

HOUSE BILL REPORT

HB 2519

As Reported by House Committee On:
Transportation

Title: An act relating to operating a motor vehicle while smoking.

Brief Description: Prohibiting smoking in vehicles containing children.

Sponsors: Representatives Schual-Berke, Hunt, Appleton, Roberts, Kenney, Seaquist, Eddy and Williams.

Brief History:

Committee Activity:

Transportation: 1/21/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Prohibits the smoking of a pipe, cigar, or cigarette in a motor vehicle in which there are any passengers under the age of 18.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Appleton, Campbell, Dickerson, Eddy, Jarrett, Loomis, Rolfes, Sells, Simpson, Smith, Springer, Takko, Uptegrove, Wallace, Williams and Wood.

Minority Report: Do not pass. Signed by 8 members: Representatives Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Armstrong, Herrera, Hudgins, Kristiansen, Rodne and Warnick.

Staff: David Munnecke (786-7315).

Background:

An estimated 45.3 million people smoke cigarettes in the United States, according to the Centers for Disease Control and Prevention (CDC). The CDC has labeled cigarette smoking the leading preventable cause of death in the United States, accounting for approximately one out of every five deaths in the United States each year, or approximately 438,000 people.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2005 Washington voters passed Initiative 901, which expanded a ban on smoking in public places to include schools, bars, taverns, bowling allies, casinos, reception areas, at least 75 percent of the sleeping quarters in hotels and motels, and places of employment. The initiative also banned smoking within 25 feet of entrances, exits, open windows, and ventilation intakes of enclosed areas where smoking was prohibited.

In 2007 Arkansas and Louisiana passed laws prohibiting motorists from smoking in cars with children up to ages six and 13, respectively. Beginning January 1 of this year, California made it a secondary infraction punishable by a fine of \$100 dollars to smoke a pipe, cigar, or cigarette in a motor vehicle in which a minor is present.

Summary of Substitute Bill:

Any person who smokes a pipe, cigar, or cigarette in a motor vehicle in which there are passengers under the age of 18 is guilty of a traffic infraction.

Enforcement of this act may only be accomplished as a secondary action when the driver has been detained for another suspected violation. Infractions that result from this act will not become part of the driver's record nor will information regarding the infraction be available to insurance companies or employers.

For the first six months after the effective date of the act, law enforcement officers may only issue warnings for violations of the act.

Substitute Bill Compared to Original Bill:

For the first six months after the new effective date of July 1, 2008, law enforcement officers are only allowed to issue warnings for violations of the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect July 1, 2008.

Staff Summary of Public Testimony:

(In support) Secondhand smoke is toxic, and passengers in a vehicle cannot escape exposure. Secondhand smoke is associated with lung disease, heart disease, asthma, and ear infections and can lead to an increased risk of sudden infant death syndrome. Inhaling the small particles in smoke can also adversely effect the development of children's lungs, and there is nothing that the children can do to protect themselves.

This is a classic public health issue. It is an opportunity to help children, and would also lead to economic savings by preventing increased health care spending on individuals exposed to secondhand smoke as children. This will also give a nudge to help people quit smoking.

An experiment performed in California showed that the toxins in the backseat of a car where someone is smoking were 30 times higher than the level at which an unhealthy air alert is triggered, and stayed unhealthy for an hour and a half. The level of toxins from smoking in a car can easily be 10 times the level that the same activity produces in the home.

The state should respect people's privacy, but the dangers of smoking in vehicles rises to the level where action must be taken, like the state has taken action to restrict drinking while driving and texting while driving. The state already requires that foster children not be exposed to secondhand smoke. State laws should model best practices, something that the state has previously done in the context of children's car seats. There are many other things, such as not texting while driving or not wearing a seatbelt, that the state should not have to tell people not to do but must tell them not to do nonetheless.

This bill makes a violation a secondary infraction, so a driver will not be stopped solely for violating the act. Enforcement of the act is delayed until next year so the state can start educating people about the law. The enforcement of a law can take place through education as well as traffic infractions. There are already enough distractions with other people in the vehicle without people smoking as well, and there is no expectation of privacy in a car on the highway.

Individuals have called and emailed to say that when they were children they would cough and get sick due to exposure to smoking in vehicles.

(Opposed) None.

Persons Testifying: Representative Schual-Berke, prime sponsor; Lea Reaves, Washington Council of Police and Sheriffs; Bill Hanson, Washington State Fraternal Order of the Police; Rick Jensen, Washington State Patrol Troopers Association; Michael Shaw, American Heart Association; Sarah Cherin, Children's Alliance; Megan Sullivan; Jeff Killip, Washington Association of Counties; Lew Sanderson, Pierce County Tobacco Advisory Board; Diane Dakin; and Caitlin Borges.

Persons Signed In To Testify But Not Testifying: None.