

U.S. PROHIBITIONS ON SMOKING IN CARS WITH CHILDREN



This chart summarizes laws in effect as of June 2017. 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.

State	Statute	Year Enacted/ Amended	Effective Date	Offense Type	Applicable Age; Key Components	Penalty/Fine
Arkansas	Ark. Code Ann. § 20-27- 1903 (2015)	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
California	Cal. Health & Safety Code § 118948 (2007)	2007	2008	Secondary	Under 18	Up to \$100

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Guam	<u>Guam Code Ann. tit. 10, § 90114 (2016)</u>	Enacted in 2011; amend- ed in 2016 (to add protection of pregnant women and to change offense type from secondary to primary en- forcement)	(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 vi- olation, \$100-200; 3rd and sub- sequent 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.
Louisiana	<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
Maine	<u>Me. Rev. Stat. Ann. tit. 22 § 1549 (2008)</u>	2008	2008	Secondary	Under 16	1st year after enactment, writ- ten warning; thereafter, \$50 fine or warning

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Oregon	<p>Act of June 11, 2013, ch. 361, § 2, 2013 Or. Laws, ch. 361, page 1.</p> <p>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>).</p> <p>Note: Currently codified in Oregon Vehicle Code.</p>	2013; amended in 2015	May 26, 2015	Secondary	Any person under 18; if driver is under 18, the prohibition applies to passengers; applies to smoking, aerosolizing, or vaporizing tobacco, weed, plant, regulated narcotic, or other combustible substance	1st offense, \$250; subsequent violations, \$500
Puerto Rico	<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)

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Utah	<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; thereafter, maximum fine of \$45; may be suspended if violator has no prior convictions & enrolls in cessation program; violation may not be used as ev- idence of child abuse or neglect
Vermont	<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
Virginia	<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 minor un- der 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

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