

**2019 HOUSE HUMAN SERVICES**

**HB 1274**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB1274  
1/14/2019  
30750

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Elaine Stromme by Caitlin Fleck
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## Explanation or reason for introduction of bill/resolution:

Relating to statutory fees: & to provide a penalty.

**Minutes:**

A
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**Vice Chairman Rohr** opened the Hearing on HB 1274:

**Representative P. Anderson: (See attachment A)**

Bill protects children from second hand smoke.

**(1.23) Representative Westlind:** Why did you stop at age 9?

**Representative P Anderson:** I would love to go beyond, but I thought that if we just went to where we now have to be in the state in car seats and that way that if they are in car seats and smoking, it would be clear. I just kept it at what the state books are now for child safety in a car.

**Representative Skroch:** People I know go to great lengths to not smoke around their kids, and not exposing their children to second hand smoke in their homes. Is there a lot of evidence that indicates that there is a big problem with parents smoking in their cars when their children are in the vehicle? Do you have documentation of that?

**Representative P. Anderson:** It's just driving around town in Fargo and you can see the kids in the back car seat while their parents or older siblings are smoking.

**Representative Skroch:** Do you see this as a generalized problem or just in your neighborhood?

**Representative P. Anderson:** I don't know if there is even documentation on car seats. I just think that the very nature of lighting a cigarette with a 6 month old in the car exposed to the second hand smoke, that should be against the law. We're talking just a minimal \$25 fine. It might even be just an education issue too. It isn't a good idea to light a cigarette when I just belted in my newborn.

**Representative Porter:** Do you see law enforcement enforcing this?

**Representative P. Anderson:** I do. They enforce the child seat belt law. They enforce our own seat belt as adults, so I think they would enforce this.

**Representative Porter:** What do you think the compliance level is of the child seat belt law? And proper constraint of the seat belt law?

**Representative P Anderson:** I would say that it is high compliance. I don't see a lot of back seats full of kids not being constrained.

**Vice Chairman Rohr:** Anyone else here to testify in favor of HB 1274? Anyone here to testify in opposition to HB1274?

**Dr. Cooper, resident at St. Alexius Hospital and Sanford Health:** We really have a problem with policing this situation, but that doesn't mean we should stop trying to do it. These kids are being affected by second hand smoke. Many parents say that they are good parents and don't smoke in the house. However, the smoke can get on their clothes and that would be third hand smoke. There is literature now that says that there is third hand smoke, where it gets on the person while they are smoking and then they carry that inside once they are done smoking outside. This can affect the kids especially with asthma and reactive airway disease. It wouldn't be any different than someone who has a reaction to a gluten allergy. My understanding would be to try to speak for someone who doesn't have a voice. There is a real concern in the community and in the hospital.

**Vice Chairman Rohr:** Anyone else that wants to testify on HB1274?

Meeting closed.

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Union Room, State Capitol

HB1274  
1/16/2019  
30927

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Elaine Stromme By Caitlin Fleck
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## **Explanation or reason for introduction of bill/resolution:**

Vote on HB1274.

## **Minutes:**

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**Representative Dobervich:** Recommends a DO PASS on HB 1274.

**Vice Chairman Rohr:** Do we have a second?

**Representative Schneider:** Second.

**Vice Chairman Rohr:** Is there any discussion?

**Representative Westlind:** Would it be proper at this time to introduce an amendment?

**Vice Chairman Rohr:** She would have to take back her motion to do pass the bill.

**Representative Dobervich:** I would like to rescind my motion and hear the amendment.

**Representative Schneider:** I withdraw my second.

**Vice Chairman Rohr:** Ok we have a withdrawal of the recommended do pass made by Representative Dobervich and the second by Representative Schneider. Representative Westlind, proceed.

**Representative Westlind:** I would like to propose an amendment that would raise the age from 9 to 12.

**Vice Chairman Rohr:** Ok, so what line are you looking at? Oh, page 2, line 7. We have a proposed amendment to raise the age from 9 to 12. Is that a motion Representative Westlind?

**Representative Westlind:** Yes, it is.

**Vice Chairman Rohr:** Ok, do I have a second?

**Representative Tveit:** Seconded.

**Vice Chairman Rohr:** Discussion?

**Representative Anderson:** How do you tell who is 12 and who isn't?

**Vice Chairman Rohr:** Ok, so an enforcement issue.

**Representative Schneider:** As a former police officer, we are not giving very much credit to the law enforcement officials. When they stop a car where someone has been drinking they use their senses. They can smell and see the cigarettes. They can ask the person. I don't think enforcement is a big problem. There is sometimes where enforcement can't be done, but that is rare. I think that law enforcers care about children and are concerned for the wellness of the community. And I think that this would be a good regulation to implement, as other states have done.

