



Department of Health & Social Care

Creating a smokefree generation and tackling youth vaping: your views

This consultation asks questions on proposed action the UK Government and devolved administrations will take to protect future generations from the harms of smoking, by creating the first smokefree generation. It also asks about proposals to crack down on youth vaping and ensure the law is enforced. The proposed actions are outlined in more detail in [Stopping the start: our new plan to create a smokefree generation](#).

The consultation asks questions in 3 areas for which new legislation would be needed, which are:

1. Creating a smokefree generation: consulting on the smokefree generation policy and its scope.
2. Tackling youth vaping: consulting on several options to ensure we take the most appropriate and impactful steps, building on England's analysis of the youth vaping call for evidence.
3. Enforcement: consulting on the proposal to introduce new powers for local authorities in England and Wales to issue fixed penalty notices to enforce age of sale legislation of tobacco products and vapes.

Devolved administrations is a collective term for the executive bodies in Northern Ireland, Scotland and Wales: the Northern Ireland Executive, the Scottish Government and the Welsh Government.

The consultation period will run until 11:59pm on Wednesday 6 December 2023.

Notes about this survey: to share this survey with others, please right click to copy this direct link address and paste it. Do not share the page to the survey once you've started it. If you navigate away from the survey, it should continue from where you left it, if you reopen the link in the same browser.

Creating a smokefree generation and tackling youth vaping: your views

About you

In what capacity are you responding to this survey?
Professional Leadership Body

An individual sharing my personal views and experiences

An individual sharing my professional views

On behalf of an organisation

About you

What sector do you work in? (optional)

Public sector

Private sector

Not for profit

Other

What is the main focus of your work? (optional)

Academic

Advocacy

Education

Emergency services

Healthcare

Hospitality

Housing

Justice system

Legal

Local government

National government

Social care

Other

Where does your organisation operate services?

England

Scotland

Wales

Northern Ireland

The whole of the UK

Outside the UK

Not applicable

Tobacco industry declaration

The UK is a party to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC) and as such the UK has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

Do you have any direct or indirect links to, or receive funding from, the tobacco industry?

Yes

No

This policy will make it an offence for anyone born on or after 1 January 2009 to be sold

tobacco products (and in Scotland, also an offence for anyone born on or after 1 January 2009 to purchase tobacco products). The UK Government, Scotland and Wales will also make it an offence for anyone at or over the legal age to purchase tobacco products on behalf of someone born on or after 1 January 2009 ('proxy purchasing'). The Department of Health in Northern Ireland will consider appropriate measures relating to a smokefree generation following this consultation.

Would you like to respond to questions on this topic?

Yes

Prohibiting anyone born on or after 1 January 2009 from ever being sold tobacco products (and also from purchasing tobacco products, in Scotland) will impact children who are turning 14 or younger in 2023. Setting this date will mean the change in the law would come into effect in 3 to 4 years' time from January 2027, when this group of children turns 18.

Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

We welcome the opportunity to respond to this consultation and refer also to our [e-cigarettes policy](#) at the Royal Pharmaceutical Society. A considerable body of literature underscores nicotine as a neuroteratogen, exerting enduring maturational effects during pivotal stages of brain development. The adolescent phase, spanning from 12 to 18 years in humans, emerges as a particularly vulnerable period for the maturation of brain circuits governing cognition and emotion, rendering it susceptible to the impacts of nicotine and tobacco. Prolonged exposure to nicotine during adolescence triggers noteworthy alterations in neurochemistry and behaviour. Remarkably, individuals who refrain from initiating smoking during adolescence are statistically less inclined to take up smoking later in life. Both biological evidence and clinical observations underscore the pivotal role of the age of first cigarette use in determining tobacco dependence, with early initiation in one's teenage years posing the greatest challenge for cessation. A crucial facet of adolescent nicotine exposure lies in the enduring neurochemical and behavioural changes it induces, hinting at the potential for nicotine to elicit epigenetic modifications in the neural genome. Additionally, teenagers who turn to e-cigarettes show an increased likelihood of progressing to traditional tobacco smoking, underlining the

interconnectedness of various forms of nicotine consumption during this critical developmental period.

