

# Smoke with kids in the car & you'll cough up a fine.



## THE LAW

### What does the law say?

Section 67H(2) of the *Public Health Act 1997* states that 'on or after 1 January 2008, a person must not smoke inside a vehicle if a child inside the vehicle is present'.

### What is the definition of a child?

The *Public Health Act 1997* defines a child as 'a person who has not attained the age of 18 years'.

## PURPOSE

### Why has this law been introduced?

This law has been introduced in order to prevent children from being exposed to passive smoking in the confined area of a car.

### How dangerous is passive smoking?

Passive smoking is known to be hazardous to health as it contains the same harmful chemicals that smokers are exposed to when they inhale tobacco smoke. Passive smoking can cause a range of serious illnesses including asthma, bronchitis, pneumonia and chest infections, lung cancer and cardiovascular disease.

## PASSIVE SMOKING AND CHILDREN

### How dangerous is the passive smoking risk to children?

Children and babies are especially vulnerable to the health effects of passive smoking with an increased risk of respiratory infections, middle ear infections and sudden infant death syndrome.

## ENFORCEMENT

### How will the law be enforced?

Police officers and tobacco control officers from the Department of Health and Human Services have the authority to enforce this law.

### What are the penalties?

A \$110 infringement notice can be issued on-the-spot or the offence can be referred to court where the maximum penalty is \$2,200.

### Does the law only apply to the driver?

No. Any person in the car who is smoking while a child is present will be committing an offence.

### Does the law only apply to a moving vehicle?

No. The intention is to prevent children's exposure to passive smoking and this can occur whether the car is moving or stationary.

### Can I smoke with one or more windows wound down or hold a cigarette out the window?

No. The intention is to prevent children's exposure to passive smoking and this can still occur if a window is open. The smoker would therefore be committing an offence.

## MORE INFORMATION

For information on the law and enforcement, contact the Department of Health and Human Services on 1800 671 738 or [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)

For information on quitting smoking, contact the Quitline on 13 7848.