



## After the new law for smokefree cars for Kiwi kids, what next?

3 June 2020

George Thomson , Nick Wilson, Richards Edwards

**This blog discusses the passing of the *Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Act* last week. We briefly review some lessons from this legislation's long journey and explore future smokefree possibilities in Aotearoa / New Zealand.**



A law providing smokefree cars for children is a matter for delight. Many have worked hard and long for this, community workers, advocates, researchers, officials and policymakers. As we celebrate the passing of legislation which will require cars carrying those under 18 years to be smokefree, what can we learn from the process for smokefree and wider health matters?

Why was the policy process for the law so long? It is over 45 years since the first smokefree places law in the world,<sup>1</sup> over 35 years after there was clear evidence that secondhand smoke kills,<sup>2</sup> 30 years since the first smokefree places law in NZ, 14 years after the first Australian state announced it would require smokefree cars for children,<sup>3</sup> 13 years since a survey of NZ smokers showing high support for smokefree cars with children.<sup>4</sup> Only now do we get a NZ law for protecting the most vulnerable, in the most confined of smoky spaces.

We know that many NZ officials and politicians have assumed that adult 'rights' were politically dominant over child protection, did not know about public and smoker support, and were unaware of the progress elsewhere on such laws.<sup>5</sup> We know that much of the public policy process is messy and irrational.<sup>6</sup> In NZ, the Health Select Committee in 2016 recommended legislation for smokefree cars, but the then Government said that 'present initiatives [were] sufficient to deter smoking in cars carrying children under the age of 18 Years'.<sup>7</sup> NZ Government responsibilities to children under the United Nations Convention on the Rights of the Child<sup>8</sup> were ignored, part of the systemic lack of priority for children in the NZ policy-making process.<sup>9</sup>

So what can we do about progress for other smokefree policies? Some things work - advocacy, changing social norms, and informing policymakers.<sup>3</sup> A major requirement for progress in NZ is the rebuilding of official and non-government health advocacy capacity.

The haphazard nature of politics means that windows of opportunity need to be sought, recognised and acted on. There may be current windows globally arising from the COVID-19 pandemic upheaval because of: (a) politicians may be less likely to prioritise 'individual rights' over collective action, allowing the introduction of policies that increase the collective public good;<sup>10</sup> (b) the apparent increased risks for smokers from COVID-19<sup>11 12</sup> may help shake loose the tobacco control logjam; and c) the pandemic may increase the political priority and acceptability of measures to safeguard public health. Privileging

'individual rights' over collective action has long hindered protective policy making, with catastrophic consequences. Following the pandemic, we have a unique opportunity to change some NZ policy priorities.

What are some of the changes for NZ that might happen in that breaking of the logjam? Smokefree outdoor areas of hospitality venues is an example of the type of policy that has been stuck between the fears of some vocal hospitality owners, and the needs of both those wanting to quit<sup>13</sup> and wanting protection from secondhand smoke. More radical moves on controlling the tobacco industry, regulating tobacco products and reducing supply may be possible.<sup>14 15</sup> And to make the whole Smokefree 2025 aim a reality, we need a coherent plan with teeth. The Government promised a plan in March 2018, over two years ago.<sup>16</sup> We need it now.

Finally, we must learn more from our health interventions. While there is clear evidence that smokefree car laws work (eg, from Canada,<sup>17 18</sup> California,<sup>19</sup> and England<sup>20</sup>), it is critical that we know *how* the intervention package is working in NZ. What are the outcomes from the whole bundle of the law, media coverage, paid media campaigns, and police training and enforcement? NZ Governments have failed to properly evaluate major tobacco control interventions since 2008 – including the introduction of pictorial health warnings, the point-of-sale display ban for tobacco, and standardised packs with enhanced pictorial health warnings. We need a comprehensive evaluation for this law and its implementation, particularly to ensure that it benefits Māori and Pacific children.

## References

1. Bialous S, Glantz S. Tobacco Control in Arizona, 1973-1997. San Francisco: University of California San Francisco, October 1997. Accessed May 28, 2020. <https://pdfs.semanticscholar.org/181b/8aa875c19b30e8725f0b22256607783f0fd0.pdf>
2. Eriksen MP, LeMaistre CA, Newell GR. Health hazards of passive smoking. *Annu Rev Public Health* 1988;9:47-70. <https://www.ncbi.nlm.nih.gov/pubmed/3288240>
3. Freeman B, Chapman S, Storey P. Banning smoking in cars carrying children: an analytical history of a public health advocacy campaign. *Aust N Z J Public Health* 2008;32(1):60-65.
4. Thomson G, Wilson N, Weerasekera D, et al. Ninety-six percent of New Zealand smokers support smokefree cars containing preschool children. *N Z Med J* 2008;121(1285):139-40. <http://www.nzma.org.nz/journal/121-1285/3358/content.pdf>
5. Thomson G, Hudson S, Wilson N, et al. A qualitative case study of policymaker views about the protection of children from smoking in cars *Nicotine Tob Res* 2010;12(9):970-7. <http://ntr.oxfordjournals.org/cgi/reprint/ntq124v1.pdf>
6. Carey G, Crammond B. Action on the social determinants of health: views from inside the policy process. *Soc Sci Med* 2015;128:134-41. <https://www.ncbi.nlm.nih.gov/pubmed/25616195>
7. New Zealand Parliament. Report of the Health Committee on Petition 2014/27 of Bridget Rowse. Wellington: New Zealand Parliament, March 2, 2017. Accessed June 1, 2020. [https://www.parliament.nz/resource/en-NZ/51DBSCH\\_SCR72069\\_1/cc1e344d65b85618f985e48acb8c742d4664766a](https://www.parliament.nz/resource/en-NZ/51DBSCH_SCR72069_1/cc1e344d65b85618f985e48acb8c742d4664766a)
8. Hodgkin R, Newell P. Implementation handbook for the convention on the rights of the child. Geneva: UNICEF, September 2007. Accessed June 1, 2020. [https://www.unicef.org/publications/index\\_43110.html#](https://www.unicef.org/publications/index_43110.html#)

9. D'Souza AJ, Signal L, Edwards R. Patchy advances in child health hide a systematic failure to prioritise children in public policy. *N Z Med J* 2017;130(1450):12-15.  
<https://www.ncbi.nlm.nih.gov/pubmed/28207720>
10. Chakrabarti M. COVID-19: Make health systems a global public good. Paris: OECD, April 29, 2020. Accessed June 1, 2020.  
<https://oecd-development-matters.org/2020/04/29/covid-19-make-health-systems-a-global-public-good/>
11. Hamer M, Kivimäki M, Gale C, et al. Lifestyle Risk Factors, Inflammatory Mechanisms, and COVID-19 Hospitalization: A Community-Based Cohort Study of 387,109 Adults in UK. *Brain Behav Immun* 2020;S0889-1591(20)30996-X:doi: 10.1016/j.bbi.2020.05.059.
12. van Zyl-Smit RN, Richards G, Leone FT. Tobacco smoking and COVID-19 infection. *Lancet Respir Med* 2020<https://www.ncbi.nlm.nih.gov/pubmed/32464099>
13. Thomson G, Wilson N. Local and regional smokefree and tobacco-free action in New Zealand: highlights and directions. *N Z Med J* 2017;130(1462):89-101.  
<https://www.ncbi.nlm.nih.gov/pubmed/28934772>
14. Delany L, Thomson G, Wilson N, et al. Key design features of a new smokefree law to help achieve the Smokefree Aotearoa. *N Z Med J* 2016;129(1439):68-76.  
<https://www.ncbi.nlm.nih.gov/pubmed/27507723>
15. Hefler M, Gartner CE. The tobacco industry in the time of COVID-19: time to shut it down? *Tob Control* 2020;29(3):245-46.  
<https://www.ncbi.nlm.nih.gov/pubmed/32265231>
16. Thomas R. No room for complacency if we are to kick smoking by 2025, Helen Clark says. *Stuff* 2018 March 27, 2018.  
<https://www.stuff.co.nz/national/102608415/no-room-for-complacency-if-were-to-reach-kick-smoking-by-2025-helen-clark-says>
17. Nguyen HV. Do smoke-free car laws work? Evidence from a quasi-experiment. *J Health Econ* 2013;32(1):138-48. <http://www.ncbi.nlm.nih.gov/pubmed/23202259>
18. Elton-Marshall T, Leatherdale ST, Driezen P, et al. Do provincial policies banning smoking in cars when children are present impact youth exposure to secondhand smoke in cars? *Prev Med* 2015;78:59-64.  
<http://www.ncbi.nlm.nih.gov/pubmed/26190367>
19. Patel M, Thai CL, Meng YY, et al. Smoke-Free Car Legislation and Student Exposure to Smoking. *Pediatrics* 2018;141(Suppl 1):S40-S50.  
<https://www.ncbi.nlm.nih.gov/pubmed/29292305>
20. Laverty AA, Hone T, Vamos EP, et al. Impact of banning smoking in cars with children on exposure to second-hand smoke: a natural experiment in England and Scotland. *Thorax* 2020<https://www.ncbi.nlm.nih.gov/pubmed/31988266>

Public Health Expert Briefing (ISSN 2816-1203)

---

**Source URL:**

<https://www.phcc.org.nz/briefing/after-new-law-smokefree-cars-kiwi-kids-what-next>