

## **CONSULTATION QUESTIONS**

### **Age restriction for e-cigarettes**

**1. Should the minimum age of sale for e-cigarette devices, refills (e-liquids) be set at 18?**

Yes ☒ No ☐

**2. Should age of sale regulations apply to:**

**a. only e-cigarette devices and refills (e-liquids) that contain nicotine or are capable of containing nicotine, or**

**b. all devices / refills (e-liquids) regardless of whether they contain or are capable of containing nicotine?**

a ☒ b ☐

**3. Whom should the offence apply to:**

**a. the retailer selling the e-cigarette**

a ☐

**b. the young person attempting to purchase the e-cigarette**

b ☐

**c. both**

c ☒

**4. Should sales of e -cigarettes devices and refills (e-liquids) from self-service vending machines be banned?**

Yes ☒ No ☐

**5. Should a restriction be in place for other e-cigarette accessories?**

Yes ☒ No ☐

6. If you answered “ yes” to question 5, which products should have restrictions applied to them?

Comments All the different components and refills etc

### **Proxy purchase for e-cigarettes**

7. Should the Scottish Government introduce legislation to make it an offence to proxy purchase e-cigarettes?

Yes ☐ No ☒

### **Domestic advertising and promotion of e-cigarettes**

8. Should young people and adult non-smokers be protected from any form of advertising and promotion of e-cigarettes?

Yes ☒ No ☐

9. In addition to the regulations that will be introduced by the Tobacco Products Directive do you believe that the Scottish Government should take further steps to regulate domestic advertising and promotion of e-cigarettes?

Yes ☒ No ☐

10. If you believe that regulations are required, what types of domestic advertising and promotion should be regulated?

- |                                                                                                                          |                                       |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| a. Bill boards                                                                                                           | a <input checked="" type="checkbox"/> |
| b. Leafleting                                                                                                            | b <input checked="" type="checkbox"/> |
| c. Brand-stretching (the process of using an existing brand name for new products or services that may not seem related) | c <input checked="" type="checkbox"/> |
| d. Free distribution (marketing a product by giving it away free)                                                        | d <input checked="" type="checkbox"/> |
| e. Nominal pricing (marketing a product by selling at a low price)                                                       | e <input checked="" type="checkbox"/> |
| f. Point of sale advertising (advertising for products and services at the places where they were bought)                | f <input checked="" type="checkbox"/> |
| g. Events sponsorship with a domestic setting                                                                            | g <input checked="" type="checkbox"/> |

11. If you believe that domestic advertising and promotion should be regulated, what, if any, exemptions should apply?

Comments Yes it should be regulated with No exemptions otherwise the loophole will be used to promote the product through different media methods e.g using another product but the image or branding is shown.

**12. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on children and adults (including smokers and non-smokers)?**

Comments yes evidence on Children pick up the image and colour of the branding just as much as the actual product and the media promotion associate with "leisure" having the brand or product influences culture and peer pressure/marketing power.

**13. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on business, including retailers, distributors and manufacturers?**

Comments Business and the trade of smoking products re plain packaging and the advertising of product at eye level. Advertising

**Inclusion of electronic cigarettes on the Scottish Tobacco Retailer Register**

**14. Do you agree that retailers selling e-cigarettes and refills should be required to register on the Scottish Tobacco Retailers Register?**

Yes ☒ No ☐

**15. Do you agree that the offences and penalties should reflect those already in place for the Scottish Tobacco Retailers Register?**

Yes ☒ No ☐

**16. If you answered 'no', to question 15, what offences and penalties should be applied?**

Comments

**E-cigarettes – use in enclosed public spaces**

**17. Do you believe that the Scottish Government should take action on the use of e-cigarettes in enclosed public spaces?**

Yes ☒ No ☐

**18. If you answered 'yes' to Question 17, what action do you think the Scottish Government should take and what are your reasons for this?**

Comments The effect on young people who can visually see e cigarette in public places , restaurants, influences the culture norm related to smoking and all the products related . The poorer the area the higher number of people using e cigarette and smoking

**19. If you answered, 'no' to Question 17, please give reasons for your answer.**

Comments

**20. Are you aware of any evidence, relevant to the use of e-cigarettes in enclosed spaces, that you think the Scottish Government should consider?**

Comments there is some related to the small particle from an e cigarette

**Smoking in cars carrying children aged under 18**

**21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18?**

Yes ☒ No ☐

**22. Do you agree that the offence should only apply to adults aged 18 and over?**

Yes ☒ No ☐

**23. If you answered 'no' to Question 22, to whom should the offence apply?**

Comments

**24. Do you agree that Police Scotland should enforce this measure?**

Yes ☐ No ☒

**25. If you answered 'no' to Question 24, who should be responsible for enforcing this measure?**

Comments should be a partnership with the police so the legal aspect is promoted but the actual physical enforce could be delegated out top

another organisation

**26. Do you agree that there should be an exemption for vehicles which are also people's homes?**

Yes ☐ No ☒

**27. If you think there are other categories of vehicle which should be exempted, please specify these?**

Comments no otherwise difficult to enforce, make it a clear ban for all vehicles.

