

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

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8 SYNOPSIS: Under existing law, there is no prohibition
9 against smoking tobacco products in a motor vehicle
10 when a child is also present in the vehicle.

11 This bill would prohibit smoking tobacco
12 products in a motor vehicle when a child aged 14
13 years or under is also present in the vehicle.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To prohibit the smoking of tobacco products in motor
14 vehicles when a child aged 14 years or under is present in the
15 vehicle; and in connection therewith would have as its purpose
16 or effect the requirement of a new or increased expenditure of
17 local funds within the meaning of Amendment 621 of the
18 Constitution of Alabama of 1901, now appearing as Section
19 111.05 of the Official Recompilation of the Constitution of
20 Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) It is unlawful for a person to smoke
23 a tobacco product in a motor vehicle, whether in motion or at
24 rest, in which a child aged 14 years or under is present in
25 the vehicle.

26 (b) For purposes of this section, smoke has the same
27 meaning as smoking in Section 22-15A-3, Code of Alabama 1975,

1 and tobacco product has the same meaning as in Section
2 28-11-2, Code of Alabama 1975.

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

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

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