

# Scottish Government submission of 7 December 2023

## PE2066/A: Treat vapes and e-cigarettes like cigarettes and tobacco

1. The Scottish Government's 2023/24 [Programme for Government](#) included a commitment to publish a refreshed Tobacco Action Plan in autumn 2023 and take action to reduce vaping among non-smokers and young people.
2. In line with this commitment, Scottish Government's new [Tobacco and Vaping Framework](#) was published on 22<sup>nd</sup> November 2023. This outlines decisive action to meet our goal of a Tobacco-Free Scotland, lowering smoking rates in our communities to 5% or less by 2034.
3. The first implementation plan under the new framework includes a commitment to progress restrictions on vaping. As part of this, we will continue to progress the outstanding regulations from the 2016 Act that were consulted on in 2022.
4. The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 ("the 2016 Act") created restrictions on purchase and sale of vapes in Scotland, as well as regulation making powers to further restrict the advertising and promotion of NVPs, including restrictions on advertising, brandsharing and sponsorship, free distribution or nominal pricing of NVPs.
4. Our 2022 consultation [on "Tightening Rules on Advertising and Promoting of Vaping Products"](#) proposed restrictions that strike a balance between protecting non-smokers from the potential harms of vaping, whilst providing existing adult smokers with the information they need to make an informed choice on cessation. We are now considering next steps as a priority.
5. The first implementation plan also commits to working with the UK Government and Devolved Government and Administrations on possible further restrictions on vaping products.

6. Scottish Government has also participated in the UK-Wide Consultation on “[Creating a smokefree generation and tackling youth vaping](#)”, which closed on 6<sup>th</sup> December. The consultation included proposals on reducing the appeal and availability of vapes to children, including:

- Restricting the flavours and descriptions
- Regulating point of sale displays in retail outlets
- Regulating packaging and product presentation
- Action on single-use vapes
- Stopping free samples
- Action on affordability, including introducing a new duty on vapes.

7. We will consider responses and will continue to work with the UK Government and other devolved administrations over the development of any potential legislation from this consultation.

**Directorate for Public Health**