

PE2033: Introduce a full ban on disposable vapes

Introduction

Petitioner Jordon Anderson

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to legislate for a full or partial ban on disposable vapes in Scotland and recognise the dangers that these devices pose to both the environment and the health of young people.

Webpage <https://petitions.parliament.scot/petitions/PE2033>

1. [The Committee last considered this petition at its meeting on 4 October 2023.](#) At that meeting, the Committee agreed to write to the Scottish Government, Action on Smoking and Health Scotland, Forest, the UK Vaping Industry and other vape manufacturers.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Government, ASH Scotland, COSLA, the Independent British Vape Trade Association (IBVTA), and the UK Vaping Industry Association which are set out in **Annexe C** of this paper.
4. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
5. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
6. [The Scottish Government gave its initial position on this petition on 4 July 2023.](#)
7. Every petition collects signatures while it remains under consideration. At the time of writing, 245 signatures have been received on this petition.
8. At the previous consideration of this petition, the Committee also agreed to ask the Scottish Parliament Information Centre (SPICe) to explore the availability of additional data and research on the prevalence of vaping among children and young people. SPICe have provided additional information which is included at **Annexe D** of this paper.
9. Members may wish to note that the [draft regulations to ban the sale and supply of disposable vapes were published in February 2024](#), with a ban expected to come into force on 1 April 2025.
10. Members will also be aware that the [Minister for Public Health and Women's Health provided a statement on working towards a tobacco-free Scotland by 2034 and tackling youth vaping to the Parliament on 26 March 2024](#). During the statement, the Minister referred to [the Tobacco and Vapes Bill being considered by the UK Parliament](#).
11. Members may also wish to note the [Health, Social Care and Sport Committee heard evidence on the public health impact of vaping at its meeting on 14 November 2023](#).

Action

12. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
April 2024

Annexe A: Summary of petition

PE2033: Introduce a full ban on disposable vapes

Petitioner

Jordon Anderson

Date Lodged

20 June 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to legislate for a full or partial ban on disposable vapes in Scotland and recognise the dangers that these devices pose to both the environment and the health of young people.

Previous action

I have written to all of my MSPs, with Douglas Lumsden and Maggie Chapman responding in support of the concerns I raised around disposable vapes.

I have also written to my ward councillors; they didn't want to take action at a local level and instead urged me to write to my MSP.

Background information

Research suggests [1.3 million disposable vapes are thrown away every week in the UK](#). That is 62.4 million vapes every year going to UK landfill, or being washed up in our oceans, rivers and canals. These vapes and their lithium batteries are extremely dangerous to our wildlife and environment. They are a fire hazard and can explode.

There is not enough health research being done to know how dangerous these devices really are. However according to [Edge Vaping](#), they can cause bleeding from the throat or nose, inflammation of the airways, shortness of breath and possibly Chronic Obstructive Pulmonary Disease (COPD). Manufacturers suggest the nicotine content of vapes is similar to 20 cigarettes; with some young people getting through 3-4 vapes a week, that could be like smoking 60 cigarettes a week.

I believe that vapes have no place in supermarkets or any retailer. They are intended only to be a mechanism to stop smoking, not an alternative to cigarettes. We need a ban, and we need it quickly!

Annexe B: Extract from Official Report of last consideration of PE2033 on 4 October 2023

The Convener: PE2033, on introducing a full ban on disposable vapes, has been lodged by Jordon Anderson, a name with which some of you might be familiar from other petitions that we have considered.

The petition calls on the Scottish Government to legislate for a full or partial ban on disposable vapes in Scotland and to recognise the dangers that the devices pose to the environment and the health of young people. Jordon highlights research on the number of single-use vapes that are discarded each year and the damage that could be caused to the environment as a result. He is also concerned that not enough research is available on the health aspects of using the devices, particularly, though not exclusively, for young people.

In July, the Scottish Government provided a response to the petition, noting a range of steps related to the marketing, promotion and sale of vaping products that will be considered as part of the process of refreshing the tobacco action plan, which is due to be published later this year. The response also refers to the recent Zero Waste Scotland report, which proposes a range of policy options intended to address concerns about the environmental impact of the single-use vapes that we see lying around our communities.

We have received two submissions from the petitioner, and they further detail his concerns about the increasing number of young people regularly using vapes and urge the Scottish Government to act on the policy options put forward by Zero Waste Scotland. The petitioner has also highlighted work carried out by the Scottish Youth Parliament to gather views on the impacts of vaping from young people across Scotland. Members will also be aware that, since the Scottish Government's initial response, the new programme for government includes a commitment to consult on a proposal to ban the sale of single-use vapes.

Do members have any comments or suggestions for action?

Maurice Golden: The petition is interesting. In considering its proposal for a full ban on disposable vapes, the committee will probably focus on the environmental impacts; after all, a ban based on a health angle would, presumably, include all vapes, if that was the reason for it.

Nonetheless, we need more evidence, so we should write to Action on Smoking and Health Scotland, Forest and the UK Vaping Industry Association. Perhaps the clerks can identify major producers of vapes, too. I believe that the UK Vaping Industry Association does not represent vape manufacturers in the tobacco industry, so there might be scope for a slightly wider stakeholder response.

It would also be worth while asking the Scottish Government when it expects to launch its consultation on the proposal to ban the sale of single-use vapes and what consideration it has given to ASH Scotland's suggestion that e-cigarettes be made available on prescription only to those who wish to use them as an aid to smoking cessation.

The Convener: In my introduction, I noted that the Scottish Youth Parliament had undertaken some work on that. Links to information on the outcome of that work are in the papers, so we have access to that.

Maurice Golden: The petitioner referred to the health impact on young people. Can we establish whether there is data on the prevalence of young people using vapes and where we might find that information?

The Convener: We can see whether SPICe can undertake that work. I would also like us, if we can find the information, to establish whether there is any clinical evidence on the consequences of vaping. Clearly, ASH is wholly funded by the Scottish Government, so it will not disagree with the Scottish Government's proposals. It is not that I wish to—well, I suppose that I do, but I would just like something that is a little bit independent of ASH as we try to identify something factual on these matters, instead of our just getting information from lobby organisations wholly funded by Government.

Foysol Choudhury: Is the Scottish Government doing anything to protect the under-18s? The vaping industry is targeting youngsters, as well as non-smokers, with all these flavours, but I do not know whether the Government is doing anything about that.

You are right, convener—we need to find somebody else or some other organisations, because ASH will just agree with the Scottish Government. There might well be other organisations; indeed, we could have a round-table discussion with community organisations, too.

Maurice Golden: We should find out—perhaps from COSLA—how trading standards enforces the ban on under-18s accessing vapes and whether that has been successful. We should also ask about illegal sales of vapes.

The Convener: There is, it seems to me, a slight contradiction in ASH's position. ASH is suggesting that e-cigarettes be made available on prescription only to people who wish to use them as an aid to smoking cessation, but if that were to come about, it could, indirectly, encourage young people to start smoking in the first instance in order to get access to vaping, instead of vaping being an alternative to smoking in the first place. The proposal could almost be counterproductive.

I am familiar with the introduction of vaping at an earlier stage in public life and the feeling that it was very much one of the tools that might be available to help with smoking cessation. Clearly, though, vaping has grown exponentially since then, but I do not think that we should be judgmental about that in itself. We should want to understand what evidence, including any emerging evidence, there might be of material harm, and SPICe might be able to identify where such research is being carried out. I think that that would be helpful.

Do members agree with that approach?

Members *indicated agreement.*

Annexe C: Written submissions

Scottish Government submission of 3 November 2023

PE2033/D: Introduce a full ban on disposable vapes

The Citizen Participation and Public Petitions Committee considered the above petition at its meeting on Wednesday 4 October 2023. At that meeting, the Committee agreed to write to the Scottish Government to seek information on:

- When it expects to launch the consultation on the proposal to ban the sale of single-use vapes; and
 - What consideration it has given to the suggestion by ASH Scotland that e-cigarettes should only be made available on prescription for people who wish to use them as an aid to smoking cessation.
1. On the consultation on a proposal to ban the sale of single-use vapes, Scotland was the first UK nation to commit to consulting on a proposed ban on single-use vapes, announced in the 2023 Programme for Government on 5 September. The commitment has been taken forward through the launch of the four-nations joint consultation 'Creating a smokefree generation and tackling youth vaping' launched on 12 October 2023, which includes questions on vaping and single-use vapes from an environmental perspective. It seeks views on a proposal to prohibit the supply and sale of single-use vapes, and views on whether any other measures are required to ensure policy is effective in improving environmental outcomes.
 2. On making e-cigarettes prescription-only, the licensing of medicines, medical devices and vaccines is reserved to the UK Government and is undertaken on their behalf by the Medicines and Healthcare products Regulatory Agency (MHRA). The MHRA determine whether a product is a medicine and if so, whether they are available only on prescription or restricted sale through pharmacies or for general sale (any retail outlet).
 3. Currently there are no vapes licensed as medicines. The MHRA is encouraging companies to apply for marketing authorisations for vapes when intended to be used in the management of nicotine addiction: [Guidance for licensing electronic cigarettes and other inhaled nicotine-containing products as medicines - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/licensing-electronic-cigarettes-and-other-inhaled-nicotine-containing-products-as-medicines).
 4. To achieve a licence, products need to meet the standards of quality, safety, and efficacy expected of medicinal products. If successful, this would potentially allow products to be made available for prescription.
 5. We will continue to work with cessation services in Scotland to ensure people can Quit their Way. Anyone wishing to stop smoking can access free support through the NHS stop smoking service Quit Your Way Scotland. The website offers expert advice and support to those seeking to quit tobacco products. Individuals can be directed to local support services and access to a range of medications and products to help them stop smoking.

**Tobacco & Gambling Unit
Directorate for Population Health**

ASH Scotland submission of 3 November 2023

PE2033/E: Introduce a full ban on disposable vapes

ASH Scotland (Action on Smoking and Health Scotland) is pleased to provide the charity's views on actions called for in the petition [PE2033: Introduce a full ban on disposable vapes](#).

In 2023, ASH Scotland, Laura Young, Keep Scotland Beautiful and Marine Conservation Society published the 'Tackling the environmental and health impacts of e-cigarettes' briefing calling on the Scottish Government to ban disposable e-cigarettes to help Scotland move towards a circular economy and protect children and young people's health¹. Royal College of Paediatrics and Child Health and Royal College of Physicians Edinburgh joined calls to ban disposable e-cigarettes to tackle the upsurge of youth vaping and restrict environmental damage². Leading Scottish respiratory paediatricians urged action to halt 'what is a fast becoming a vaping epidemic in the adolescent population' and avoid 'sacrificing the lung health of the next generation'³.

Upsurge in young people using disposable e-cigarettes

Britain-wide survey results published by ASH (England) in 2023 reported a 50% increase in the proportion of 11 to 17-year-olds⁴ trying vaping in the last year. Disposable e-cigarettes are the vaping product of choice for children currently vaping. According to previous surveys, 6.8% of 11 to 17-year-olds who used e-cigarettes in 2020 used disposable vaping products, rising to 7.7% in 2021, 52% in 2022 and 69% in 2023. Data from the Smoking Toolkit Survey reported similar increases.⁵

In Scotland, regular e-cigarette use by 15-year-olds has tripled and more than doubled for 13-year-olds over five years. The Scottish Government's Health and Wellbeing Census 2021-22 found 10.1% of S4 students and 4.3% of S2 students reporting using e-cigarettes regularly (once a week or more), whilst figures from the

¹ Tackling the environmental and health impacts of e-cigarettes (2023). <https://www.ashscotland.org.uk/media/883792/tackling-the-environmental-and-health-impacts-of-e-cigarettes-feb-2023.pdf>

² Royal College of Paediatrics and Child Health (2023). <https://www.rcpch.ac.uk/nations/scotland/childrens-doctors-call-outright-ban-disposable-e-cigarettes-in-scotland>

³ ASH Scotland (2023). <https://www.ashscotland.org.uk/news-and-events/news/2023/06/leading-respiratory-paediatricians-urge-first-minister-to-act-now-to-tackle-scotland-s-adolescent-vaping-epidemic/>

⁴ Action on Smoking and Health (England) (2023). Use of e-cigarettes (vapes) among young people in Great Britain. <https://ash.org.uk/uploads/Use-of-vapes-among-young-people-GB-2023.pdf?v=1686042690>

⁵ Smoking Toolkit (2023) E-cigarettes Latest Trends: Prevalence of Electronic cigarette use by age. <https://smokinginengland.info/graphs/e-cigarettes-latest-trends>

Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) in 2018 showed regular vaping by 13-year-olds and 15-year-olds at 2% and 3%.⁶

The Health Behaviour in School-aged Children (HBSC) survey data showed that 'current e-cigarette use' (i.e. used in last 30 days) among 15-year-olds in Scotland increased from 7% in 2018 to 25% in 2022. 3% of 11-year-olds and 10% of 13-year-olds reported being 'current users' in 2022. The prevalence of 'ever use' (i.e. used at least once) for 11-year-olds was 4%, 16% for 13-year-olds and 36% for 15-year-olds.

2022 University of Glasgow research involving 11 to 16-year-olds suggested youth vaping increases are driven by the popularity of cheap (as little as £1.99), sweet flavoured, brightly coloured disposable e-cigarettes.⁷

Health harms

Long-term harms associated with disposable e-cigarettes are not known due to the products being available for only three years.

Most disposable e-cigarettes contain nicotine, which is highly addictive and many include toxic chemicals not safety tested for inhalation and likely to damage health over time. Scottish respiratory paediatricians have expressed concerns regarding impacts of e-cigarettes on developing lungs (acute lung disease) and brains (increased addiction and adverse behavioural outcomes).

According to WHO, young people who experiment with e-cigarettes are three times more likely to initiate cigarette smoking than those who don't,⁸ and Australia National University's systematic review of global evidence, published in 2023, found conclusive evidence that e-cigarettes can cause lung injury, burns, poisoning or lead to seizures.⁹

Smoking cessation support

The existence of rechargeable and refillable devices questions the need for disposable products to be available for smoking cessation attempts. The global systematic evidence review published by Australian National University revealed between two-thirds and three-quarters of people who quit smoking do so unaided, and for those needing support, evidence-based therapies like nicotine replacement patches, gums or lozenges are available.

No e-cigarettes are approved by the Medicines and Healthcare products Regulatory Agency for NHS prescriptions in the UK. If vaping products are licensed in the future, ASH Scotland contends they should be available only on prescription to adults who

⁶ Scottish Government (2023) Health and Wellbeing Census 2021 – 2022.

<https://www.gov.scot/publications/health-and-wellbeing-census-scotland-2021-22/documents/>

⁷ Smith MJ, MacKintosh AM, Ford A, et al (2023) Youth's engagement and perceptions of disposable e-cigarettes: a UK focus group study *BMJ Open* 2023;13:e068466.

<https://doi.org/10.1136/bmjopen-2022-068466>

⁸ World Health Organisation (2021). <https://www.who.int/news/item/27-07-2021-who-reports-progress-in-the-fight-against-tobacco-epidemic>

⁹ Banks E, Yazidjoglou A, Brown S, Nguyen M, Martin M, Beckwith K, Daluwatta A, Campbell S, Joshy G (2023) Electronic cigarettes and health outcomes: umbrella and systematic review of the global evidence. *Med J Aust* 2023; 218 (6): 267-275. <http://doi.org/10.5694/mja2.51890>

have spoken with qualified health professionals and tried smoking cessation methods known to be safe and effective.

Environmental impacts

A single-use e-cigarette contains, on average, 0.15g of lithium which means more than 16 tonnes ends in landfill or incinerators across the UK each year.¹⁰ In 2022, 700 bin lorry and waste/recycling plant fires in the UK were caused by electrical batteries including lithium-ion batteries used in disposable e-cigarettes.¹¹

A Zurich Municipal report this year estimated two million single-use e-cigarettes every week are binned incorrectly in the UK, i.e. an estimated 78% of e-cigarettes sold.¹² More recent research published by Material Focus suggests 5 million disposable e-cigarettes are discarded weekly in the UK and 73% of vapers say they throw away single-use e-cigarettes¹³.

There is little evidence that e-cigarette manufacturers, distributors or retailers have attempted to meet responsibilities under 'The Waste Battery and Accumulator Regulations 2009' and 'Waste Electrical and Electronic Equipment (WEEE) regulations 2013' which include retailers selling e-cigarettes providing a free in-store take-back service, establishing an alternative free take-back service or joining a Distributor Takeback Scheme (DTS).

