

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

BMA Scotland

The British Medical Association is a registered trade union and professional association representing doctors from all branches of medicine. The BMA has a total membership of around 150,000 representing around two-thirds of all practising doctors in the UK. In Scotland, the BMA represents around 16,000 members.

Doctors witness first-hand the devastating effects of smoking-related harms on their patients. This includes secondhand smoke (SHS) and the adverse health effects it has on non-smokers and children. In a 2004 BMA report, 'The human cost of tobacco. Passive smoking: doctors speak out on behalf of patients', BMA members chronicle individual stories behind the statistics to show how SHS has destroyed the lives of their patients¹. Smoking in vehicles is a source of concentrated SHS, and the act of smoking while driving is also a potential distraction with implications for road safety. Doctors involved in treating the long term damage caused by smoking, SHS and trauma have a vested interest in preventing smoking in vehicles.

The BMA believes that there should be an outright ban on all smoking in vehicles, regardless of the age of passengers. We welcome the Smoking Prohibition (Children in Motor Vehicles) (Scotland) Bill as an important first step in reducing tobacco harm through restricting the prevalence of SHS in private vehicles. Private vehicles are an important source of SHS exposure in children and this ban will protect children's health. However, an outright ban on smoking in vehicles would also ensure that vulnerable adults were protected and would be easier to enforce.

Precedents have been set for the introduction and enforcement of legislation regarding the behaviour of drivers and passengers in motor vehicles, including the implementation of legislation in relation to seat belt and mobile phone use. The varying experiences of implementing these legislative changes show that public awareness of the offence and the health issues of SHS in vehicles will be crucial to enforce the proposed measure and we would urge that implementation should be accompanied by a mass media campaign to raise awareness. Robust enforcement will also be necessary for the legislation to be effective.

The BMA's report, *Smoking in vehicles*ⁱⁱ, gives more detail on the health and safety risks of smoking when driving (<http://bma.org.uk/working-for-change/improving-and-protecting-health/tobacco/smoking-while-driving>).

A practical disadvantage would be in assessing a child's age. An outright ban on smoking in private vehicles would help with enforcement, as there would be no need to differentiate whether a child, present in a vehicle, was above or below a prescribed age. This would eliminate any uncertainty for enforcers. An extension to the ban would also promote the message that tobacco smoke is harmful regardless of who is present in the vehicle at any time, and comprehensively address the issue of road safety.

BMA Scotland

-
- ⁱ *The human cost of tobacco. Passive smoking: doctors speak out on behalf of patients* - British Medical Association (BMA) (Scotland) (2004)
- ⁱⁱ *Smoking in Vehicles* – British Medical Association (BMA) London 2011