

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

### **NHS Highland and Highland Council**

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

Yes. This Bill goes some way in protecting children from secondhand smoke in a situation where children cannot remove themselves i.e. they cannot remove themselves from a car as they can sometimes do from a room.

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, however given the increased hand to mouth contact described in young people and children and the evidence on third hand smoking, it could go further. The current draft proposal would allow a parent to smoke a cigarette en route to collect a child. The paper highlights results found by Edwards, Wilson and Pierse (2006) who found that base levels of PM did not return to base level until 25 minutes after the cigarette was extinguished.

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

Yes. As mentioned above, work would need to be done around awareness of dangers of smoking in vehicles before a child or young person gets into the vehicle.

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

It is likely that Police Scotland are better placed to enforce this action. Police officers would be able to effectively enforce the measure while engaging in routine duties as they currently do regarding mobile phone use. This would minimise any resource implications.

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

For some people, the vehicle may also act as a place of residence therefore this legislation should include an exemption for a caravan or motorhome that is stationary and not on the road.

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 same defence could be said for proxy purchasing of cigarettes and/or alcohol and professional judgement should be exercised in these instances.

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