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# A BILL FOR AN ACT

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RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that secondhand smoke is  
2 a dangerous class A carcinogen in the same class as asbestos and  
3 benzene. Secondhand smoke typically contains at least seven  
4 thousand identifiable chemicals, about seventy of which are  
5 known or probable carcinogens. The fiftieth anniversary United  
6 States Surgeon General's Report on smoking and health, released  
7 on January 17, 2014, states that any level of exposure to  
8 secondhand smoke is dangerous and over two and a half million  
9 nonsmokers have died from health problems caused by secondhand  
10 smoke since 1964.

11       The legislature further finds that in general, children  
12 breathe in more air than adults because their lungs are still  
13 developing. Children also have little or no control over their  
14 environments and frequently cannot avoid exposure to secondhand  
15 smoke. As a result, children exposed to secondhand smoke run a  
16 greater risk of suffering from the damaging health effects.



1 According to the Centers for Disease Control and  
2 Prevention, secondhand smoke can cause heart disease, lung  
3 cancer, and stroke. In children, secondhand smoke can also  
4 cause ear infections; more frequent and severe asthma attacks;  
5 respiratory symptoms such as coughing, sneezing, and shortness  
6 of breath; respiratory infections such as bronchitis and  
7 pneumonia; and a greater risk for sudden infant death syndrome.

8 Studies have found that secondhand smoke exposure in  
9 vehicles is more concentrated than in bars and restaurants.  
10 Secondhand smoke in a car causes the air to be many times more  
11 toxic than what the Environmental Protection Agency considers  
12 hazardous air quality, even when a car window is open. Smoke-  
13 free vehicle policies ensure that clear air is maintained within  
14 the vehicle while a child is inside.

15 According to the Campaign for Tobacco-Free Kids, as of  
16 April 2016, the states of Arkansas, California, Louisiana,  
17 Maine, Oregon, Utah, Vermont, and Virginia, as well as Puerto  
18 Rico, have enacted smoke-free vehicle laws to protect minors.  
19 In addition, Hawaii County Code, section 14-21(a)(12) prohibits  
20 smoking in any motor vehicle whenever occupied by a person less  
21 than eighteen years of age.



1 The purpose of this Act is to prohibit smoking in a motor  
2 vehicle in which a minor is present.

3 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
4 amended by adding a new section to part XII to be appropriately  
5 designated and to read as follows:

6 "§291C- Smoking in a motor vehicle in which a minor is  
7 present; prohibited. (a) No person shall smoke in a motor  
8 vehicle in which a person under the age of eighteen is present.

9 (b) For the purposes of this section, "smoke" shall have  
10 the same meaning as provided in section 328J-1.

11 (c) Any person who violates this section shall be fined  
12 \$100 for each violation."

13 SECTION 3. Section 291C-161, Hawaii Revised Statutes, is  
14 amended by amending subsection (c) to read as follows:

15 "(c) Every person convicted under or found in violation of  
16 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-  
17 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
18 291C-104, ~~[or]~~ 291C-105, or 291C- shall be sentenced or fined  
19 in accordance with those sections."

20 SECTION 4. The department of health shall submit a report  
21 to the legislature regarding the enforceability of this Act and



1 coordination of related data collection efforts of the  
2 respective law enforcement agencies, including any proposed  
3 legislation, no later than twenty days prior to the convening of  
4 the regular session of 2020.

5 SECTION 5. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 6. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Statewide Traffic Code; Smoking; Motor Vehicle; Minors

**Description:**

Prohibits smoking in a motor vehicle in which a person under the age of 18 is present. Requires DOH to report on the enforceability of this Act and coordination of related data collection activities of the respective law enforcement agencies. (HB2535 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

