

# U.S. PROHIBITIONS ON SMOKING IN CARS WITH CHILDREN



This chart summarizes laws in effect as of February 2020. Click on hyperlinks to view statutory text. Age thresholds vary among jurisdictions, ranging from under age 8 (Vermont) to under age 18 (California). Components such as offense type and penalties also vary among jurisdictions.

Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
<b>Arkansas</b>					
<a href="#">Ark. Code Ann. § 20-27-1903 (2015)</a>	Enacted in 2006; amended in 2011 and 2015	(2006) (2011) July 22, 2015	Primary	Passenger under 14; "a person shall not knowingly smoke"	Up to \$25; may be eliminated if violator enters a cessation program
<b>California</b>					
<a href="#">Cal. Health &amp; Safety Code § 118948 (2007)</a>	2007	2008	Secondary	Under 18	Up to \$100

Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
<b>Guam</b>					
<u>Guam Code Ann. tit. 10, § 90114 (2016)</u>	Enacted in 2011; amended in 2016 (to add protection of pregnant women and to change offense type from secondary to primary enforcement)	(2006), 2016	Primary	Key Components: a child 17 or younger, or a pregnant woman of any age; applies regardless of whether the vehicle is moving or stationary	1st violation, up to \$100; 2nd violation, \$100-200; 3rd and subsequent violations, \$200-500; no suspensions of fine allowed for 2nd or subsequent violations; 3 or more violations may be used as a basis for or evidence of child abuse and neglect.
<b>Illinois</b>					
<u>625 Ill. Comp. Stat. 5/11-1432 (2019)</u>	(P.A. 101-468) Enacted 2019	June 1, 2020	Secondary	Key components: under 18; vehicles in motion or at rest; prohibits smoking of combustibles; does not include e-cigarettes	Petty offense: first violation, up to \$100; subsequent violation, up to \$250.
<b>Louisiana</b>					
<u>LA. Rev. Stat. Ann. § 32:300.4 (2006)</u>	2006	2006	Primary	Under 13	\$150 or a minimum of 24 hours of community service

Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
<b>Maine</b>					
<u>Me. Rev. Stat. Ann. tit. 22 § 1549 (2008)</u>	2008	2008	Secondary	Under 16	1st year after enactment, written warning; thereaf- ter, \$50 fine or warning
<b>Oregon</b>					
Act of June 11, 2013, ch. 361, § 2, 2013 Or. Laws, ch. 361, page 1.	2013; amended in 2015	May 26, 2015	Secondary	Any person under 18; if driver is under 18, the prohi- bition applies to passengers; applies to smoking, aerosol- izing, or vaporizing tobacco, weed, plant, regulated nar- cotic, or other combustible substance	1st offense, \$250; subse- quent violations, \$500
Act of May 26, 2015, ch. 158 § 12, 2015 Or. Laws, ch. 158 § 12, page 3 (to be codified at <u>Or. Rev. Stat. § 811.193</u> ) ).					
<b>Note:</b> Currently codified in Ore- gon Vehicle Code.					

Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
<b>Puerto Rico</b>					
<u>P.R. Laws Ann. tit. 24, § 892 (u) (2006)</u>	2006	2007	Primary	Minor in a restrained car seat, or child under 13 present	1st violation, up to \$250; 2nd violation, up to \$500; 3rd violation, up to \$2,000; also applies to owners and operators (\$898)
<b>Utah</b>					
<u>Utah Code § 41- 6a-1717 (2013)</u>	2013	2013	Secondary; exception — open convert- ibles or open-body vehicles	Under 16	1st year after enactment, written warning; thereaf- ter, maximum fine of \$45; may be suspended if vio- lator has no prior convic- tions & enrolls in cessation program; violation may not be used as evidence of child abuse or neglect
<b>Vermont</b>					
<u>Vt. Stat. Ann. tit. 23, § 1134b (2014)</u>	2014	2014	Primary	Under 8; any child required by Vt. law to be restrained	Maximum fine of \$100

Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
<b>Virginia</b>					
<u>Va. Code Ann. § 46.2-810.1 (2016)</u>	2016	2016	Secondary Enforce- ment	Under 8; no person can smoke in a motor vehicle in motion or at rest when a mi- nor under age of 8 is present	Civil fine of \$100, paid to state treasury and credited to Literary Fund; no demerit points assigned, and no court costs assessed

This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota. The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

This publication was supported by Cooperative Agreement Number 5 NU58DP006263-02-00, funded by the Centers for Disease Control and Prevention. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the Centers for Disease Control and Prevention or the Department of Health and Human Services.