HB46

204083-1

By Representative Hollis

RFD: Health

First Read: 04-FEB-20

PFD: 01/23/2020
SYNOPSIS: Under existing law, there is no prohibition against smoking tobacco products in a motor vehicle when a child is also present in the vehicle.

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

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.
The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(b) For purposes of this section, smoke has the same meaning as smoking in Section 22-15A-3, Code of Alabama 1975,
and tobacco product has the same meaning as in Section 28-11-2, Code of Alabama 1975.

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

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

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