



Date: May 8, 2007

To: Honorable Mayor and Members of the City Council

From: Council Member Tonia Reyes Uranga, Seventh District

Subject: **AGENDA ITEM: Support of State Senate Bill 7 (Oropeza) – Smoking in Cars with Kids**

State Senate Bill 7 (SB7) as introduced by State Senator Jenny Oropeza would restrict smoking in vehicles when a minor under the age of 18 is a passenger, will also apply to cars parked on private property and impose fines of at least \$100. Should this bill be signed into law it will be added to the California's Driving Handbook.

According to the American Lung Association, secondhand smoke is responsible for as many as 300,000 lower respiratory tract infections in children less than 18 months of age, resulting in up to 15,000 hospitalizations annually. It's often cited in cases of sudden infant death syndrome, ear infection and asthma flare-ups - - the latter a local scourge that's well established already, thanks to our dirty air. Additionally, studies show that the average particulate concentration in vehicles is up to 10 times greater than in the average particulate concentrations found in the homes of smokers. Senator Oropeza's legislation seeks to protect children from these increased risk factors.

Supporters of SB 7 include the American Lung Association of California, the American Heart Association of California, The American Cancer Society, the Long Beach Press-Telegram and many others.

I am asking that we follow the guidelines of our 2007 adopted State Legislative Agenda in seeking to support legislation that would increase the level of safety and survival of our youth and support SB 7 by Senator Oropeza.

Suggested Action: Request City Attorney to draft a resolution in support of SB 7; and request the City Manager to communicate the City Council's support of SB 7.

Attachments

SB 7 (Oropeza)

Smoking in Cars with Kids

PURPOSE

This legislation would make it an infraction punishable up to \$100 for a person to smoke in a vehicle with a minor present.

BACKGROUND

Previous legislation on this issue, AB 379 (Koretz, 06) & AB 894 (Firebaugh, 04), began an important dialogue to address the dangers of secondhand smoke. Now more than ever, the public is aware of the serious health risks involved. It only makes sense that a greater level of protection should be given to our most vulnerable and defenseless — California's children.

According to a June 2006 Surgeon General Report, non-smokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20 to 30 percent. Apply that data to children and we find that they are even more susceptible as the smoke can cause irreversible health problems such as asthma and affects cognitive and developmental growth.

Additionally, studies show that the average particulate concentration in vehicles is up to 10 times greater than the average particulate concentrations found in the homes of smokers. Clearly, the dangers are too great for government not to step in.

SUPPORT

- *The American Lung Association of California*
- *The American Heart Association of California*
- *The American Cancer Society*
- *14 additional organizations*
- *NO OPPOSITION RECIEVED*

CONTACT

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Introduced by Senator Oropeza

December 4, 2006

An act to add Article 2.5 (commencing with Section 118947) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 7, as introduced, Oropeza. Smoking in vehicles with minor passengers.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction punishable by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor.

This bill would require the State Department of Public Health to conduct, as a part of its ongoing public education and awareness campaign, a public education program regarding the dangers of secondhand smoke in confined places, and to the extent that funds are available, the bill would require the department to inform the public of the bill's prohibitions and requirements.

The bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to accomplish
2 both of the following:

3 (a) To encourage all affected parties to continue to educate
4 families about the health implications of secondhand smoke on
5 children, particularly involving motor vehicles, and to educate the
6 general public regarding its responsibilities in implementing this
7 act.

8 (b) To educate drivers by publishing in the California Driver's
9 Handbook the new restrictions established by this act and the
10 consequences of failing to comply with those restrictions, and to
11 include this information with the mailing of vehicle registration
12 renewals.

13 SEC. 2. Article 2.5 (commencing with Section 118947) is
14 added to Chapter 4 of Part 15 of Division 104 of the Health and
15 Safety Code, to read:

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17 Article 2.5. Smoking in Motor Vehicles

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19 118947. This act shall be known, and may be cited, as the
20 Marco Firebaugh Memorial Children's Health and Safety Act of
21 2007.

22 118948. (a) It is unlawful for a person to smoke a pipe, cigar,
23 or cigarette in a motor vehicle, whether in motion or at rest, in
24 which there is a minor.

25 (b) For the purposes of this section, "to smoke" means to have
26 in one's immediate possession a lighted pipe, cigar, or cigarette
27 containing tobacco or any other plant.

28 (c) A violation of this section is an infraction punishable by a
29 fine not exceeding one hundred dollars (\$100) for each violation.

30 118949. (a) As part of its ongoing public education and
31 awareness campaign, the Tobacco Control Section of the State
32 Department of Public Health shall conduct a public education
33 program to inform the public of the dangers of secondhand smoke
34 in confined spaces, particularly the danger to children.

1 (b) To the extent that funds are available, the department shall
2 inform the public of the provisions of this article.
3 SEC. 3. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

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Long Beach Press-Telegram: Time to butt in

Thursday, March 22, 2007

State should pass ban on smoking with kids in cars.

One would think that a parent who straps a kid into a booster seat, rolls up the windows and fires up a Camel is breaking the law.

They're not. California lets adults puff away with little ones - of any age - in the car.

That may not sound like a big deal to parents of a generation or two ago, but modern data show that second-hand smoke causes 300,000 upper respiratory infections a year in children 18 months and younger, according to the American Lung Association.

Not putting a child in a car seat is an unimaginable transgression in this era, but planting the seeds of cancer and other ailments remains OK under the law because the damage is done over years, not seconds.

Long Beach already has an air pollution crisis. Emissions from cars and ships have led to some of the highest childhood asthma rates in the county. Exposing children to cigarette smoke in confined spaces certainly doesn't help those developing lungs.

State Sen. **Jenny Oropeza**, D-Carson, wants to snuff out the practice of smoking with children in the car. Her latest bill - previous attempts failed - is scheduled for a review next Wednesday by the legislative committee and warrants approval.

Senate Bill 7 "would apply to any car with a child younger than the age of 18 in it, even if the car was parked and on private property." The warning would go out via the media and in the state driver's handbook, the main study guide for those getting and - sometimes - renewing a driver's license.

Taking a stand in favor of SB 7 is a departure for us. We dislike nanny-state policies that go after ungovernable human behavior, particularly when it involves actions that take place in or on private property.

We have decided to support SB 7 because it would protect children from uninformed or uncaring parents. Their safety trumps their parents' right to smoke.

So, like so many times before SB 7, we are joining the former Long Beach councilwoman in asking law enforcement to correct the behavior any thinking adult would avoid.

Media reports on Oropeza's bill offer plenty of familiar examples.

"Let me tell you about the woman at the stoplight Saturday morning," Robert Price of the Bakersfield Californian wrote in his March 14 column. "The one in the Escalade, flicking her cigarette ash through a crack in her window while two pre-schoolers, faintly visible in the blue haze, chattered in the back seat."

Everyone has seen things like that. Police and CHP officers have, too. SB 7 would give them a chance to do something about it.

One suggestion to Oropeza as her bill works its way through the state Senate: Make the proposed \$100 fine higher than what legislative counsel recommended to keep the law in line with other infractions.

A C-note hardly serves as a deterrent for someone who spends more than that in a month on cigarettes.