

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

NHS Forth Valley

Thank you for the opportunity to participate in the consultation process on this highly important public health issue. Please find detailed below comments from NHS Forth Valley which were produced by the Board's Tobacco Action Group. As you will see, the comments are supportive of the proposed legislation.

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

Yes, in principle NHS Forth Valley supports the Bill as it will ensure non smokers are protected from second hand smoke, in particular vulnerable groups, further increasing knowledge of the dangers of the issue. Enforcement may be challenging, but that is not a reason for not supporting it.

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.

The Bill would go some way towards protecting children from the harmful effects of second hand smoke. It is unlikely that it would be 100% implemented, even if travelling in cars was smoke-free, children may be exposed to second-hand smoke at home.

By protecting children from exposure to second hand smoke, the risk of respiratory illness in children is reduced, along with the negative impact of tobacco on health. Also, in turn we de-normalise tobacco use. There is the issue of those children with long term conditions such as asthma and cystic fibrosis where their exposure to tobacco should be minimal to improve their health.

Clarity is required as to whether it would be the driver who was responsible for ensuring the car was smoke free when children were in the vehicle. If a passenger in the car was smoking, would they themselves be prosecuted or would it be up to the driver to enforce the legislation whilst they were driving?

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

Police Scotland are in the best position to enforce the proposed legislation although there is a risk that this activity may not be considered a priority when faced with other incidents.

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

Consideration should be given to situations where people are living in their vehicles as this is then equivalent to a person's place of residence, such

vehicles may be exempt. It would still be appropriate for health promotion initiatives to encourage smoke-free homes/environments in the presence of children and young people although it would not be supported by legislation.

5. 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?

Improbable, the onus lies with them to check in the same as alcohol supply for minors.

I hope the comments from NHS Forth Valley will assist in informing the Health and Sport Committee's consideration of the Bill.

NHS Forth Valley