

2024 Regular Session

HOUSE BILL NO. 277

BY REPRESENTATIVE KERNER

MTR VEHICLE/VIOLATIONS: Prohibits smoking in an automobile when a minor is present

1 AN ACT

2 To amend and reenact R.S. 32:300.4(A), relative to the prohibition for smoking in motor  
3 vehicles; to provide for the unlawfulness of smoking in a motor vehicle with a child  
4 twelve and under present in the vehicle; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:300.4(A) is hereby amended and reenacted to read as follows:

7 §300.4. Smoking in motor vehicles prohibited; penalties

8 A. It shall be unlawful for the operator or any passenger in a motor vehicle  
9 to smoke cigarettes, pipes, cigars, or any vaping devices in a motor vehicle,  
10 passenger van, or pick-up truck, when a child who is ~~required to be restrained in a~~  
11 ~~rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a~~  
12 ~~motor vehicle's safety belt, as required in R.S. 32:295; younger than thirteen is also~~  
13 present in such vehicle, regardless of whether windows of the motor vehicle are  
14 down. For purposes of this Section, the term "smoke" shall mean inhaling, exhaling,  
15 burning, or carrying any activated aerosol or vapor or any lighted cigarette, cigar,  
16 pipe, weed, plant, or other combustible substance in any manner or in any form.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 277 Engrossed

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Kerner

**Abstract:** Prohibits smoking in a motor vehicle in the presence of a child under the age of thirteen.

Present law prohibits smoking cigarettes, pipes, cigars, or any vaping devices in a motor vehicle, passenger van, or pick-up truck by a driver or passenger when any child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt, as required in R.S. 32:295, is present.

Proposed law changes the prohibition in present law from any child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt, as required in R.S. 32:295, to any child under the age of 13.

(Amends R.S. 32:300.4(A))