

STATE OF NEW YORK

337

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the vehicle and traffic law, in relation to prohibiting smoking tobacco in motor vehicles where a minor is a passenger

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1229-e to read as follows:

3 § 1229-e. Smoking in motor vehicles. 1. Smoking in a motor vehicle
4 located upon a public highway or right-of-way public highway where a
5 minor under eighteen years of age is a passenger is prohibited. Any
6 operator or passenger twenty-one years of age or older violating this
7 section shall be guilty of a traffic infraction.

8 2. A person who holds a lighted cigar, cigarette, pipe or any other
9 matter or substance which contains tobacco to, or in the immediate prox-
10 imity of their mouth, while in such vehicle is presumed to be engaging
11 in smoking within the meaning of this section. The presumption estab-
12 lished by this subdivision is rebuttable by evidence showing that the
13 person was not smoking a lighted cigar, cigarette, pipe or other matter
14 or substance which contains tobacco.

15 3. For purposes of this section "smoking" means the burning of a
16 lighted cigar, cigarette, pipe or any other matter or substance which
17 contains tobacco.

18 § 2. This act shall take effect on the one hundred twentieth day after
19 it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD00611-01-5