

## NJ 101.5

### **Should adults be fined if they smoke with a kid in their car?**

Kevin McArdle | June 15, 2015 at 9:37 PM

**A Garden State lawmaker said he wants New Jersey to join the growing list of states that ban adults smoking in a vehicle when a minor is present.**

**Joe Vitale (D-Woodbridge)**, the chairman of the State Senate Health, Human Services and Senior Citizens Committee said there should also be a public awareness campaign launched to tell people about the violation.

“Under my bill (S-2883) there would be a fine for adults who smoke when children are present in a car, or anyone under the age of 17,” Vitale said. “The issue will raise awareness not to smoke in the car. I’ve seen it and I’m sure other people have seen adults smoking when children are present and it’s an awful thing to do.”

Other states that already have such a law on the books include: Arkansas, California, Louisiana, Maine, Oregon, Utah and Vermont.

“It would be a secondary offense which means an adult would have to be pulled over by law enforcement for another infraction or suspicion of one and if they discovered that they were smoking with a minor in the car then they could be subject to a penalty of \$100,” Vitale said.

Under the bill “smoking” would apply to cigars, cigarettes, pipes and **electronic cigarettes** though e-cigarettes don’t produce smoke — they produce a vapor. Vitale said opponents of his bill have argued that they should be free to do whatever they want in their private car because it’s their private property, but he made a counter-argument.

“Driving is a privilege not a right and we have a whole host of laws that govern how it is that we drive and penalties for violating the laws,” he noted.

The bill which is co-sponsored by **State Sen. Jim Beach (D-Cherry Hill)** was approved Monday by the health committee and now awaits a vote in the full Upper House.

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