

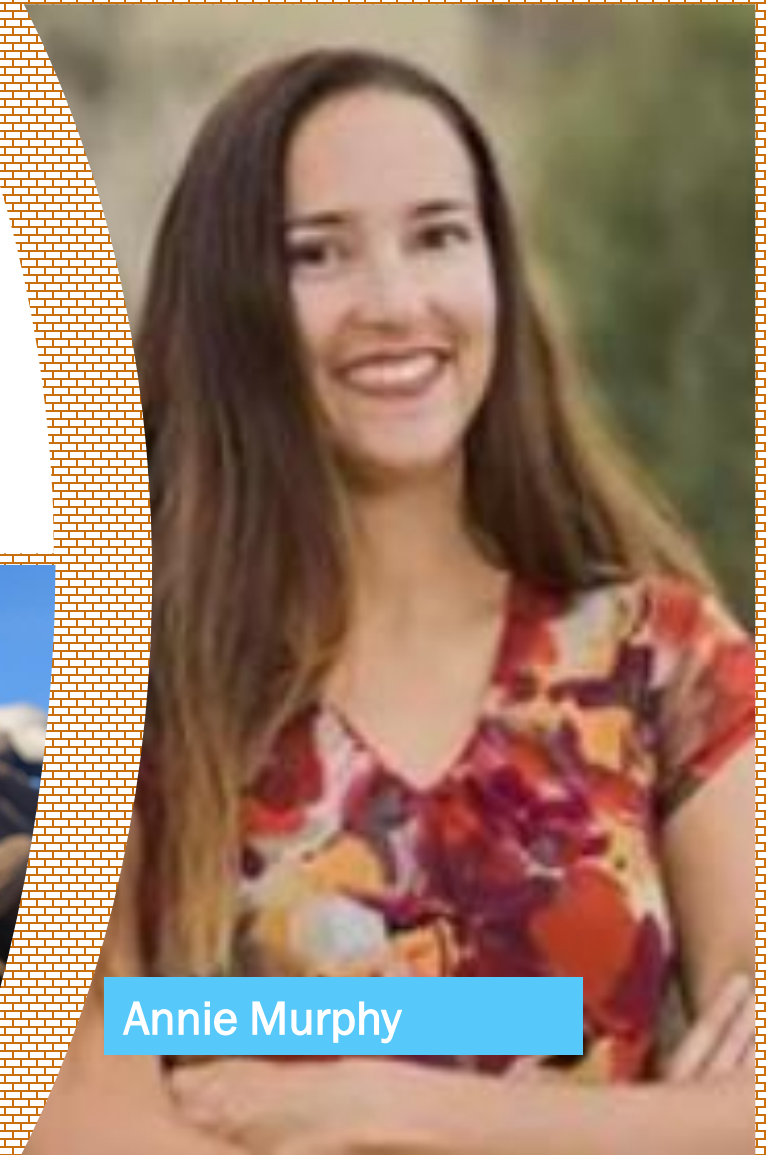


Smoke-free, Weed-free

— C O L O R A D O —
S M O K E - F R E E
— H O U S I N G —



Pete Bialick, GASP



Annie Murphy



Peggy Sarcomo,
DDPHE

Who are we

Objectives for Public Health

- Understand the health impact of secondhand marijuana smoke.
- Recognize the benefits of a smoke-free multi-unit housing policy that prohibits the smoking or vaping of marijuana.
- Understand the steps to enforce smoke-free policies for providers to prohibit or restrict the smoking or vaping of marijuana on their property.



Objectives Legal

- Gain Knowledge of the claim to “reasonable accommodations” under the federal Fair Housing Act.
- Clarify the authority of the public housing authorities to prohibit the **smoking** of marijuana in federalized subsidized housing.
- Comprehend HUD’s smoke-free rule and the prohibited use of marijuana by residents in public housing.
- Understand eviction and non-lease renewal for residents who use medical marijuana.
- Comprehend the rationale for the prohibition of marijuana in a state that has legalized medical and recreational use.



Reflexive Monitoring

Where can I get additional information about issues related to smoking or vaping marijuana and parallels between marijuana regulation and tobacco control policies?