**Vice Chairman Rohr:** Any other discussion?

**Representative Dobervich:** I think that this is absolutely irrefutable, the long term effect of second hand smoke on children is something, health problems, that they can carry throughout their lives. Not only the health burdens, but the financial burdens. And I think that this would be a good thing to pass as a committee.

**Representative Kiefert:** If we pass this, it's ok for kids above 12 to be in the car with smoking?

**Representative Dobervich:** I think that is a good point. I know initially the bill said 9 because that is where child seats are and it would be clear to the law enforcers. It's a child of any age really. I don't mean to make light of it because of the health implications. Right now we don't have any age, but finding an age that would work is powerful. If anyone would want to raise the age to 18, I think that would be great.

**Representative Skroch:** I think that you had a good point as far as a practical enforcement as long as we're already enforcing a law for 9 years, it might be easier for people to accept the issue of smoking with children.

**Vice Chairman Rohr:** Ok then we are ready for a vote to amend this from 9 to 12.

**Roll call vote: 5 Yes, 8 No, 1 Absent.**  
**Amendment Failed.**

**(8.15) Vice Chairman Rohr:** Any further discussion before we proceed to a final vote?

**Representative Ruby:** I'm going to vote against this bill. They spend way more time smoking in the house as compared to in the car. So, if we are going to outlaw tobacco as a whole, the kids will still be exposed to it. I really don't see this bill doing a whole lot.

**Vice Chairman Rohr:** Ok, then we need to make a motion for do not pass.

**Representative Porter:** I'll make a motion for do not pass.

**Vice Chairman Rohr:** Any second?

**Representative Ruby:** I'll Second it.

**Vice Chairman Rohr:** Ok then we have a motion for a do not pass on HB1274 by Representative Porter, and a second by Representative Ruby. Discussion?

**Representative Devlin:** Can someone explain to me, is there a height exemption?

No explanation.

**Vice Chairman Rohr:** Anymore discussion?

**Roll Call Vote: 8 Yes, 5 No, 1 Absent.**

**(11.34) Vice Chairman Rohr:** Is there a volunteer for a carrier for this bill?

**Representative Fegley:** I'll do it.

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1274

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Westlind Seconded By Rep. Tveit

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		A	Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman		X	Mary Schneider	X	
Dick Anderson		X			
Chuck Damschen		X			
Bill Devlin		X			
Clayton Fegley		X			
Dwight Kiefert	X				
Todd Porter		X			
Matthew Ruby		X			
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch		X			

Total (Yes) 5 No 8

Absent 1

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Proposed ammendment to p. 2 line 7 to raise  
the age from 9 to 12.  
-Ammendment Failed

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1274

House Human Services Committee

☐ Subcommittee

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Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
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☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep. Porter Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		<u>A</u>	Gretchen Dobervich		<u>X</u>
Karen M. Rohr - Vice Chairman	<u>X</u>		Mary Schneider		<u>X</u>
Dick Anderson	<u>X</u>				
Chuck Damschen	<u>X</u>				
Bill Devlin		<u>X</u>			
Clayton Fegley		<u>X</u>			
Dwight Kiefert		<u>X</u>			
Todd Porter	<u>X</u>				
Matthew Ruby	<u>X</u>				
Bill Tveit	<u>X</u>				
Greg Westlind	<u>X</u>				
Kathy Skroch	<u>X</u>				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. Fegley

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**HB 1274: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1274**

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## Testimony on HB 1274 House Human Services Committee

Representative Pamela Anderson, District 41

January 14, 2019

Good Afternoon Chair Weisz and Committee Members.

Last session we raised the age from 7 to 8 that children need to be in age and weight appropriate car seats. I am all for that. But then, after we strap the little children in for their own safety, we can light up a cigarette. I would make the case that secondhand smoke in a small space of a vehicle is certainly a child passenger safety issue.

Secondhand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome. (US EPA) I don't believe anyone in this room believes secondhand smoke is good for our children.

This bill bans smoking in cars with children under the age of 9 and would have the same penalty as not using child car seats, both are primary infractions.

In 2006, Arkansas and Louisiana became the first states to enact such bans. In Louisiana, smoking is prohibited in any vehicle when there is a child under the age of 13, and penalties are \$150 fines or 24-hours of community service. Other recent state legislation includes: California under 18, Maine 16, Utah 15, Oregon 18, Vermont bans smoking in cars with a child "required to be properly restrained in a federally approved child passenger restraining system"- this bill.

The group ASTHO, Association of State and Territorial Health Officials, is tracking 23 bills introduced in 15 jurisdictions to specifically protect children from secondhand smoke in cars.

We would be joining many other states and at the low end of the age ban.

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The opposition I have heard from this bill is we need to take personal responsibility and not legislate. If that is the argument, then why do we require children to be in car seats? Let the parents decide that issue as well. I don't think a six-month old can be held to personal responsibility. There would be a state-wide outcry if we took the child seat law off the books. This bill is no different.

Thank you for your time and consideration of HB 1274.