

Case 4: Smokin' Ride

It's probably a good idea not to smoke in a car with children. However, in an increasing number of states ranging from Arkansas to California, it is also against the law. While laws vary from state to state and there is no federal law, one can be fined up to \$250 if stopped for a traffic offense and found to be smoking with someone younger than 18 years old in the car.

If the law works and fewer people smoke in cars with their children, the health benefits are clear. Tobacco smoke is especially dangerous to children, because their lungs and brains are still developing. In closed spaces like cars, children can inhale a level of secondhand smoke that can rise to unhealthy, even dangerous or poisonous levels.¹⁷ Adults can avoid secondhand smoke in most places by opting not to go to bars, restaurants, or houses where people are allowed to smoke. However, unlike adults, children riding with parents frequently cannot opt to get out of the car or find alternative transportation. Whether they complain about the smoke or not, they are essentially trapped in a car with a smoking adult, unable to choose an alternative.¹⁸

There are no health upsides to smoking in a car with children. However, restricting personal behavior in a private automobile has some worried about infringements on personal freedoms. For instance, eating food, talking on the phone, and listening to audiobooks all distract drivers and potentially put children at risk.¹⁹ While the effects are not as pronounced as smoking-related illnesses, some argue that the rationale for this law would allow police to fine someone for listening to *Little House on the Prairie* with children in the car. And some wonder why such a rationale needs to stop at a car. Smoking in one's home with children is also extremely detrimental to their health. If the laws against smoking in cars with children pass muster, why couldn't a law fine parents for smoking in a private residence? If children's wellbeing is at stake, why not penalize parents for bringing home junk food, fast food, or for exposing their children to large amounts of television?

While these worries about liberty are real, they do not seem to phase support for laws against smoking in cars with children. According to the University of Michigan C.S. Mott Children's Hospital National Poll on Children's Health, 82% of adults support such

¹⁷Harvard School of Public Health, "Secondhand Smoke in Cars May Lead to Dangerous Levels of Contaminants For Children," <http://archive.sph.harvard.edu/press-releases/2006-releases/press10052006.html>

¹⁸For additional information consider: <http://ash.org/carsmoking>

¹⁹Jill Adams, "Talking on a cellphone while driving is risky. But simpler distractions can also cause harm" Washington Post, February 14, 2014, http://www.washingtonpost.com/national/health-science/talking-on-a-cellphone-while-driving-is-risky-but-simpler-distractions-can-also-cause-harm/2014/02/07/49675ce8-8cf2-11e3-95dd-36ff657a4dae_story.html

laws.²⁰ Enforcement should not be a problem, says Vermont State Police Lt. Gary Scott, “It’s going to be difficult to figure out how old the kid in the car is, but if you see a car seat in the car and the operator is smoking there’s grounds to at least stop the vehicle and they can investigate from there what’s going on in the car.”²¹

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²⁰ US News "Poll: US Adults Support Smoking Ban in Cars with Kids" July 23, 2013, <http://health.usnews.com/health-news/news/articles/2013/07/23/poll-us-adults-support-smoking-ban-in-cars-with-kids>

²¹ Wilson Ring, "VT anti-smoking law among nation's strictest" Burlington Free Press, June 27, 2014, <http://www.burlingtonfreepress.com/story/news/2014/06/27/car-smoking-ban/11448885/>