



Smoke-Free Cars

The Marco Firebaugh Memorial Children's Health and Safety (H&S) Act of 2007 • H&S Code §118947

Frequently Asked Questions

What is the new smoke-free car law?

Effective January 1, 2008, H&S Code §118947 bans the smoking of any cigarette, pipe, or cigar in a moving or parked vehicle while a youth younger than the age of 18 is present.

What is the fine for violators of this law?

Smokers can be fined up to \$100 for smoking in vehicles when youth are present.

Who has the authority to enforce the law?

H&S Code §118947 is enforced by law enforcement officers such as: City police officers, Sheriff Deputies, and California Highway Patrol officers. Law enforcement may not stop a vehicle for a smoking violation alone.

If I see someone smoking in their car, and children are present, whom should I call to report it?

Only designated law enforcement officers may enforce the law.

Are there other jurisdictions that ban smoking in vehicles?

While California's smoke-free car law is the most comprehensive, protecting all minors, other states and jurisdiction have adopted similar policies aimed at reducing involuntary secondhand smoke exposure.

A. Jurisdictions that ban smoking in vehicles that transport children include:

- Arkansas – under age 6 or 60 pounds in weight (2006)
- Louisiana – under age 13 (August 2006)
- Puerto Rico – under age 13 (March 2007)
- South Australia – under age 16 (May 2007)
- Bangor, Maine – under age 18 (Jan 2007)
- Keyport, New Jersey – under age 18 (April 2007)
- Rockland County, New York – under age 18 (June 2007)
- West Long Branch, New Jersey – under age 18 (June 2007)

B. States that ban smoking in vehicles that transport foster children include:

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| Arizona | Texas |
| Maine | Vermont |
| New Jersey | Washington |
| Oregon | |

Does California have a history of enacting laws that protect children from a known hazard?

Yes. California has enacted laws on personal activities based on the existence of a known danger when there are no alternative means to effectively reduce risk or harm. For example, seatbelt and bicycle helmet requirements, child safety seat requirements, and child flotation device regulations.



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Who supported this law? What groups opposed the law?

No groups registered their opposition. Supporting groups included: American Lung Association; American Academy of Pediatrics; American Cancer Society; American Federation of State, County, and Municipal Employees; American Heart Association; Breathe California; California Black Health Network; California Dental Association; City of Los Angeles, Office of the Mayor; First 5 California; and the Oakland-Berkley Asthma Coalition.

In 2005 California Tobacco Survey, 92.3% of California adults agreed that smoking should not be allowed inside cars when children are in them.

The Science Behind the Law

a. United States Environmental Protection Agency (USEPA)

Secondhand smoke is classified by the USEPA as a Group A carcinogen; Group A carcinogens also include arsenic and asbestos.

b. California Air Resources Board

The CARB identified secondhand smoke as a toxic air contaminant in January of 2006.

c. Surgeon General's Report

The 2006 Surgeon General's Report states that secondhand smoke causes disease in children. Children exposed to secondhand smoke are at an increased risk for acute respiratory infections, ear problems, and developing asthma.

The 2006 Surgeon General's Report also states that the scientific evidence about the dangers of secondhand smoke is indisputable: there is no safe level of exposure to secondhand smoke.

d. Air Change Rates of Motor Vehicles and In-Vehicle Pollutant Concentration from Secondhand Smoke

The level of toxic air in a vehicle when someone is smoking is up to ten times greater than the level which the USEPA considers hazardous.

e. California Student Tobacco Survey

Youth continue to report being exposed to secondhand smoke while riding in cars. The rate has remained stagnant at 29 percent in 2002, 25 percent in 2004, and 27 percent in 2006. Thirty-one percent of the youth surveyed in 2006 reported that they live with someone who smokes cigarettes.

