protections.

For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Alonzo T. Washington  
Members, Judicial Proceedings Committee

# **SB 108 - MACHO- JPR - LOS .pdf**

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Position: FAV



## 2025 SESSION POSITION PAPER

**BILL:** SB 108 - Multifamily Dwellings – Smoking Policies  
**COMMITTEE:** Senate – Judicial Proceedings Committee  
**POSITION:** Letter of Support  
**BILL ANALYSIS:** SB 108 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 SB 108. 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.<sup>1</sup> Exposure to secondhand smoke is a major concern, as secondhand smoke exposure can cause coronary heart disease, infant death syndrome, stroke, asthma attacks, and lung cancer.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4,5</sup>

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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

While SB 108 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 108 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.<sup>5</sup> SB 108 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.<sup>5</sup>

For these reasons, the Maryland Association of County Health Officers submits this LOS for the Committee's consideration on SB 108. For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433. *This communication reflects the position of MACHO.*

**REFERENCES:**

1. King BA, Babb SD, Tynan MA, et al. National and state estimates of secondhand smoke infiltration among U.S. multiunit housing residents. *Nicotine Tob Res.* 2013 Jul; 15(7):1316-21; <https://pubmed.ncbi.nlm.nih.gov/23248030/>.
2. Centers for Disease Control and Prevention, Office of Smoking Health. Health Problems Caused by Secondhand Smoke. [https://www.cdc.gov/tobacco/secondhand-smoke/health.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Ftobacco%2Fdata\\_statistics%2Ffact\\_sheets%2Fsecondhand\\_smoke%2Fhealth\\_effects%2Findex.htm](https://www.cdc.gov/tobacco/secondhand-smoke/health.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Ftobacco%2Fdata_statistics%2Ffact_sheets%2Fsecondhand_smoke%2Fhealth_effects%2Findex.htm). Updated November 1, 2022. Accessed January 21, 2023.
3. Tobacco Stops with Me. Smokefree Multiunit Housing: Why It Matters and How to Make It Happen. <https://stopswithme.com/smokefree-multiunit-housing-why-it-matters-and-how-to-make-it-happen/>. Published May 16, 2022.
4. McCabe, B. Is Secondhand Vaping Something to be Concerned About? *Hackensack Meridian Health*. [https://www.hackensackmeridianhealth.org/en/HealthU/2019/11/27/is-secondhand-vaping-something-to-be-concerned-about#.Yg\\_Ic9\\_MK5c](https://www.hackensackmeridianhealth.org/en/HealthU/2019/11/27/is-secondhand-vaping-something-to-be-concerned-about#.Yg_Ic9_MK5c). Published November 27, 2019.
5. American Heart Association, Advocacy Department. Smoke-Free Policies in Multi-Unit Housing Policy Guidance. <https://www.heart.org/-/media/Files/About-Us/Policy-Research/Policy-Positions/Tobacco-Endgame/Multi-Unit-Housing-Smoke-Free-Policy.pdf>. Updated June 2021.
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7. Maryland Department of Health. 2021 Youth Pandemic Behavior Survey Detailed Report. <https://health.maryland.gov/phpa/ohpetup/Documents/2021%20Youth%20Pandemic%20Behavior%20Survey%20Detailed%20Report.pdf>. Accessed January 21, 2023.

# **SB 108 - JPR - MDH - LOS.docx.pdf**

Uploaded by: State of Maryland (MD)

Position: FAV



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.<sup>1</sup> The home is the primary source of SHS exposure for children and a major source for nonsmoking adults.<sup>2</sup> An estimated 28 million U.S. residents living in multifamily dwellings are exposed to SHS each year.<sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> 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>>.

