

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

NHS Health Scotland

NHS Health Scotland is a national health board working with public, private and third sector organisations to reduce health inequalities and improve health. Our role is to work with others to develop knowledge into action about what works, and doesn't work, to reduce health inequalities and improve health.

Key messages

- NHS Health Scotland welcomes the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill. We believe that if the Bill is enacted and enforced by Police Scotland, it will achieve its aim of protecting children from the harmful effects of second hand smoke.
- Children are particularly vulnerable to the risks of second hand smoke exposure.
- Second hand smoke exposure is a source of inequalities, with higher smoking prevalence among less affluent groups and thus of child second hand smoke exposure in these groups.

Response

NHS Health Scotland's responses to the Committee's questions are given below.

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

Yes. We think it is important that children are protected from the harmful effects of second hand smoke (SHS). While everyone should be protected from involuntary SHS exposure, generally children are less likely to have choices over transport options or to remove themselves from the situation. They are also a group who are particularly vulnerable to the risks of SHS exposure, due to smaller airways, faster rates of respiration, immature immune systems, and more hand-to-mouth ingestion, with increased risk of respiratory conditions and illnesses, impaired lung growth and function, and middle ear disease. Additionally, this is a source of inequalities, with higher smoking prevalence among less affluent groups and thus of child SHS exposure in these groups. Research has shown that smoke can reach high levels of PM2.5, the biomarker of SHS exposure, and exceed healthy guidance limits even under 'realistic' driving conditions with mechanical ventilation or open windows.

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. We believe that if the Bill is enacted and enforced by Police Scotland, it will achieve its aim of protecting children from the harmful effects of SHS. For example, a published study of the Canadian legislation found a positive impact on reducing child SHS exposure in the short-term post-implementation and without displacement into the home (Nguyen, 2013). Compliance with similar legislation around seatbelts has been high. There is also strong public support for the implementation of this legislation. It therefore ensues that a reduction in SHS exposure would result in a reduction in SHS effects on health.

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

No.

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

Police Scotland should be responsible for the enforcement of this legislation through their routine monitoring of traffic offences.

Another possibility is that the role of Environmental Health Officers could be extended to include enforcing the new legislation. Their role in enforcing smoke-free workplace vehicles could be extended into this new domain. However, this would differentiate smoking in cars from other similar traffic offences, such as mobile phone use, and puts an additional burden on local authorities.

Consideration also needs to be given as to whether involving more than one agency complicates rather than clarifies responsibilities for enforcement.

The Explanatory Notes for the Bill indicate that Police Scotland have been consulted and anticipate that enforcing and processing the new legislation would have a fairly minimal impact.

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

The only vehicles that should be exempt from the law are vehicles such as mobile homes which are currently being used as a home, ie when parked and static. Although stationary vehicles have higher SHS exposure, the rationale for the exclusion of parked and static mobile homes would be that they are a home setting and thus children have a better opportunity to remove themselves from the situation.

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

While we believe that such a situation would be rare and unlikely, it could be circumvented by the incorporation of a “need to ask if they look under 25” or “if in any doubt re age of occupants, don’t smoke” clause.

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