

House Bill 274

By: Representatives Scott of the 76th, Stephenson of the 90th, Jones of the 53rd, Henson of the 86th, Stephens of the 165th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding offenses against public health and morals, so as to
3 provide for the offense of smoking inside any motor vehicle when a person who is under 13
4 years of age is present; to provide for a criminal penalty; to provide for legislative findings;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 (a) The Georgia General Assembly finds that:

- 9 (1) Exposure to secondhand smoke is related to increased risk of respiratory and other
10 diseases and illnesses, including, but not limited to, common colds, bronchitis,
11 pneumonia, chronic middle ear infection, and asthma;
- 12 (2) Exposure to secondhand smoke has been linked to higher risks of developmental
13 delays and sudden infant death syndrome;
- 14 (3) Children who experience long-term exposure to secondhand smoke are more at risk
15 for emergency room visits and hospital admittances due to respiratory health issues;
- 16 (4) Chemicals in secondhand smoke are harmful to the blood vessels of developing
17 children, increasing the risk of early onset chronic cardiovascular illness;
- 18 (5) Secondhand smoke contains more than 4,000 chemicals, approximately 50 of which
19 are related to cancer; and
- 20 (6) It is important to protect children from exposure to such chemicals in an environment
21 as commonplace as the enclosed confines of a motor vehicle.

22 (b) As used in this section, the term "secondhand smoke" means smoke emitted from lighted,
23 smoldering, or burning tobacco when the person smoking is not inhaling; smoke emitted at
24 the mouthpiece during puff drawing; and smoke exhaled by the person smoking.

25 **SECTION 2.**

26 Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
27 general provisions regarding offenses against public health and morals, is amended by adding
28 a new Code section to read as follows:

29 "16-12-2.1.

30 (a) As used in this Code section, the term 'smoking' means inhaling, exhaling, or burning
31 any lighted tobacco product, including, but not limited to, cigarettes, cigars, and pipe
32 tobacco.

33 (b) No person shall engage in smoking inside any motor vehicle, whether in motion or at
34 rest, when an individual who is under 13 years of age is present in such motor vehicle.

35 (c) A person in violation of this Code section shall be guilty of a misdemeanor and, if
36 convicted, shall be punished by a fine of \$100.00."

37 **SECTION 3.**

38 All laws and parts of laws in conflict with this Act are repealed.