

## Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill

### NHS Ayrshire and Arran

1. Do you support the Bill? Please provide reasons for your position.

*Yes. We have known for many years that second-hand tobacco smoke is harmful, particularly to children, who have smaller airways, faster rates of breathing, and less developed immune systems. Smoking in the car can quickly produce high levels of second-hand smoke. The recent SALSUS report indicated that in 2013, 22% of 13 and 15 year olds in Scotland were exposed to second hand smoke at least "sometimes" with 7% reporting exposure during "all or most" of their car journey.*

2. Do you think the Bill (if enacted) would achieve its aim of protecting children from the effects of second-hand smoke and their health? Please provide an explanation for your answer.

*Yes. However enforcement of the bill is imperative to ensure compliance. This is one strand of tobacco control work which will assist in protecting children from the effects of second-hand smoke, others also require to be put in place e.g. smoke free parks and open spaces.*

3. Is there anything in the Bill you would change? If yes, please provide more details.

*The offence should apply to any individual smoking when another person under the age of 18 is present (i.e. newly qualified 17 year old drivers). However, before any offence under the age of 18 is referred to court or prosecuted, due consideration should be given as to whether or not is in the public's interest to do so.*

4. Who do you think should have responsibility for enforcing the proposed legislation and why?

*Although second-hand smoke in vehicles technically falls under the functions of Environmental Health Departments, Police Scotland has resources more appropriate for the enforcement of this action. Police officers will be able to effectively enforce the measure while engaging in routine duties, minimising any resource implications and the actual figures show that police have caught tens of thousands each year for using mobile phones when driving.*

5. What type of vehicles do you think should be exempt from the legislation and why?

*For some people their vehicle may also act as a place of residence and we do not believe that this legislation should extend to the home. Therefore the legislation should include an exemption for a caravan or motorhome that is stationary and not on the road. A further exemption should cover vehicles which are not enclosed, such as a motorbike or convertible car with the roof completely down. This aligns with the legislation agreed in England and Wales.*

6. What is your view on the Bill's provision for a defence that the person smoking could not have reasonably know that the other occupants of the vehicle were under 18?

*In our view not knowing that the other occupants of the vehicle are under 18 is unlikely.*

**NHS Ayrshire and Arran**