

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 9 Canadian provinces/territories (British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and the Yukon Territory); 8 Canadian municipalities – Wolfville (Nova Scotia), Surrey (British Columbia), White Rock (B.C.), Richmond (B.C.), Okotoks (Alberta), Athabasca (Alberta), Leduc (Alberta), Medicine Hat (Alberta); 6 Australian states – South Australia, Tasmania, New South Wales, Victoria, Queensland and Western Australia; 4 U.S. states – California, Maine, Arkansas, and Louisiana; 10 U.S. municipalities – Bangor (Maine), Keyport (New Jersey), West Long Branch Borough (New Jersey), Rockland County (New York), Monroe County (Indiana), Rohnert Park (California), Martinez (California), Hawaii county (Hawaii), as well as South Africa, Mauritius, Bahrain, and Puerto Rico. It may be that other jurisdictions have also adopted laws.

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

Countries

1. Mauritius (18+¹, Mar. 1, 2009)
2. South Africa (12, Aug. 21, 2009)
3. Bahrain²

Canadian provinces/territories (9 of 13)

1. Nova Scotia (19, Apr. 1, 2008)
2. Yukon Territory (18, May 15, 2008)
3. Ontario (16, Jan. 21, 2009)
4. British Columbia (16, Apr. 7, 2009)
5. New Brunswick (16, Jan. 1, 2010)
6. Prince Edward Island (19, Sept. 15, 2009)
7. Manitoba (16, July 15, 2010)
8. Saskatchewan (16, Oct. 1, 2010)
9. Newfoundland and Labrador (16, July 1, 2011)

Canadian municipalities (8)

1. Wolfville, Nova Scotia (19, June 1, 2008)
2. Surrey, British Columbia (19, July 31, 2008)
3. Okotoks, Alberta (16, Sept. 1, 2008)
4. White Rock, British Columbia (16, Nov. 1, 2008)
5. Richmond, British Columbia (19, Nov. 30, 2008)
6. Athabasca, Alberta (18, Mar. 22, 2011)
7. Leduc, Alberta (18, July 2, 2011)
8. Medicine Hat, Alberta (16, Sept. 1, 2011)

Australian states and territories (6 of 8)

1. South Australia (16, May 31, 2007)
2. Tasmania (18, Jan. 1, 2008)
3. New South Wales (16, July 1, 2009)
4. Victoria (18, Jan. 1, 2010)
5. Queensland (16, Jan. 1, 2010)
6. Western Australia (17, Sept. 23, 2010)

U.S. states (4 of 50)

1. Arkansas (if car seat required,³ July 21, 2006)
2. Louisiana (13,⁴ Aug. 15, 2006)
3. California (18, Jan. 1, 2008)
4. Maine (16, Sept. 1, 2008)

U.S. municipalities (9)

1. Bangor, Maine (18, Jan. 18, 2007)
2. Keyport, New Jersey (18, Apr. 26, 2007)
3. Rockland County, N.Y. (18, June 21, 2007)
4. West Long Branch Borough, NJ (18, June 9, 2007)
5. Loma Linda, CA (18, July 24, 2008)
6. Monroe County, Indiana (13, April 8, 2009)
7. Rohnert Park, CA (18, May 28, 2009)
8. Martinez, CA (18, June 5, 2009)
9. Hawaii County, Hawaii (18, Aug. 8, 2010)
10. Carpinteria, CA (18, May 16, 2011)

Other

1. Puerto Rico (13, Mar. 2, 2007)
(US Commonwealth in Caribbean)

¹ In Mauritius, the *Regulations made by the Minister under sections 193 and 194 of the Public Health Act*, Government Notice No.263 of 2008, provides in s.3(1) that “No person shall smoke a tobacco product . . . (c) while driving or traveling in a private vehicle carrying passengers.”

² In Bahrain, Law Number (8), Year 2009, *On the Matter of Controlling Smoking and All Forms of Tobacco*, dated April 13, 2009, Article IV(16) bans smoking in “Private cars in case of those accompanying children” but does not define, at least not in this law, “children”. Article XXI states “The Minister shall issue the necessary announcements to implement this law within six months of the date of its issuance.”

³ 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).

⁴ 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>