

Smoke-free Housing and Marijuana Use



Marijuana, including medical marijuana, can be included in smoke-free housing policies, and prohibited from multi-family buildings, even though it is legal for Washington state residents who are 21 years or older to possess and use small amounts of marijuana in places that are not public.

Can tenants who have been prescribed marijuana for a medical condition claim that they are entitled to a “reasonable accommodation” and be allowed to smoke marijuana in their housing unit?

A “reasonable accommodation” should not result in the potential exposure of others to secondhand marijuana smoke. Secondhand smoke, whether from tobacco or marijuana, spreads throughout multi-unit buildings. And, users of medical marijuana have other options available to them. Several methods for ingesting medical marijuana exist that would not expose other residents to marijuana smoke, such as edibles, tinctures, beverages, oils, and pills.

How do I incorporate marijuana in a smoke-free policy?

Some housing agencies specifically call out marijuana products with other smoked products; other owners/managers keep the policy language broad to allow for widespread enforcement. Samples include:

- “The term ‘smoking’ refers to igniting, inhaling, breathing, exhaling or carrying of any lighted cigarette, cigar, pipe, tobacco, marijuana or herbal product, or any product intended to be ignited and inhaled in any manner or form” – NAVOS 2013
- “ ‘Smoke’ or ‘smoking’ means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment or tobacco product or other substance.” – Bellwether 2012

For additional information:

Public Health Law Center: www.publichealthlawcenter.org

Washington State Liquor & Cannabis Board: www.lcb.wa.gov

For resources and assistance adopting a smoke-free policy in King County, contact:
smokefreehousing@kingcounty.gov or call 206-263-8271