AGENDA

9:00-9:45 Smoke Free Housing Policy and Marijuana Smoke

9:45-10:00 Q&A Open Discussion on Enforcement Strategy

10:00-10:15 Break

10:15-10:45 Legal Support for Marijuana Use in Multiunit Housing

10:45-11:00 Q&A Open Discussion on Legal Support

Peggy Sarcomo
Denver Department of Public Health
and Environment
Tobacco Program Specialist

SF MUH TA A35 Funding

Empower State Tobacco Education Prevention Partnership grantees, and LHAs with the knowledge, skills, and resources necessary to successfully implement tobacco control strategies, policies, and interventions within their communities.





group to alleviate smoking pollution



Home Donate Contact Us About



GASP Websites on Secondhand Marijuana Smoke
smokeissmoke.com
breathefreeco.org

Primary Programs



- Education Center
- Housing Providers & Residents
- Materials Available
- Support GASP

Smoke-Free Lists



- Local Laws
- Apartments & Condos
- Hotels & Other Lodging

Other Resources

- Legislative Tips | Web Resources
- Business Testimonials | Restaurant Campaign | Print & TV Ads





What is in Secondhand Smoke?

Definition of Smoking

Smoking: means the act of burning, heating, activation or carrying of any device, including, but not limited to a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device, by any other product name or descriptor, that results in the release of smoke, vapors, fumes or aerosols when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation.

Definition of Smoke

- **Smoke:** means the emissions or release of gases, particles, vapors or aerosols into the air from burning, heating or activation of any device, including, but not limited to a cigarette, electronic smoking device, e-cigarette, vape pens, e-hookahs or any other product by any name or descriptor when the apparent or usual purpose of burning, heating or activation of the device is human tasting and inhalation.

Types of Cannabis Use

Smoking



METHOD: Joints, pipes, blunts

HOW IT WORKS: Bud from the marijuana plant is burned and the smoke is inhaled.

METHOD: Waterpipes, bongs

HOW IT WORKS: Smoke goes through water before it is inhaled.

TIME TO TAKE EFFECT: Seconds to minutes to feel effect. Effects can last up to 6 hours.

HEALTH EFFECTS: Breathing marijuana smoke is not healthy. Using waterpipes and bongs does not make smoke less harmful. Marijuana smoke of any kind irritates the lungs.

Smoking around others exposes them to second-hand smoke. Marijuana smoke contains the same cancer-causing chemicals as tobacco smoke.

Eating or Drinking



METHOD: Marijuana-infused edibles or drinks

HOW IT WORKS: THC extract from marijuana is added to food or drink to be digested.

TIME TO TAKE EFFECT:

90 minutes to 4 hours to feel effect. Effects can last up to 8 hours.

HEALTH EFFECTS:

Since the body slowly digests edibles like regular food, it can take longer to feel the effect. It may not be safe to eat or drink additional servings right away. Use caution when consuming more than one serving.



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Rectangular Snip

Types of Cannabis Use cont

Vaping



METHOD: E-cigarettes, vape pens, vaporizers

HOW IT WORKS: THC extract from marijuana is heated and the vapor is inhaled.

TIME TO TAKE EFFECT: Seconds to minutes

HEALTH EFFECTS: Vaporized marijuana can have high levels of THC and other chemicals. High levels of THC can be dangerous. Tools used for vaporizing are not regulated for health or safety. At this time we do not know the safety of vaporizing marijuana.

Dabbing



METHOD: Hash oil, dab, wax or earwax, shatter

HOW IT WORKS: THC extract from marijuana is heated and the vapor is inhaled.

TIME TO TAKE EFFECT: Seconds to minutes

HEALTH EFFECTS: THC extract from marijuana, also called hash oil, can contain up to 60-80% THC. High levels of THC can be dangerous. At this time, we do not know the safety of dabbing.

Topical



METHOD: Non-edibles like lotions, oils, balms, salves

HOW IT WORKS: THC extract from marijuana is added to products and applied to the skin

TIME TO TAKE EFFECT: Not tested

HEALTH EFFECTS: Topical products may treat skin problems or pain relief, but do not make the user feel high.



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IMMEDIATE EFFECTS

- Being high or even buzzed can make some activities more dangerous.
- People often feel the effects of smoking or vaping marijuana within minutes, while it may take hours to feel the effects of edibles. The effects and the time before effects are felt can be different for everyone.
- Marijuana may make your heartbeat faster after use.
- The chemical in marijuana that makes you feel “high,” tetrahydrocannabinol (THC), can cause temporary psychotic symptoms. These symptoms, like not knowing what is real and paranoia.

INTERACTIONS WITH OTHER SUBSTANCES

Using alcohol and marijuana at the same time is more dangerous than using either alone and increases the risk of accidents.

Use caution when taking medication and marijuana at the same time. There may be drug interactions between marijuana and your medication.

