



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MARY M. MUSHINSKY
EIGHTY-FIFTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 403B
HARTFORD, CT 06106-1591
HOME: (203) 269-8378
CAPITOL: (860) 240-8500
TOLL FREE: 1-800-842-8267
E-mail: Mary.Mushinsky@cga.ct.gov

CO-CHAIR
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE

MEMBER
ENVIRONMENT COMMITTEE
FINANCE REVENUE AND BONDING COMMITTEE

Mr. Chairman

**Testimony of Rep. Mary Mushinsky (85th) in Support of HB 5380, An Act
Prohibiting Smoking in Motor Vehicles with Minor Children.**

Before the Transportation Committee

Wednesday, February 20, 2013 10:30 p.m. in Room 2C

Most of the time, children are unable to speak out for themselves because they do not know how harmful second hand smoking is. Thus, this bill intends to ban smoking in cars while a minor passenger is present.

According to research, a car is a confined space which makes second hand smoking even more dangerous for children in the car. Children are at greater risk to exposure to second hand smoke due to their fast breathing rates, less developed immune system and inability to move away from the source at home or in the car.

According to OLR report 2013-R-0078 which is attached, there are only four states that prohibit smoking in the car where children are present. Currently, Connecticut's statutes indicate that there is no law protecting children from second hand smoking. Therefore, I ask the Transportation Committee to draft and approve this bill which would ban smoking in the car where children are present. Let's make Connecticut the fifth state that protects its children and their health.



January 31, 2013

2013-R-0078

**EFFECTIVENESS OF MAINE LAW BANNING SMOKING IN VEHICLES
WITH MINOR PASSENGERS**

By: Paul Frisman, Principal Analyst

You asked about the effectiveness of a Maine law that bans smoking in cars carrying minor passengers.

SUMMARY

The Maine law, effective September 1, 2008, prohibits a driver or passenger in a motor vehicle from smoking when a child age 15 or younger is present. Violators are subject to a \$50 fine or a written warning. According to the Maine Judicial Branch, police cited nine people for violating this law in 2011 and 12 in 2012.

A study of the law conducted for a 2011 master's thesis found a 44% decrease in the prevalence of smoking in a vehicle in which a child was present between the time the law took effect and the fall of 2010.

BACKGROUND

Exposure to second-hand smoke is linked to many child health issues, including sudden infant death, lower respiratory infection, middle ear disease, wheeze, asthma, and meningitis. Children are likely to be at greater risk from exposure due to their faster breathing rates, less developed immune system, and inability to move away from the source in many home and car settings (<http://tobaccocontrol.bmj.com/content/early/2012/01/04/tobaccocontrol-2011-050197>). Researchers say that second-hand smoke can be particularly hazardous in the relatively confined space of a car. Opening car windows or vents reduces, but does not eliminate, the danger (http://apps.nccd.cdc.gov/statesystem/common/File_Download.aspx).

Maine is one of four states that have enacted laws banning smoking in vehicles where children are present. The other states are Arkansas, California, and Louisiana. Please see OLR Report [2012-R-0541](#) for more information about these laws.

The Maine law bars smoking in a motor vehicle by an operator or a passenger when a child age 15 or younger is present, regardless of whether the windows are open or closed. Violators are subject to a \$50 fine, but a law enforcement officer may instead issue a written warning (22 Me. Rev. Stat. Ann. § 1549).

OBSERVATIONAL STUDY OF SMOKING IN VEHICLES TRANSPORTING MINORS

A 2011 thesis, written by a student in San Diego State University's Master of Public Health program, examined the effectiveness of the Maine law. According to the thesis, the study "is the first to assess the factors associated with smoking in vehicles with children" (http://sdsu-dspace.calstate.edu/bitstream/handle/10211.10/1041/Callahan_Katie.pdf?sequence=1).

The study was conducted by teams of researchers who observed vehicles during different times of day and in different seasons at seven observation sites in Farmington, Maine. The researchers watched for vehicles carrying children age 13 or younger. (The thesis author chose 13, rather than 16, as the age cut-off to reduce the likelihood of mistakenly identifying passengers age 16 or older as minors.)

Findings and Conclusion

The study recorded observations of 3,937 adults in 3,346 vehicles. Of these adults, 325 (8.26%) were smoking, or riding with a smoker. It found a significantly greater likelihood of seeing people smoking in a vehicle with children in the fall of 2008 than in the fall of 2010. Specifically, it found that the instances of adults seen smoking in vehicles with minor passengers decreased from 13.08% in the fall of 2008 to 7.4% in the fall of 2010, a decline of 44%. Among other things, the study also found that the prevalence of smoking varied by season, with more smoking taking place in colder weather.

The thesis noted that the decrease in smoking in vehicles with children present was unexpected. "Originally, it was hypothesized that there would be a minimal decrease from 2008 to 2010," the author wrote. "The large significant decrease over time could be a representation of the effectiveness of the law and its impact on behavior change."

While the study was the first to evaluate the Maine law, the author noted that it had some limitations. For one thing, the data was collected only by observation, and not by questioning vehicle occupants, which would have provided more reliable information. It also was possible that non-smoking vehicle occupants could have been smoking immediately before or after they were observed.

PF:ro



General
Assembly

January Session,
2013

**Proposed Bill No.
5380**

LCO No. 1374

Referred to Committee on TRANSPORTATION

Introduced by:

REP. GENGA, 10th Dist.

REP. MUSHINSKY, 85th Dist.

REP. HEWETT, 39th Dist.

SEN. MAYNARD, 18th Dist.

REP. BARAM, 15th Dist.

SEN. MEYER, 12th Dist.

REP. LARSON, 11th Dist.

AN ACT PROHIBITING SMOKING IN MOTOR VEHICLES WITH MINOR CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the general statutes be amended to: (1) Prohibit any person from smoking in a motor vehicle when there is a child six years of age or younger or weighing less than sixty pounds and required under subsection (d) of section 14-100a of the general statutes to be secured in a child restraint system in such vehicle; (2) create a rebuttable presumption that a person who holds a cigarette, cigar, pipe or similar device to, or in the immediate proximity of, his or her mouth while such vehicle is in motion or at rest is presumed to be smoking; (3) establish that any person found in violation of such prohibition shall be deemed to have committed an infraction, unless such person is found in violation of such prohibition for the first time during the first year after the effective date of this

act; and (4) establish that any person found in violation of such prohibition for the first time during the first year after the effective date of this act shall be issued a warning.

Statement of Purpose:

To protect children from secondhand smoke.

