

## **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

**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?**

B

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

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

**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?**

### **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?**

No

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

Regarding q14: electronic cigarettes are not tobacco products, therefore they should not be included on the Scottish Tobacco Retailers Register. The register should be a means of restricting the availability of tobacco products within communities as part of a broader strategy to reduce tobacco-related harm, therefore it would be inappropriate to include non-tobacco products on the register.

### **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?**

No

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

There is no evidence to suggest that exposure to vapours emitted from electronic cigarettes pose the same risk to health as smoke emitted from tobacco products, therefore we do not believe that the government needs to take action, e.g. by including them within the smokefree legislation. This should be a policy decision made by individual organisations and be kept under review.

### **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

**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?**

The offence should apply both to the person creating the exposure and to the driver for failing to prevent exposure, regardless of age, as in the proposals put forward in England.

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

Yes

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

The police will need to be supported by those who currently enforce smokefree legislation.

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

No

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

When the vehicle is being used as a vehicle, the law should apply. When it is stationary, off the road and being used as accommodation, it should not apply. The English proposals have put forward a good model for this.

We also believe that any law should be around smoking in 'private vehicles' not 'cars' as this is too narrow a definition.

There should also be provisions made within any new law to review the legislation at an appropriate time to consider options around extension e.g. to include all adults, to make the role of enforcement easier and to broaden the protection offered, particularly to adults with long-term conditions that are exacerbated by exposure to secondhand smoke.

**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?**

The benefits of encouraging more people to either quit smoking or to keep their homes and cars smokefree will vastly outweigh any costs of implementing evidence-based tobacco control measures.

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

A sufficient lead-in time should be allowed for any changes in tobacco-related legislation, to give the public the opportunity to hear about the rationale for the changes and to build public support which will in turn help with compliance. Integrated mass media campaigns should be considered, particularly in relation to any changes around smokefree private vehicles.

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.

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