Residents should talk to their healthcare provider about marijuana use if they are taking prescription medications.

Health Concerns

BRAIN AND MENTAL HEALTH EFFECTS



Daily or near-daily use of marijuana can hurt your memory. This damage can last a week or more after the last time you used it.

There is no known safe amount of marijuana use during pregnancy or breastfeeding.



- More children accidentally get into marijuana in states with legal marijuana. Marijuana can make children very sick, sometimes needing hospitalization.
- Marijuana is addictive. It is harder to stop using marijuana if starts at a young age.
- Youth who start using marijuana, alcohol, or other drugs may be more likely to continue using later in life.

RESPIRATORY EFFECTS

- **Both firsthand and secondhand smoke contains many of the same cancer-causing chemicals as tobacco smoke.**
- **People who smoke marijuana daily or near daily may have a daily cough, bronchitis, mucus, and wheezing.**





Monitoring Health Concerns Related to Marijuana in Colorado: 2022 Summary

More information available at
marijuanahealthreport.colorado.gov



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- Extreme secondhand exposure to marijuana smoke (such as one hour of exposure in an unventilated space), may be associated with psychomotor impairment and an increase in heart rate.
- Typical secondhand exposure to marijuana smoke is unlikely to result in a failed workplace urine test or a failed driving impairment blood test.
- Marijuana smoke, both firsthand and secondhand, contains many of the same cancer-causing chemicals as tobacco smoke.



Who's Using Cannabis



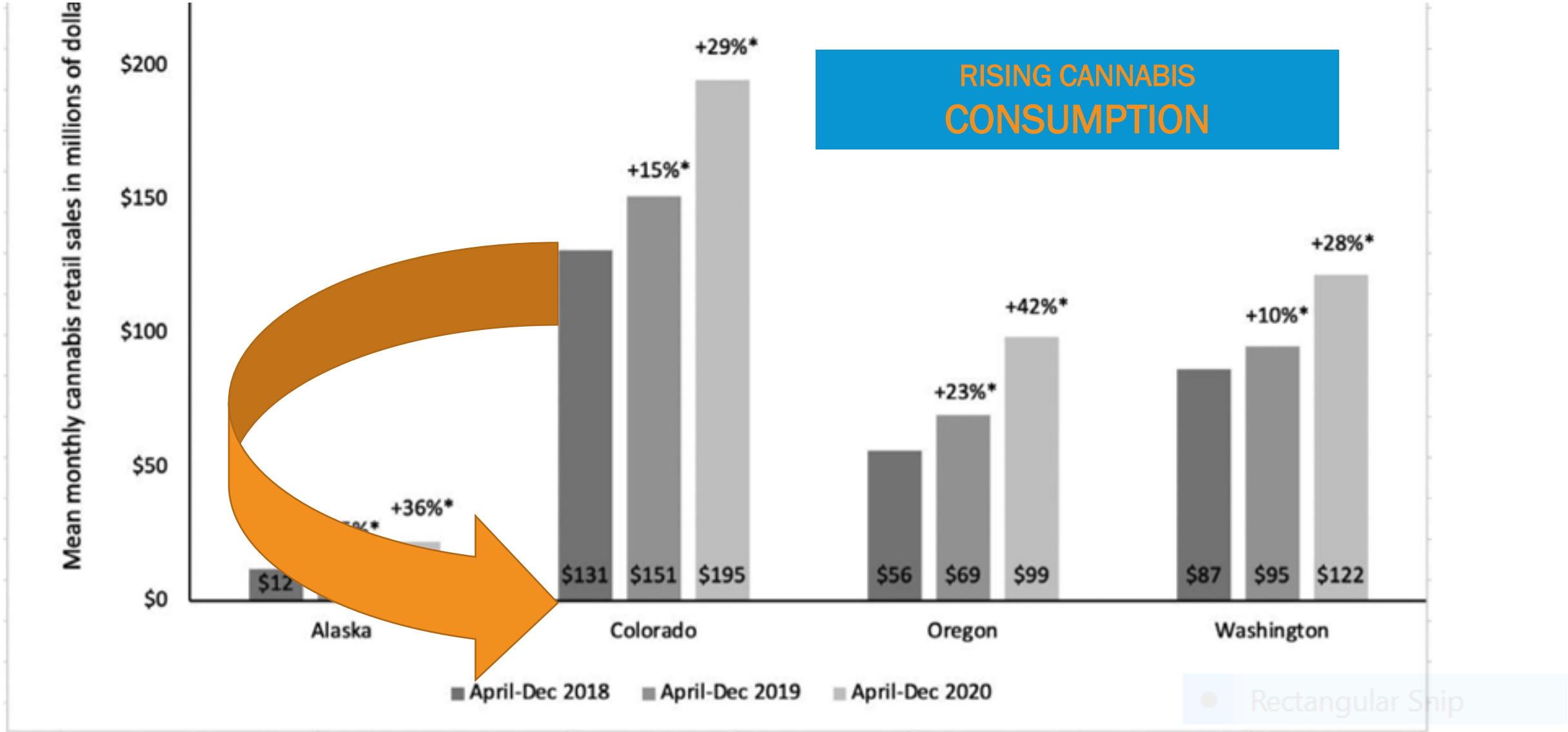
Cannabis sales increases during COVID-19: Findings from Alaska, Colorado, Oregon, and Washington

