

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

A Yes. 100,000 children in Scotland are affected by tobacco smoke in the home, 600 young people start smoking every day, 9,500 children will be admitted to hospital with effects of second hand smoke in the UK and 600,000 children in Scotland may be exposed to Second Hand Smoke within a car each week. To work towards the Scottish target to reduce the number of children exposed to second hand smoke in Scotland by 6% by 2020, stopping smoking in cars will contribute to achieving this target. From an inequalities position there is a higher prevalence of exposure to smoking in cars for children from lower socioeconomic communities.

Q 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.

A Yes, it will support protecting children against second hand smoke, however it has been identified that particles and toxins from smoke can continue to be within the environment for up to five hours, therefore there is still an element of risk to the child.

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

A The Bill enables changes in culture around smoking and enhances protection for children, however it is specific to lit tobacco/substances/mixture and therefore does not include electronic vaping devices. As research is developing rapidly around this area it would be prudent to have a statement around amendments to the bill as a result of new evidence.

The new legislation includes smoking in hospital grounds, but for coherence and consistency, it would be most helpful to also include the Government, all health board and local authority grounds and public sector-provided car parks, as these are included with the scope of the Tobacco Strategy, *Creating a Tobacco Free Generation*.

Consideration should be given to the protection of vulnerable adults in the same way as protection is planned to be offered to children.

Q4. Who do you think should have responsibility for enforcing the proposed legislation and why?

A The Police and local authority enforcement officers have the legislative backing, training and infrastructure to provide fixed penalty notices.

Q5. What type of vehicles do you think should be exempt from the legislation and why?

A None that are carrying children or vulnerable adults.

Q6. 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?

A We would advocate that there would not be a defence for this issue. The Scottish Government strategy "Creating a Tobacco-Free Generation" clearly identifies exposure to tobacco as a child protection issue and as such we would support any defence that could be used to undermine the protection given to children.

NHS Tayside