

NCD Alliance Scotland Briefing for the Health, Social Care and Sport Committee - Tobacco and Vapes Bill Legislative Consent Memorandum

About NCD Alliance Scotland

NCD Alliance Scotland is a coalition of 24 health organisations reducing the health burden of non-communicable diseases through action on alcohol, tobacco, and high fat, salt and sugar products.

We do not engage with nor take funding from the tobacco and related products industries or vested interests.

NCD Alliance Scotland supports the Draft Legislative Consent Memorandum and motion lodged by the Scottish Government

The Tobacco and Vapes Bill is an important step towards achieving the 2034 tobacco-free generation target through reducing the use of tobacco and related products and reducing their future uptake.

NCD Alliance Scotland supports the range of measures included in the bill that will support reduction in Smoking through actions on its availability and marketing.

Age of Sale

NCD Alliance Scotland strongly supports the measure to raise the age of sale for anyone born on or after 1 January 2009. Estimates suggest that around 28 young people aged between 18 and 24 start smoking per day, more than 10,000 a year in Scotland¹.

The proposed measure to increase the age of sale is a welcome step in tackling the uptake of smoking in Scotland among young adults and will also have a positive impact in reducing smoking among children and young people.

Around 75% of people who smoke started before age 18, and two-thirds of adult smokers in Scotland consistently state that they wish to quit.² It is crucial that steps are taken to reduce the accessibility of tobacco and related products to children.

NCD Alliance Scotland also welcomes the provision amending existing age-of-sale legislation in Scotland to decriminalise under-age consumer purchase of tobacco in Scotland. This measure aligns Scottish law with the approach taken in the rest of the UK and we welcome the step to place the burden of criminalisation on the producers and retailers of these addictive, health-harming products.

¹ Jackson, S and Tattan-Birch, H. Estimating uptake of smoking among 18-25-year-olds: analysis for ASH [England] March 2024. <https://osf.io/nu2rp/>. Note: the figures quoted are Scottish estimated based on the analysis of the research.

² Department of Health and Social Care (2017) Towards a smoke-free generation: a tobacco control plan for England. Pg9. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/630217/Towards_a_Smoke_free_Generation_-_A_Tobacco_Control_Plan_for_England_2017-2022_2_.pdf

Marketing of herbal smoking products, cigarette papers, vaping products, and nicotine products.

NCD Alliance Scotland also supports the provisions of the Tobacco and Vapes bill that aim to prevent nicotine and vaping products from being deliberately branded, promoted and advertised to children.

We know from previous tobacco marketing measures that interventions to address marketing work and are vital to a systemic approach to de-normalise health-harming product consumption³

Evidence also shows that marketing has a profound impact on children and young people's awareness of health harming products. For example, the DISPLAY study in 2020 found that young people recalled seeing e-cigarette displays in retail outlets and found a link between this awareness and an increased risk of experimentation with these products⁴.

This bill would allow Ministers in Scotland to make new regulations restricting the display of vaping or nicotine products in retail outlets and we would encourage the Scottish Government to do so urgently.

NCD Prevention: A Commercial Determinants of Health Approach

Whilst we welcome the Tobacco and Vapes Bill and the Scottish Government's Legislative Consent Motion as an important step, NCD Alliance Scotland believes that there is more action that should be considered.

In November, NCD Alliance published a 10-year vision for NCD Prevention in Scotland through action on the commercial determinants of health. The report set out a range of actions that should be taken over the next decade to reduce the impact of health harming products on our health, including 8 actions specifically to reduce the use of tobacco and related products. These include:

- Making the Tobacco and NVP Register Conditional.
- Introducing polluter pays levies on the retailers of health-harming products, including tobacco and vaping products.
- Taking actions to reduce the number of tobacco retailers in Scotland

The full list of calls and vision document can be found [here](#).

³ Action on Smoking and Health (ASH). (2024). Tobacco Advertising and Promotion in the UK. Retrieved from <https://ash.org.uk/resources/view/tobacco-advertising-and-promotion-in-the-uk>

⁴ Haw S, Currie D, Eadie D, Pearce J, MacGregor A, Stead M, Amos A, Best C, Wilson M, Cherrie M, Purves R, Ozakinci G, MacKintosh AM. (2023) The impact of the point-of-sale tobacco display ban on young people in Scotland: before-and-after study.