

Maryland lawmakers could ban smoking in cars with children

March 9 2011, By Holly Nunn

A bill to ban smoking in a car with a child, which has been stopped in committee four years running, may finally make it to the floor of the Maryland House of Delegates this year.

The bill has more sponsors this year than in the past, especially in the House Environmental Matters Committee, where it needs a favorable vote to get to the floor for debate. Thirteen members of the committee are sponsors.

Its fate in the Senate Judicial Proceedings Committee is less certain.

The legislation would impose a \$50 fine for smoking in a vehicle with a child under the age of 8, the same age at which children are required to be in safety seats.

"This is a common sense measure that really protects kids," said Delegate Ben Barnes, D-Prince George's and a bill sponsor, at a hearing Tuesday before the committee. "We've done this with regard to safety seats on the road, and this is the next natural extension of that."

Critics say the bill is an attempt to overrule parents with regard to children's health. During a Senate committee hearing, Sen. James Brochin, D-Baltimore County, likened it to legislating sunscreen requirements or restricting the foods that parents feed their children.

Supporters of the bill, including the Department of Health and Mental

Hygiene and the Center for Tobacco Regulation at the University of Maryland School of Law, cite studies that report toxicity in a closed car while smoking is 10 times the level deemed safe for [children](#) by the U.S. [Environmental Protection Agency](#). With windows open, it's three times the toxic level.

Sen. Jennie Forehand is sponsoring the bill in the Senate, where it has seven other sponsors. Forehand, A Montgomery County Democrat with a long history of pushing anti-smoking legislation, is the only sponsor on the Judicial Proceedings Committee where the bill needs a favorable vote to make it to the Senate floor.

Forehand said the \$50 fine isn't to raise money or penalize, but to educate.

"Sometimes the public doesn't get the idea that something is really important until we pass a law," Forehand said. "It's child abuse, subjecting kids to things that have been known to harm them."

Other supporters, including perennial sponsor Sen. Richard Madaleno, another Montgomery County Democrat, see the issue as a budget problem.

"It's a burden to the state when people on state-provided health care have smoking-related illness," said Madaleno's aid, Adam Fogel. "The state has a very real interest in preventing illness by smoking, and in reducing [smoking](#) in general."

A Johns Hopkins School of Public Health study from 2005 reports that second-hand smoke costs \$73 million a year in children's medical treatment.

But Bruce Bereano, a lobbyist for the Maryland Association of Tobacco

and Candy Distributors, has called the bill "over-the-top big-brotherism" and "death by a thousand hassles" for the tobacco industry.

"The assumption is that adults do not have common sense," Bereano said. "We the state of Maryland have to step in and be parents."

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