Highlights

- This study assesses changes in cannabis sales in four states during COVID-19.
- Cannabis sales increased in all four states coinciding with state stay-at-home orders.
- Sales reached a three-year peak in all four states between May and July 2020.
- The percent change in mean monthly sales in all states was higher in 2019–20 vs. 2018–19.

Gillian L. Schauer, Julia A. Dilley, Douglas R. Roehler, Thomas J. Sheehy, Jessica R. Filley, Sara Cooley Broschart, Kristin M. Holland, Grant T. Baldwin, Amy K. Holmes-Chavez, Brooke E. Hoots, Cannabis sales increases during COVID-19: Findings from Alaska, Colorado, Oregon, and Washington, International Journal of Drug Policy, Volume 98, 2021,103384,ISSN 0955-

3959,<https://doi.org/10.1016/j.drugpo.2021.103384>.



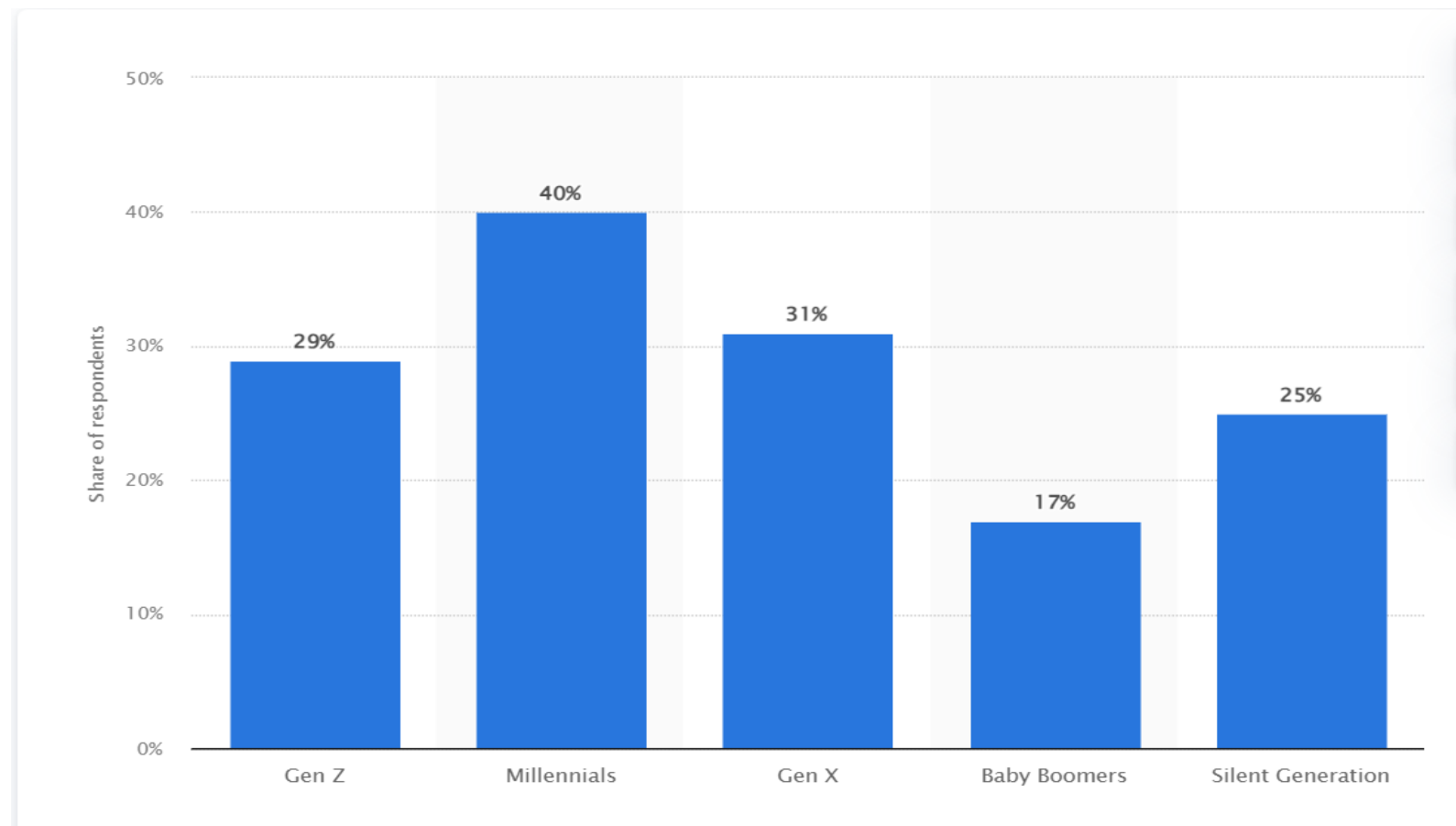
*p<.05

Percentages over 2019 bars (medium gray) indicate percent change in mean monthly retail sales from April-December 2018 to April-December 2019.

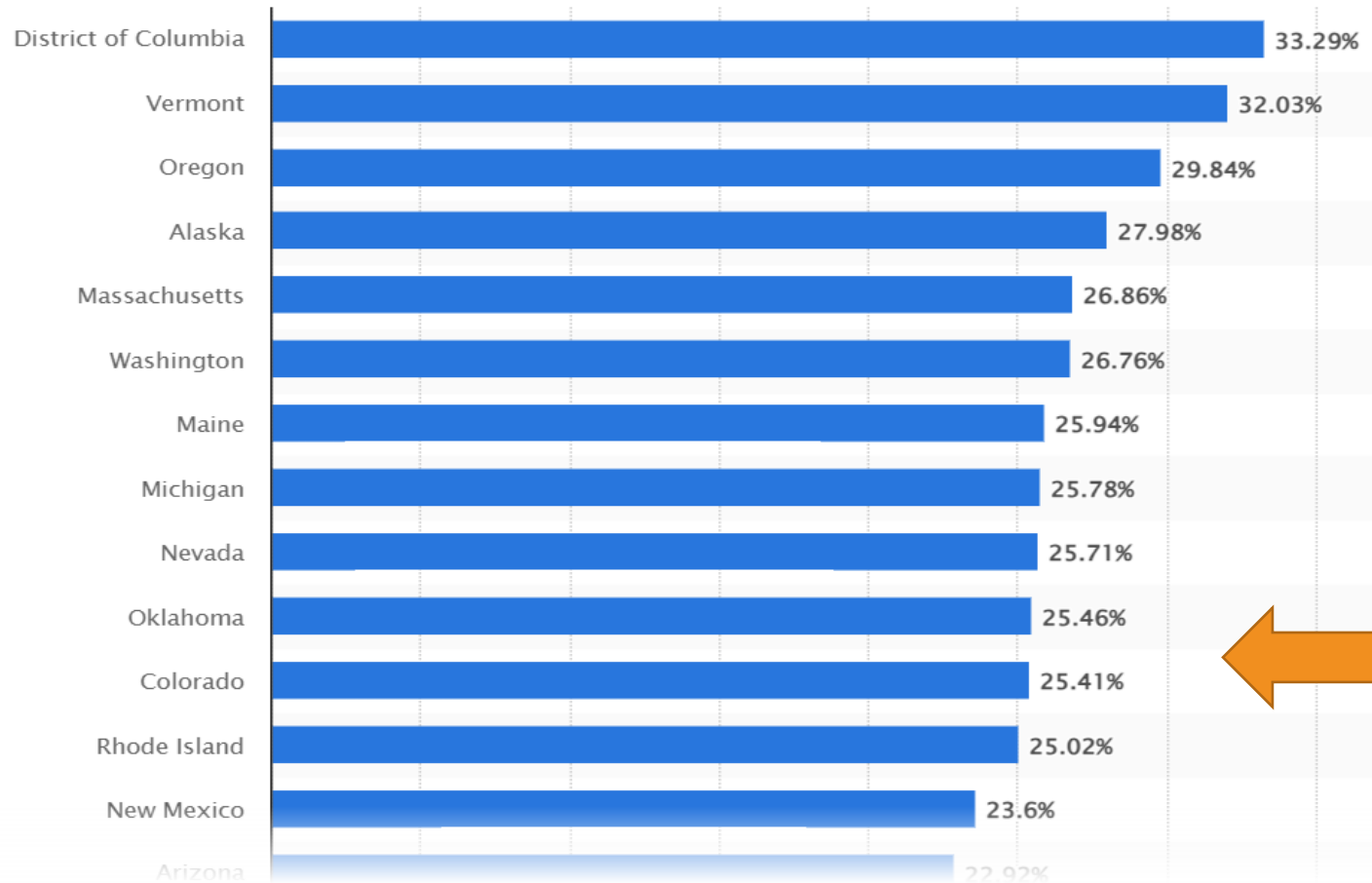
Percentages over 2020 bars (light gray) indicate percent change in mean monthly sales from April-December 2019 to April-December 2020.

