



# E-Cigarettes and Multi-unit Housing



E-cigarette aerosol can contain harmful substances, such as nicotine and cancer-causing chemicals, but many smoke-free housing policies do not address e-cigarettes.

**E-cigarette aerosol can get into apartments from many places, including vents and cracks in walls or floors. Adding e-cigarettes to smoke-free housing policies may help enforce policies already in place because it eliminates any confusion regarding what is included in your smoke-free policies.**

Because people spend more time at home than any other place, getting rid of e-cigarette aerosol in apartments and other housing can improve the health of the people living there.



## What are e-cigarettes?

Electronic cigarettes (e-cigarettes) are a group of **battery-operated tobacco products that allow users to inhale aerosolized liquid (e-juice or e-liquid) containing nicotine and other substances.**

The terms "e-cigarettes" and "e-cigs" are often used for electronic cigarettes, as well as for e-pens, e-pipes, e-hookah, and e-cigars. These products are also sometimes called "JUULs" (after a branded e-cigarette of the same name), "vapes," and "vape pens."

Unlike traditional cigarettes, e-cigarettes have a battery-operated heating part, a cartridge (unit) that typically holds nicotine, and other chemicals that become a chemical-filled aerosol when heated.



## How do e-cigarettes impact health?

**E-cigarette aerosol can contain harmful substances including nicotine, ultrafine particles that can be inhaled deeply into the lungs, volatile organic compounds, cancer causing chemicals, and heavy metals such as nickel, tin, and lead. Children, adults, and pets can be poisoned by the nicotine in e-liquid if it is swallowed, breathed, or absorbed through the skin or eyes. Nicotine is considered an acute hazardous waste, and thousands of calls are made every year to poison control about e-cigarettes and liquid nicotine.**



## What are the benefits of including e-cigarettes in a smoke-free policy?

Property owners and housing managers are increasingly choosing to include e-cigarettes in smoke-free policies to protect the health of residents and staff, decrease cleaning when tenants move out, and protect property from e-cigarette residue. Though relatively rare, there is some risk of fires and explosions from e-cigarettes. E-cigarettes may be considered a nuisance to neighbors.



## What does the law say about e-cigarettes?

In 2016, the Food and Drug Administration (FDA) began considering e-cigarettes a tobacco product and prohibiting e-cigarettes sales to minors. On December 20, 2019, the President signed legislation raising the federal minimum age of sale of tobacco products from 18 to 21 years. Some Michigan municipalities restrict where e-cigarettes can be used, such as in workplaces or parks, but **Michigan's statewide clean indoor air laws do not currently address e-cigarettes.**

In 2018, the U.S. Department of Housing and Urban Development required that public housing agencies implement smoke-free policies, but the policy did not place restrictions on e-cigarettes use. Despite not being included in the rule, **public housing agencies have the discretion to restrict e-cigarette use**, and many agencies have. **According to the Public Health Law Center, there is no constitutional right to smoke, and property managers and owners can prohibit the use of e-cigarettes.**



## How can housing managers address e-cigarette use?

Property managers or owners can prohibit e-cigarettes in building common areas and can **modify a lease or house rules to prohibit e-cigarette use** in individual units of an apartment building. If there is already a current smoke-free provision or addendum, changes to the lease can be added at the time of lease renewal.



## Sample definition to include in a lease

**Including a comprehensive definition of "smoking" in your lease agreement can ensure that new and emerging products are covered:**

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. "Smoking" also includes the use of an electronic smoking device.

"Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, a(n) e-cigarette, e-cigar, e-pipe, vape pen, Juul, or e-hookah.

## How do I get more information or a full model smoke-free lease policy?

To request a full model smoke-free lease addendum or for technical assistance, contact the Michigan Department of Health and Human Services Tobacco Section at 517-335-8376.

Additional resources on e-cigarettes and creating tobacco-free spaces can be found at [michigan.gov/tobacco](http://michigan.gov/tobacco).

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