

## Asbury Park Press

### EDITORIAL: Put brakes on smoking with kids in car

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“Your right to swing your fists ends at the beginning of my nose,” the old legal adage goes. In New Jersey, that adage may become “Your right to smoke in your car ends at the nose of any child in your car.”

We sure hope so. A bill sponsored by state Sen. Joseph Vitale, D-Middlesex, that would prohibit smoking tobacco or electronic cigarettes in a vehicle in the presence of children under 17 was approved by a Senate committee last week and is scheduled for a vote by the full Senate on Monday.

Knowing what we know today about the dangers of secondhand smoke, you would think such a bill would be unnecessary. How selfish, or so in the throes of nicotine addiction, does a parent or other adult have to be that they can't forgo smoking with kids in the car? While adults are free to roll the dice when it comes to their own health, children have no such choice.

The science of secondhand smoke is long established. According to the Centers for Disease Control and Prevention, studies have shown that older children whose parents smoke get sick more often, and have higher rates of bronchitis and pneumonia. Secondhand smoke also can trigger an asthma attack in a child.

Under Vitale's bill, a violation would carry a \$100 fine. It would be a secondary offense, meaning a driver would have had to be pulled over for a primary offense such as speeding, not wearing a seat belt or driving while texting or using a hand-held cellphone.

If the law is passed, it would not be breaking new legal ground. Arkansas, California, Louisiana, Maine, Oregon and Utah have enacted similar laws, although they vary on the age of the child. In Arkansas, drivers may smoke if the child is over age 6 and weighs more than 60 pounds, while California drivers cannot smoke in the presence of anyone under 18.

Some smokers call any such legislation a government intrusion and one more example of a ham-handed attempt by Big Brother to overstep government's authority and invade the privacy rights of smokers. But in this case of competing rights, the health and safety of minors trumps the rights of smokers to subject others, especially children, to the dangers of their habit. The objections to the bill must be viewed in the context of real-life health consequences for those subjected to secondhand smoke.

Attempts by the Legislature dating back to 2007 to ban smoking in cars with children have failed. But Vitale believes the momentum has shifted and that the bill stands a better chance of passage than ever before. If the bill reaches Gov. Chris Christie's desk, he should sign it into law.

“Just like we have to obey the rules of the road in a manner that is safe,” Vitale said, “smoking in a car when a child is present is dangerous and should not be permitted.”

No, it should not. The Legislature has an obligation to protect children from the bad choices of their parents and other adults who smoke.

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