



SPONSOR: Sen. Sturgeon

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 118

1 AMEND House Bill No. 118, as amended by House Amendment No. 1, on line 24 by deleting “18” and inserting  
2 in lieu thereof “16”.

3 FURTHER AMEND House Bill No. 118, as amended by House Amendment No. 1, by deleting lines 5 through 20  
4 of House Amendment No. 1 in their entirety and inserting in lieu thereof the following:

5 “This chapter shall not apply to: to any of the following:

6 (1) Private homes, private ~~residences and residences,~~ or private automobiles; ~~provided, however, it shall only~~  
7 ~~apply vehicles, except when such homes, residences or vehicles are any of the following apply:~~

8 a. ~~The home, residence, or vehicle is being used for child care or day care or when the care.~~

9 b. ~~The private vehicle is being used for the public transportation of children or as part of health-care or~~  
10 ~~day care transportation; transportation.~~

11 c. ~~A passenger under 16 years of age is in the vehicle.~~

12 (2) Any indoor area where private social functions are being held when seating arrangements are under the  
13 control of the sponsor of the function and not the owner, operator, ~~manager manager,~~ or person in charge of ~~such the~~  
14 ~~indoor area; area.~~

15 (3) Limousines under private ~~hire; hire,~~ unless a passenger under 16 years of age is in the limousine.

16 (4) A hotel or motel room rented to 1 or more guests; provided that the total percentage of such hotel or motel  
17 rooms does not exceed ~~25%; 25%.~~

18 (5) Any ~~fund raising fundraising~~ activity or function sponsored by a volunteer fire company, auxiliary of a fire  
19 company, or a volunteer ambulance or volunteer rescue ~~company; provided, however, that the fund raising company, if~~  
20 ~~the fundraising~~ activity or function takes place upon property owned or leased by the volunteer fire, ~~rescue rescue,~~ or  
21 ambulance ~~company; and company.~~

22 (6) Any ~~fund raising~~ fundraising activity or function sponsored by a fraternal benefit society as defined by  
23 under § 6201 of Title 18; provided, however, that the fund raising 18, if the fundraising activity or function takes place  
24 upon property owned or leased by ~~said organization.~~ the fraternal benefit society.”.

#### SYNOPSIS

House Bill No. 118 prohibits smoking in a vehicle if a person is not the sole occupant of the vehicle and a person in the vehicle is under 18 years of age. This Amendment lowers that age to under 16 years.

This Amendment also rewrites House Amendment No. 1 to HB 118. Like HA 1 to HB 118, this Amendment revises the existing exceptions to the Clean Indoor Air Act under § 2904 of Title 16 so that these exceptions do not apply when a passenger in the vehicle is under the age when the restriction under § 2909 of Title 16 applies. In addition, this Amendment makes technical corrections to § 2904 to conform existing law to the standards of the Delaware Legislative Drafting Manual, including all of the following:

1. Uses standard language to introduce and explain the applicability of the paragraphs.
2. Corrects punctuation at the end of each paragraph and adds Oxford commas to lists within paragraphs.
3. Revises the exceptions under § 2904(1) into a list for clarity.
4. Corrects the spelling of the word “fundraising”.

Author: Senator Sturgeon