Significant percent changes (P<.05) are indicated with an asterisk (*).

PLANNED INCREASE IN CANNABIS USE DURING THE COVID-19 OUTBREAK BY GENERATION



ADULTS THAT HAVE USED CANNABIS WITHIN THE LAST YEAR IN 2021



BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM 2021

Among Colorado adults 18+:

- 52.3% of adult consumers used marijuana daily or near daily.
- Smoking marijuana remains the most prevalent method of use among adult consumers.
- Past month marijuana consumption was significantly higher among adults who were:
 - Age 18-34 years
 - Male 22.3% (female 15.8%)
 - LGB and other sexual orientation



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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0500

OUNSEL

JAN 20 2011

MEMORANDUM FOR: John Trasviña, Assistant Secretary for Fair Housing
Opportunity

David Stevens, Assistant Secretary for Housing/
Commissioner

Sandra B. Henriquez, Assistant Secretary for Public
Indian Housing

Helen R. Kanovsky



Medical Use of Marijuana and Reasonable Accommodations
in Federal Public and Assisted Housing.

Prohibited Substance

- HUD prohibits the admission of users of marijuana to HUD-assisted housing.
- Controlled Substances Act (CSA), 21 U.S.C. Section 801
- Quality Housing and Work Responsibility Act of 1998 (QHWRA)
- Deny admission to any household with a member illegally using a controlled substance defined by the CSA

Lessons Learned From Tobacco

- Emerging tensions related to cannabis consumption in multi-unit housing (MUH) are inseparably intertwined with similar disputes in the tobacco control context.
- Ventilation, filtration, and air cleaning techniques can reduce harmful substances released from marijuana use indoors but are not likely to eliminate them.
- According to a 2015 Centers for Disease Control and Prevention (CDC) report, despite declines in SHS exposure over the past decades, over one in three nonsmokers who live in rental housing are still exposed to SHS.

Daniel G. Orenstein, Multiunit Housing and Cannabis: Good Laws Make Good Neighbors, 49 Fordham Urb. L.J. 475 (2022).
Available at: <https://ir.lawnet.fordham.edu/ulj/vol49/iss3/1>

Focus on Policy

- Smoke-free policies in homes, schools, offices, vehicles, and other enclosed spaces improve indoor air quality when they are comprehensive and effectively implemented. Smoke-free policies for tobacco smoke products have been extensively researched.



COLORADO SMOKE-FREE MULTI-UNIT HOUSING RESOURCE PACKET

Enforcement Strategy

Introduction

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- Benefits of a Smoke-free Policy
- Frequently Asked Questions for Private Property Managers

Public Housing Managers | 7

- Benefits of a Smoke-free Policy
- Frequently Asked Questions for Public Housing Managers

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- Policy Adoption Timeline
- Support Materials

Educating Your Residents | 11

- Frequently Asked Questions Residents May Ask
- Resources to Help Residents Who Want to Quit Smoking
- Resources to Help Communicate With Your Residents

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- Five-step Initial Enforcement Policy

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- Focus on collaboration
- Education
- Non-punitive measures

ENFORCEMENT



Save on Cost

SAVE MONEY

- Adopting a smoke-free policy could save turnover costs
- Save on the money it takes to remediate a unit once a smoker has moved out.

Consider this:

The average cost to rehab a two-bedroom unit:

- Smoking: \$5,500 - \$12,000
- Non-Smoking: \$500 or \$2,500

PRIVATE PROPERTY MANAGERS AND OWNERS

As a private property manager or owner, you have the power to establish a smoke-free policy at any of your multi-unit housing properties. Over the following pages, we provide information on the benefits of a smoke-free policy – both to you and to your residents – and a list of frequently asked questions and answers to help you make an informed decision about whether to implement this type of policy.

