



8 August 2019

Submission to the Health Select Committee: Smoke-free Environments Amendment Bill

The New Zealand College of Public Health Medicine would like to thank the Health Select Committee for the opportunity to make a submission on the Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Bill.

The New Zealand College of Public Health Medicine (the College) is the professional body representing the medical specialty of public health medicine in New Zealand. We have 222 members, all of whom are medical doctors, including 185 fully qualified Public Health Medicine Specialists with the majority of the remainder being registrars training in the specialty of public health medicine.

Public Health Medicine is the branch of medicine concerned with the assessment of population health and health care needs, the development of policy and strategy, health promotion, the control and prevention of disease, and the organisation of services. The NZCPHM partners to achieve health gain and equity for our population, reducing inequalities across socioeconomic and cultural groups, and promoting environments in which everyone can be healthy.

Background

Tobacco smoking is a leading preventable cause of morbidity and premature mortality in New Zealand.¹ It is estimated that smoking kills around 4500–5000 people in New Zealand every year, including deaths due to second-hand smoke exposure.^{2,3} Māori, Pacific and people living in the most deprived areas are disproportionately affected by smoking.⁴

In New Zealand, the prevalence of second-hand smoke exposure in cars has been established by a number of studies^{5,6,7,8,9}. The ASH Year 10 survey estimated that in 2015 up to 11,787 14-15-year olds were exposed to smoking in cars each week, with Māori and Pacific children disproportionately exposed.¹⁰ Levels of second-hand smoke in cars is very high and a significant health hazard, particularly for children.^{11,12} Exposure to second-hand smoke increases the risk of sudden infant death syndrome, asthma attacks, chest infections, and chronic suppurative otitis media ('glue ear') in children.^{1,13}

There is strong scientific evidence that population-level tobacco interventions such as the smokefree environments legislation, are effective in reducing the prevalence of smoking.¹⁴ For example, in countries like the United Kingdom and jurisdictions across Canada, South Africa and the United States, legislation to ban smoking in cars where children are present has resulted in reduced second-hand smoke exposure and an increase in the prevalence of smokefree cars.^{15,16}

General comments

The College welcomes the proposed Smoke-free Environments Amendment Bill which amends the Smoke-free Environments Act 1990 to prohibit smoking in motor vehicles carrying children and young people.

The College recognises second-hand smoking in cars is a serious health hazard and supports the Bill's intention to protect children from the harms of second-hand smoke in cars.

We acknowledge that population-level tobacco interventions such as strengthening the smokefree environments legislation are highly effective in reducing the prevalence and harms of smoking.

We also recognise that children who are Māori, Pacific and who live in the most deprived areas experience disproportionate exposure to second-hand smoke and see the potential for the implementation of the Bill to contribute towards health equity.

We consider the Bill an opportunity to join international best practice in protecting children from the harms of second-hand smoke in cars and in increasing the prevalence of smokefree cars and decreasing the second-hand smoke exposure overall.

Specific issues

The proposed Smoke-free Environments Amendment Bill is an opportunity to protect children from the harms of second-hand smoke in cars, particularly for Māori, Pacific and children in the most deprived areas, and thus an opportunity to improve public health and health equity.¹⁷

The College would prefer to see the exclusions provided for in Section 20D(2) removed from the proposed Bill.

The exemption provided in 20(D)(2)(a) allows a person to smoke in a motor vehicle carrying a child occupant if the person is the only occupant of the motor vehicle who is under the age of 18. We note that section 30(1) of the Smoke-free Environments Act 1990 prohibits the sale and supply of tobacco products to people under the age of 18 yearsⁱ, and are of the view that the new Amendment Bill should be consistent in discouraging smoking by rangatahi/young people. This should reduce the number of acceptable spaces for minors to smoke and could delay the uptake of smoking by minors.

The College also recommends that the exemption provided in 20(D)(2)(b), which allows a person to smoke in a motor vehicle carrying a child occupant if the motor vehicle is stationary on a road and in use as a dwelling, be removed from *Part 1A Smoke-free motor vehicles carrying child occupants*. Removing section 20(D)(2)(b) will prevent harms from second-hand smoke to children residing in vehicles used as motor homes. The College acknowledges that this exemption is a complex issue, given the association of equity issues with the levels of disadvantage that lead to the use of vehicles as motor homes. Infringement fees and court-imposed fines have the potential to exacerbate inequity in these populations in the short-term. However, when motor-vehicles are used as

ⁱ Smoke-free Environments Act 1990: Reprint as at 14 March 2018
http://www.legislation.govt.nz/act/public/1990/0108/latest/whole.html?search=sw_096be8ed817576cb_sale+and+supply_25_se&p=1#contents

dwellings, children are all the more vulnerable, since they have nowhere else to go to escape the second-hand smoke and are forced to be exposed to hazardously high smoke levels in confined spaces. In addition, both children and adults also face high risk of fire hazard when smoking is permitted in vehicles used as dwellings.

Removing the exemption in *20(D)(2)(b)* will mean that smokers still have the option to smoke outside the car, while protecting children from the high level of harm caused by second-hand smoke in cars, and the potential long-term health effects, and implications for health equity. Therefore, we believe the removal of this exemption is necessary.

Thank you for the opportunity for the NZCPHM to submit on the Smoke-free Environments Amendment Bill. We hope our feedback is helpful and are happy to provide further clarification on matter covered in this submission.

Sincerely,



Dr Felicity Dumble, President, NZCPHM

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