

Should Marijuana Smoking and Vaping be Allowed in Marijuana “Hospitality” Establishments?

The Colorado Group to Alleviate Smoking Pollution (GASP) is a 501-c-3 statewide nonprofit organization founded in 1977. Through education and policy change, GASP works to save lives through efforts to eliminate exposure to secondhand smoke from the air we breathe at work, in public places, and in multiunit housing. No one should be forced to breathe smoke, whether it is from tobacco or marijuana smoking or vaping.

Smoking restrictions have been enacted to protect the public from exposure from secondhand tobacco smoke because scientific evidence demonstrating 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 in secondhand marijuana 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.

For more information about secondhand marijuana smoke or the aerosols emitted from electronic smoking devices, visit this GASP website: smokeissmoke.com.

The Colorado legislature passed House Bill 1230 in 2019 which gives local communities the option to allow just about any type of business, including retail food establishments, book stores, bars, restaurants, or retail stores, to obtain a license to open an establishment where people could consume, smoke, or vape marijuana as long as the activity is not visible from outside. Vaping devices can be brought into the establishment so they could contain tobacco or other drugs.

House Bill 1230 has no restriction as to where these establishments could be located, so they could be located next to or near other businesses, schools, residential buildings, or homes. They could be allowed just about anywhere indoors or outdoors as long as the activity was not “visible from outside.” That means that if a barrier or wall is erected, these smoking rooms could be located in a grocery store, restaurant, bar, retail store, coffee shop, spa, book store, or any other business. These smoking rooms would not even have to be enclosed or ventilated (which does not contain all chemical emissions anyway). It could lead to the return of smoking sections (for marijuana) in many public places and workplaces.

GASP believes allowing marijuana “hospitality” businesses that allow smoking or vaping will have some unintended consequences.

1) Will they hurt some businesses? Drifting smoke could put some establishments out of business and affect their insurance premiums because many insurance companies provide discounts for smoke-free policies. Places that might be especially affected are businesses with a health or beauty focus. It will affect workers, including those who must enter to deliver goods, perform maintenance, or provide services.

The number one source of complaints GASP receives is due to smoke drifting into businesses and homes. Ventilation cannot isolate all the toxic chemicals emitted from tobacco or marijuana smoke, which can drift into adjoining spaces through gaps in plumbing fixtures, outlets, plaster cracks, and other unsealed openings. A recent study found that electronic smoking-device chemicals traveled from a vape shop into adjoining businesses and settled on surfaces, forming a residue that included nitrosamines, which are known to cause cancer. The American Society for Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) stated in 2015 that for indoor air quality to be acceptable, it must be “completely free from secondhand smoke, secondhand marijuana smoke, and emissions from electronic smoking devices.”

2) Will they affect tourism? A majority of Coloradans do not use marijuana (around 85%). Fewer people may use marijuana in other states, which could deter tourism by people or groups that have strong concerns about drug use. Most Americans live in states or communities where smoking is not allowed in public places and most support laws on limiting smoking in public places and workplaces. In Colorado, a 2017 survey of 300 Colorado voters on marijuana smoking and vaping in public places found that more than 80 percent of Coloradans support

keeping and strengthening the Clean Indoor Air Act, that 86 percent agree that the law should apply to all types of smoking including marijuana smoking, and that 76 percent agree that the law should also apply to vaping.

3) What is the public health effect? At least 33 individual constituents known to cause cancer are present in both marijuana smoke and tobacco smoke, according to a 2009 California Environmental Protection Agency report, and exposure to secondhand marijuana smoke can have harmful health effects, including those linked to lung cancer, atherosclerosis (partially blocked arteries), heart attack, and stroke.

In a 2018 study a California environmental scientist tested particle concentrations at a dispensary event where vaporizing and dabbing occurred and found particulate-matter levels of 250 to 600 ug/m³. The emissions were nearly constant for six hours. These kinds of air pollution levels are the same levels of air pollution caused by wildfires and can lead to cardiovascular and respiratory disease, according to the study. Allowing marijuana smoking and vaping in indoor settings will create a newly unprotected class of workers.

4) Will it weaken the Colorado Clean Indoor Air Act or other local smoking restrictions? State and local laws ensure that Coloradans have the right to breathe smoke-free air in public places and in workplaces. The restriction on indoor marijuana smoking was added to the Colorado Clean Indoor Air Act in 2013 and in 2019 the legislature expanded the law to include vaping. More than [thirty communities](#) in Colorado have been strengthening, not weakening, their smoke-free protections to include electronic devices and marijuana. Many include outdoor areas like parks, trails, and playgrounds.

5) Will they be hard to enforce? Electronic smoking devices can be used to deliver marijuana and other drugs, according to the Centers for Disease Control. Some devices can also mix tobacco with marijuana. Some devices are known to explode. The state law allows customers to bring in their own electronic smoking devices. How will people know if anything other than marijuana is contained in the devices?

6) Are there alternatives to marijuana smoking or vaping? Yes, there are a number of products available on the market that are an alternative to smoking or vaping marijuana including infused beverages, edibles, lozenges, inhalers, tinctures, vaginal and rectal suppositories, and nasal sprays. For example there are infused beverages such as soda pop, coffee, etc. and others that act pretty fast (see <https://herb.co/learn/best-weed-drinks/>, "Cannabis Drinks Give You a Stronger High.")

7) Do most Coloradans want to see smoking and vaping allowed in public places again? Coloradans want control of what they put in their bodies, and they understand that all secondhand tobacco, marijuana smoke, and aerosol emissions from electronic smoking devices contain chemicals that will hurt their health. No one should be forced to breathe harmful chemicals at work and in public places. Most Coloradans do not use marijuana (85%).

8) Does it conflict with the Colorado constitution? Amendment 64 does not permit marijuana consumption that is conducted openly and publicly or in a manner that endangers others. Furthermore, Amendment 64 legalized only four classes of marijuana establishments: (1) marijuana cultivation facilities, (2) marijuana testing facilities, (3) marijuana product manufacturing facilities, and (4) retail marijuana stores. Amendment 64 did not authorize a new class of license outside of those listed above, and thus does not provide authority for the state to license privately owned businesses for the public consumption of marijuana on those premises in the same way that it does with alcohol.