BENEFITS OF A SMOKE-FREE POLICY

ATTRACT RESIDENTS

Prospective residents want smoke-free housing. **One survey found that 90% of respondents, including current smokers, support no-smoking policies and say that living in a no-smoking building is important when choosing a place to live.²**

MEET MARKET DEMAND

83% of Coloradans do not smoke⁴ and 87% have no-smoking rules in their homes.⁵

REDUCE SECONDHAND SMOKE EXPOSURE

Smoke-free policies can create a safer, healthier environment for your residents, contractors and staff. **No level of exposure to secondhand smoke is safe, according to the U.S. Surgeon General.⁷**



SAVE MONEY



Adopting a smoke-free policy could save you significant turnover costs, as well as the money it takes to remediate a unit once a smoker has moved out. Consider this:

The average cost to rehab a two-bedroom unit:
Smoking: **\$5,500 - \$12,000**
Non-Smoking: **\$500 or \$2,500³**

PREVENT FIRES

Cigarette smoking is a leading cause of fires in multi-unit properties.⁶ Implementing a smoke-free policy may reduce your insurance premiums.



SMOKING BANS ARE LEGAL

No-smoking policies are not discriminatory. Smoking is not a specially protected liberty or privacy right in the United States.⁸

“Secondhand smoke flows between units through air filtration systems and other means. It cannot be contained.⁹ The only way to eliminate secondhand smoke exposure is to ban smoking activity.”

Enforcement Strategy

1st Complaint:

The manager visits with a casual knock-and-talk style, informs the resident of the complaint, and provides a copy of the policy and cessation resources.

2nd Complaint:

The manager delivers a written copy of the infraction notice. Cessation resources are offered again

ENFORCEMENT

Implementing a smoke-free policy can lead to little change if the policy is not properly enforced. Below you'll find the recommended approach to effectively enforce a smoke-free policy in the residence you manage or own.

Sample Five-Step Initial Enforcement Policy

- 1st Complaint:** Manager visits with a casual knock-and-talk style, informs resident of complaint and provides copy of the policy and cessation resources.
- 2nd Complaint:** Manager delivers written copy of the complaint. Cessation resources are offered again.
- 3rd Complaint:** Manager sends written copy of complaint with added requirement for private conference to discuss plans to remediate future complaints.
- 4th Complaint:** Private conference with resident and written agreement to comply, possible mediation.
- 5th Complaint:** Manager consults legal for further enforcement action, possibly eviction.

Make sure all visits and actions are documented.

The purpose of these policies are to protect all residents – non-smokers and smokers alike from the harms of secondhand smoke exposure. They are not intended to cause people to lose housing. Eviction should only be considered if all other enforcement strategies have been unsuccessful.

Escalation to requirement from the resident

3rd Complaint:

The manager sends a written copy of the infraction notice with the added requirement for a private conference to discuss plans to remediate future complaints.

4th Complaint:

A private conference with the resident and written agreement to comply, possible mediation.

5th Complaint:

The manager consults legal for further enforcement action, possibly eviction.

Five-Step Enforcement Protocol-

GO SLOW ENFORCEMENT STRATEGIES SUPPORT COMMUNITY COMPLIANCE AND MORE CESSATION ATTEMPTS.

First Violation — Step 1 Housing Provider/Executive Director visits the unit and provides a copy of the policy and *tobacco cessation resources*.

Second Violation — Step 2 Housing Provider /Executive Director visits the unit and delivers a written copy of the violation and *tobacco cessation resources*.

Third Violation— Step 3 Housing Provider /Executive Director sends a written copy of the violation with the added requirement for a private conference for subsequent complaints.

Fourth Violation— Step 4 Private conference with resident and written agreement to comply. *Possibility of Mediation.*

Fifth Violation— Step 5 Landlord/Executive Director consults legal regarding fines, further enforcement action, or termination of lease.



Barriers to Adoption

GASP Websites on Secondhand Marijuana Smoke

smokeissmoke.com

breathefreeco.org

- **Current Protections from Secondhand Smoke Are at Risk**
- **The Colorado legislature recently passed House Bill 19-1230, a law that allows local communities to choose whether to “Opt-In” and allow marijuana smoking and/or vaping in any type of licensed establishment.**
- **Allowing marijuana smoking and/or vaping in public places undermines the laws that have protected you from exposure to secondhand smoke in indoor spaces.**

Facilitators to Adoption

- Smoking restrictions have been enacted to protect the public from exposure to secondhand tobacco smoke.
- Scientific evidence demonstrates that exposure to the 70 toxic or cancer-causing chemicals emitted can cause disease and death.
- Secondhand marijuana smoke contains many of the same chemicals as secondhand tobacco smoke and electronic smoking devices emit some of those same chemicals as well as others regardless of what they are used for.
- Smoke-free and vapor-free policies save lives and protect the public from exposure to the health hazards caused by exposure to secondhand smoke and secondhand vapor.

