

SIMCOE MUSKOKA DISTRICT HEALTH UNIT
Briefing Note

Smoke Free Cars Legislation

Update: 1

Date: January 16, 2008

Issue:

Ontario Liberal MPP David Oraziotti has introduced a Private Members Bill (Bill 11) in the Ontario Legislature calling for an amendment to the Smoke-Free Ontario Act (SFOA) that will protect children under the age of 16 from second-hand smoke in personal motor vehicles.

This bill has received the support of the Association of Local Public Health Agencies (alPHa).

Recommendation:

That the Board of Health pass Resolution #08 - 01 in support of smoke-free cars legislation.

Current Facts:

The alPHa Board has passed a motion in support of this legislative change and is encouraging Boards of Health to advocate for the passage of this Bill. (Appendix A).

Cigarettes contain more than 4,000 chemicals including at least 50 which are carcinogenic. Long-term smoking will kill one in every two long-term users and puts those who share the air at risk.

Children exposed to second-hand smoke face an even greater risk breathing second-hand smoke than adults because they breathe more rapidly and breathe in more air relative to their weight. As a result, these children are subjected to higher levels of toxic substances resulting in diseases and illnesses that include croup, asthma, bronchitis, middle ear infections, reduced lung function, pneumonia, leukemia and other cancers. Some effects of exposure are more subtle – carbon monoxide in secondhand smoke can decrease attention span and alertness, both which affect learning. Breathing secondhand smoke in a confined area such as a vehicle means the toxic chemicals in the air are more concentrated.

Public support for the ban of smoking in cars with children is very strong. A new Ipsos Reid poll conducted for the Ontario Tobacco-Free Network indicates that 80 per cent of Ontarians support legislation that would ban smoking in private vehicles where a child or adolescent under 16 years of age is present.

In Ontario, a smoke-free cars ban would have to be implemented at the provincial level since municipalities do not have the authority to pass bylaws to address smoking in private vehicles under the Municipal Act.

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Enforcement of such legislation would rest with police officers or officers appointed to carry out the provisions of the Highway Traffic Act and therefore there would be no additional impact on the enforcement requirements of public health tobacco enforcement officers.

In addition, this Bill would support program work already required under the Mandatory Health Programs Services and Guidelines and the Smoke-Free Ontario mandate which directs program strategies to contribute to the reduction of premature mortality and morbidity from preventable chronic diseases due to tobacco use and exposure to secondhand smoke.

The amendment to the Smoke-Free Ontario Act, 2005 would add a section that:

- restricts anyone smoking or carrying lighted tobacco in a private motor vehicle while a person who is less than 16 years old is present in the vehicle;
- imposes fines up to \$200 for the first offence and up to \$1000 for a second or subsequent conviction.

Background:

Ontario is by no means the first jurisdiction in which this action has been either taken, or proposed.

- In December 2007 Nova Scotia became the first province in Canada to pass legislation to make it illegal to smoke in a vehicle carrying anyone under the age of 19. It will go into effect early in 2008.
- This legislation follows a decision by the Town of Wolfville, Nova Scotia to pass a local by-law to protect children traveling in private vehicles from second-hand smoke.
- A similar bill is under consideration in the British Columbia legislature.
- The U.S. states of Arkansas, Louisiana and California have also passed similar laws.

There are approximately 93,000 children under the age of 16 living in Simcoe Muskoka who would benefit from this protection. Approximately 25 per cent of adults in Simcoe Muskoka smoke, including 22 per cent who smoke daily. Local RRFSS data from 2004 indicates 26.5 per cent of Simcoe County adults do not have a smoke-free car. In the Muskoka District in 2005 that figure was 20 per cent.

Contact:

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Joyce Fox, Director Healthy Living Service	Ext. 7210

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Resolution 08-01
Smoke Free Cars Legislation

WHEREAS there is international scientific consensus that secondhand smoke can result in sudden infant death syndrome (SIDS), childhood cancer, leukemia, brain cancer, asthma, other respiratory diseases, and death;

AND WHEREAS, according to the Canadian Tobacco Use Monitoring Survey for 2006, 25 per cent of Canadians reported being exposed to cigarette smoke in the car;

AND WHEREAS exposure to secondhand smoke within a vehicle exposes children to significant hazard to their health;

AND WHEREAS smoke-free cars legislation needs to be implemented at the provincial level and enforced by police officers because municipalities cannot pass smoke-free car bylaws;

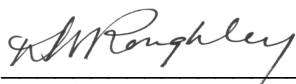
AND WHEREAS provincial laws already require child safety seats and making cars smoke-free is the logical next step in the protection of children's health;

AND WHEREAS an amendment to the Smoke-Free Ontario Act has been tabled in the legislature which would add a section that:

1. Restricts anyone smoking or carrying lighted tobacco in a private motor vehicle while a person who is less than 16 years old is present in the vehicle;
2. Is enforced by police officers or officers appointed for carrying out the provisions of the *Highway Traffic Act*;
3. Imposes fines up to \$200 for the first offence and up to \$1000 for a second or subsequent conviction.

THEREFORE BE IT RESOLVED that the Board for the Simcoe Muskoka District Health Unit calls upon the provincial government to pass Bill 11 amending the Smoke-Free Ontario Act, 2005 to provide protection to children under 16 years of age from secondhand smoke in personal vehicles; and,

FURTHER BE IT RESOLVED that the Board of Health communicate its support for the passage of Bill 11 to local MPPs, MPP David Oraziotti, Premier McGuinty, the Minister of Health Promotion, the Minister of Transportation, the Association of Local Public Health Agencies, and to the boards of health throughout Ontario.



Chair, Board of Health

January 16, 2008

Date

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Appendix A

From: Susan Lee [mailto:susan@alphaweb.org]
Sent: Thursday, January 10, 2008 10:24 AM
To: mohs@alphaweb.org
Subject: [mohs] Support for Private Members' Bill - Banning Smoking in Vehicles Containing Children Vehicles Containing Children

This message is being circulated on the alPHa COMOHO listserve. For more information on public health in Ontario, please visit <http://www.alphaweb.org>

To all MOHs,

At their December 6, 2007 meeting, the alPHa Board of Directors passed a motion in support of the private members' bill to protect children from second-hand smoke in vehicles:

MOTION: That the alPHa Board of Directors endorse the private members' bill that would amend the Smoke-Free Ontario Act by banning smoking in cars containing children under the age of 16 years. (Moved by V. Sterling, seconded by C. Jordan, CARRIED.)

Please share this motion with your Board of Health members for their information. The alPHa Board strongly encourages all Boards of Health to pass similar motions or resolutions in support of the bill.

The bill may be found at http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b011.pdf

Thank you,

Susan

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