

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **INITIAL STATEMENT OF REASONS**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, ARTICLE 4,  
AMEND SECTION 1222

### **SMOKING ON SCHOOL BUS (CHP-R-2019-06102)**

#### **PROBLEM**

Currently, Section 1222 of the California Code of Regulations (CCR) states that when a pupil is aboard, smoking is prohibited on a school bus, school pupil activity bus (SPAB), or pupil activity bus (PAB). The phrase “when a pupil is aboard” could be misconstrued to mean that smoking is permitted on these vehicles (possibly by a driver, mechanic, or bus attendant) when a pupil is not on board. Although most schools have policy in place that prohibits employees from smoking in front of students and in district vehicles at any time, the regulation does not clearly convey that smoking is prohibited in these vehicles at any time. Further, the definition of smoking has changed to include other methods of smoking and should be cited in this rulemaking action.

According to the California Department of Public Health (CDPH), smoking and secondhand smoke cause life threatening diseases. The CDPH further estimates that nearly 40,000 Californians die each year from diseases caused by smoking and secondhand smoke exposure. Section 118880 of the Health and Safety Code (HSC) declares that tobacco smoke is a hazard to the health of the general public, and Section 118920 HSC affirms that secondhand smoke is a problem and that regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers. Additionally, Section 118920 HSC states that the intent of the Legislature is to eliminate smoking on public transportation vehicles.

#### **PURPOSE AND NECESSITY OF REGULATION**

The proposed amendment to Title 13 CCR, Section 1222, would add language to make it clear and specific that smoking is not permitted on a school bus, SPAB, or PAB, at any time, and cite the statute that defines smoking. Adding the additional language and citing the statute would clarify the intent of the Legislature to eliminate smoking on all public transportation vehicles as outlined in Section 118920 HSC.

## **ALTERNATIVES**

The California Highway Patrol (CHP) has not identified, nor been made aware of, an alternative which could be as effective or less burdensome than the regulation proposed in this rulemaking action.

## **LOCAL MANDATE**

This regulation will not impose any new local mandate.

## **ECONOMIC IMPACT ANALYSIS/ASSESSMENT**

- **Creation, Elimination, or Expansion of Jobs in the State of California**

The CHP evaluated whether jobs would be affected in the State of California. There is no indication that adding clarifying and defining language to this regulation would result in hiring more personnel, expanding jobs, or lead to lay-offs.

- **Benefits of the Regulation**

The CHP has evaluated the potential benefits of this proposed regulatory action. This regulatory action relating to smoking on a school bus, SPAB, or PAB will benefit the children and adults who ride these vehicles by offering clarifying and defining language, maintaining consistency between regulation and the Legislature's intent to eliminate smoking on public transportation vehicles.

## **FISCAL IMPACT TO THE STATE**

The CHP has determined regulatory action will have no fiscal impact to the state.