

Smoking Prohibition (Children In Motor Vehicles)(Scotland) Bill**NHS Fife****1. Do you support the Bill? Please provide reasons for your position.**

Yes

Smoking causes harm both to the smoker and to others especially in an enclosed space such as a vehicle. Children are particularly vulnerable because of the hazards posed by second hand smoke. Children are less able to make choices regarding removing themselves from the environment where smoking is taking place such as a vehicle in which they are being transported.

Evidence of the harm of inhaling second hand smoke is well established and exposure to the pollutants and carcinogens in second hand smoke increases the risk of acute and chronic health conditions and hospital admissions.

We do not believe that a voluntary arrangement where drivers decide for themselves whether or not to smoke in their own vehicles would be satisfactory and it does not guarantee that the health of young people under 18 would be protected on all occasions that they were present in a vehicle. We consider that if there was a voluntary arrangement, many drivers would continue to smoke and be dictated to by their addiction to nicotine.

A ban may also help road traffic safety by preventing the driver from being distracted while going through the action of lighting and smoking a cigarette, similar to the ban on use of mobile phones while driving.

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 most recent SALSUS report indicated that in 2013, 22% of 13 and 15 year olds in Scotland were exposed to second hand smoke in cars at least 'sometimes', with 75 reporting exposure during 'all/most' of their car journeys.

Smoking in a car can create pollution levels 35 times greater than those deemed safe by the World Health Organisation. Legislation on banning smoking in vehicles will protect passengers (in particular children) from the dangers of second hand smoke.

Parents are often less concerned about their own health but would usually have more concern for the health of their children. Therefore we consider that because of this parents who would usually smoke in their

vehicles will accept the measure and would equally want to preserve the health of their children.

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

The current draft Bill would allow a parent to smoke a cigarette en route to collect a child. Research by Edwards, Wilson and Pierse (2006) found that base levels of PM did not return to base level until 25 minutes after the cigarette was extinguished. The legislation will help ensure those who are unable to 'escape' from SHS are not subjected to it however vehicles that are still used for smoking in will carry third hand smoke risks for children. Therefore awareness of the dangers of smoking in vehicles before a child or young person gets in to the vehicle would need to be undertaken nationally.

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

We believe that while second hand smoke in vehicles technically falls under the jurisdiction of Environmental Health department in our Local Authority, Police Scotland has resources more appropriate to the enforcement of this action. Police officers would be able to enforce the measures while engaging in routine duties, minimising any resource implications.

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

For some people their vehicle may also be a place of residence, therefore exemption should only be given where the vehicle is used as a home/accommodation and when 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?

We are unable to comment without further information around how will a person be able to defend themselves. Will they be expected to take reasonable steps to establish the age of passengers? Apart from asking their passengers their ages will the driver then be able to show evidence that they had checked?