

1 HB49
2 215905-1
3 By Representative Hollis
4 RFD: Health
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

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

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

16 Amendment 621 of the Constitution of Alabama
17 of 1901, as amended by Amendment 890, now appearing
18 as Section 111.05 of the Official ReCompilation of
19 the Constitution of Alabama of 1901, as amended,
20 prohibits a general law whose purpose or effect
21 would be to require a new or increased expenditure
22 of local funds from becoming effective with regard
23 to a local governmental entity without enactment by
24 a 2/3 vote unless: it comes within one of a number
25 of specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to nicotine; to prohibit the smoking of
16 tobacco products or vaping in motor vehicles when a child aged
17 14 years or under is present in the vehicle; and in connection
18 therewith would have as its purpose or effect the requirement
19 of a new or increased expenditure of local funds within the
20 meaning of Amendment 621 of the Constitution of Alabama of
21 1901, as amended by Amendment 890, now appearing as Section
22 111.05 of the Official Recompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) For the purposes of this section, the
26 following terms have the following meanings:

1 (1) SMOKE. The same meaning as smoking in Section
2 22-15A-3, Code of Alabama 1975.

3 (2) TOBACCO PRODUCT. The same meaning as in Section
4 28-11-2, Code of Alabama 1975.

5 (3) VAPE. To utilize an electronic nicotine delivery
6 system as defined in Section 28-11-2, Code of Alabama 1975.

7 (b) It is unlawful for a person to smoke a tobacco
8 product or to vape in a motor vehicle, whether in motion or at
9 rest, in which a child aged 14 years or under is present in
10 the vehicle.

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

14 (d) A violation of this section shall be a secondary
15 violation after a lawful stop of the vehicle based on probable
16 cause of another violation of law and the issuance of a
17 citation or warrant of arrest for the violation.

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, as amended
22 by Amendment 890, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended, because the bill defines a new crime or amends the
25 definition of an existing crime.

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