

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

Scottish Coalition On Tobacco (SCOT)

SCOT - the Scottish Coalition on Tobacco - is a campaigning coalition of 15 health and medical organisations that have a shared interest in matters relating to tobacco and health.

Members of the coalition are: ASH Scotland, Asthma UK Scotland, British Heart Foundation Scotland, British Lung Foundation Scotland, British Medical Association, Cancer Research UK, Chest Heart & Stroke Scotland, the Faculty of Public Health, Macmillan Cancer Support, Royal College of Nursing, The Roy Castle Lung Cancer Foundation, Royal College of Physicians of Edinburgh, Royal College of Psychiatrists, The Stroke Association (Scotland office) and the Royal Environmental Health Institute of Scotland.

This response is a general response on behalf of the SCOT coalition. Where individual members take a different stance on particular points this will be reflected in their own submissions.

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

2. The SCOT coalition supports legislation to make it an offence to smoke in a private vehicle when children under the age of 18 are present.

Reducing children and young people's exposure to smoking in vehicles will not only protect them from the dangers of second-hand smoke, but may reduce their propensity to take up smoking. Also, a ban on smoking inside cars carrying children may benefit those from lower income groups most and so reduce health inequalities¹. There may be further benefits for example relating to lack of distraction for drivers, reduced fire risks and reduced litter.

Air conditioning or opening windows does not protect people against tobacco smoke.

- 3. 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.**

International evidence² suggests that the prevalence of smoke-free car (and home) rules rises after the passage of smoke-free vehicle laws, which may indicate changes in attitudes towards second-hand smoke exposure.

Children are at an elevated risk of harm from second-hand smoke: their smaller airways, faster rates of breathing, and less developed immune systems all contribute to inhalation of larger quantities of particulates³. Evidence of the harm of inhaling second-hand smoke is well established⁴, and exposure to the pollutants and carcinogens in SHS increases the risk of acute and chronic health conditions, hospital admission, and death⁵. Non-smokers have significant intake of multiple volatile organic

compounds (VOCs) from breathing second-hand smoke in cars, corresponding to health risks that exceed the acceptable level⁶; VOCs from tobacco smoke are associated with cancer, cardiovascular, and respiratory diseases⁷.

4. **Is there anything in the Bill you would change? If yes, please provide more details.**
5. No.
6. **Who do you think should have responsibility for enforcing the proposed legislation and why?**
7. SCOT believes that Police Scotland would be best placed to enforce the measure while engaging in routine duties.
8. **What type of vehicles do you think should be exempt from the legislation and why?**
9. For some people their vehicle may also act as a place of residence, therefore we believe this legislation should include an exemption for a caravan or motorhome that is stationary and not on the road.
10. **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?**
11. We believe that the focus of the offence should be both on the person smoking and on the driver. The offence should apply both to any individual smoking when another person under the age of 18 is present and to the driver who permits this, in parallel with existing enclosed public spaces provisions. However before any offender under the age of 18 is referred to court or prosecuted, due consideration should be given as to whether or not it is in the public's interest to do so.

To be consistent with the smoking in vehicles legislative proposals of Wales, England, and Northern Ireland, we believe that where a driver is implicated, they should be permitted to present a defence that:

- a) the driver, by reason of driving the vehicle, was unable to prevent another individual from smoking in the car, and
- b) the driver made all reasonable efforts to prevent the offence.

We believe that any permitted defences regarding the believed or perceived age of passengers should be in line with permitted defences for other age-related offences.

Scottish Coalition on Tobacco (SCOT)

¹ Lavery A A, Millett C. Smoking ban in cars will benefit disadvantaged children most. *BMJ* 2014;348:g1720.

www.bmj.com/content/348/bmj.g1720

² Murphy-Hoefer R, Madden P, Maines D, Coles C. Prevalence of smoke-free car and home rules in Maine before and after passage of a smoke-free vehicle law, 2007-2010. *Preventing Chronic Disease*. 2014 Jan 16;11:130132. www.ncbi.nlm.nih.gov/pubmed/24433624

³ Royal College of Physicians. 2010. Passive smoking and children. A report by the Tobacco Advisory Group. London: RCP. <http://bookshop.rcplondon.ac.uk/details.aspx?e=305>

⁴ Ibid

⁵ Scientific Committee on Tobacco and Health (SCOTH). 2004. Secondhand smoke: Review of evidence since 1998, updated of evidence on health effects of secondhand smoke.

Department of Health. www.smokefreeengland.co.uk/files/scoth_secondhandsmoke.pdf

⁶ St Helen G, Jacob P 3rd, Peng M, Dempsey DA, Hammond SK, Benowitz NL. Intake of toxic and carcinogenic volatile organic compounds from secondhand smoke in motor vehicles. *Cancer Epidemiology Biomarkers and Prevention*. 2014 Dec;23(12):2774-82.

www.ncbi.nlm.nih.gov/pubmed/25398951

⁷ Ashley DL, Bonin MA, Cardinali FL, McCraw JM, Wooten JV. Measurement of volatile organic compounds in human blood. *Environmental Health Perspectives*. 1996 Oct;104 Suppl 5:871-7.

www.ncbi.nlm.nih.gov/pubmed/8933028?dopt=Abstract