

Senate Health and Human Services Committee

Kyle Baker 271-2609

SB 145, prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle.

Hearing Date: January 31, 2017

Time Opened: 1:45 p.m.

Time Closed: 2:15 p.m.

Members of the Committee Present: Senators Bradley, Avard, Gray and Hennessey

Members of the Committee Absent : Senator Fuller Clark

Bill Analysis: This bill prohibits smoking in a motor vehicles when a passenger under the age of 16 is in the vehicle.

Sponsors:

Sen. Watters
Rep. Kotowski
Rep. Cahill

Sen. Hennessey
Rep. Berrien

Rep. Frost
Rep. J. MacKay

Who supports the bill: Krista Morris, DHHS; Patricia Tilley, DHHS; Hannah Martuscello, Dover Y2Y; Kylan Mastro, Dover Y2Y; Will Demers, Dover Y2Y; Valerie Acres, NH Medical Society; Jamie Burnett; Rep. Michael Chaill; JJ Smith, NH Public Health Association

Who opposes the bill: Samuel Langley

Who is neutral on the bill: None

Summary of testimony presented in support:

Senator Watters- Senate District 4

- The bill states that a person shall not smoke any tobacco products in a car occupied by anyone under the age of 16.
- This would be a secondary offense so an officer would not have probable cause to stop a vehicle just because a person was smoking with children in the car but if the vehicle was stopped for another reason the officer could cite the driver for smoking with children in the car.
- There is no safe level of second hand smoke.

- Many other states have passed this legislation already with varying level of penalties and varying ages.
- The child has no way to refuse to be in that car so this legislation protects them from being exposed to second hand smoke.

Senator Bradley – Other states have different penalties for this such as a first time warning or a reduction in fines for community service. Would you be ok with a change like that?

Senator Watters – Yes that would be fine.

Hannah Martuscello, Kylan Mastro & Will Demers – Dover Youth to Youth

- Youth to youth Dover has 70 different members working on different projects to best address the needs of youths in our community.
- Second hand smoke is a very serious health problem that can cause many different
- Harvard school of public health did a study in 2006 that showed that even with the windows open, smoking in a car raises the level of toxins in the air to 7 times higher than the EPA's hazardous level.
- Stamford University also did a study showing that just one cigarette smoking in a car can raise the toxin levels in a car in seconds.
- Many states such as ME, VT, AR, CA, LA, OR, UT have already passed similar legislation with varying degrees of penalty.
- Reducing the amount of second hand smoke children are exposed to can greatly impact there long term health.

Senator Bradley – Would your organization be ok if we changed the penalties for this offense.

Collectively - Yes

Representative Michael Cahill – Rock 17

- Everyone with parents who smoked can remember the ride in the car with the parents who are smoking
- We have had some success with banning smoking in some places
- Hopefully this would protect a population that has no way to refuse being in these situations because they have no other means of transportation.

Summary of testimony presented in opposition:

Samuel Langley – Resident of Boscawen

- Opposed.
- Another attempt to eliminate smoking.
- He does not believe that the studies completed on the danger of smoking are convincing enough to prevent a person from smoking if they wish to.
- Everyone is going to die from one thing or another.

Neutral Information Presented: None

Future Action: Pending

KRB

Date Hearing Report completed: February 1, 2017