

SENATE BILL 785

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8lr3024

By: **Senators Lenett, Jones, Madaleno, McFadden, and Muse**

Introduced and read first time: February 5, 2008

Rules suspended

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Prohibition Against Smoking in Vehicle Containing Minor**
3 **Passenger**

4 FOR the purpose of prohibiting a person from smoking a tobacco product in a vehicle
5 in which a person who is under a certain age is a passenger, subject to certain
6 penalties; making a technical change; and generally relating to prohibitions
7 against tobacco smoking.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 24–504
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Health – General
15 Section 24–508(a), (b), and (f)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 24–504.

22 (A) Except as provided in § 24–505 of this subtitle, [beginning on February 1,
23 2008,] a person may not smoke in:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) An indoor area open to the public;
- 2 (2) An indoor place in which meetings are open to the public in
3 accordance with Title 10, Subtitle 5 of the State Government Article;
- 4 (3) A government-owned or government-operated means of mass
5 transportation including buses, vans, trains, taxicabs, and limousines; or
- 6 (4) An indoor place of employment.

7 **(B) A PERSON MAY NOT SMOKE A TOBACCO PRODUCT IN A VEHICLE IN**
8 **WHICH A PERSON WHO IS UNDER THE AGE OF 6 YEARS IS A PASSENGER.**

9 24-508.

10 (a) Subject to subsection (c) of this section and except as provided in
11 subsection (d) of this section, a person who violates a provision of this subtitle or a
12 regulation adopted under § 24-507(a) of this subtitle:

- 13 (1) For a first violation, shall be issued a written reprimand by the
14 Secretary or the Secretary's designee;
- 15 (2) For a second violation, is subject to a civil penalty of \$100; and
- 16 (3) For each subsequent violation, is subject to a civil penalty not less
17 than \$250.

18 (b) The Secretary may waive a penalty established under subsection (a) of
19 this section, giving consideration to factors that include:

- 20 (1) The seriousness of the violation; and
- 21 (2) Any demonstrated good faith measures to comply with the
22 provisions of this subtitle.

23 (f) A penalty collected by the Secretary under this section shall be paid to
24 the Cigarette Restitution Fund established under § 7-317 of the State Finance and
25 Procurement Article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.