

1 HB46
2 204083-2
3 By Representative Hollis
4 RFD: Health
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To prohibit the smoking of tobacco products or
9 vaping in motor vehicles when a child aged 14 years or under
10 is present in the vehicle; and in connection therewith would
11 have as its purpose or effect the requirement of a new or
12 increased expenditure of local funds within the meaning of
13 Amendment 621 of the Constitution of Alabama of 1901, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) It is unlawful for a person to smoke
18 a tobacco product or to vape in a motor vehicle, whether in
19 motion or at rest, in which a child aged 14 years or under is
20 present in the vehicle.

21 (b) For purposes of this section, smoke has the same
22 meaning as smoking in Section 22-15A-3, Code of Alabama 1975,
23 and tobacco product has the same meaning as in Section
24 28-11-2, Code of Alabama 1975.

25 (c) For purposes of this section, vape or vaping has
26 the same meaning as electronic nicotine delivery system that

1 carries a liquid nicotine container pursuant to Section 28-11-2.

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

5 ~~(d)~~ (e) A violation of this section shall be a
6 secondary violation after a lawful stop of the vehicle based
7 on probable cause of another violation of law and the issuance
8 of a citation or warrant of arrest for the violation.

9 Section 2. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Health 04-FEB-20

Read for the second time and placed
on the calendar..... 06-FEB-20

Read for the third time and passed
as amended..... 18-FEB-20

Yeas 78, Nays 19, Abstains 3

Jeff Woodard
Clerk