The Scottish Government commissioned Zero Waste Scotland to publish its review about *managing the environmental impact of single use e-cigarettes*¹⁴ which stated:¹⁵

- In 2022, 10.8% of adults were regular e-cigarette users and, of these, 27% were estimated to use disposables.
- An estimated 21 to 26 million disposable e-cigarettes were consumed in Scotland in 12 months to April 2023.
- 3,375 to 4,292 tonnes of CO₂e emissions were associated with single-use e-cigarettes in 2022.
- The weight of single-use e-cigarette packaging and materials discarded in Scotland is between 800 and 1,000 tonnes per year.

ASH Scotland supports banning disposable e-cigarettes

¹⁰ Zurich (2023). <https://www.zurich.co.uk/media-centre/single-use-vapes-spark-surge-in-blazes>

¹¹ Material Focus (2022). <https://www.materialfocus.org.uk/press-releases/over-700-fires-in-bin-lorries-and-recycling-centres-are-caused-by-batteries-many-of-which-are-hidden-inside-electricals/>

¹² Zurich Municipal (2023). <https://www.zurich.co.uk/news-and-insight/single-use-vapes-spark-surge-in-blazes-as-three-dumped-every-second>

¹³ <https://www.materialfocus.org.uk/press-releases/number-of-disposable-single-use-vapes-thrown-away-have-in-a-year-nearly-quadrupled-to-5-million-per-week/>

¹⁴ Scottish Government (2023). <https://www.gov.scot/news/environmental-impact-of-single-use-vapes/>

¹⁵ Hogg D, Zero Waste Scotland (June 2023). Scoping policy options for Scotland focusing on understanding and managing the environmental impact of single-use e-cigarettes. <https://www.zerowastescotland.org.uk/resources/environmental-impact-single-use-e-cigarettes>

ASH Scotland welcomes the Scottish Government's commitment to hold a consultation on proposals including a ban on disposable e-cigarettes, and also the UK Government and devolved administrations' 'Creating a smokefree generation and tackling youth vaping' consultation which seeks views on restricting the supply and sale of single-use vapes.

ASH Scotland wants government to protect Scotland's ambition for a generation free from tobacco by prohibiting the supply and sale of disposable e-cigarettes in 2024.

About ASH Scotland

ASH Scotland is the leading charity working in and for Scotland to reduce harms caused by tobacco and related products. For further information, visit www.ashscotland.org.uk

COSLA submission of 3 November 2023

PE2033/F: Introduce a full ban on disposable vapes

Your letter asked COSLA to seek information on how trading standards are enforcing the ban on the sale of vaping products to under 18s.

Local Trading Standards Officers do a test purchase programme using young volunteers – who go into shops to try and buy. This is done in response to complaints but also proactively. The Scottish Government provide funding for this work.

The Society of Chief Officers of Trading Standards in Scotland (SCOTTS) have published a report which provides further detail on this activity. The full report can be read on the [SCOTTS website](#).

Independent British Vape Trade Association (IBVTA) submission of 3 November 2023

PE2033/G: Introduce a full ban on disposable vapes

The IBVTA represents independent businesses along the UK's supply chain. As such neither we nor our members have any control or influence from the tobacco industry.

The petition seeks support for a ban on single use vapes but ignores any potential unintended consequences of banning an entire vaping product category. These include the risks of many users going back to smoking, and of increasing the illicit trade.

The claim that 'there is not enough health research being done to know how dangerous these devices really are' is unfounded. While we do not yet know the very long-term impact of vaping, vapes have been on the market for ~15 years now. We have a plethora of evidence showing the short to medium term risks are very much lower than smoking. It is therefore inconceivable that the long-term risk of vaping ever approaches that of smoking.

The evidence that shows this includes a series of UK Government commissioned, independently compiled evidence reviews¹⁶ published since 2015. Furthermore, the Royal College of Physicians evidence review, and position statement published in 2016¹⁷. There have been studies looking at the biomarkers for certain smoking related cancers, studies on potential risks to bystanders, and studies on the efficacy of vaping as a stop smoking tool. The overwhelming scientific consensus is that vaping poses only a very small percentage of the long-term risk of smoking and is the country's most effective tool to help adult smokers quit.

Scotland has been progressive in recognising the health benefits of vaping and the consensus is that vaping is substantially safer than smoking. The results speak for themselves; thanks to vaping the number of 18-year-olds who regularly smoked fell from 24.5% in 2021 to 19.5% in 2022, a reduction of 20% in one year. There are also other benefits; a recent study by Brunel University found that the NHS could save more than £500 million per year if half of England's adult smokers switched to e-cigarettes, a figure that could deliver a proportionately similar figure in Scotland.