Notably, teenage smokers exhibit a heightened propensity for engaging in risky behaviours, such as substance use, high-risk sexual activities, and the development of psychiatric disorders compared to their non-smoking counterparts.

Proxy sales

Proxy sales refer to a person at or over the legal age of sale purchasing a product on behalf of someone under the legal age of sale. Proxy sales are prohibited under existing tobacco age of sale legislation. In this context, prohibiting proxy sales would mean that anyone born before 1 January 2009 would be prohibited from purchasing tobacco products on behalf of anyone born on or after 1 January 2009.

Do you think that proxy sales should also be prohibited?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Proxy sales of tobacco-containing products should be prohibited because they increase accessibility and exposure of adolescents to tobacco. Prohibiting the proxy sale of tobacco-containing products to adolescents aligns with a broader commitment to promoting public health, preventing addiction, and ensuring the well-rounded development of young individuals during a crucial stage of their lives.

Proxy sales are associated with the following concerns:

- Tobacco products, which often contain nicotine, pose significant health risks, particularly when used during adolescence. The developing brain is more vulnerable to the detrimental effects of nicotine, and early exposure can lead to long-term health issues, addiction, and increased susceptibility to other substance abuse.
- Adolescence is a critical period for brain development, influencing cognitive functions and emotional regulation. Proxy sales of tobacco to minors can disrupt this developmental process, leading to an increased likelihood of engaging in risky behaviours.

- Some research evidence suggests a correlation between early tobacco use and increased likelihood of experimenting with other substances. Restricting proxy sales helps minimise the potential gateway effect, reducing the risk of adolescents progressing to more harmful substances.
- Tobacco-related illnesses impose substantial economic burdens on healthcare systems. Preventing underage individuals from accessing tobacco products reduces the long-term public health costs associated with treating smoking-related diseases.
- Ethically, there is a societal responsibility to protect vulnerable populations, including adolescents, from exposure to substances that can compromise their health and well-being.
- Tobacco use not only affects individual health but also has broader social and environmental implications.

Product scope

The following products would be in scope of the new legislation:

- cigarettes
- cigarette papers
- hand rolled tobacco
- cigars
- cigarillos
- pipe tobacco
- waterpipe tobacco products (for example shisha)
- chewing tobacco
- heated tobacco
- nasal tobacco (snuff)
- herbal smoking products

This mirrors the current scope of age of sale legislation in England and Wales. Existing age of sale requirements in Scotland currently cover products consisting wholly or partly of tobacco and which are intended to be smoked, sniffed, sucked or chewed. Insofar as the products listed would not be within the scope of the existing restrictions, it is proposed that the scope of the Scottish legislation be expanded to include them.

Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

The inclusion of all tobacco products, cigarette papers, and herbal smoking products in legislation is motivated by various reasons aimed at protecting public health and the well-being of future generations.

Encompassing all tobacco products, including cigarettes, smokeless tobacco, and herbal smoking alternatives, ensures that the legislation provides uniform protection against the harmful effects associated with the use of these products. This approach prevents potential loopholes that could be exploited by the relevant industry to market alternative products to adolescents. An all-encompassing approach prevents the relevant industry from circumventing the legislation by introducing new or modified products that may not fall under the traditional definition of tobacco but still pose health risks. This foresight helps in adapting the legislation to evolving products and industry tactics.

Regardless of whether the source is traditional tobacco or herbal, nicotine poses health risks, especially for adolescents whose developing brains are more vulnerable to the effects of nicotine. In particular 'herbal' products may imply safety of the product, and it is well established that these products are not risk free. If the legislation covers all tobacco-containing products, it becomes easier to communicate and enforce the restrictions without the need for constant updates to account for new products entering the market.

Warning notices in retail premises

It is currently a legal requirement for retail premises to display the following statement 'it is illegal to sell tobacco products to anyone under 18'. This requirement would need to be changed to align with the new age of sale.

Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

The proposed change in warning notices to specify that it is illegal to sell tobacco products to anyone born on or after January 1, 2009, aligns with the intention to act as a deterrent and limit accessibility of tobacco-containing products to adolescents.

