



Response to

Scottish Government

**A Consultation on Electronic Cigarettes and
Strengthening Tobacco Control in Scotland**

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The National Pharmacy Association is the not for profit trade body which represents the vast majority of independent community pharmacy owners (including independent multiples) in Scotland and across the UK. The Association provides its members and the staff that work in the member pharmacies with professional and commercial support, professional indemnity insurance as well as representing the interests of community pharmacy.

The NPA is pleased to have the opportunity to respond to this consultation and limits its response to those areas which are more directly relevant to the independent community pharmacy network and public health.

General comments

Community pharmacists have a long history of helping smokers stop smoking which in Scotland was formalised in 2008 with the introduction of the NHSScotland Community Pharmacy Public Health Service.

The Public Health Service is a smoking cessation service which enables community pharmacists to provide advice to patients considering stopping smoking and supply a twelve week course of smoking cessation products. The service is at no cost to patients who can be as young as twelve years of age. Patient Group Direction and Community Pharmacist Prescriptions enable the supply and the pharmacists provide service data to their NHS Board. The vast majority of the smoking cessation product issued is nicotine replacement medicines (NRT) accounting for 86% of the approximate half a million NHSScotland primary care supplies a year. With appropriate patients the pharmacist can also provide Varenicline as part of the service. The pharmacy smoking cessation service was evaluated for Scottish Government in 2011 and was concluded to be working well.

Training community pharmacy staff including counter assistants in the specification of the smoking cessation service and techniques for significant patient interventions working alongside the clinical expertise of a pharmacist contributes to the success of the service in the local community. Pharmacy staffs in their conversations with patients are now very skilled at recognising the desire to stop smoking and suggesting ways to overcome the barriers to successful quit attempts.

The sale of smoking cessation products rather than via the National smoking cessation service is also commonplace in community pharmacies. These sales are often used by the pharmacy staff as an opportunity to signpost to the smoking cessation service, however the service may not be suitable or wanted at that time by everyone purchasing nicotine replacement products. Any sale of NRT products in a community pharmacy provides the opportunity for the patient to receive medicine advice from trained staff including from the pharmacist on duty.

Increasingly patients in community pharmacies have been requesting electronic cigarettes as an aid to stop smoking. Some pharmacies stock electronic cigarettes using the sales request to be an opportunity to suggest the smoking cessation service or for NRT products to be considered. Pharmacists and pharmacy staff alert potential purchasers of electronic cigarettes to the safety and potential health risks of using unlicensed nicotine products and that no national guidance is available for their use. Pharmacists within their code of ethics of the GPhC's "*Standards of conduct, ethics and performance July 2012*" need to use their professional judgement whether these transactions would be in the best interests of the patient. A patient returning for further supply of electronic cigarettes in a pharmacy could

potentially each time be engaged in evidence based clinical discussion on smoking cessation.

Numerous professional pharmacy organisations including the National Pharmacy Association have produced guidance for pharmacists on the display, sale and current regulations regarding electronic cigarettes. The Regulator for Pharmacists and Pharmacy Premises, the General Pharmaceutical Council for Great Britain advises that pharmacy owners/superintendent pharmacists should ensure that pharmacists are allowed to exercise their professional judgement regarding the sale of electronic cigarettes. All options should be discussed with the patient including the fact that licensed NRT products are available which have established evidence of safety, quality and efficacy.

The National Pharmacy Association along with other pharmacy bodies and the Chief Pharmaceutical Officers of Scotland, England, Wales and Northern Ireland supports The Medicines and Healthcare products Regulatory Agency (MHRA) proposal to regulate Nicotine Containing Products (NCP) as medicinal products which would promote “*standards of quality, safety and efficacy*”; monitor safe usage, including long-term use; regulate advertising; and monitor risks.

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?**

As health care professionals community pharmacists should be exempt from any age restrictions on the sale of e cigarettes. The clinical and regulatory expertise of a pharmacist whose professional duty is to provide care in the best interests of the patient is regulation sufficient to avoid inappropriate promotion or sale of NCPs. If supply of NCPs, as licensed medicines, to younger members of the public is restricted to pharmacies, with appropriate counselling this would increase the awareness of the risks of taking nicotine products in this patient group.

2. Should age of sale regulations apply to:

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

The NPA considers any item which could normalise smoking behaviours should be regulated.

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

Yes

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

Yes

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

Any product which normalizes smoking behavior.

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

The NPA considers any item which could normalise smoking behaviours or increase nicotine addiction should be regulated.

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

The NPA considers any item which could normalise smoking behaviours or increase nicotine addiction should not be promoted, however limited advertising of e-cigarettes promoting their use as part of a smoking cessation programme could be allowed.

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

As regulated healthcare professionals community pharmacists, who choose to sell licensed e-cigarette products, should be exempt from any requirement to be licensed to sell e-cigarettes and refills. Pharmacists should be able to use their professional judgement when deciding whether to make such a sale. The requirement for community pharmacies to register with the Tobacco Retailers Register in addition to the General Pharmaceutical Council would be an unnecessary bureaucratic burden with implied costs and no public health benefit.

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

Yes

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

Yes.

The NPA considers any practice which may have health implications for other non-consenting people in the same public place should not be facilitated.

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?

NPA supports proposals to reduce harm from passive smoking

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

No.

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

Any responsible person inflicting passive smoking on children

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

a. All NHS grounds (including NHS offices, dentists, GP practices)

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?

The NPA believes that the sale of licensed medicine products including e-cigarettes should be supplied under the supervision of a registered pharmacist. As stated above the pharmacist selling the product should be able to use their professional judgement when deciding if it is appropriate to sell a licensed nicotine replacement product, irrespective of the age of the person. The requirement to challenge anyone under the age of 25 is an unnecessary for community pharmacy sales and may deter young members of the public from seeking smoking cessation support from their local pharmacy.

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

Supply of e-cigarettes as licensed medicine products should be subject to the legislation for other medicinal products and be able to be sold by a pharmacy assistant under the age of 18 with the supervision of a pharmacist who by their qualification will be over 18.

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?

See answer to question 40.