

## Third-hand smoke disclosure in real estate: California adopts novel tobacco control and prevention legislation

The recognition of tobacco smoke as an environmental hazard has historically focused on second-hand smoke.<sup>1,2</sup> However, a growing body of evidence highlights the hazards of third-hand smoke (THS), the chemical residues that remain embedded in walls, carpets and furniture long after smoking or vaping has stopped. These residues include nicotine, carcinogenic nitrosamines and heavy metals, which can persist for years and disproportionately harm children and other vulnerable groups.<sup>3,4</sup>

On 3 October 2025, Governor Gavin Newsom of California signed Assembly Bill 455 (AB 455), the first law in the USA to address THS in real estate transactions.<sup>5</sup> Authored by Assemblymember Ortega, AB 455 requires sellers of single-family homes who have actual knowledge of past smoking or vaping in the property to disclose this information in writing to buyers. The law also mandates that the state's *Homeowner's Guide to Environmental Hazards* be updated to include a section on THS.

This novel approach places THS alongside asbestos, radon and lead paint as an environmental hazard that deserves legal recognition. It also redefines tobacco use not just as a health problem but as a continuous source of toxic environmental contamination.

The law offers several potential benefits. First, it enhances transparency and consumer awareness in property transactions. Second, it creates economic disincentives for indoor smoking because remediation can be costly. Similar to used cars, homes with THS contamination are likely to lose value.<sup>6</sup> It also establishes a basis for expanding protections to support Tobacco Endgame efforts, such as in multiunit housing, childcare facilities, hospitality venues, used cars and other shared environments.

California's new law also aligns with global tobacco control efforts, particularly Article 2.1 of the Framework

Convention on Tobacco Control (FCTC), which calls for measures beyond the specific obligations outlined in the original treaty.<sup>7</sup> It is noteworthy that the Report by the Expert Working Group calls for the expansion of smoke-free venues in private and semiprivate environments and the reduction of exposure to second- and third-hand tobacco smoke.<sup>8</sup>

AB 455 represents a significant advance in tobacco control and prevention, but challenges remain. These include reliance on sellers' self-reporting and limited penalties for non-compliance. Under California law, failure to disclose does not invalidate a sale. However, it opens up the possibility of civil litigation, and a buyer can sue for financial damages if the seller's oversight was either intentional or a result of negligence.

By incorporating THS into California's Health and Safety, Civil, and Business and Professions Codes, California has created a model that could be adopted nationwide and internationally. We encourage clinicians, researchers and policymakers to monitor the implementation of AB 455 and consider how disclosure-based frameworks could be used in other situations where THS pollutants persist and restrictions on personal behaviours might be controversial.

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