



STAFF REPORT ACTION REQUIRED

Smoke-Free Vehicle Legislation: Amendment of the Smoke-Free Ontario Act

Date:	January 7, 2008
To:	Board of Health
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

This report seeks endorsement from the Board of Health for Bill 11, an Act to amend the Smoke-Free Ontario Act to protect children and youth under 16 years of age from second hand smoke (SHS) in motor vehicles. This legislation will protect the health of children by prohibiting smoking in a vehicle when a child under 16 years of age is present.

The risks from SHS have been well documented. A recent position paper by the Ontario Medical Association indicates that exposure to SHS in a vehicle is 23 times more toxic due to the enclosed space (1). Children are among the most vulnerable to the damaging health effects of second hand smoke. When exposed to SHS, children are at a greater risk of developing bronchitis, pneumonia, colds, ear infections and asthma, while infants have an increased chance of dying from Sudden Infant Death Syndrome (2).

Toronto Public Health's Comprehensive Tobacco Control Program includes a strong emphasis on reducing exposures to environmental tobacco smoke. Despite concerted efforts to educate and promote awareness about the harmful effects to children from exposure to SHS in vehicles, approximately 22 per cent of Torontonians report that they allow smoking in their vehicles (3). One in ten reported exposure at least once a week, while one in thirty reported exposure to SHS in a vehicle on a daily basis.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. The Board of Health endorse Bill 11, an Act to amend the Smoke-Free Ontario Act to protect children and youth under 16 years of age from second-hand smoke in motor vehicles.
2. The Board of Health write letters of support for Bill 11 to the Premier, Minister of Health Promotion and Toronto area Members of Provincial Parliament.
3. The Board of Health forward this report to all Boards of Health in Ontario for similar endorsement and advocacy with the Premier, Minister of Health Promotion and Members of Provincial Parliament.

Financial Impact

There are no direct financial implications arising from this report.

DECISION HISTORY

The Board of Health has not made any previous requests or decisions about this issue.

ISSUE BACKGROUND

Children exposed to SHS show a greater likelihood of respiratory infections, sudden infant death syndrome, ear infections, and severe asthma symptoms due to smaller airways, greater oxygen demand and, hence, higher respiratory rates, as well as less-mature immune systems. Exposure to SHS in a car for just ten seconds can cause asthmatic episodes in susceptible children (2, 4). Further, new evidence implicates SHS in childhood cancer, leukemia and brain cancer (2, 4). While levels of SHS in vehicles can be far higher than those previously found in smoky bars, children continue to be exposed to smoke in private vehicles in Canada and elsewhere.

In a vehicle, SHS is 23 times more toxic than in the home due to the restricted space, according to research presented by the Ontario Medical Association (1). The 2005 Toronto Rapid Risk Factor Surveillance System Canadian Tobacco Use Monitoring Survey (RRFSS) reported that in 2005, approximately 22 per cent of Torontonians allowed smoking in their vehicles (3). One in ten reported exposure at least once a week, while one in thirty reported exposure to SHS in a vehicle on a daily basis.

Bill 11, an Act to amend the Smoke-Free Ontario Act to protect children and youth from second-hand smoke in motor vehicles

The 2005 *Smoke-Free Ontario Act* prohibits smoking in all enclosed public places and workplaces, including work vehicles, but does not apply to private vehicles. A private

member's bill was introduced in December, 2007 by MPP David Oraziatti to amend the Smoke-Free Ontario Act to prohibit smoking in vehicles when a person who is less than 16 years of age is present in the vehicle. The bill received first reading on December 6, 2007.

The newly created section of the Smoke-Free Ontario Act would be enforced by police officers or officers appointed for carrying out provisions of the Highway Traffic Act, such as Ministry of Transportation Enforcement Officers. There would be no additional responsibilities for City Inspectors currently enforcing the other sections of the Smoke-Free Ontario Act. Fines under this section would be up to \$200 for a first conviction and up to \$1,000 for subsequent convictions.

A public opinion poll commissioned by Ontario Tobacco Research Unit reports that a substantial percentage of Ontarians support legislation to ban smoking in vehicles carrying children (5). Public support among Ontarians for banning smoking in cars with children present has continued to rise from 55% in 1995 to 80% in 2007.

