

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

### **Royal College of Physicians of Edinburgh**

The Royal College of Physicians of Edinburgh (the College) is pleased to respond to the Scottish Parliament Health and Sport Committee's call for written evidence on Stage 1 consideration of the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill.

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

Yes, the College supports the Bill.

Passive smoking exposure significantly increases the risk of a range of diseases in children. It is estimated that over 4000 new cases of respiratory infection, wheeze and asthma in Scottish children could be avoided every year by reducing the exposure of children to passive smoking.

The College also commends the Scottish Coalition on Tobacco (SCOT) response to this call for views, which also supports the proposed Bill.

#### **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, the College's view is that the Bill would protect children and their health from the effects of second hand smoke.

Evidence<sup>1</sup> from provinces in Canada that have introduced this measure shows that it has been effective in reducing child second-hand smoke exposure. However, legislation should also be accompanied by other measures to inform, educate and persuade people in Scotland to take action to reduce others' exposure (both children and adults) to second-hand smoke.

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

No. The College had previously voiced agreement with the original consultation document that the age of 16 should be used as the upper age limit for a child in the Bill, however we now consider that the age of 18, as defined in the current Bill, is preferable as this is the age when an individual can buy or use tobacco products. This is also the accepted age to which the protection of children extends.

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

The College takes the view that Police Scotland should have this enforcement responsibility. Police officers could effectively enforce the measure while engaging in existing routine duties, such as enforcing legislation relating to mobile phone use.

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

The ban should apply to all types of vehicle; however vehicles which are also people's homes should only be exempted providing the vehicle is stationary, being used as a home, and not a vehicle being used for travel.

**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?**

The College has no specific comment.

**Royal College of Physicians of Edinburgh**

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<sup>i</sup> Cancer Advocacy Coalition of Canada: Report card on Cancer in Canada 2012-13  
*Effectiveness of Bans Against Smoking Inside Private Vehicles in Canada*, HAI V. NGUYEN  
<http://www.canceradvocacy.ca/reportcard/2013/Effectiveness%20of%20Bans%20Against%20Smoking%20Inside%20Private%20Vehicles%20in%20Canada.pdf>