**28. If you believe that a defence should be permitted, what would a reasonable defence be?**

Comments Do not know

### **Smoke-free (tobacco) NHS grounds**

**29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?**

Yes ☒ No ☐

**30. If you support national legislation to make it an offence to smoke on NHS grounds, where should this apply?**

- a. All NHS grounds (including NHS offices, dentists, GP practices) a ☒  
b. Only hospital grounds b ☐  
c. Only within a designated perimeter around NHS buildings c ☐  
d Other suggestions, including reasons, in the box below

Comments again to make the message clear for all the population/places associated with health no smoking

**31. If you support national legislation, what exemptions, if any, should apply (for example, grounds of mental health facilities and / or facilities where there are long-stay patients)?**

Comments Where the facilities are shared by other members of the public then no exemptions. However for long stay where there is no mixed in patients then the grounds should be smoke free, Issues where there are acute and mental health on the same site. If the smoking could be non visible from the rest of the site then an exemption could permit some flexibility

**32. If you support national legislation, who should enforce it?**

Comments Hospitals. Councils

**33. If you support national legislation, what should the penalty be for non-compliance?**

Comments. Opportunity to attend some educational programme like they do for speeding in cars.

**34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?**

Comments

**Smoke-free (tobacco) children and family areas**

**35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?**

Yes ☒ No ☐

**36. If you answered 'yes' to Question 25, what action do you think is required:**

- a. Further voluntary measures at a local level to increase the number of smoke-free areas a ☒
- b. Introducing national legislation that defines smoke-free areas across Scotland b ☒
- c. That the Scottish Government ensures sufficient local powers to allow decisions at a local level as to what grounds should be smoke-free c ☐
- d. Other actions. Please specify in the box below

Comments if the decision is at local level then there may be discrepancies between localities and mixed message for the public. Where there is a cost implication for large smoke free parks then assistance should be provided otherwise funds would be redirected away from this campaign

**37. If you think action is required to make children's outdoor areas tobacco-free, what outdoor areas should that apply to?**

Comments There has been a discussion re the areas around school. Asking young people themselves and they want a larger smoke free area around the school so reduces visual and smell/ particles of the smoke.

**Age verification policy 'Challenge 25' for the sale of tobacco and electronic cigarettes**

**38. Do you agree that retailers selling e-cigarettes, refills and tobacco should be required by law to challenge the age of anyone they believe to be under the age of 25?**

Yes ☒ No ☐

**39. Do you agree that the penalties should be the same as those which are already in place for selling tobacco to someone under the age of 18?**

Yes ☐ No ☒

**Unauthorised sales by under 18 year olds for tobacco and electronic cigarettes**

**40. Do you agree that young people under the age of 18 should be prohibited from selling tobacco and non-medical e-cigarettes and refills unless authorised by an adult?**

Yes ☒ No ☐

**41. Who should be able to authorise an under 18 year old to make the sale, for example, the person who has registered the premises, manager or another adult working in the store?**

Comments anybody who works in the shop should ask for identity if they suspect the person is under age.

**42. Do you agree with the anticipated offence, in regard to:**

**a. the penalty**

a ☐

**b. the enforcement arrangements**

b ☐

**Equality Considerations**

**43. What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation)?**

Comments

**44. If the proposed measures are likely to have a substantial negative implication for equality, how might this be minimised or avoided?**

Comments As all as all categories of people related to equality are informed and equally included in the discussion/.debate.

**45. Do you have any other comments on or suggestions relevant to the proposals in regard to equality considerations?**

Commentsnone

### **Business and Regulatory Impacts Considerations**

**46. What is your assessment of the likely financial implications, or other impacts (if any), of the introduction of each of these proposals on you or your organisation?**

Comments The impacts in hospital and health grounds re smoke free demonstrates how important it is that a wide approach to the issue of e cigarette , so that young people are less targeted and media influenced.  
To reduce the attractiveness and availability of tobacco products  
While there is no clear message re e cigarettes and there is advertising there is implication to our work in tobacco and nicotine related addiction

**47. What (if any) other significant financial implications are likely to arise?**

Comments Financial implications in maintaining the policy when councils etc have financial restraints.

**48. What lead-in time should be allowed prior to implementation of these measures and how should the public be informed?**

Comments may take 2 /3 years as already not every store is covering the tobacco products behind a screen



**49. Do you have any other comments on or suggestions relevant to the proposals in regard to business and regulatory impacts?**

Comments working closely with pharmacy to maintain the community work that they do in their areas and incentives for continuing to counter balance the business model which has affected the English pharmacies.. Where they are already promoting e cigarettes and their related product alternative ways to reduce the advertising but allow a selected product which has been regulated rather than all the different ones available .

As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), Scotland 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. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

Comments No links with tobacco industry