

## HB3 INTRODUCED



1 W14Z55-1  
2 By Representative Hollis  
3 RFD: Public Safety and Homeland Security  
4 First Read: 07-Mar-23  
5 PFD: 20-Jan-23



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SYNOPSIS:

Existing law does not prohibit smoking or vaping in a motor vehicle when a child is present.

This bill would prohibit smoking or vaping in a motor vehicle when a child under 14 years of age is present.

This bill would also provide penalties for a violation.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

A BILL  
TO BE ENTITLED  
AN ACT



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Relating to crimes and offenses; to prohibit smoking or vaping in a motor vehicle when a child is present; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) SMOKE. The same meaning as smoking in Section 22-15A-3, Code of Alabama 1975.

(2) TOBACCO PRODUCT. The same meaning as in Section 28-11-2, Code of Alabama 1975.

(3) VAPE. To use an electronic nicotine delivery system as defined in Section 28-11-2, Code of Alabama 1975.

(b) (1) It is unlawful for a person to smoke a tobacco product or vape in an enclosed motor vehicle when a child 14 years of age or younger is present in the enclosed motor vehicle.

(2) This section applies to all motor vehicles and whether the motor vehicle is in motion or at rest, or whether the windows of the motor vehicle are open or closed.

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



57 (d) A violation of this section may be investigated and  
58 charged only as a secondary violation following the lawful  
59 stop of a motor vehicle based on probable cause of a separate  
60 violation of law, and the issuance of a citation or warrant of  
61 arrest for that violation.

62 Section 2. Although this bill would have as its purpose  
63 or effect the requirement of a new or increased expenditure of  
64 local funds, the bill is excluded from further requirements  
65 and application under Amendment 621, as amended by Amendment  
66 890, now appearing as Section 111.05 of the Official  
67 Recompilation of the Constitution of Alabama of 1901, as  
68 amended, because the bill defines a new crime or amends the  
69 definition of an existing crime.

70 Section 3. This act shall become effective on the first  
71 day of the third month following its passage and approval by  
72 the Governor, or its otherwise becoming law.