

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE HEALTH COMMITTEE SUBSTITUTE FOR
HOUSE BILL 148

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52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING A SECTION OF THE MOTOR
VEHICLE CODE TO PROHIBIT SMOKING IN ANY MOTOR VEHICLE WHEN A
MINOR IS PRESENT; ESTABLISHING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"~~[NEW MATERIAL]~~ SMOKING PROHIBITED--VEHICLE WHERE MINOR
PRESENT.--

A. It is unlawful for a person to smoke in any
motor vehicle when a minor is present in the vehicle.

B. A person who violates this section is guilty of
a misdemeanor and:

(1) upon a first conviction, shall pay a fine
of one hundred dollars (\$100), which the court shall waive if

1 the person completes a smoking cessation course:

2 (a) either in person or through a web
3 site;

4 (b) chosen from a list of smoking
5 cessation courses that the court has approved; and

6 (c) within a time frame that the court
7 specifies; and

8 (2) upon a second or subsequent conviction,
9 shall be fined one hundred dollars (\$100) per offense.

10 C. As used in this section:

11 (1) "electronic smoking device" means any
12 product containing or delivering nicotine or any other
13 substance intended for human consumption that can be used by a
14 person for smoking through inhalation of vapor or aerosol from
15 the product. "Electronic smoking device" includes any such
16 device, whether manufactured, distributed, marketed or sold as
17 an "e-cigarette", "e-cigar", "e-pipe", "e-hookah" or "vape pen"
18 or under any other product name or descriptor;

19 (2) "minor" means an individual who is under
20 eighteen years of age;

21 (3) "motor vehicle" means a self-propelled
22 device in, upon or by which any person or property is
23 transported upon land; and

24 (4) "smoking" means:

25 (a) inhaling, exhaling, burning or

1 carrying any lighted or heated cigar, cigarette or pipe or any
2 other lighted or heated tobacco or plant product intended for
3 inhalation, including a hookah or marijuana, whether natural or
4 synthetic, in any manner or in any form;

5 (b) using an electronic smoking device
6 that creates an aerosol or vapor, in any manner or form; or

7 (c) using any oral smoking device for
8 the purpose of circumventing the prohibition of smoking
9 established pursuant to this section."

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underscored material = new
~~[bracketed material] = delete~~