

## **Smoke-Free Cars FAQ's**

**March 7, 2009**

**Would all cars have to be smoke-free or does this law apply only when there are children in the car?** *The law only applies when a child is in the car. If people regularly smoke in a car, tobacco particulates collect on the car's surfaces such as on the windows and upholstery. That is why smoker's cars have a lingering odor. If you can smell smoke, it is there, so it would be wise not to smoke in a car that you are going to transport children in, but the law only applies to smoking in the car when a child is present.*

**Is secondhand smoke really all that bad?** *There is no safe level of exposure to secondhand smoke, according to the US Surgeon General. Because children's bodies are still developing, poisons in smoke hurt babies even more than adults. Babies under a year old are in the most danger. Children exposed to secondhand smoke have an increased frequency of bronchitis and pneumonia, have reduced lung function, increase respiratory infections, more chronic cough and more middle ear infections. In scientific surveys\* 95% of Minnesotans believe secondhand smoke is harmful to children.*

*\* University of Minnesota, 2004; 2006.*

**Does the Freedom to Breathe law regulate smoking in cars?** *Yes, The Freedom To Breathe law which passed in 2006 prohibits smoking in private cars or public vehicles if it is being used as a place of work and 2 or more people are present. Workers such as rail road workers who are transported from one location to another in automobiles as part of their work were also protected by the Minnesota Clean Indoor Air Act of 1975. Under current law adult workers are protected from secondhand smoke in cars but children are not.*

**Why does the law apply to children instead of just infants?** *This law applies to children because of the added threat to their health and their inability to protect themselves. Although infants are in the most danger when exposed to secondhand smoke, older children are in danger too. Older children exposed to secondhand smoke get sick more often and their lungs grow less than children not exposed. They get more bronchitis and pneumonia and wheezing and coughing are more common in children who breathe secondhand smoke. It can trigger an asthma attack and children with asthma who are around secondhand smoke have worse asthma attacks and have them more often.*

**I always drive with the window open. Doesn't that get all the smoke out?** *No. Whether you open the window a crack or all the way, much of the cigarette smoke stays in the car. It tends to pool in the back seat, right where infant seats are strapped in. Opening the window of the car does not adequately protect passengers from exposure to smoke from a burning cigarette.*

**Would Minnesota be the first state to pass such a law?** *No. Arkansas, Louisiana, Maine and California as well as Puerto Rico, and Ontario, Yukon, Nova Scotia and British Columbia, Canada, and West Long Branch and Keyport in New Jersey have passed laws restricting smoking in cars when children are present. Some of these laws apply to all children, some apply only to young children. A smoke-free cars bill has been introduced in North Dakota, District of Columbia, Kansas, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, South Carolina, Utah, Oregon, Montana, Virginia, Illinois, Connecticut, and Tennessee. Each of these bills is at different places in the legislative process with several states holding hearings during March.*

**Can police stop and ticket me because I am smoking in the car when my child is present?**

*No. If you are not violating other moving traffic laws, you can not be ticketed for smoking with a child present. If you are stopped for another traffic violation such as illegal turn, DWI, or speeding, the officer can also ticket you for smoking.*

**Who gets ticketed, the driver or the smoker?** *In the version of the Minnesota that passed the Judiciary Committee, both the driver and the smoker can be ticketed. The maximum fine is \$50 with \$25 going into a tobacco prevention program.*

**Isn't this the kind of law that can be used to harass minorities? For example police may stop people because they are smoking and then check for immigration status.** *Racial profiling can be a real problem in some communities, but this is a secondary offense. No police officer should stop someone because they are smoking. The driver must be committing a moving offense to be stopped. Smoking in the car would not be a basis for a traffic stop.*

**Shouldn't I be the one to decide what is best for my child? Why is the government getting into this?** *This issue is not about deciding what is best for your child such as which school to attend, which religion to participate in, or which jacket to wear. This issue is similar to the state's requirement that young children be fastened in child safety seats. The state passed that law because the risks to children who were not protected by these seats were much more likely to be killed or severely injured. The public health need was clear. Exposing children to smoke in automobiles is also dangerous for their health. It is a public health issue. A child exposed to secondhand smoke can be affected for life and all Minnesotans are affected by the costs of treating smoking related illnesses.*

**Isn't the real goal to force people to quit smoking?** *Smoking is life threatening for smokers and the secondhand smoke from their cigarettes is a health threat to those around them. The Minnesota Freedom to Breathe act of 2007 established in law that protecting nonsmokers from the risks of secondhand smoke is a priority. While it is true that some smokers choose to quit smoking after laws like Freedom to Breathe pass, the primary purpose of these laws is to protect nonsmokers from becoming unwilling secondhand smokers. Children riding in their parent's cars really have no choice in the matter and it is important to avoid exposing these children to smoke which can make them ill.*

**Isn't this a slippery slope? First you wanted smoke-free workplaces, now it is private cars. Will you people ever stop? What is next, people's homes?** *No it is not a slippery slope, rather it is looking at the very same science that motivated law makers to protect workers and now protecting children where they are very heavily exposed.. Smoking in private homes also impacts children and it is certainly unwise for children to be in any smoky environment, but a car and a home are quite different. If you wish to compare smoking in a car to smoking in a home, consider what it would be like if a person placed their children in a closet and then joined them in the closet (door open or door closed) for a cigarette. That is more accurate comparison.*

**How do most people feel about this issue?** *Two sources of information document how people feel about smoking with children in the car: surveys showing how many people allow smoking in*

*their cars, and an attitude survey. Surveys in Minnesota consistently show that most people do not ever allow smoking in their cars (75%)\* and even more people do not allow smoking in their car if children are present, so 87%\*\* of people do not allow smoking in their vehicle which children are present.*

*Another survey found that 61% of people were bothered a lot and 27%\*\* were bothered a little when they saw someone smoking in a vehicle was a child was present.*

*\* University of Minnesota, 2004; 2006.*

*\*\*Zenith Research group, 2008*

**So if 87% of people don't allow smoking in their car when children are present, what is the big deal here?** *All children deserve protection and the 2007 Minnesota Student Survey showed that 300,000 children reported they were regularly exposed to secondhand smoke when they were riding in cars.*