

## **Committee on Public Health Bill Summary**

<b>Bill No.</b>	H2443
<b>Title:</b>	<i>An Act to protect little lungs</i>
<b>Sponsor:</b>	Representative James Hawkins
<b>Committee:</b>	Public Health
<b>Hearing Date:</b>	July 14, 2025
<b>Similar Matters:</b>	None
<b>Prior History:</b>	Refile of H191; Referred to Public Health; Accompanied a study order.
<b>Reporting Deadline:</b>	September 12, 2025

### **Current Law:**

- **M.G.L. Chapter 90§7AA** requires children under 13 years to wear a safety belt in a motor vehicle. Children under eight years, however, must be secured by a child passenger restraint in a motor vehicle, unless they are over 57 inches tall. Children are exempt from this law when riding in either a school bus or a vehicle made before July 1, 1966, that does not have safety belts. Children are further exempted if they cannot physically use a conventional or specially designed child passenger restraint. Drivers may face violation fines up to \$25, but taxi drivers without a child passenger restraint device are exempt.
- **M.G.L. Chapter 270§22** pertains to smoking in public places. “Smoke” or “smoking” is defined as “the inhaling, exhaling, burning or carrying of a lighted or heated cigar, cigarette, pipe or other tobacco product intended for inhalation in any manner or form, including the use of electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization.”
- **M.G.L. Chapter 90C§3** pertains to citations, hearings, appeals, summons or warrants, complaints, trials, and license or permit suspensions, regarding motor vehicle infractions.
- **M.G.L. Chapter 175§113B** pertains to the classification of risks and premium charges in connection with motor vehicle liability policies or bonds.

### **Summary:**

Section 1 adds to M.G.L. Chapter 90 § 7AA a new subsection which prohibits smoking in any motor vehicle, in which a child must be secured by a child passenger restraint. The new subsection also:

- Subjects an operator or passenger who violates this section to a \$100 fine;
- Prohibits law enforcement agencies from searching a motor vehicle and its riders solely because of a violation of this section;

- Requires law enforcement officials to issue verbal or written warnings, not citations, to individuals who violate this section for 90 days following the effective date of this Act;
- Prohibits a violation of this section from being used as evidence of contributory negligence in any civil action;
- Allows violators to contest a received citation pursuant to M.G.L. Chapter 90C§3; and
- Prohibits violations of this section from being considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums.