

Laws Banning Smoking in Vehicles Carrying Children – International Overview

Canadian Cancer Society
February 3, 2014

Summary: Laws prohibiting smoking in vehicles carrying children have been adopted in 10 Canadian provinces/territories (British Columbia, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Alberta; and the Yukon Territory); 7 Australian states/territories (South Australia, Tasmania, New South Wales, Victoria, Queensland, Western Australia, and the Australian Capital Territory); 6 U.S. states (California, Maine, Arkansas, Louisiana, Utah and Oregon); 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.

Note: The listing below does not include laws adopted by municipalities.

Countries (3)

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

Canadian provinces/territories (10 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)
10. Alberta (18, awaiting proclamation)

Australian states/territories (7 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)
7. Australian Capital Territory (16, May 1 2012)

U.S. states (6 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)
5. Utah (15, May 15, 2013)
6. Oregon (18, Jan. 1, 2014)

Other

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

Additional information

Americans for Nonsmokers Rights

<http://www.no-smoke.org/learnmore.php?id=616>

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). Originally, Arkansas law prohibited smoking in vehicles if a child requiring a car seat was present in the car, effective July 21, 2006. Effective July 27, 2011, smoking is prohibited if a person under age 14 is present in the vehicle.

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>