

- 1 W14Z55-2
- 2 By Representative Hollis
- 3 RFD: Public Safety and Homeland Security
- 4 First Read: 07-Mar-23
- 5 PFD: 20-Jan-23
- 6 2023 Regular Session

1 Enrolled, An Act,

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4 Relating to crimes and offenses; to prohibit smoking or 5 vaping in a motor vehicle when a child is present; to provide penalties; and in connection therewith would have as its 6 7 purpose or effect the requirement of a new or increased 8 expenditure of local funds within the meaning of Amendment 621 9 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official 10 11 Recompilation of the Constitution of Alabama of 1901, as 12 amended. 13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 14 Section 1. (a) For the purposes of this section, the 15 following terms have the following meanings: (1) SMOKE. The same meaning as smoking in Section 16 17 22-15A-3, Code of Alabama 1975. 18 (2) TOBACCO PRODUCT. The same meaning as in Section 19 28-11-2, Code of Alabama 1975. 20 (3) VAPE. To use an electronic nicotine delivery system 21 as defined in Section 28-11-2, Code of Alabama 1975. 22 (b)(1) It is unlawful for a person to smoke a tobacco 23 product or vape in an enclosed motor vehicle when a child 14 24 years of age or younger is present in the enclosed motor 25 vehicle. 26 (2) This section applies to all motor vehicles and 27 whether the motor vehicle is in motion or at rest, or whether 28 the windows of the motor vehicle are open or closed.

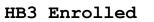


(c) A violation of this section is punishable by a fine
not exceeding one hundred dollars (\$100) for each violation.

31 (d) A violation of this section may be investigated and 32 charged only as a secondary violation following the lawful 33 stop of a motor vehicle based on probable cause of a separate 34 violation of law, and the issuance of a citation or warrant of 35 arrest for that violation.

36 Section 2. Although this bill would have as its purpose 37 or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements 38 39 and application under Amendment 621, as amended by Amendment 890, now appearing as Section 111.05 of the Official 40 Recompilation of the Constitution of Alabama of 1901, as 41 42 amended, because the bill defines a new crime or amends the 43 definition of an existing crime.

44 Section 3. This act shall become effective on the first 45 day of the third month following its passage and approval by 46 the Governor, or its otherwise becoming law.





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55		President and Presiding Officer of the Senate
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58		House of Representatives
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60		I hereby certify that the within Act originated in and
61	was pas	sed by the House 04-Apr-23.
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63		John Treadwell
64		Clerk
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72	Senate	25-Apr-23 Passed