There is clear evidence that negative media headlines impact on the understanding of the benefits of switching from smoking to vaping among the public and, crucially, smokers in both the UK and Scotland. Research published by the public health group, Action on Smoking and Health, in August 2023 highlights that 40% of smokers incorrectly believe vaping is as, or more harmful than smoking. Worryingly, this is a figure that is up from around 30% last year, and around 20% in 2019.

This concerning trend shows the awareness and understanding of the health benefits of vaping is going backwards. Unchecked, the growing confusion risks jeopardising the positive work that vaping has achieved in the last decade. It is unlikely that the Scottish Government will meet its smoke free target by 2034 (smoking reduced to below 5% of the adult population) if it is not addressed. 27% of smokers have yet to try vaping, and reasons given include concerns amplified in the media that there is no objective evidence for.

The IBVTA has launched a major campaign¹⁸ across Scotland to help correct some of these misunderstandings and misapprehensions. To underpin this campaign, we also published new consumer insight that shows the real benefits of vaping, including how smokers have come to depend on them to start and then sustain their quit journeys.

This research underlines the importance of vaping to adult smokers moving from tobacco:

- 37% of ex-smokers (who quit in past 5 years) and 46% of regular smokers have tried a vaping device to help them quit smoking; Of those that used a vaping device:

¹⁶ <https://www.gov.uk/government/collections/e-cigarettes-and-vaping-policy-regulation-and-guidance>

¹⁷ <https://www.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report>

¹⁸ <https://www.ibvta.org.uk/explorethefacts/>

- 53% of regular smokers use a single use device to help them quit and 61% of ex-smokers (who quit in past 2 years) used a single use device

The results clearly show that a potential ban on single use devices would have a detrimental impact on smoker quit attempts and their journey to become tobacco free and would set back the Scottish Government's ambition to become smoke free by 2034.

The petition cites research that shows not enough single use vapes are being returned for recycling. While producers and retailers need to uphold their legal obligations with regards to waste compliance, there also needs to be more awareness among consumers that vapes are highly recyclable. Recycling points are now on most high streets.

There is a clear link between sales of illicit single use vapes and sales to under-18s. The IBVTA believes that Challenge 25 policies in major grocers, and reputable vape shops is effective. However, "undisciplined" convenience stores, corner shops, mobile phone cover shops, etc. are likely the biggest supplier to children. Banning single use vapes would likely have little consequence for determined rule-breakers and those ignorant of the law, of which there are many.

It is not just the independent vape industry which recognises the potential negative consequences of a ban. Experts such as Dr Stuart Griffiths of Yorkshire Cancer Research¹⁹ are concerned that a ban on disposable vapes will most impact the most vulnerable members of society. Other stakeholders not in support of a ban include the Chartered Trading Standards Institute (CTSI), Action on Smoking and Health, and Material Focus, an environmental NGO that aims to reduce electrical waste and increase levels of recycling.

A recent pre-print study by researchers at University College London²⁰ found that a ban on single use vapes would affect one in 20 adults in Great Britain (approximately 2.6 million people). A ban may discourage uptake of vaping in younger adults aged 18-24, but it would also affect 1.1 million people who currently smoke and a further 744,000 who previously smoked. It would also have a disproportionate impact on disadvantaged groups that have higher rates of smoking and typically find it harder to quit.

We trust this submission will be useful to the debate, and we welcome the opportunity to provide additional information, should the Committee have any further queries.

UK Vaping Industry Association submission of 6 February 2024

PE2033/H: Introduce a full ban on disposable vapes

Disposable vapes have played an instrumental role in helping reduce the smoking rate in Scotland and have helped millions of adults quit and stay off cigarettes. The

¹⁹ <https://www.yorkshirecancerresearch.org.uk/insights/disposable-vaping-ban-could-affect-some-of-the-most-vulnerable>

²⁰ <https://www.medrxiv.org/content/10.1101/2023.10.23.23297396v1>

UKVIA is therefore highly concerned that such a ban would risk lives. While action to prevent youth access to vaping is critical, a restriction on adult access to vapes would represent a boost for smoking, not for public health. If any government were to see banning disposables as helping to protect young people, they would be completely misguided.

