

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.