

Protection of Children Riding in Motor Vehicles



Sponsor: Representative Patrice Arent
Co-sponsor: Representative Lee Perry

This legislation prohibits smoking in a vehicle when children age 15 and younger are passengers. It will protect Utah's children from the serious, avoidable health hazards of second-hand smoke in vehicles.

Utah law prohibits children from smoking. Children must be protected from second-hand smoke in vehicles because they have little or no control over those smoking around them.

In 2007 the Surgeon General reported, "Second-hand smoke contains more than 250 chemicals known to be toxic or carcinogenic (cancer-causing) . . . Children who are exposed to second-hand smoke are inhaling many of the same cancer-causing substances and poisons as smokers." The science and healthcare communities unanimously agree that second-hand smoke is very dangerous to children because their lungs and bodies are still developing. **The worst place for children to be exposed to second-hand smoke is a small, enclosed place such as a car.**

- When someone is smoking in a vehicle, the air quality can quickly reach **over ten times the hazardous levels** set by the EPA. Toxin levels in smoke filled vehicles can be 10 times higher than measured from diesel engine exhaust. **Rolling down the window does not significantly decrease a child's exposure to second-hand smoke.**
- Exposing infants to tobacco smoke interferes with the growth and functioning of the lungs and increases the risk of sudden infant death syndrome (SIDS).
- Exposing children to tobacco smoke also increases the risk of asthma, middle ear disease, pneumonia, upper respiratory infection, and heart disease.
- In 2010, the Surgeon General released a report on involuntary exposure to second-hand smoke, again stating that second-hand smoke causes disease and death in children.

Other Utah smoking and child protection laws:

Smoking and child protection laws are not new to Utah. Utah law already prohibits smoking in public places. **In many cases smoking is banned on private property, including home day care centers, private schools, restaurants, and apartment buildings.** Utah also has laws aimed at protecting children who cannot protect themselves. These include:

- Prohibition giving tobacco to minors
- Restrictions on giving alcohol to minors
- Prohibitions on abusing minors
- Requirements that children sit in car seats

All of these laws weigh the health of children against other rights. But in each case the legislature has decided to protect our children, who are not always able to protect themselves.

Penalties

This bill makes smoking in vehicles with children a secondary offense. Until July 1, 2014 a peace officers may issue a warning for violations. After that smokers may be fined up to \$45 for smoking in vehicles when children (15 years of age and younger) are present. This penalty can be waived if the violator enrolls in a smoking cessation program.

This bill passed the House at the end of the session in 2011, but ran out of time to get through the Senate. It also passed the Senate in an earlier session.