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Clare Haughey MSP
Convener
Health, Social Care and Sport Committee
The Scottish Parliament
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06 November 2024

Dear Clare,

UK Tobacco and Vapes Bill

On the 29 January 2024, a response to the 4-nation consultation on a Smoke Free Generation was published. As the committee will be aware the response included proposals to tackle smoking across the UK and the growing issue of children and young people vaping. The consultation covered the following broad themes:

- Creating a smokefree generation;
- Tackling youth vaping; and
- Enforcement.

The subsequent consultation response set out that the UK Government and Devolved Governments would work together to bring forward legislation on these issues. However, the resultant Bill that was introduced to the UK Parliament in March 2024 did not complete its passage through Parliament before the UK Parliament was dissolved on 30 May 2024 ahead of the UK General Election.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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Since the UK General Election in July 2024, we have continued to collaborate across the 4 nations on the UK Tobacco and Vapes Bill, which supports our ambition for a tobacco free Scotland by 2034.

Our 2024-25 Programme for Government reaffirmed our commitment to working with the UK Government and Devolved Governments on the Bill and I am pleased to announce that this strengthened Tobacco and Vapes Bill has been introduced into Westminster today (5 November 2024).

The new Bill has four key features, which will:

- create a tobacco-free generation, gradually ending the sale of tobacco products across Scotland and breaking the cycle of addiction and disadvantage;
- strengthen the existing powers to ban smoking in public places and creating the ability to specify vape-free and heated tobacco free spaces;
- ban vapes and nicotine products from being deliberately branded, promoted, and advertised to children and young people; and
- extend the retail registration scheme in Scotland to include a wider range of products.

Importantly the Bill will still change the age of sale for all tobacco products, cigarette papers and herbal smoking products so that anyone born on or after 1 January 2009 will never legally be able to buy these products, alongside prohibiting proxy sales.

As before, the Bill will amend our current legislation, to remove existing provisions which make it an offence for a person under 18 to purchase tobacco products – a step that key stakeholders have been requesting for some time. This will ensure that, in line with the rest of the UK, no one is criminalised for their addiction to nicotine. Critically, however, it will still remain an offence to sell these products to persons below the age of sale, and retailers will still be required to operate an age verification policy.

The Bill has been strengthened to ensure that vapes and other nicotine products can be prevented from being advertised or promoted to young people. This includes restrictions on selling non-nicotine vapes and other nicotine products to under 18's, as well as banning the free distribution of vapes for promotion purposes. The Bill also introduces regulation-making powers to restrict flavours, point of sale displays and packaging for vape products, (nicotine and non-nicotine) as well as other consumer nicotine products, similar to those included in the previous Bill.

The Bill also extends our existing Tobacco and NVP register, widening it out to cover nicotine products and herbal smoking product and contains powers to create further smoke-free spaces and powers to make existing smoke-free spaces, vape-free or heated tobacco-free spaces. We are currently working with ASH(S) as part of the Tobacco and Vaping Framework to understand where there is learning from the current smoke-free spaces and

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importantly where this can be taken further. Exactly which settings should become smoke-free and vape-free will be a matter for secondary legislation and will be subject to a full consultation at a later date before any regulations are brought forward. The Scottish Parliament will be given the opportunity to fully scrutinise the detail of any proposed restrictions.

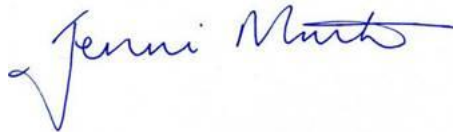
As was the case with the previous Bill, the legislative consent of the Scottish Parliament is needed for provisions within the new Bill which relate to devolved matters. I will, therefore, bring forward a legislative consent memorandum setting out our recommendation to Parliament, and welcome Parliament's consideration of the content of the Bill as well as the Scottish Government recommendation.

These measures are central to our Tobacco and Vaping Framework and represent an opportunity to make a real, significant, generational impact on the future health of Scotland.

We will continue to work collaboratively with the UK Government, Welsh Government and the Northern Ireland Executive to ensure as far as possible that measures are implemented in a consistent manner across the UK.

I look forward to discussing the Bill with the Health, Social Care and Sport Committee and Scottish Parliament in more detail in the period ahead.

Yours sincerely,



Jenni Minto MSP

Cc'd to the Delegated Powers and Law Reform Committee
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