

Laws Banning Smoking in Vehicles Carrying Children – International Overview

Canadian Cancer Society
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Summary: Laws prohibiting smoking in vehicles carrying children have been adopted in the Canadian provinces/territories of Nova Scotia, Ontario, British Columbia and the Yukon Territory, the Canadian municipalities of Wolfville (Nova Scotia), Surrey (British Columbia) and Okotoks (Alberta), the U.S. states of California, Maine, Arkansas, and Louisiana, the U.S. municipalities of Bangor (Maine), Keyport (New Jersey), West Long Branch Borough (New Jersey) and Rockland County (New York), as well as South Africa, Puerto Rico and the Australian states of South Australia and Tasmania. In Canada, the provinces Prince Edward Island (draft bill announced) and Manitoba (announcement by Premier) are moving forward with legislation. In Australia, the Governments of the Australian Capital Territory and the states of Victoria, Queensland and New South Wales are also considering bringing forward such legislation.³ In the U.S., bills are currently before several U.S. state legislatures.

Listed below are the jurisdictions, the applicable age, the date of coming into force, and the date the law was adopted. Applicable age refers to under the age, thus “19” (for example) means that smoking is prohibited in a vehicle carrying someone under age 19.

Jurisdiction	Applicable Age	Date Law in Force	Date Law Adopted
<u>Canadian provinces/territories</u>			
1. Nova Scotia	19	April 1, 2008	Dec. 13, 2007
2. Yukon Territory	18	May 15, 2008	Apr. 22, 2008
3. British Columbia	16	date to be set	May 29, 2008
4. Ontario	16	Jan. 21, 2009	June 18, 2008
<u>Canadian municipalities</u>			
5. Wolfville, Nova Scotia	19	June 1, 2008	Nov. 19, 2007
6. Surrey, British Columbia	19	July 31, 2008	July 14, 2008
7. Okotoks, Alberta	16	Sept. 1, 2008	July 15, 2008
<u>U.S. states</u>			
8. Arkansas	if car seat required ¹	July 21, 2006	Apr. 10, 2006
9. Louisiana	13 ²	Aug. 15, 2006	July 5, 2006
10. California	18	Jan. 1, 2008	Oct. 10, 2007
11. Maine	16	Sept. 1, 2008	Apr. 10, 2008
<u>U.S. municipalities</u>			
12. Bangor, Maine	18	Jan. 18, 2007	Jan. 8, 2007
13. Keyport, New Jersey	18	Apr. 26, 2007	Apr. 24, 2007
14. Rockland County, N.Y.	18	June 21, 2007	June 15, 2007
15. West Long Branch Borough, NJ	18	June 9, 2007	June 6, 2007
<u>Australian states and territories</u> ³			
16. South Australia	16	May 31, 2007	Apr. 5, 2007
17. Tasmania	18	Jan. 1, 2008	Dec. 19, 2007
<u>Countries</u>			
18. South Africa	12	date to be set	Feb. 23, 2008
<u>Other</u>			
19. Puerto Rico (US Commonwealth in Caribbean)	13	Mar. 2, 2007	Mar. 2, 2006

¹ In Arkansas, a car seat is required when a child is less than six years of age and weighs less than sixty pounds (per s. 27-34-104(b) of the Arkansas State Code).

² Louisiana Revised Statute 32:295 sets out various rules for car seat and seat belt use that apply to all child passengers up to and including age 12. See: <http://www.legis.state.la.us/lss/lss.asp?doc=88231>

³ For the state of New South Wales, see Alexandra Smith, “Cigarette displays to be banned” *Sydney Morning Herald*, July 30, 2008; see also “Smoking ban to hit parents in NSW cars” *The Daily Telegraph*, Nov. 9, 2007. see: <http://www.news.com.au/story/0,23599,22725692-421,00.html>.

For the Australian Capital Territory, see Media Release, Jon Stanhope, Chief Minister, Australian Capital Territory, June 6, 2007: <http://www.chiefminister.act.gov.au/media.asp?media=2614§ion=53&title=Media%20Release&id=53>.

For Queensland, see Queensland Government Joint Statement, Premier - The Honourable Anna Bligh, Minister for Health - The Honourable Stephen Robertson, “Bligh Government toughens anti-smoking legislation” May 26, 2008; see also “Bligh bans smoking in cars with kids”, *The Daily Telegraph*, May 26, 2008: http://www.news.com.au/dailytelegraph/story/0,22049,23759038-5001028,00.html?from=public_rss.

For Victoria, see “MP introduces bill to ban youth smoking”, *ABC News*, June 12, 2008: <http://www.abc.net.au/news/stories/2008/06/12/2272190.htm>. To see Bill 65, *Tobacco (Control of Tobacco Effects on Minors) Bill 2007* (see section 4), visit: <http://www.legislation.vic.gov.au/>. This bill was adopted by the Legislative Council on June 25, 2008, followed by the Legislative Assembly returning the bill back to the Legislative Council with a message that the bill seeks an appropriation from the Consolidated Fund.