The answer to youth vaping doesn't lie in counterproductive bans and restrictions, but rather in effective and proactive enforcement of the law which states that it is illegal for vapes to be sold to minors. It's why the UKVIA has been part of a major industry-wide consultation over the last couple of months that has led to the development of a vape retailer and distributor licensing scheme to make it harder for rogue traders to get away with underage and illicit sales. This is being presented to Westminster Parliamentarians in February and will be provided to Members of the Scottish Parliament.

A ban on disposable vapes would hand the regulated vaping market to criminals. It is estimated that in Australia, where vapes are now only available on difficult to obtain prescriptions, as many as 92% of vapers are buying their products through illegal channels and as many as 100 million illicit products are smuggled into the country every year. The leading public health charity Action on Smoking and Health UK has previously warned that children already 'find it easy' to access illegal vapes as those selling them have 'no qualms' selling to minors.

We would welcome the opportunity to work with the Scottish Government following the UK wide consultation on a 'creating a smokefree generation and tackling youth vaping'. Ensuring that vapes are kept out of the hands of children and are not improperly disposed of, while still making them readily available to smokers wishing to quit.

Petitioner submission of 28 March 2024

PE2033/I: Introduce a full ban on disposable vapes

Before getting to the substance of my submission, I'd like to thank the Scottish Government, and all other organisations for their response.

On the 26 March 2024, Jenni Minto MSP (Public Health Minister) addressed Parliament on issues relevant to my petition. Every death or smoking related illness is preventable, and we all want to see a Scotland that is healthier, free from the harms of smoking and vaping. However, I am sceptical of our country's aim to be tobacco free in the next 10 years. The first implementation plan (due in 2025) focuses on supporting smoking cessation and raising awareness about the risks of vaping, particularly for youth. Key areas include enhancing cessation services, launching media campaigns against youth vaping, and improving maternity support. Recommendations from a review of cessation services include setting new targets, improving workforce skills, and better understanding the role of vaping in cessation. Additionally, initiatives like pack inserts, the [Quit Your Way Scotland](#) service, and marketing campaigns are employed to aid cessation efforts and educate the public. Collaboration with various stakeholders and governments is emphasised for comprehensive action.

Young people are bold and naive, what makes the Scottish Government think that if they cannot listen to the fact that vaping under the age of 18 is wrong, that they will heed a marketing campaign? The only way that young people will begin to take heed is if they are involved in the policymaking. However, teachers and schools need to have the resources to educate our young people about the dangers of vaping. It is not good enough to put a flimsy marketing campaign. We need tangible action. I'd be keen to hear back from the Scottish Government what consultation they have had with young people on this issue.

In Scotland, the sale of vapes to minors is regulated under the Tobacco and Primary Medical Services (Scotland) Act 2010, as amended by the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016. This legislation prohibits the sale of vaping products to individuals under the age of 18. Yet we know from the [Trading Standards report](#) that COSLA provided, that enforcement is difficult. If we are to tackle this, we must get a handle on rogue traders who believe the law is above them. Adequate investment must be provided to each of the 32 Local Authorities to ensure that Trading Standards staff can enforce legislation. The numbers of retailers selling vapes to minors is simply too high.

I'd also like to touch on the 4-nations consultation, which I welcome. It's great to now see that the Secretary of State for Health has brought the Bill to the UK Parliament with second reading due for 16th April 2024, and the Scottish Government seeking to bring a Legislative Consent Memorandum to Parliament. As the Bill stands, I sincerely hope that Scotland rejects it, because it misses out a crucial factor - regulation of online sales. We know that many of the young people who do vape often find themselves purchasing online, where identification isn't often checked, but these vapes are often illicit. The Scottish Parliament must examine this Bill in its entirety, but I wanted to highlight that one issue.

I respect the views of the Vaping Industry, and I'm pleased that there will be other alternatives to disposable vapes. However, we must do all that we can to ensure that young people do not take up cigarettes or move to the refillable vapes. If this ban is to work, we must use common sense. Young people are not stupid, we are opportunistic and if we see a loophole, we will jump through it. It is no good investing in a Bill that prevents those born after 01/01/2009 from ever purchasing vapes, if they are able to exploit the Bill and find loopholes.

