

FREQUENTLY ASKED QUESTIONS – SMOKEFREE CARS LAW AND DRIVE SMOKEFREE FOR TAMARIKI CAMPAIGN

1. What is the purpose of the smokefree cars law and campaign?

The purpose of the law is to limit children’s exposure to second-hand smoke by prohibiting smoking and vaping while children are in motor vehicles.

The objective of the campaign is to:

- raise awareness of the new law, especially for people who smoke, and
- encourage smokers to change their behaviours of smoking around children/tamariki/youth.

The law and the campaign will contribute to the goal for a smokefree Aotearoa by 2025, as well as the Child and Youth Wellbeing strategy, and the UN Convention on the Rights of the Child.

2. When does this new law come into effect?

28 November 2021.

3. When does the campaign run?

The campaign starts at the end of April 2021 and goes through until December 2021. The campaign is starting earlier than the law because the government wanted to make sure people who smoke have the chance to learn about the law before it comes into effect, and so they can decide if they want to make any changes to their smoking behaviours.

4. What are the risks of second-hand smoke?

Evidence tells us that exposure to second-hand smoke can put children at risk of serious medical conditions.

Second-hand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden unexplained death in infancy (SUDI).

References: U.S. Department of Health and Human Services. (2006). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. Accessed from [The Health Consequences of Involuntary Exposure to Tobacco Smoke - NCBI Bookshelf \(nih.gov\)](#).

ASH Scotland (2012). Reducing Children’s Exposure to Second Hand Smoke in the Home. Retrieved April 20, 2021 from <https://www.ashscotland.org.uk/media/197686/lit%20review%20final%20update%2081112.pdf>

Younger children/babies are particularly vulnerable to the effects of second-hand smoke exposure due to their smaller lungs, higher respiratory rate (they breathe

faster), and their immune systems are still developing. They also inhale more pollutants than adults.

References: Bearer CF. (2005) Environmental health hazards: How children are different from adults. The Future of Children. Accessed from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1518896/>

Second-hand smoke is particularly bad in vehicles. The smoke accumulates in vehicles, even with windows open, and reaches much higher levels than in other domestic settings.

References: Ott, W., Klepeis, N., & Switzer, P. (2008). Air change rates of motor vehicles and in-vehicle pollutant concentrations from secondhand smoke. Journal of Exposure Science & Environmental Epidemiology, 18(3), 312–325. Accessed from <https://doi.org/10.1038/sj.jes.7500601>

Children will often have little or no ability to influence whether other people smoke in the vehicle in which they are travelling.

5. Why do we need this law?

While rates of children and young people's exposure to second-hand smoke have been decreasing, the rate of decrease may be slowing.

Results from the 2018 Youth Insights Survey (nationally representative survey of Year 10 students aged 14 to 15-years old) showed that about 15% of 14 to 15-year-olds were exposed to second-hand smoke in vehicles. Māori and Pacific students reported much higher exposure at 26 percent.

Reference: Te Hiringa Hauora/ Health promotion Agency. (2019). Second-hand smoke exposure among 14 and 15-year-olds: Results from the 2018 Youth Insights Survey. Wellington, NZ: Te Hiringa Hauora. Accessed from: [Second-hand smoke exposure among 14 and 15-year-olds: Infographic | Te Hiringa Hauora/Health Promotion Agency \(hpa.org.nz\)](#)

The New Zealand Health Survey 2012-13 found around five percent of children aged 0 to 14 years were exposed to second-hand smoke in cars. Children who lived in the most deprived areas were almost four times more likely to be exposed to second-hand smoke than children who lived in the least deprived areas. Māori children were 2.6 times more like to be exposed to second-hand smoke than the general population.

Reference: Ministry of Health. 2014. Tobacco Use 2012/13: New Zealand Health Survey. Wellington, NZ: Ministry of Health. Accessed from [Tobacco Use 2012/13: New Zealand Health Survey](#)

The vast majority of New Zealanders support this law change. About 95% of adults aged 15 years or over (from the 2018 New Zealand Health and Lifestyles Survey) supported banning smoking in cars when children under 18 years are present. And young people support this law too: More than 90% of 14 to 15-year-olds (from the 2018 Youth Insights Survey) agreed we should ban smoking when children are in them.