The warning notices will make it easier for both retailers and consumers to understand and comply with the new legislation. This clarity reduces ambiguity and ensures that there is no room for misinterpretation. This change will make age verification procedures at the point of sale more straightforward. Retailers can easily determine whether a customer is of legal age by checking their birthdate, thereby facilitating compliance with the legislation and reducing the chances of accidental sales to underage individuals. Better enforcement of the age of sale regulations for tobacco products is needed, including effective age of sale verification processes to prevent illegal sales.

The warning notices will serve as a strong deterrent. Potential sellers may be more cautious and hesitant to violate the law, knowing that there are specific consequences for selling to individuals within a defined age group.

The warning notice constitutes a targeted approach that helps to communicate the legal restrictions directly to the demographic most at risk, potentially influencing their perception of and access to tobacco-containing products. This method will serve as an educational tool, raising public awareness about the legal age restrictions on tobacco sales. It reinforces the message that certain age groups, on or after January 1, 2009, are not legally permitted to purchase tobacco-containing products.

Restricting vape flavours

Research shows that children are attracted to the fruit and sweet flavours of vapes, both in their taste and smell, as well as how they are described. Restricting flavours has the potential to significantly reduce youth vaping. This is why the UK Government, Scotland and Wales are considering the options for how vape flavours and descriptions could be restricted in legislation. The Department of Health in Northern Ireland will consider appropriate measures relating to flavours following this consultation.

Would you like to respond to questions on this topic?

Yes

No

Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Our position is that sweet flavouring agents should be banned to minimise the appeal to young people (<https://www.rpharms.com/recognition/all-our-campaigns/policy-a-z/e-cigarettes>) so we entirely support the introduction of this restriction.

The use of flavourings poses significant hazards, particularly for young users. Various flavours, such as fruit, candy, mint, and menthol, attract youth to e-cigarettes, with a study indicating that t young users initiate vaping with flavoured varieties. In 2023, US data showed that 89.4% of youths using e-cigarettes opted for flavoured options, with fruit (63.4%), candy (35%), mint (27.8%), and menthol (20.1%) being the most prevalent choices. Regulatory measures, including the FDA's enforcement policy since January 2, 2020, restrict the sale of prefilled cartridge e-cigarettes to tobacco or menthol flavours. A UK survey conducted by ASH with 11-17 year olds found more than half of never smokers say they vape 'just to give it a try' compared to a quarter of those who have ever smoked. Twenty-one percent of ever smokers say they vape because they 'like the flavours' compared to 12% of never smokers. (<https://ash.org.uk/resources/view/use-of-e-cigarettes-among-young-people-in-great-britain>). These studies demonstrate that children are vaping because they enjoy the flavours.

Importantly, flavourings in e-cigarettes present a respiratory health risk, as they may contain toxins harmful when inhaled. The Flavour and Extract Manufacturers Association, while assessing the safety of flavouring chemicals in food, acknowledges limitations in determining safety for inhalation. Notably, chemicals like diacetyl, deemed safe for ingestion, have been linked to severe lung diseases when inhaled, e.g "popcorn lung". Additionally, the association has flagged other chemicals in flavourings as potential respiratory hazards.

It is important to note that where a regulated e-cigarette product is used to support a patient to quit tobacco smoking, the ultimate long-term aim should always be to support the patient to stop using e-cigarettes and to be free of nicotine addiction.

Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours?

You may select more than one answer.

Option 1: limiting how the vape is described

Option 2: limiting the ingredients in vapes

Option 3: **limiting the characterising flavours (the taste and smell) of vapes**

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Option 3: Limiting the characterising flavours (the taste and smell) of vapes would likely be considered an effective measure for implementing restrictions. This approach directly targets the enticing aspects of flavours that appeal to youth. By restricting or eliminating characterising flavours, such as fruit, candy, mint, and menthol, regulators can significantly reduce the attractiveness of these products to young individuals.

Option 2: Limiting the ingredients in vapes is also a crucial and effective strategy. By regulating the composition of e-cigarette liquids, authorities can control the inclusion of potentially harmful substances which were never tested through the inhalation route. This approach allows for a more direct focus on the health and safety aspects of the consumer products, ensuring that only approved and safe ingredients are used.

