



MARYLAND Department of Health

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

November 14, 2018

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

The Honorable Michael E. Busch
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 – 2018 Annual Report on the Maryland Clean Indoor Air Act

Dear President Miller and Speaker Busch:

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 2017 through August 2018.

The overall impact of Maryland's Clean Indoor Air Act has been positive. For the last ten 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 Webster Ye, Deputy Chief of Staff, at (410) 767-6480.

Sincerely,

Robert R. Neall
Secretary



MARYLAND
Department of Health

The Maryland Clean Indoor Air Act

2018 Annual Report

Health General Article §24-507(b)

November 14, 2018

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Governor

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Introduction

This year the Maryland Department of Health (the Department), with statewide partners, celebrates the 10th anniversary of the Clean Indoor Air Act (CIAA), which went into effect on February 1, 2008. The CIAA 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. The CIAA is a key strategy to reduce the risk for respiratory illnesses among children, and heart disease and lung cancer among nonsmoking adults. This is the tenth year of enforcement, and overall the CIAA has been a great public health success.

Regulatory authority for the CIAA is vested with the Department for public areas, and the Maryland Department of Labor, Licensing, and Regulation (DLLR) 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, 2017 through August 31, 2018. 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 indicate that the CIAA has been extremely effective in reducing exposure to environmental tobacco smoke in the majority of indoor areas open to the public. Restaurants, hotels, bars, and other private and public entities have successfully implemented the CIAA throughout the State. As a result, Maryland children born after the implementation of the CIAA have been the first generation to grow up with smoke-free indoor public places.

Technical Assistance

The Department provides a number of resources to citizens, businesses, and others related to the CIAA. The Maryland Tobacco Quitline (1-800-QUITNOW) 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 examine data associated with Quitline to measure the potential benefits of the CIAA to the citizens of Maryland. The Maryland Tobacco Quitline received more than 29,000 calls with over 7,800 callers registering for cessation services. Thirty-nine percent of the callers were Medicaid participants and nine percent of the callers were uninsured. In total, 9,755 shipments of nicotine patches, nicotine gum, and nicotine lozenges were provided to State residents in State Fiscal Year 2017, who utilized 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. The Department received more than 520 calls in the first six months, after the CIAA was effective. This past year, there were 24 helpline calls, primarily related to new nicotine products, such as electronic nicotine delivery systems (e.g. e-cigarettes, vape devices, Juul vape pens) and tobacco retailer exemptions. The reduction in inquiries, since the introduction of the CIAA, is believed to be primarily due to the increased familiarity of businesses with the law. There are also periodic inquiries pertaining to smoking-related issues that are not addressed by the CIAA, such as drifting second-hand smoke in multi-level condominiums and rental housing.

Enforcement

Coordination with Local Health Departments

The Department works closely with local health departments to enforce the CIAA. The principal issues requiring coordination are: tobacco retailer exemption as it impacts hookah bars, cigar bars; and ensuring consistency in enforcement and definition across the State. In most cases, local health departments have been able to enforce the CIAA consistently and when questions arise, have consulted with the Department accordingly. For example, the Department worked with the Anne Arundel County Health Department in evaluating a complicated proposal for an outdoor area where smoking could be permitted.

Coordination with the Department of Labor, Licensing, and Regulation

The Department continues to work closely with DLLR and its Maryland Occupational Safety and Health (MOSH) program, which is responsible for implementing the CIAA in workplaces not open to the public. In 2017, MOSH continued to be active in investigating employee-related complaints of smoking in the work place. MOSH issued five letters of reprimand during the current year which resulted in five investigations. No citations were issued and 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 10 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 1 demonstrates the ongoing need for active enforcement of 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).

Another indication of the impact of the CIAA, as well as other Departmental efforts to reduce tobacco exposure, can be seen below in Figure 1. Figure 1 outlines 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. An analysis of the data shows that when the CIAA went into effect in February 2008, the percentage of public middle and high school youth who have not been exposed to cigarette smoke in the past seven days increased by more than 10%. The increase of non-exposure has persisted since the implementation of the CIAA.