Reference: HLS: Te Hiringa Hauora/Health promotion Agency. (2021). Kupe Data Explorer. Retrieved April 20, 2021 Accessed from <https://kupe.hpa.org.nz/#/>

6. How much is the fine?

New Zealand Police can give you an infringement fine of \$50, or a court could fine you up to \$100.

For those smoking or vaping in a car with children present, Police will discuss with them the new law and provide information about changing behaviours, including how to get in touch with stop smoking services. They will be able to use their discretion about fining people who break the law and it's expected the use of fines will be a last resort.

7. What is the definition of a child?

A child is considered to be someone under the age of 18 years.

8. What if I am driving someone else's children?

It doesn't matter what your relationship is to the children in the car.

9. If I am under 18-years-old, I am the only person in the car, and I smoke, am I breaking the new law?

No, you are not breaking the new law. A person can smoke in their car if they are the only occupant and under 18-years-old.

10. Does this new law apply only if I am driving? What about when I am parked? Or in my own driveway?

The law applies to both moving and stationary cars on roads. A road is defined in section 2(1) of the Land Transport Act 1998.

11. I live in my vehicle (it's a campervan, for example). Does this new law apply to me?

The new law applies if there are children/tamariki/ youth in the vehicle. If the motor vehicle is used as an occasional or permanent dwelling, then this law does not apply when it is parked.

12. What if I smoke in my car before my kids get in? eg, waiting for them at school pick-up?

The new law will not apply if you are the only occupant.

However, it pays to remember that just because you have finished the smoke before the children get in the car doesn't mean you have completely removed all the harm. Opening or winding down the window will not remove all the poisons in second-hand smoke. The poisons will stay long after the smoke and smell have disappeared. The best option is to make your car a smokefree space.

13. Does it apply to just the driver or any occupant smoking in the car?

It applies to any adult in the car who is smoking while there are children present.

14. What other countries already have this law?

A number of countries already have this law, including Australia, England, Scotland, Ireland, South Africa, most of Canada and parts of the United States of America.

15. Does this also apply to vaping?

Yes. On 28 November 2021 it will also become illegal to drive in a car with children while vaping.

16. I thought vaping was safer than smoking, so why does this include vaping?

The risks of second-hand vaping are considered to be much less than second-hand smoke. However we don't want to normalise vaping around children – as vaping is not for children, young people, or non-smokers. Therefore this law makes it illegal to smoke or vape in a car when children are present.

17. How can I make a complaint about a person smoking in their car with children present?

You can contact the Police using their non-emergency contact methods. 105 is the number for Police non-emergencies. 111 is the emergency number for Police, Fire and Ambulance.

You can use 105 to report things that have already happened that don't need urgent Police assistance.

Go online to [105.police.govt.nz](https://www.police.govt.nz)

18. Will the New Zealand Police provide details of stop smoking services to those who are caught offending, or only give fines?

For those smoking or vaping in a car with children present, Police will discuss with them the new law and provide information about changing behaviours, including how to get in touch with stop smoking services. They will be able to use their discretion about fining people who break the law and it's expected the use of fines will be a last resort.

19. What can I do to make my car smokefree?

There are some easy steps to making your car smokefree

- Make a rule – your car is always smokefree, at all times, for everyone.
- Clean out your car ashtray, or remove it if you can
- Remove the cigarette lighter from your car.
- Let other people know – put Smokefree/Auahi Kore stickers on your windows.
- Ask your family and whānau to support you by not smoking in your car at all times.

To stop yourself from picking up a cigarette, you can:

- Take sips from a bottle water when you are stopped at lights
- Keep some chewing gum handy in the car
- Turn the radio on
- Make sure you've put the smokes out of sight and out of reach.

If you are thinking about quitting the smokes for good, get advice from a quit coach. A free and qualified Quit Coach can help you make a plan so you've got everything you need in place - so you can just get on with quitting. You can find out more about Quit Coaches, and their contact details at quitstrong.nz