



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

November 1, 2019

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401-1991

Re: Health-General §24-507(b), Annotated Code of Maryland, Chapter 502 of the Acts of 2007 – 2019 Annual Report on the Maryland Clean Indoor Air Act

Dear President Miller and Speaker Jones:

Pursuant to Health-General §24-507(b), Annotated Code of Maryland, the Department of Health (the Department) is submitting this report summarizing the enforcement efforts of the Department, in partnership with local health departments, to eliminate environmental tobacco smoke in indoor areas open to the public from September 2018 through August 2019.

The overall impact of Maryland's Clean Indoor Air Act has been positive. For the last eleven years, the regulated establishments and advocates have been working together to keep indoor areas open to the public smoke-free. The Department feels strongly that important public health laws such as the Clean Indoor Air Act help to make Maryland a healthier place to live and work.

Thank you for your continued interest in the public health of the State. If you should have any questions or comments, please contact me or my Chief of Staff Tom Andrews at 410-767-0136 or Thomas.andrews@maryland.gov.

Sincerely,

Robert R. Neall
Secretary



The Maryland Clean Indoor Air Act

2019 Annual Report

Health General Article §24–507(b)

Date

Larry Hogan
Governor

Boyd Rutherford
Lt. Governor

Robert R. Neall
Secretary of Health

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Introduction

The Clean Indoor Air Act (CIAA) continues to be a key piece of the State's strategy to reduce the risk for respiratory illnesses among children, and heart disease and lung cancer among nonsmoking adults. The CIAA, which went into effect on February 1, 2008, prohibits smoking in indoor areas open to the public except in limited circumstances. The CIAA specifically prohibits smoking in public meeting places, public transportation vehicles, and indoor places of employment. Regulatory authority for the CIAA is vested with the Maryland Department of Health (the Department) for public areas and the Maryland Department of Labor (DOL) for workplace areas not ordinarily open to the public.

Pursuant to Md. Code Ann., Health-General §24-507(b), this report summarizes the enforcement efforts from September 1, 2018 through August 31, 2019. Enforcement activities are undertaken by the Department and its partners, Maryland Occupational Safety and Health and local health departments, to eliminate environmental tobacco smoke in indoor areas open to the public.

Implementation

Enforcement data demonstrate that the CIAA has been very successful in reducing exposure to environmental tobacco smoke in most indoor areas open to the public. Restaurants, hotels, bars, and other private and public entities have effectively implemented the CIAA throughout the State. As a result, Maryland children born since the implementation of the CIAA have been the first generation to grow up with smoke-free indoor public places.

Technical Assistance

The Department provides several resources to citizens, businesses, and others related to the CIAA. The Maryland Tobacco Quitline (1-800-QUIT-NOW) is available to individuals who wish to quit smoking. In addition, the Department's Environmental Health Bureau operates a toll-free help line (1-866-703-3266) that is available to anyone with questions or concerns related to the CIAA, as well as other environmental health issues.

Maryland Tobacco Quitline: 1-800-QUIT-NOW

The Department continues to look closely at data associated with its Quitline to measure the potential benefits of the CIAA to the citizens of Maryland. The Maryland Tobacco Quitline received more than 24,000 calls with over 8,100 callers registering for cessation services. Thirty-seven percent of the callers were Medicaid participants and 11 percent of the callers were uninsured. In total, 9,157 shipments of nicotine patches, nicotine gum, and nicotine lozenges were provided to residents in State Fiscal Year 2018 through the Quitline.

MDH Toll-Free Environmental Health Help Line

The Department continues to operate its toll-free helpline (1-866-703-3266) to assist business owners, employees, news media, elected officials, and the public with implementation of the CIAA. This past year, there were 18 such calls, primarily related to drifting secondhand smoke in multi-level condominiums and rental housing, tobacco retailer exemptions, and questions about the legality of vaping inside public buildings. The continuing inquiries are believed to be primarily due to the increased public awareness of the health dangers of smoking and the increased familiarity of businesses with the CIAA.

Enforcement

Coordination with Local Health Departments

The Department works closely with local health departments on enforcement of the CIAA. The principal issues requiring coordination in past years were related to the tobacco retailer exemption as it impacts hookah bars, cigar bars, and ensuring consistency in enforcement and definition across the State. Local health departments have in most cases been able to enforce the CIAA consistently, and when questions arise, have consulted with the Department.

Coordination with the Department of Labor

The Department continues to work closely with DOL and its Maryland Occupational Safety and Health (MOSH) program, which has responsibility for the implementation of the CIAA in workplaces not open to the public. In 2018, MOSH continued to be active in investigating worker-related complaints of smoking in the work place. MOSH issued 4 letters of reprimand in State Fiscal Year 2019, and no citations were issued, as there were no repeat offenders. This marks a significant decrease in the number of letters of reprimand issued in previous years and represents how effective the law has been over the past 11 years.