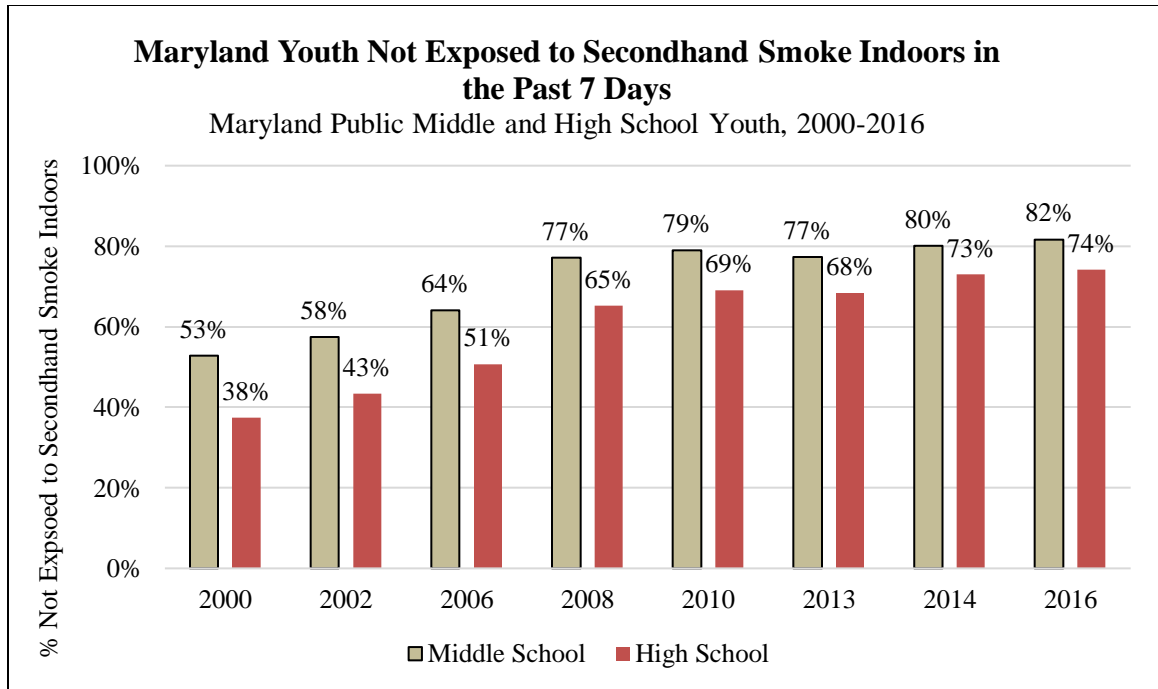


Figure 1. Maryland Youth Reporting No Exposure in the Past Week to Secondhand Smoke Indoors. Data from 2018 were not available at the time this report was published. Source: Maryland Department of Health. Monitoring Changing Tobacco Use Behaviors: 2000-2016, accessed September 28, 2018 at: https://phpa.health.maryland.gov/ohpetup/Pages/tob_reports.aspx.

Conclusion

Over the last 10 years, the Clean Indoor Air Act has successfully contributed to a healthier Maryland. Indoor exposure to environmental tobacco smoke has significantly declined over the past 10 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 community. As new issues emerge, such as the use of electronic nicotine delivery system among youth, 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 ten years and, looks forward to working with the General Assembly in the next decade to address these issues and improve Maryland’s health.

Table 1. Enforcement Activity for the Clean Indoor Air Act by Jurisdiction, July 1, 2017 – June 30, 2018.

Jurisdiction	Number of Complaints Received
Allegany County	0
Anne Arundel County	4*
Baltimore City	15
Baltimore County	2
Calvert County	0
Caroline County	0
Carroll County	1
Cecil County	1
Charles County	0
Dorchester County	0
Frederick County	1
Garrett County	2
Harford County	1
Howard County	3
Kent County	0
Montgomery County	31**
Prince George’s County	3
Queen Anne’s County	0
St. Mary’s County	1
Somerset County	0
Talbot County	0
Washington County	0
Wicomico County	1
Worcester County	0
Total	66

* 4 complaints. 2 resolved; 2 still under investigation

** 1 CIAA related, 30 related to county code, includes vaping and the smoking of any substance with any device.