



GENERAL SESSION

February 13, 2013

Program: **HB13 Protection of Children Riding in Motor Vehicles**

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions, Revenue & Taxation/
Transportation/Govt. Operations**

Director: Tibby Milne

Co-Chair: Marilyn Larson

**Speakers: Rep. Patrice Arent (D) Dist. 36 (SL County – Millcreek,
Holladay, SLC) – sponsor, HB13 Protection of Children
Riding in Motor Vehicles**

Dr. Kevin Nelson – U of U and Primary Children’s Medical Center

Tibby Milne introduced the topic, stating **HB13** was first introduced in the previous biennium. It didn’t pass then, so it was reintroduced in the current session. The WSLC took a position last biennium favoring the measure and the Board has chosen to reaffirm that position. The bill has passed the House early in this session, so should have sufficient time for a hearing in the Senate.

Rep. Arent began by noting how American society has evolved with regards to tolerating public smoking. We can’t smoke in the State Capitol buildings, restaurants airports, and most other public spaces. Healthwise, she said, the worst place of all to smoke is a small enclosed space. The concentration of secondhand smoke can actually be deadly there.

Children with developing lungs, who are confined in an automobile with smokers,

even with a window rolled down, are in a dangerous, toxic environment. It is especially dangerous to children who suffer from asthma.

Rep. Arent cited a survey by the state Dept. of Health conducted two years ago. It found that 83% of Utahns favored an even stricter law, making it an offense to smoke in a vehicle transporting children up to the age of 17. Rep. Arent believes **HB13** is more sensible, in that it sets the child’s age limit at 15 years old, under the age a child can legally drive himself.

HB13 would also not be particularly punitive. It would only carry a secondary offense with a \$45 penalty that could be waived if the violator completes a Smoking Cessation class. A first offense would incur only a warning. Smoking in convertibles (with the top down) transporting children would not constitute an offense.

Other states, Rep. Arent said, and some foreign countries (where there are many more smokers, per capita) have already passed laws against smoking in cars transporting children. She said she would not expect **HB13** to be enforced very often. The theory is that the very act of making any given activity illegal tends to change people's behavior.

There was a major debate in the House over this bill. Rep. Arent said some opposing the bill argue it would infringe on parental rights. Will parents, they ask, soon be deprived of smoking in their own homes (the slippery slope)? But, she countered, do the rights of parents always trump those of children? There are already laws restricting what we can do in cars, such as drinking or texting. Society, she asserted, already legally restricts behaviors that adults can engage in with or around children.

Dr. Kevin Nelson is a pediatrician who has been concerned with the effects of tobacco smoke on children. Children are a special population subset, which often has "no choice and no voice." He believes we can all agree smoking around children is harmful. Utah enjoys the lowest smoking rate in the nation, which is the result of good tobacco policy. But, each year 1,200 adults die from smoking. That is the equivalent, he said, of three Boeing 747s crashing every year.

Continuing to offer statistics, Dr. Nelson said the smoking rate in Utah among lower

income people is, surprisingly, over 25%. According to the Salt Lake County Health Dept., 25% of all children who have asthma are subject to tobacco smoke in cars. Some studies are beginning to suggest secondhand smoke may be related in some cases to Sudden Infant Death Syndrome (SIDS).

In January of this year, the University of Toronto studied the effect of a law similar to **HB13** that was passed in Canada. The study found children's exposure to smoke in cars had been reduced as much as 39% as a result of the law. **HB13**, Dr. Nelson reasoned, simply acknowledges the fact that a car is the worst place for a child to be exposed to tobacco smoke. A Harvard Medical School study found that, in a car with the windows rolled down, within 20 minutes the small particles in tobacco smoke that penetrate into the lungs will exceed acceptable EPA levels for a 24-hour period.

