SPONSOR: Rep. Hensley & Rep. Dukes & Rep. Minor-Brown & Sen. Lawson
Reps. Baumbach, Chukwuocha, Gray, Griffith, Harris, Hilovsky, K. Johnson, Longhurst, Lynn, S. Moore, Neal, Postles, Michael Smith; Sens. Brown, Hansen, Hocker, Huxtable, Lockman, Mantzavinos, S. McBride, Paradee, Pettyjohn, Pinkney, Richardson, Sokola, Sturgeon, Townsend, Walsh, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 118

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE PROHIBITION OF SMOKING IN VEHICLES WHEN A MINOR IS IN THE VEHICLE.

WHEREAS the State of Delaware has, in recent years, taken important steps to protect its youth from the harmful effects of tobacco products; and

WHEREAS, the Center for Disease Control (CDC) asserts that there is “no safe level of exposure to secondhand smoke” and “even brief exposure can cause immediate harm”; and

WHEREAS, the CDC also states that in children, secondhand smoke can cause respiratory infections, ear infections, asthma attacks and can cause sudden infant death syndrome in babies; and

WHEREAS, secondhand smoke still presents a continuing danger to Delaware’s youth; and

WHEREAS, Delaware has a strong interest in continuing to protect its youth from potential adverse effects of being exposed to tobacco products.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2902, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and renumbering accordingly:

§ 2902. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(15) “Vehicle” means motor vehicles, trailers, recreational vehicles, recreational trailers, and any other device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by animal power, human power, electric bicycles, off-highway vehicles, special mobile equipment and farm equipment.

Section 2. Amend Chapter 29, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2909. Smoking Restrictions within vehicles

(a) A person is prohibited from smoking in a vehicle, whether it is in motion or at rest, if a person under 18 years of age is in the vehicle, regardless of whether the vehicle's windows are open. This subsection does not apply to a person who is the sole occupant of a vehicle.

(b) A police officer may not stop or detain a motor vehicle or its driver nor inspect or search the vehicle, the contents of the vehicle, or the operator or passenger of the vehicle solely for a violation or suspected violation of this section.

SYNOPSIS

Due to continuing concerns over the negative health effects secondhand smoke will have on the youth of Delaware, this bill adds Smoking Restrictions within vehicles if a person under the age of eighteen (18) is in the vehicle. Also, it makes clear that a police officer will not stop or detain a car solely on suspicion of having violated this Statute.