While Option 1 (limiting how the vape is described) can be a complementary measure, it may have limitations in preventing the appeal of flavoured products to youth. Descriptive language can be subjective and may not capture the full sensory experience that characterising flavours provide. However, combining it with other options, such as banning of their advertisement, could contribute to a more comprehensive regulatory framework.

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people? (optional)

Option A: flavours limited to tobacco only

Option B: flavours limited to tobacco, mint and menthol only

Option C: flavours limited to tobacco, mint, menthol and fruits only

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Option A: Limiting vape flavours to tobacco only may be considered the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people.

The rationale is that tobacco is less appealing to youth. Restricting flavours to tobacco only eliminates the appeal of sweet and fruity flavours that often attract young people to start vaping. Tobacco flavour alone is less likely to be enticing to adolescents who may be experimenting with vaping. In addition, focusing on tobacco-only flavours aligns with public health goals by reducing the attractiveness of vaping to youth and discouraging initiation. It also addresses concerns about the potential health risks associated with flavoured vaping products and ingredients.

Some countries have implemented similar restrictions, limiting e-cigarette flavours to tobacco only. For instance, Canada restricts the promotion of certain flavours, allowing only tobacco, mint, and menthol.

While options B and C may still allow for some variety in flavours, including mint and menthol, which can be appealing to youth, option A takes a more stringent approach by limiting the variety to just tobacco. This aligns with the overarching goal of minimising the allure of vaping for young individuals and emphasising a harm reduction strategy.

Our position is that sweet flavouring agents should be banned to minimise the appeal to young people. There are, however, also concerns about the potential for toxicity from some of the constituents of the flavourings themselves.

Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

While implementing the restriction of vape flavours solely to tobacco (Option A) is acknowledged as a potentially effective measure, it is imperative to explore alternative approaches that strike a balance between discouraging youth initiation and recognising the role of flavoured e-cigarettes in adult smoking cessation efforts.

The government might contemplate permitting a limited selection of flavours exclusively approved for adult use, with a deliberate focus on options designed to be less enticing to youth. This nuanced strategy acknowledges the potential efficacy of flavours in aiding adult smokers as they transition away from conventional cigarettes.

It is noteworthy that the allure of fruity flavours can be misleading, creating the perception that the product is inherently safe. Consequently, there is a crucial need for additional research to comprehensively establish the safety of various flavourings when inhaled. This research imperative is essential for developing well-informed policies that prioritise public health while addressing the unique considerations associated with vaping, especially regarding the potential risks posed by inhaling different flavourings.

Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Yes

See above, hazards of flavourings.

Regulating point of sale displays

Unlike tobacco products, vapes are currently allowed to be displayed at the point of sale. Children can see and handle vapes in retail outlets where they are often displayed alongside confectionary and on accessible shelves.

The UK Government and devolved administrations want to limit the exposure of children to vapes and keep them out of sight and reach of children. However, it is important not to inhibit people who currently smoke from accessing vapes as a quit aid, so they must remain visible enough.

Would you like to respond to questions on this topic?

Yes

Regulating point of sale displays

Which option do you think would be the most effective way to restrict vapes to children and young people? (optional)

Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products

Option 2: vapes must be kept behind the counter but can be on display

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Option 1: Our position is that advertising and marketing at point of sale should be restricted for e-cigarettes in the same way as for tobacco products to reduce the appeal to young people and the potential for people who have never smoked to start using e-cigarettes

Keeping vapes behind the counter and out of display, similar to tobacco products, is considered an effective strategy to restrict access for children and young people, especially given the colourful and appealing designs of current vaping devices that mimic sweets like M&Ms. This approach is intended to reduce impulse purchases. This is because placing vapes behind the counter requires customers to actively inquire about these products, which reduces the likelihood of impulsive purchases. Colourful and appealing designs can catch the attention of young individuals. Keeping vapes out of public display reduces their visibility, minimising the exposure of enticing designs to children and young people.

The success of keeping tobacco-containing products behind the counter and out of sight is well-established. This approach has been effective in reducing the visibility of tobacco products and discouraging youth initiation. Applying similar measures to vaping products acknowledges the need for consistency in regulatory strategies. This approach sends a normative message that these products are not for immediate and easy access, reinforcing the idea that they are intended for adult use and not suitable for youth. This approach leverages social norms to discourage underage use and complements broader youth smoking/vaping initiation prevention strategies. The goal is to create an environment where these products are not easily accessible or visually enticing to young individuals, reducing the likelihood of experimentation and initiation.

