

**HOUSE . . . . . No. 2315**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***James K. Hawkins***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to protect little lungs.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/11/2021</i>

**HOUSE . . . . . No. 2315**

By Mr. Hawkins of Attleboro, a petition (accompanied by bill, House, No. 2315) of James K. Hawkins for legislation to prohibit smoking in motor vehicles in which young children are passengers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1909 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act to protect little lungs.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 7AA of Chapter 90 of the General Laws is hereby amended by  
2 adding the following subsection at the end thereof:

3

4 (1) No person or persons shall be allowed to smoke, as defined in Section 22, Chapter  
5 270 of the General Laws, in a motor vehicle in which a child is required by the provisions of this  
6 chapter to be secured by a by a child passenger restraint.

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8 An operator or passenger of a motor vehicle who violates the provisions of this section  
9 shall be subject to a fine of \$100.

10           The provisions of this section shall be enforced by law enforcement agencies. A law  
11 enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a  
12 passenger solely because of a violation of this section. For a period of 90 days following the  
13 effective date of this act, any law enforcement official who stops a motorist solely because of a  
14 violation of this section shall not issue a citation, but shall issue a verbal or written warning.

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16           A violation of this section shall not be used as evidence of contributory negligence in any  
17 civil action.

18           A person who receives a citation for a violation of any of the provisions of this section  
19 may contest such citation pursuant to section three of chapter ninety C. A violation of this  
20 section shall not be deemed to be a conviction of a moving violation of the motor vehicle laws  
21 for the purpose of determining surcharges on motor vehicle premiums pursuant to section one  
22 hundred and thirteen B of chapter one hundred and seventy-five.