GASP RESOURCES FOR HOUSING PROVIDERS

gaspforair.org

breathefreeco.org/

mysmokefreehousing.org

mysmokefreehousing.com

denversmokefreeliving.org

breathcolorado.org

Check Out GASP's Great Web Sites

gaspforair.org

breathefreeco.org/

mysmokefreehousing.org

mysmokefreehousing.com

denversmokefreeliving.org

breathcolorado.org



This beautiful sign is one of the many nice items available from GASP

[BreatheFree to Keep Our Public Places Smoke-Free](#) (External Link)

[Facebook Secondhand Marijuana Smoke Page](#) (External Link)

[Facts About Electronic Smoking Devices](#) (External Link)

[Facts About Secondhand Marijuana Smoke](#) (PDF)

[GASP Position on Secondhand Marijuana Smoke Exposure](#) (PDF)

[Hazardous Chemicals in Secondhand Marijuana Smoke](#) (PDF)

[Local Laws That Prohibit Marijuana Smoking or Vaping](#) (PDF)

[Marijuana Alternatives to Smoking or Vaping](#) (PDF)

[Marijuana Industry Spends Millions to Influence Legislators in Colorado](#) (PDF)

[Marijuana Licensing Law Allowing Public Use Indoors](#) (PDF)

[Marijuana Smoke Emits More Particulate Than Tobacco Smoke](#) (External Link)

[Marijuana Smoke Exposure Hospitalized Children](#) (External Link)

[Radio Spot Breathe Free](#) (MP3)

[Radio Spot Secondhand Marijuana Smoke](#) (MP3)

[Secondhand Marijuana Smoke Facts \(ANR\)](#) (External Link)

[Should Marijuana Smoking and Vaping be Allowed in Public Places?](#) (PDF)

[Smoke is Smoke Print Media Campaign](#) (PDF)

[TV Spot Breathe Free](#) (External Link)

[TV Spot on Secondhand Marijuana Smoke](#) (External Link)

[Ventilation Does Not Contain Marijuana Smoke \(ASHRAE\)](#) (PDF)

Considerations for Housing Providers

- Collaborate with LHA's to provide education, resources, and support.
- Support a comprehensive policy that includes MJ SHS.
- Support laws shruined at the city, county, or state level to provide broader, more comprehensive, and more equitable protection

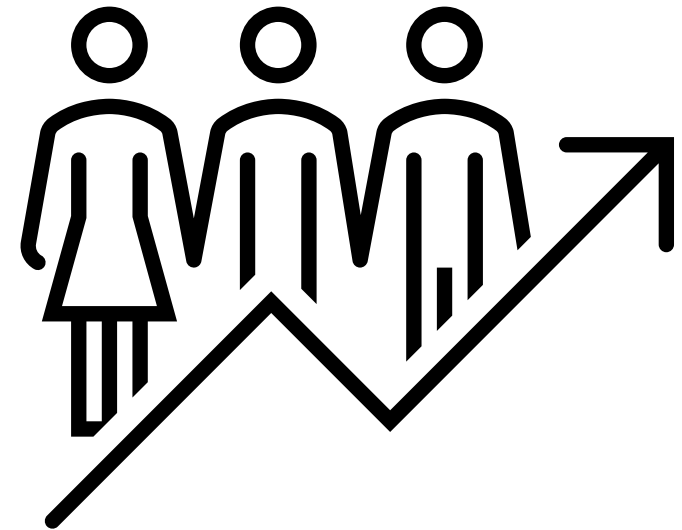




Invitation to Participate in a Focus Group

What

Participate in an hour-and-a-half focus group to examine the barriers and facilitators to smoke-free policy adoption, receive \$35 as a “Thank You”!



Focus Group Registration

Who

- Housing providers
- Maintenance Staff
- Service Coordinators or resident support staff

When

May 6, 7th, 8th online 12:00-1:30 pm

Focus Group Registration- Smoke-free Policy, Barriers and Facilitators



Legal Merge Presentation

See you back at 10:15



Contact Us

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