

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 629

(Senator Lenett, *et al.*)

Finance

Health - Prohibition Against Smoking in Vehicle Containing Minor Passenger

This bill prohibits a person from smoking a tobacco product in a vehicle in which a child younger than six is a passenger. A person who violates this provision is subject to a maximum civil penalty of \$25. The bill also contains conforming amendments affecting the organization of provisions governing tobacco smoking in retail stores.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision. No effect on expenditures.

Local Effect: Potential minimal increase in revenues due to the bill's penalty provision. No effect on expenditures.

Small Business Effect: None.

Analysis

Current Law: "Smoking" means the act of smoking or carrying a burning cigar, cigarette, pipe, or other tobacco product of any kind. A "vehicle" means any device in, on, or by which any individual or property is or might be transported or towed on a highway.

State law does not limit the smoking of tobacco products by adults in private residences or in privately owned vehicles. State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation and in the workplace. State law

also prohibits an individual or employee from smoking in the public area of a retail store in Maryland. That prohibition does not apply to a restaurant or restaurant area of a retail store, a tobacconist, and the lavatory or restroom of a retail store that is not accessible by the public and that can be physically isolated by a room with doors closed. State laws and regulations also limit or prohibit smoking in government buildings and other establishments accessible to the public.

State Fiscal Effect: General fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court. No effect on expenditures.

Local Revenues: Revenues could increase minimally under the bill's monetary penalty for those contested civil penalties paid directly to local jurisdictions.

Local Expenditures: Charles, Kent, Montgomery, Washington, and Worcester counties and the City of Annapolis and the Town of Elkton all indicate that the provisions of this bill could be enforced with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Annapolis; Town of Elkton; Charles County; Kent County; Montgomery County; Washington County; Worcester County; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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