

JAN 19 2018

A BILL FOR AN ACT

RELATING TO THE STATEWIDE TRAFFIC CODE.

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
3 and benzene. Secondhand smoke typically contains at least seven
4 thousand identifiable chemicals, around seventy of which are
5 known or probable carcinogens. The fiftieth anniversary United
6 States Surgeon General Report, released on January 17, 2014,
7 states that any level of exposure to secondhand smoke is
8 dangerous and over two and a half million nonsmokers have died
9 from health problems caused by secondhand smoke since 1964.
10 Secondhand smoke can cause heart disease, lung cancer, and
11 strokes, according to the Centers for Disease Control and
12 Prevention.

13 The legislature further finds that children run a greater
14 risk of suffering from the damaging health effects of secondhand
15 smoke because children have a higher exposure risk and are
16 susceptible to more health problems. Children have a higher
17 exposure risk to secondhand smoke: children generally breathe in



1 more air than adults because their lungs are still developing,
2 and they have little or no control over their environments and
3 cannot leave if secondhand smoke bothers them. Children exposed
4 to secondhand smoke face additional health consequences: ear
5 infections; more frequent and severe asthma attacks; respiratory
6 symptoms such as coughing, sneezing, and shortness of breath;
7 respiratory infections such as bronchitis and pneumonia; and
8 increased risk of sudden infant death syndrome. This means that
9 smoke-free environments for children is of high importance.

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

17 According to the Campaign for Tobacco-Free Kids, as of
18 April 2016, the states of Arkansas, California, Louisiana,
19 Maine, Oregon, Utah, Vermont, and Virginia, as well as Puerto
20 Rico, have enacted smoke-free vehicle laws to protect minors.
21 In addition, section 14-21(a)(12) of the Hawaii County Code



S.B. NO. 2200

1 prohibits smoking in any motor vehicle whenever occupied by a
2 person less than eighteen years of age.

3 The purpose of this Act is to amend state law to prohibit
4 smoking in a motor vehicle when a minor is present.

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

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

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

13 (c) Any person who violates this section shall be fined
14 \$100."

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

17 "(c) Every person convicted under or found in violation of
18 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,
19 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
20 291C-104, ~~[or]~~ 291C-105, or 291C- shall be sentenced or fined
21 in accordance with those sections."



S.B. NO. 2200

1 SECTION 4. The department of health shall submit a report
2 to the legislature regarding the enforceability of this Act and
3 coordination of related data collection efforts of the
4 respective law enforcement agencies, including any proposed
5 legislation, no later than twenty days prior to the convening of
6 the regular session of 2020.

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

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

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S.B. NO. 2000

Report Title:

Statewide Traffic Code; Smoking; Motor Vehicle; Minors

Description:

Prohibits smoking in a motor vehicle in which a person under the age of eighteen is present. Requires the department of health to report on the enforceability of this Act and coordination of related data collection activities of the respective law enforcement agencies.

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