COMMENTS

Update on Smoke-Free Vehicle Legislation in Canada

There has been recent progress in efforts to eliminate children's exposure to SHS in vehicles. Following is a chronology of recent developments:

- October 15, 2007: The Ontario Medical Association applauds California's move to legislate against smoking in vehicles with children present, and reiterates the need for similar legislation within Ontario.
- October 21, 2007: York Region's Medical Officer of Health and regional council call on the provincial government to ban smoking in cars with children.
- November 13, 2007: York Region's health and emergency medical services committee spearheads a resolution calling on the Ontario Ministry of Health Promotion to enact legislation to protect children in cars from second-hand smoke.
- November 19, 2007: Wolfville, Nova Scotia. Town council unanimously adopts by-law to prohibit smoking in vehicles carrying passengers under age 19. The law will come into effect on June 1, 2008.
- November 22, 2007: In British Columbia, Bill M232 (Private Members Bill) introduced in B.C. Legislative Assembly.
- November 23, 2007: In Nova Scotia, Bill 6 (Private Members Bill) introduced in Nova Scotia Legislature.
- December 6, 2007: Nova Scotia Bill 6 receives second reading.
- December 6, 2007: Bill 11 (Private Members Bill) introduced in Ontario Legislative Assembly by Liberal MPP David Oraziatti.
- December 10, 2007: In the Yukon Territory, a private members motion introduced in the Yukon Legislative Assembly calling on the territorial government to include in tobacco legislation a ban on smoking in vehicles carrying minors.

- December 11, 2007: Nova Scotia Bill 6 approved by Law Amendments Committee.
- December 13, 2007: Nova Scotia Bill 6 received third reading and unanimous approval; the bill will prohibit smoking in vehicles carrying children under age 19; the bill will be proclaimed to come into force in mid-January, 2008.
- December 14, 2007: New Brunswick Health Minister Michael Murphy recommended to the provincial legislature that New Brunswick should consider a province-wide ban on smoking in cars with children.

Update on Automobile Smoke-Free Legislation in Jurisdictions Outside of Canada

Laws prohibiting smoking in vehicles carrying children have been adopted in the states of California, Arkansas and Louisiana, the U.S. municipalities of Bangor (Maine), Keyport (New Jersey), and Rockland County (New York) as well as Puerto Rico and the Australian states of South Australia and Tasmania. Bills are currently before several U.S. state legislatures (Georgia, Michigan, New Jersey, New York, Pennsylvania and Vermont) and the South African Parliament. The Governments of the Australian Capital Territory and the state of New South Wales are also considering bringing forward such legislation.

Toronto Public Health Comprehensive Tobacco Control Program

Toronto Public Health's comprehensive tobacco control program is focused on the following objectives:

1. prevention, or reducing the rate of smoking initiation among young people;
2. protection from second-hand smoke; and
3. cessation, or helping smokers of all ages to quit.

The Smoke-Free Ontario Act and Toronto's No Smoking By-law have provided protection from exposure to second-hand smoke in all public places and workplaces in the province and City respectively; however children and adults continue to be exposed to second-hand smoke in private homes and cars. Toronto Public Health demonstrated leadership on the smoke-free homes issue in 1998 as a founding member of the Breathing Space: Community Partners for Smoke-free Homes partnership. The resulting provincial partnership, mass media campaign and community activities focused on the protection of children and encouraged people to make their homes and cars smoke-free. Toronto Public Health implemented the first Breathing Space smoke-free vehicles campaign in partnership with select Canadian Tire stores in 2005 and has continued to educate the public about second-hand smoke exposure in cars. In November 2007, Toronto Public Health supported a province-wide smoke-free vehicles radio campaign that was coordinated through the seven Tobacco Control Area Networks (TCANs) in Ontario. Toronto Public Health and other Toronto TCAN partners distributed educational resources through Canadian Tire, car seat safety clinics and select Ride Program locations.

Conclusions

Despite public education children continue to be exposed to high levels of second hand smoke in motor vehicles. Legislation amending the Smoke-free Ontario Act to prohibit smoking in vehicles when a child under 16 years of age is present is a healthy public policy which should be endorsed by the Board of Health.

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SIGNATURE

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Medical Officer of Health

References:

- (1) Ontario Medical Association. *Exposure to Second-hand Smoke: Are We Protecting Our Kids?* Toronto, ON: Ontario Medical Association: 2004. Available from: <https://www.oma.org/Health/tobacco/smoke2004.pdf>
- (2) U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office on Smoking and Health; 2006. [cited 2006 June 29]. Available from: <http://www.surgeongeneral.gov/library>.
- (3) Rapid Risk Factor Surveillance System. 2005 Toronto Indicators Report, November, 2007. Toronto Public Health, November 2007.

- (4) Sendzik T, Fong GT, Travers MJ, Hyland A. *The Hazard of Tobacco Smoke Pollution in Cars: Evidence from an Air Quality Monitoring Study*, presented at The 13th World Conference on Tobacco OR Health, Washington, DC, July 12-15, 2006.
- (5) Ipsos Reid. *Public Support for Legislation Banning Smoking in Cars*. Public Opinion Poll commissioned by the Ontario Tobacco Research Unit. Toronto, ON: December, 2007. Available from: www.ipsos.ca.