

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

### **Royal Pharmaceutical Society in Scotland**

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

We support the Bill as a natural extension of the current public health measures in Scotland to protect the public from the effects of second-hand smoke which are now well established. It would not be logical to have legislation preventing smoking in public spaces while allowing smoking in confined spaces such as cars. In addition, children are more vulnerable than adults, both by being less able to assert their wishes if they have objections and more at risk from the passive effects of smoking in their developing lungs. As health care professionals involved in both treatment of the effects of smoking and in the challenges of smoking cessation we support any reasonable measures to minimise public exposure to tobacco products.

#### **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.**

The Bill would not protect children entirely as smoking is permitted at home but it would provide a significant measure of protection at a time when smoke concentration is high and children are in a confined space. As stated above any reasonable measures to minimise exposure should be supported.

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

We would extend the bill to include e-cigarette products as the long term effects of these have yet to be established. Evidence is emerging around the unwanted effects from vapours used in e-cigarettes, including the potential to trigger asthma attacks and the presence of tobacco residue and carcinogens in the expelled vapour. As a safety measure we believe they should therefore be treated in the same way as tobacco products. Please also see our e-cigarette policy statement for more information.<sup>i</sup> Furthermore, we believe that including e-cigarettes in the scope of this proposed legislation will enable simpler enforcement as it can be very difficult to tell conventional cigarettes apart from e-cigarettes. We believe that allowing e-cigarette smoking to be publicly acceptable has potential to undermine Scotland's public health policy which has contributed to an overall reduction in population smoking statistics.

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

In our response to the Scottish Government consultation on e-cigarettes and strengthening tobacco control we agreed that it would be appropriate for the police to enforce the legislation in the same way as other similar fixed penalty offences are enforced; there are other local authority options which could be considered.

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

The only exemption should be for vehicles which are also homes i.e. motor homes when they are stationary and parked as a domestic abode. However, we also support the Scottish Government campaign to discourage people who smoke to refrain from doing so in any area where children will be present.

**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?**

N/A This is not within the remit of a professional body to comment on.

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<sup>i</sup> <http://www.rpharms.com/policy-pdfs/e-cigarettes---ps---201402.pdf> accessed 25 May 2015.