

JAN 20 2017

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 and
3 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 The legislature further finds that in general, children
11 breathe in more air than adults because their lungs are still
12 developing. Children also have little or no control over their
13 environments and cannot leave if secondhand smoke bothers them.
14 As a result, children exposed to secondhand smoke run a greater
15 risk of suffering from the damaging health effects.

16 According to the Centers for Disease Control and
17 Prevention, secondhand smoke can cause heart disease, lung



1 cancer, and stroke. In children, secondhand smoke can also
2 cause ear infections; more frequent and severe asthma attacks;
3 respiratory symptoms such as coughing, sneezing, and shortness
4 of breath; respiratory infections such as bronchitis and
5 pneumonia; and a greater risk for sudden infant death syndrome.

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

13 According to the Campaign for Tobacco-Free Kids, as of
14 April 2016, the states of Arkansas, California, Louisiana,
15 Maine, Oregon, Utah, Vermont, and Virginia, as well as Puerto
16 Rico, have enacted smoke-free vehicle laws to protect minors.
17 In addition, Hawaii County Code, section 14-21(a)(12) prohibits
18 smoking in any motor vehicle whenever occupied by a person less
19 than eighteen years of age.

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



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

4 "§291C- Smoking in a motor vehicle in which a minor is
5 present; prohibited. (a) No person shall smoke in a motor
6 vehicle in which a person under the age of eighteen is present.

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

9 (c) Any person who violates this section shall be fined
10 \$100."

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

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

18 SECTION 4. The department of health shall submit a report
19 to the legislature regarding the enforceability by law
20 enforcement agencies of the prohibition of smoking in a motor
21 vehicle in which a minor is present as a secondary offense and



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1 coordination of data collection efforts of the respective law
 2 enforcement agencies, including any proposed legislation, no
 3 later than twenty days prior to the convening of the regular
 4 session of 2018.

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

8 SECTION 6. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

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

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Report Title:

Statewide Traffic Code; Smoking; Motor Vehicle; Minors

Description:

Prohibits smoking in a motor vehicle in which a minor is present. Requires the Department of Health to report on the enforceability of the prohibition and coordination of data collection efforts 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.

