

# HB3 ENROLLED



1 W14Z55-2  
2 By Representative Hollis  
3 RFD: Public Safety and Homeland Security  
4 First Read: 07-Mar-23  
5 PFD: 20-Jan-23  
6 2023 Regular Session



## HB3 Enrolled

1 Enrolled, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 (1) SMOKE. The same meaning as smoking in Section  
17 22-15A-3, Code of Alabama 1975.

18 (2) TOBACCO PRODUCT. The same meaning as in Section  
19 28-11-2, Code of Alabama 1975.

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

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

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



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

31 (d) A violation of this section may be investigated and  
32 charged only as a secondary violation following the lawful  
33 stop of a motor vehicle based on probable cause of a separate  
34 violation of law, and the issuance of a citation or warrant of  
35 arrest for that violation.

36 Section 2. Although this bill would have as its purpose  
37 or effect the requirement of a new or increased expenditure of  
38 local funds, the bill is excluded from further requirements  
39 and application under Amendment 621, as amended by Amendment  
40 890, now appearing as Section 111.05 of the Official  
41 Recompilation of the Constitution of Alabama of 1901, as  
42 amended, because the bill defines a new crime or amends the  
43 definition of an existing crime.

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



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 04-Apr-23.

John Treadwell  
Clerk

Senate

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**25-Apr-23**

Passed