Training of retailers is imperative for the success of the proposed new restrictions.

Do you think exemptions should be made for specialist vape shops?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

Exemptions, if considered, should be contingent on strict verification measures to ensure that specialist vape shops are genuinely focused on serving adults. Robust age verification processes and clear guidelines can help prevent misuse or unintended consequences. Regulatory consistency is highly recommended. Any exemptions should be carefully aligned with the overall regulatory framework. Striking a balance between restricting youth access and supporting adult smokers requires consistent, evidence-based policies that consider the evolving landscape of vaping products and marketing strategies.

If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider? (optional)

Please explain your answer and provide evidence or your opinion to support further development of our approach.

Maximum 300 words.

N/A

Regulating vape packaging and product presentation

The youth vaping call for evidence in England showed that children are attracted to vapes through brightly coloured products and packaging and child friendly images such as cartoons.

The UK Government, Scotland and Wales are considering further regulating the packaging of vapes. The Department of Health in Northern Ireland will consider appropriate measures relating to regulating vape packaging following this consultation. We want to ensure that no part of the vape device, nor its packaging, is targeted at children.

Would you like to respond to questions on this topic?

Yes

Regulating vape packaging and product presentation

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping? (optional)

Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design.

Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names.

Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device.

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Option 3: Prohibiting the use of all imagery, colouring, and branding (standardised packaging) for both the vape packaging and vape device.

Standardised packaging removes all visual elements that could make vaping products appealing to young individuals. The absence of imagery, colouring, and branding reduces the potential for these products to attract youth through aesthetic appeal. The success of standardised packaging for tobacco products, implemented in various countries, provides evidence for its effectiveness in reducing the attractiveness of these products to youth. Plain packaging reduces the appeal, perceived appeal, and attractiveness of tobacco-containing products among young people. Prohibiting all imagery and colouring helps avoid any potential association with youth-friendly images, characters, or colours. This is particularly important in preventing the marketing tactics that might link vaping to childhood or adolescent interests.

While logos and brand names are allowed in option 2, eliminating all branding in option 3 goes further in minimising the impact of marketing strategies. This approach reduces the influence of brand recognition and association, making vaping products less appealing and recognisable to young individuals. Standardised packaging simplifies enforcement efforts, as there are clear guidelines on what is permissible. This can streamline regulatory processes and make it easier to monitor and ensure compliance across the industry.

While some arguments may suggest that branding is essential for adult smokers seeking harm reduction alternatives, it is suggested here that the use of standardised packaging to reduce youth appeal and initiation is compelling.

If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider? (optional)

Please explain your answer and provide evidence or your opinion to support further development of our approach. Maximum 300 words.

N/A

Restricting the supply and sale of disposable vapes

Evidence suggests a significant and widespread increase in the use of disposable vapes by children and non-smokers. There is also growing concern about the significant environmental impacts of these products during their manufacture and when they become waste.

The UK Government, Scotland and Wales are considering restrictions on the sale and supply of disposable vaping products (including non-nicotine vapes) – including prohibiting the sale of these products – due to the environmental impacts of disposable vapes. In Northern Ireland, appropriate measures relating to disposable vapes will be considered following this consultation.

Would you like to respond to questions on this topic?

Yes

Restricting the supply and sale of disposable vapes

Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?

That is those that are not rechargeable, not refillable or that are neither rechargeable or refillable.

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

There should be restrictions on the sale and supply of disposable vapes, particularly those that are not rechargeable, not refillable, or neither rechargeable nor refillable. Restricting the sale of non-rechargeable and non-refillable vapes aligns with broader environmental sustainability goals. Disposable vapes contribute significantly to environmental harm due to their single-use nature. The batteries and materials used in these devices can pose challenges for proper disposal and recycling.

Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

Disposable vapes contribute to environmental pollution due to their single-use nature and the difficulty of recycling the devices. The increase in electronic waste poses a threat to the environment. Prohibiting their sale and supply aligns with sustainability goals and efforts to reduce waste. In addition, the disposable vape market has been characterised by a lack of consistent regulation and standardisation.