Responding to questions, Dr. Nelson allowed as how many people grow up seemingly unaffected by a lifetime of exposure to secondhand smoke. He urged caution against a phenomenon called Survivor Bias, or the error of seeing only the people who "survived" something, and overlooking those who didn't. This, he said, generally leads to false assumptions. He finished with the quote, "If not us, who. If not now when," and added, "If not our children, then what."

Reported by Stuart Gygi

General Session II

Program: HB52 Controlled Substances Revisions

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions, Revenue & Taxation/
Transportation/Govt. Operations**

Director: Tibby Milne
Co-Chair: Marilyn Larson

Speaker: Rep. Paul Ray (R) Dist. 13 (Davis County)

Rep. Ray began by affirming his support of the Rep. Arent’s bill to protect children in vehicles from the effects of secondhand smoke. He spoke of being driven in smoke-filled vehicles throughout his boyhood. He believes the heart problems that have plagued him most of his life are directly related to secondhand smoke. The only change he would like to have seen in Rep. Arent’s bill is for the offense to be a primary, rather than a secondary one.

Rep. Ray also mentioned a bill he is working on at present. It deals with smoke shops in Utah, which he believes are usually fronts for drug dealing. Surprisingly, he has even found smoke shop drug money being funneled into terrorist groups. In past legislative sessions, Rep. Ray has pushed zoning legislation to contain the proliferation of smoke shops. This year he hopes to restrict these shops even further by directing legislation into tax and health codes.

E-cigarettes and nicotine “candy” continue to be a hazard to Utah’s children and youth, Rep. Ray said. Contrary to being a tool to stop smoking, the e-cigarette is actually

being promoted as a cool way to hook youth on cigarettes. A tobacco company internal memo is reported to have stated that marketing of these products to high schoolers is essential to staying in business. He believes new legislation should require retailers who sell these products to carry a tobacco license.

Turning to **HB52**, he explained it adds several new chemicals to the list of banned ingredients used in the synthetic drug “spice.” The bill was necessary, he stressed, because dealers continue to create new mixtures in an effort to evade law enforcement.

Responding to questions, Rep. Ray said e-cigarettes and nicotine candy can be toxic to small children. E-cigarettes are not banned in restaurants under the Utah Indoor Clean Air Act. Certain drug cartels currently claim Utah as part of their territory and have marketing plans for drug distribution here. The legislator often works in concert with the FBI, as well as local law enforcement as he researches issues.

Reported by Pam Grange

General Session III

Program: HB283 Safety Belt Enforcement Amendments

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions, Revenue & Taxation/
Transportation/Govt. Operations**

Director: Tibby Milne
Co-Chair: Marilyn Larson

Speaker: Rep. Lee Perry (R) Dist. 29 (Box Elder, Weber Counties)

Rep. Perry acknowledged his bill may seem harsh to some, but said, “After serving for 24 years in law enforcement, I’m very comfortable with it.” The idea behind **HB283** is to make it a primary offense for adults to not wear seatbelts when they are traveling on roadways with a speed limit of 45 mph or more. With the likelihood of an impending increase to an 80 mph speed limit on a number of Utah’s freeways, Rep. Perry believes it is essential to have a seatbelt law to “complement that speed increase.”

Drivers without seatbelts at speeds over 45 mph have little or no control over their vehicles in the event of unexpected emergency situations, he said. Such drivers are shown to be in unsound physical control of their vehicles when, for example, they need to suddenly swerve or slam on the brakes. Rep. Perry said the purpose of this

bill is not so much to protect drivers from themselves, but to protect others from their unsafe behavior. Much the same as other traffic laws to control reckless driving, he argued that **HB283** would save lives and reduce injuries.

Responding to questions, Rep. Perry said it is a primary offense for a 16-year old driver to drive without a seatbelt. For those 18 years and older, it constitutes only a secondary offense. Some tragic results of improper physical control of a vehicle may be viewed on the Internet. One such site features video of an unseatbelted school bus driver losing control of his bus. For those interested, it may be viewed at http://www.youtube.com/watch?v=K7_Yf7-KPis.

Reported by Pam Grange

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