

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 785

(Senator Lenett, *et al.*)

Finance

Health - Prohibition Against Smoking in Vehicle Containing Minor Passenger

This bill expands the Clean Indoor Air Act of 2007 to prohibit a person from smoking a tobacco product in a vehicle in which a child younger than age six is a passenger. A person who violates this provision is subject to existing penalties of • a written reprimand for the first violation; • a civil penalty of \$100 for the second violation; and • a civil penalty of at least \$250 for each subsequent violation.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Clean Indoor Air Act prohibits a person from smoking in • an indoor area open to the public; • an indoor place in which meetings are open to the public; • a government-owned or operated means of mass transportation; or • an indoor place of employment.

“Smoking,” under the Clean Indoor Air Act, means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco.

A “vehicle” under the Transportation Article means any device in, on, or by which any individual or property is or might be transported or towed on a highway. The definition excludes mopeds and motor scooters but includes low-speed vehicles except for personal assistive motoring device. Smoking is not prohibited in private vehicles, unless they are being used for the public transportation of children or as part of health care or day care transportation. The prohibition applies to children of any age.

Civil penalties under the Clean Indoor Act are collected by the Secretary of Health and Mental Hygiene and paid into the Cigarette Restitution Fund.

Background: California and Bangore, Maine prohibit a person from smoking a tobacco product in a vehicle in which a minor is a passenger. Arkansas law prohibits a person from smoking a tobacco product in a vehicle in which a child under age six is a passenger. Louisiana law prohibits a person from smoking a tobacco product when a child who is required to be restrained in a safety seat is a passenger.

State Fiscal Effect: Special fund revenues could increase minimally if the Secretary of Health and Mental Hygiene imposes and collects a civil penalty. No effect on expenditures.

Additional Information

Prior Introductions: A similar bill, SB 629 of 2007, received an unfavorable report from the Senate Finance Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2008
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