

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

Asian Consultancy on Tobacco Control

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

Yes, I support the proposed Bill.

Before answering the specific questions, I would like to emphasize the importance of a country like Scotland to act as an exemplar in introducing this type of legislation. Precedence in laws encourages other countries, especially low and middle income countries, to follow suit. The benefits of this Bill will be felt worldwide.

1.1. Health: The Bill supports the need to protect the health of children in Scotland as outlined in the UN Declaration on the Rights of the Child, the WHO Framework Convention on Tobacco Control, and other health clauses in international treaties. Even 10 minutes of exposure to tobacco smoke in the back of a car has measurable health effects on children, as numerous studies have shown.

1.2. Safety: There are several other known health and safety benefits, eg reduced loss of concentration when lighting a cigarette or stubbing it out, taking a hand off the wheel to light, stub or smoke, and less likelihood of litter by throwing the used cigarette end out of the car, etc.

[Leistikow BN, Martin DC, Jacobs J, Rocke DM, Noderer K.](#)

Smoking as a risk factor for accident death: a meta-analysis of cohort studies.

Accid Anal Prev. 2000 May;32(3):397-405. PMID: 10776858

[Leistikow BN, Shipley MJ.](#)

Might stopping smoking reduce injury death risks? A meta-analysis of randomized, controlled trials. Prev Med. 1999 Mar;28(3):255-9. PMID: 10072743

[Wen CP, Tsai SP, Cheng TY, Chan HT, Chung WS, Chen CJ.](#)

Excess injury mortality among smokers: a neglected tobacco hazard. Tob Control. 2005 Jun;14 Suppl 1:i28-32. PMID: 15923444

1.3. Using air conditioning or opening windows to ventilate the car cannot achieve the same level of protection as a complete ban, as shown in several published studies from the US, Canada, etc.

1.4. Children are particularly vulnerable as they are often not in a position to ask an adult smoker to stop smoking.

1.5. Regrettably, education alone and voluntary agreements on public health issues don't work well, so there is a need for laws for smoke-free areas, similar to seat belts in cars, minimum pricing of alcohol, etc.

1.6. In general, the educated, middle class smokers who understand health risks may be less likely to smoke in front of their children. If the law applies to everyone as in this Bill, then all children are protected.

1. 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 main practical advantages will be less environmental tobacco smoke, and improved safety, leading to an improvement in morbidity and mortality, especially among children.

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

Possibly adding that for first offenders, the option of quit smoking treatment with counselling be offered in lieu of a fine.

Not in the Bill, but the public should be informed by all the usual channels of health promotion (government, non-governmental and academic organisations like ASH Scotland, the Royal Colleges, childrens' groups, green groups) with mass media coverage, spots on TV and radio, notices in petrol stations, on electronic notice boards on motorways, and through schools so that the children themselves are informed of the law.

The public should be informed of the number of successful prosecutions and fines following the ban, to act as a deterrent.

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

The Police, as they are already monitoring other transport infringements, such as speeding, parking, safety belt use, and use of mobile phones.

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

For simplicity, the ban should cover :

- all enclosed motor vehicles with a child inside
- all moving motor vehicles with a child inside

Otherwise the law becomes more difficult to enforce, with car hoods half up, etc.

The only exception (but not ideally) could be stationary caravans or mobile homes, as these might be classified as homes.

- 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?**

My understanding is that ignorance of age is not a defence regarding other crimes against children, e.g. rape, sales of cigarettes to minors, etc. Nor should it be here.

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