

HOUSE BILL No. 1368

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-5-12.

Synopsis: Restrictions on smoking and vaping. Provides that a person who smokes or vapes in a motor vehicle while a minor is present in the motor vehicle commits a Class B infraction. Enhances the penalty for the offense for certain prior offenses.

Effective: July 1, 2020.

Behning, Porter, Kirchhofer, Clere

January 15, 2020, read first time and referred to Committee on Public Health.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-5-12-3.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 3.5. As used in this chapter,**
4 **"vapes" means the:**
5 **(1) inhalation; or**
6 **(2) exhalation;**
7 **of aerosolized or vaporized e-liquid using either an open system**
8 **vapor product or a closed system vapor product.**
9 SECTION 2. IC 7.1-5-12-11.5 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2020]: **Sec. 11.5. (a) As used in this section,**
12 **"minor" has the meaning set forth in IC 7.1-7-2-17.**
13 **(b) Except as provided in subsection (c), a person who smokes**
14 **or vapes in a motor vehicle while a minor is present in the motor**
15 **vehicle commits a Class B infraction.**
16 **(c) The violation described in subsection (b) is a Class A**
17 **infraction if the person has at least one (1) prior adjudication for**



1 **a violation of this section committed within twelve (12) months**
2 **immediately preceding the commission of the present violation.**