<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> 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](mailto: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

# **SB 108 - Oppose PCRAM - Final.pdf**

Uploaded by: Matthew Bohle

Position: UNF



**Aphelion Cigar Lounge** 410-721-1700  
2510 Conway Road, Ste. 106, Gambrills 21054  
**Broadleaf Tobacco** 410-315-8118  
487 Ritchie Highway, #101, Severna Park 21146  
**Burnt Leaf** 443-272-7206  
487 Ritchie Highway, #101, Severna Park 21146  
**Cross Street Tobacco** 410-752-9220  
1103 Light Street, Baltimore 21230  
**Dan's Cigar Lounge** 410-780-5959  
8300-B Pulaski Highway, Rosedale 21237  
**Davidus Cigars** 301-865-1000  
2134 Generals Highway, Annapolis 21401  
1300 Bank Street, Baltimore 21231  
1716 Liberty Road, Eldersburg 21784  
9180 Baltimore National Pike, Ellicott City 21042 529  
West South Street, Frederick 21701  
25 Olney Sandy-Spring Road, Ashton 20861  
10810 Reisterstown Road, Owings Mills 21117  
11632 Rockville Pike, Rockville 20852  
15922 Shady Grove Road, Gaithersburg 20832 8925  
Fingerboard Road, Urbana 21704  
23 East Main Street, Westminster 21157 25  
Allegheny Avenue, Towson 21204  
**Easton Cigar & Smokeshop** 410-770-5084  
6 Glenwood Ave, Easton 21601  
**Etch-Art Awards** 410-202-6616  
931 Mount Hermon Road, Salisbury 21804  
**Fire & Smoke Cigar Parlor** 443-970-6634  
6827 Loch Raven Blvd., Towson 21286  
**Leonardtwn Cigar** 240-309-4108  
40955 Merchants Lane #14, Leonardtown 20650  
**Main Street Cigar Company** 410-734-4494  
2217 E. Churchville Road, Bel Air 21015  
**Mount Vernon Tobacco** 410-728-5669  
221 W. Read Street, Baltimore 21201  
**Mt. Washington Cigar Co.** 410-377-4711  
5909 Falls Road, Baltimore 21209  
**Oakleigh Beach Tobacco** 410-388-8080  
702 Wise Avenue, Dundalk 21222  
**Office Cigar Lounge at QG** 410-685-7428  
31 S Calvert St, Ste 300, Baltimore 21202  
**Quartermasters Cigars** 410-898-2134  
880 Northeast St, Frederick 21701  
**Senor Cigars** 410-524-2069  
11805 Coastal Highway, Ocean City 21842  
3314 Coastal Highway, Ocean City 21842  
**Signature Cigars** 301-424-8833  
1331 Rockville Pike, Rockville 20852  
4919 Cordell Avenue, Bethesda 20814  
**Spartan Cigar Lounge** 443-350-9808  
128 East Pulaski Highway, Elkton 21921  
**The Book Center** 301-722-8345  
15 North Centre Street, Cumberland 21502  
**The Humidour Cigar Shoppe** 410-666-3212  
2 Sherwood Road, Cockeysville 21030  
**TinderBox #398** 301-374-9100  
2754 Crain Highway, Waldorf 20601  
**Titan Cigar** 410-721-2944  
2634 Chapel Lake Drive, Gambrills 21056  
**Tobacco Leaf** 410-799-2094  
7351 Assateague Drive, Jessup 20794  
**W. Curtis Draper Tobacconist** 301-907-7990  
4916 Del Ray Avenue, Bethesda 20814

January 15, 2025

## Opposition to SB 108

Chair and members of the Committee,

The Premium Cigar Retailers Association of Maryland represents over 35 adult only brick and mortar premium cigar specialty stores in the State. We appreciate the opportunity to testify on this matter.

We write today in **Opposition to SB 108**. The adult customers that buy legal tobacco products should be able to consume them responsibly and reasonably on their own property without interference. This is particularly true for condominium owners who purchased their property and have the ability to smoke within their unit. The ability to smoke within the unit may be the primary reason that owner purchased the unit. This legislation significantly changes the use of a property with little to no recourse for the owner.

The requirement to develop a smoking policy can be difficult to enforce as well. In many multi-unit buildings identifying the origination of smoke can be difficult. A known smoker in one unit can be blamed for smoke emanating from a smoking visitor from another unit or from elsewhere within or outside the building.

For these reasons we respectfully request for an unfavorable report.

Sincerely

Matthew Bohle, Obie Chinemere and Bill Castelli of RWL – 410-269-5066