Smoking in Cars Frequently Asked Questions

Is there a new law dealing with smoking in cars?

Yes. From 1st January 2016, a new law comes into operation which makes smoking a tobacco product in a vehicle in which a child is present illegal. It is called the Protection of Children’s Health (Tobacco Smoke in Mechanically Propelled Vehicles) Act 2014.

What is meant by a tobacco product?

A tobacco product includes cigarettes, cigars and pipes.

Are electronic cigarettes included?

No, the legislation does not include the vaping of electronic cigarettes. They are not tobacco products.

What sorts of vehicles are included?

Cars, camper vans, vans, tractors and trucks and any other mechanically propelled vehicle which can carry passengers not already covered by existing smokefree legislation. It is already illegal to smoke a tobacco product in a bus, train, taxi or any vehicle that is a place of work under existing tobacco legislation. This applies whether or not there are any passengers present, irrespective of their age.

What is meant by a child?

A child is anyone under the age of 18 years.

Why is this legislation being introduced?

The purpose of this legislation is to protect children from the harm to their health caused by exposure to secondhand smoke in vehicles.

Is secondhand smoke harmful to health?

Yes. There is an abundance of research evidence that shows that there is no safe level of exposure to secondhand smoke. Children and young people are even more at risk because they have smaller lungs than adults and they breathe faster than adults and so they are much more exposed to the effects of secondhand smoke.

Children who are exposed to secondhand smoke are more likely to suffer from chest infections, ear infections, meningitis, worsening of asthma, damage to their lungs, and they have an increased risk of Sudden Infant Death Syndrome (SIDS).

Are many children exposed to secondhand smoke in cars?

Unfortunately yes. Data from the Irish Health Behaviour in School-aged Children (HBSC) Study 2014 found that nearly one in every five children between the ages of 10 and 17 years are exposed to secondhand smoke in cars.
As children are being carried as passengers in a vehicle it is impossible for them to remove themselves from what is a toxic and health damaging environment since they have no control over the vehicle or the behaviour of the driver or other passengers.

**Would it not be possible to protect them from secondhand smoke in a car by opening a window?**

No. Opening the car windows or using the car fan or the air-conditioning system is not enough to protect children from the harmful effect of secondhand smoke in a car or vehicle. The only way to adequately protect children is to prevent them from being exposed to secondhand smoke in the first place.

**What does this mean to me as a driver of a vehicle?**

As the driver of the vehicle you are responsible for ensuring that if there is someone in the vehicle who is under the age of 18 that:

(a) you do not smoke, and

(b) you do not allow other people to smoke in your vehicle.

**What does mean to me as a passenger in a vehicle?**

As a passenger, you are not allowed to smoke in the vehicle if there is someone in that vehicle who is under the age of 18.

**What if the driver is under 18 years of age and smoking?**

If there is no one in the vehicle apart from the driver, the legislation will not apply.

**What if I am parked in a car park or have pulled in at the side of a road?**

Once you are in a public place, the legislation applies to you, irrespective as to whether the vehicle is moving or not. A public place includes any public road and any street, road or other place to which the public have access with vehicles whether as a right or by permission and whether subject to or free of charge.

**Who will enforce the legislation?**

An Garda Síochána will be responsible for enforcement of the legislation.

**How will it be enforced and what is the penalty?**

If a member of An Garda Síochána suspects that you are in contravention of the legislation, they will require you to stop your vehicle and will request your name and address. An Garda Síochána will issue you with a fixed charge notice. The amount of that fixed charge is €100. You will have 28 days to pay that amount. If you do not pay within the 28 days the amount payable will increase to €150 to be paid in a further 28 day period. If you do not pay any fine within the 56 days then a prosecution will be initiated.
What are the other offences under the legislation?

If you fail to stop your vehicle, fail or refuse to give your name and address or give a name and address that is false or misleading you will commit an offence. If you are guilty of these offences you shall be liable on summary conviction to a Class D fine i.e. liable to a fine not exceeding €1,000 upon conviction.

Are there any practical steps I can take to ensure I comply with the legislation?

Yes. The best strategy is to consider making your vehicle smokefree at all times. This sends a clear message to all of your passengers that you do not want anyone smoking in your vehicle. It might help to remove built-in lighters or ashtrays.

For any passenger who does try to smoke in your vehicle:

- You could ensure that there is a no-smoking sign displayed in your vehicle so that all passengers can readily see it. No-smoking signs for cars are readily available from many retail outlets.
- Explain to them that there is now a law which protects the health of those less than 18 years from being exposed to secondhand smoke and that it is important that everyone understands this.
- Politely ask them to stop smoking and if they cannot wait until the end of the journey you will stop when it is safe to do so and they can then smoke outside the vehicle.
- Advise that both of you will be breaking the law if they smoke which could result in a fine.