Before I conclude, I'd like to put my thanks on record to Laura Young ([LessWasteLaura](#)), Gillian McKay MSP, and the hundreds of young people, campaigners and activists who have got us to this point. Their hard work, determination, and sheer passion does not go unnoticed. Together, we will have disposable vapes off our streets!

In conclusion, the journey towards a tobacco-free Scotland is underway, with commendable efforts by stakeholders, including the government and passionate activists like Laura Young and Gillian McKay MSP. The recent statement by Public Health Minister Jenni Minto underscores the gravity of smoking-related issues and the collective desire for a healthier nation. However, scepticism lingers regarding the feasibility of achieving a tobacco-free status within a decade.

While initiatives like media campaigns and improved cessation services are steps in the right direction, challenges persist, particularly concerning youth vaping. The necessity for robust enforcement of existing regulations, coupled with innovative approaches to engage young people, cannot be overstated. Involving youth in policymaking and enhancing educational resources in schools are crucial measures to combat the allure of vaping among minors.

Moreover, the forthcoming legislation must address loopholes, especially concerning online sales, to effectively curb underage vaping. The consultation process involving all four nations is a positive step, yet attention to critical details, such as online regulation, remains imperative for comprehensive tobacco control.

As we acknowledge the pivotal role of the vaping industry and alternatives to disposable vapes, it's paramount to ensure that these measures do not inadvertently fuel youth smoking or circumvent the intended bans. Common sense dictates the need for airtight legislation that anticipates and closes potential loopholes, safeguarding against opportunistic exploitation by the younger generation.

In closing, the collaborative efforts of various stakeholders, including government officials, activists, and concerned citizens, are instrumental in driving progress towards a tobacco-free Scotland. Their dedication and advocacy serve as the cornerstone of change, propelling us closer to the collective goal of ridding our streets of disposable vapes and fostering a healthier future for generations to come.

Annexe D: Additional information provided by SPICe, October 2023

Prevalence of vaping among young people

As the petition briefing notes, [Zero Waste Scotland's June 2023 report](#) estimated that twenty-two percent of under-18s were estimated to be users of e-cigarettes, with fifty-nine percent of those primarily using single-use e-cigarettes. The [technical report](#) accompanying Zero Waste Scotland's publication further explained the datasets used to inform these estimations, and highlighted the difficulties in obtaining data concerning the prevalence of vaping among under-18s in Scotland.

In June 2023, Action on Smoking and Health (ASH) [released a report](#) concerning the use of e-cigarettes among young people in Great Britain. Though this report is not exclusively Scotland-focused, it may offer some helpful context to the Committee. The report detailed the findings of an annual survey conducted by YouGov on behalf of ASH. 2,656 participants were involved in the 2023 survey. The survey found that 14.1% of 16-17 year olds, and 4% of 11-15 year olds, self-reported that they currently used e-cigarettes. 20.5% of children surveyed in 2023 reported that they had tried vaping at least once, an increase from 15.8% of respondents in 2022.

A [systematic review of available evidence concerning youth vaping](#), published in 2022, estimated that 13.3% of young people in the United Kingdom were current users of e-cigarettes.

A [recent SPICe blog post](#) on vaping among children and young people may also be of interest to the Committee.

Health consequences of vaping

Although vaping is considered a lower-risk alternative to cigarette smoking, use of e-cigarettes is not risk-free. As [Cancer Research UK notes](#), the longer-term health impacts of vaping are not yet known, and people who have never smoked cigarettes are therefore advised not to begin vaping. A transition to e-cigarettes may be comparatively beneficial to the health of former cigarette smokers, but for the increasing number of people who begin vaping having never smoked cigarettes, vaping can lead to nicotine dependency. The concentration of nicotine [can vary significantly](#) across e-cigarettes, potentially creating a [higher risk of nicotine dependency](#) compared to smoking cigarettes.

A [2020 systematic review](#) of evidence stated that the use of e-cigarettes is likely to impact upon cardiopulmonary function, based on the changes observed in heart and lung activity following use of e-cigarettes. The review concluded that further research is necessary to understand the longer-term cardiopulmonary effects of vaping. A 2022 [review of available evidence](#) concerning the health impacts of vaping reported a sparse evidence base, and commented on the low quality of some of the research available. The report emphasised the need for further research, particularly regarding the longer-term health impacts of vaping.