

Including Marijuana in Smoke-Free Housing Policies

Is it legal to include marijuana in a smoke-free housing policy?

It's legal for Washington state residents ages 21+ to use and possess small amounts of marijuana in places that are not public. However property owners and managers can include marijuana, including medical marijuana, in smoke-free housing policies and prohibit it from multi-family buildings.



Do I have to make accommodations for tenants who use medical marijuana?

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. Medical marijuana users have other options available to them. Several methods for ingesting medical marijuana exist that do 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 tobacco products. Other policies keep the language broad to allow for widespread enforcement. Samples language:

- “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

Do you want additional information?

- Visit Public Health Law Center at www.publichealthlawcenter.org
- Visit Washington State Liquor & Cannabis Board at www.lcb.wa.gov
- Contact George Hermosillo at ghermosillo@tpchd.org or (253) 405-8244 for resources or assistance adopting smoke-free policies in Pierce County.