

Introduced by Senator Oropeza

December 4, 2006

An act to add Article 2.5 (commencing with Section 118947) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 7, as introduced, Oropeza. Smoking in vehicles with minor passengers.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction punishable by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor.

This bill would require the State Department of Public Health to conduct, as a part of its ongoing public education and awareness campaign, a public education program regarding the dangers of secondhand smoke in confined places, and to the extent that funds are available, the bill would require the department to inform the public of the bill's prohibitions and requirements.

The bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to accomplish
2 both of the following:

3 (a) To encourage all affected parties to continue to educate
4 families about the health implications of secondhand smoke on
5 children, particularly involving motor vehicles, and to educate the
6 general public regarding its responsibilities in implementing this
7 act.

8 (b) To educate drivers by publishing in the California Driver's
9 Handbook the new restrictions established by this act and the
10 consequences of failing to comply with those restrictions, and to
11 include this information with the mailing of vehicle registration
12 renewals.

13 SEC. 2. Article 2.5 (commencing with Section 118947) is
14 added to Chapter 4 of Part 15 of Division 104 of the Health and
15 Safety Code, to read:

16
17 Article 2.5. Smoking in Motor Vehicles
18

19 118947. This act shall be known, and may be cited, as the
20 Marco Firebaugh Memorial Children's Health and Safety Act of
21 2007.

22 118948. (a) It is unlawful for a person to smoke a pipe, cigar,
23 or cigarette in a motor vehicle, whether in motion or at rest, in
24 which there is a minor.

25 (b) For the purposes of this section, "to smoke" means to have
26 in one's immediate possession a lighted pipe, cigar, or cigarette
27 containing tobacco or any other plant.

28 (c) A violation of this section is an infraction punishable by a
29 fine not exceeding one hundred dollars (\$100) for each violation.

30 118949. (a) As part of its ongoing public education and
31 awareness campaign, the Tobacco Control Section of the State
32 Department of Public Health shall conduct a public education
33 program to inform the public of the dangers of secondhand smoke
34 in confined spaces, particularly the danger to children.

1 (b) To the extent that funds are available, the department shall
2 inform the public of the provisions of this article.

3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.