Outcomes

Each year the Department asks local health departments to provide the number of complaints received, investigated, and resolved by jurisdiction during the last fiscal year. Table One, below, demonstrates that there continues to be a need for active enforcement regarding the CIAA across the State. While some local health departments did not record any complaints, many jurisdictions have a significant number of complaints that require investigations (Table 1). One county issued a citation for a repeat offense resulting in a fine of \$100.00. The impact of the CIAA and other Departmental efforts to reduce tobacco exposure can be seen in Figure 1, which shows the

percentage of public middle and high school youth (under age 18) who responded “0 days” when asked how many days out of the past seven they were in the same room with someone smoking cigarettes. When the CIAA went into effect in February of 2008, the percentage of public middle and high school youth who reported no exposure to cigarette smoke in the past seven days increased by more than 10%, an increase that has persisted.

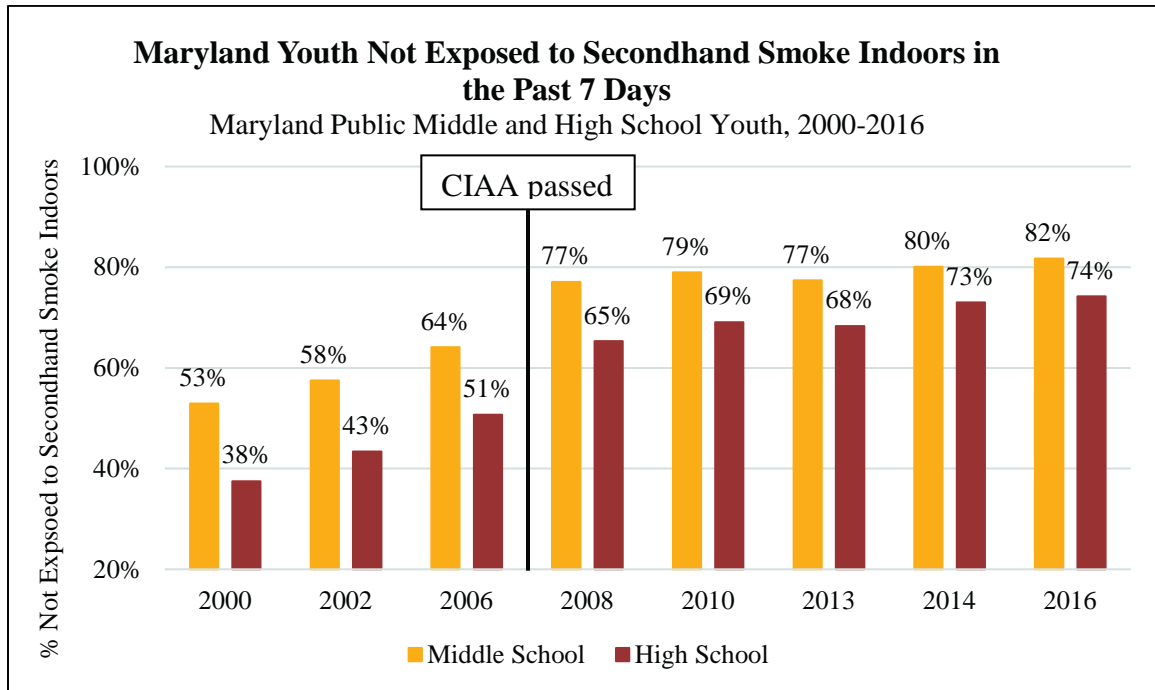


Figure 1. Maryland Youth Reporting No Exposure in the Past Week to Secondhand Smoke Indoors. Data from 2018 were not available at the time this report was published. Source: Maryland Department of Health. Monitoring Changing Tobacco Use Behaviors: 2000-2016, accessed September 26, 2019 at: <https://phpa.health.maryland.gov/Documents/CRF-Biennial-Tobacco-Study-FY-2017.pdf>.

Conclusion

The Clean Indoor Air Act has successfully contributed to a healthier Maryland. Indoor exposure to environmental tobacco smoke has substantially declined over the past 11 years. Overall, the law has been implemented and enforced consistently across the State, in no small measure due to the cooperative efforts of State and local agencies, Maryland businesses, and the public. As new issues such as electronic cigarettes and vaping emerge, the Department and its partners continue to raise awareness and discuss prevention strategies. The Department is encouraged by the progress that we have made in these past years and looks forward to working with the General Assembly in the next decade to improve Maryland’s health.

Table 1. Enforcement Activity for the Clean Indoor Air Act by Jurisdiction, 7/1/2018 – 6/30/2019

Jurisdiction	Number of Complaints Received
Allegany County	0
Anne Arundel County	0
Baltimore City	10
Baltimore County	2
Calvert County	1
Caroline County	0
Carroll County	1
Cecil County	1
Charles County	0
Dorchester County	0
Frederick County	1
Garrett County	1
Harford County	1
Howard County	3
Kent County	0
Montgomery County	3
Prince George's County	3
Queen Anne's County	0
St. Mary's County	0
Somerset County	0
Talbot County	0
Washington County	0
Wicomico County	1
Worcester County	0
Total	28