Are there any other types of product or descriptions of products that you think should be included in these restrictions? (optional)

Please explain your answer and provide evidence to support further development of our approach. Maximum 300 words.

Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

Agree

Disagree

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes? (optional)

Please explain your answer and provide evidence to support further development of our approach. Maximum 300 words.

Non-nicotine vapes and other nicotine consumer products

We are interested in views on whether we should also impose further restrictions on non-nicotine vapes as well as to other consumer nicotine products.

Would you like to respond to questions on this topic?

Yes

Non-nicotine vapes and other nicotine consumer products

Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

- Potential health risks of aerosol inhalation.
- Impact on lung health.
- Flavours and respiratory effects.
- Youth vaping.
- Dual use (both nicotine and non-nicotine containing products).

Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

There is a need to regulate both the ingredients included in non-nicotine vapes as well as vaping devices as consumer products.

The lack of comprehensive regulations and standards for non-nicotine vapes underscores the importance of ongoing monitoring and regulatory measures to ensure product safety.

Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Nicotine pouches typically contain nicotine, and while they may be marketed as a potentially less harmful alternative to smoking, the addictive nature of nicotine remains a concern. The use of nicotine pouches involves placing the pouch in the mouth, which can have implications for oral health. Prolonged exposure to nicotine and other ingredients in the pouch may have effects on the gums, teeth, and oral tissues and may induce mouth and throat irritation.

While the risks are generally considered lower compared to smoking, the cardiovascular and respiratory effects of nicotine consumption, even through alternative products like pouches, should be considered. In addition, there are concerns that the flavoured varieties of nicotine pouches may appeal to youth, raising the risk of initiation into nicotine use. Some individuals may use nicotine pouches in conjunction with other nicotine-containing products, such as cigarettes or e-cigarettes. The health implications of dual use require consideration.

Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

Yes – as above

Affordability

This consultation covers a range of measures to reduce the appeal and availability of vapes to children. To support this agenda, the UK Government thinks that there is a strong case to take action on affordability and so is exploring options, including a new duty on vapes as other countries have done, while ensuring that there is a significant differential between duty on vapes and duty on tobacco products.

Would you like to respond to questions on this topic?

Yes

Affordability

Do you think that an increase in the price of vapes would reduce the number of young people who vape?

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

The relationship between the price of vapes and the prevalence of vaping, especially among young people, is a complex and multifaceted issue. Similar to alcohol pricing, increasing the price of vapes could potentially have both positive and negative effects on youth vaping rates.

Higher prices could create financial barriers for young individuals, making it more difficult for them to afford vaping products. This may deter initiation among those with limited financial resources. Higher prices might reduce the overall accessibility of vaping products, especially for young people who may have limited disposable income. This could contribute to a decline in both experimentation and regular use.

In contrast, higher prices for vaping products could lead some individuals, including young people, to seek cheaper alternatives. This might include turning to lower-quality or potentially illicit products, which could pose additional health risks. A significant increase in prices might create an incentive for the development of a black market or illicit trade in vaping products. Higher prices may disproportionately impact individuals with lower socioeconomic status. This could contribute to health

disparities if it restricts access to harm reduction alternatives for those who might benefit from them.

Recently, Public Health Scotland published a report evaluating the impact of Minimum Unit Pricing of alcohol reporting some evidence of consequences for those with established alcohol dependence on low incomes, that led them to prioritise spending on alcohol over food. This learning may also be relevant for considering potential impacts of increasing the price of vaping products.

[Evaluating the impact of minimum unit pricing for alcohol in Scotland: A synthesis of the evidence - Publications - Public Health Scotland](#)

Enforcement

Does your organisation operate in England and/or Wales?

Yes

No

Enforcement

Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.

Yes

No

Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)

Maximum 300 words.

What level of fixed penalty notice should be given for an underage tobacco sale?

£100

£200

Other

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

What level of fixed penalty notice should be given for an underage vape sale?

£100

£200

Other

Please explain your answer and provide evidence or your opinion to support further development of our approach. (optional)
Maximum 300 words.

We have no comment on the level or rationale for fine