

Briefing for the Citizen Participation and Public Petitions Committee on Petition PE2066: Treat Vapes and E-Cigarettes like Cigarettes and Tobacco

Brief overview of the issues raised by the petition

[PE2066](#) calls on the Scottish Parliament to urge the Scottish Government to treat vapes and e-cigarettes the same as tobacco and cigarettes by:

- Banning the brightly coloured packaging and contents, and/or removing these devices from public display so they are only available from behind the customer service counter.
- Preventing “special offers” which promote the sale of multiple units for a cheaper price.

Background Information

Action on Smoking and Health (ASH) has [investigated vaping trends in children \(aged 11-17-years-old\) between 2013-2023](#).

Their research shows a trend towards more children ever trying e-cigarettes (2013 – 3.8%; 2023 – 20.5%). There is a clear age-defined gradient in e-cigarette use as more 16-17-year-olds have ever vaped (34%) compared to 11-15-year-olds (15%).

The magnitude of all harms associated with vaping are unknown. However, [a systematic review of the evidence](#) has linked vaping to nicotine addiction, and acute harms such as throat irritation, seizures, injuries, burns and nausea.

The review also found there is strong evidence that vaping increases combustible smoking uptake in non-smokers, especially in young people. The health harms of smoking are well documented.

There are concerns that these products are [marketed and designed in a way that appeals directly to children](#). The brightly coloured and sweet-flavoured devices, affordable prices, and availability at a number of retailers are thought to facilitate access and uptake in young people, who are now inhaling nicotine through means that are less harsh to the user than cigarettes.

In 2020, [menthol cigarettes were banned in Scotland](#) amid fears that they make the smoking experience less harsh and may facilitate smoking in younger people whilst negating smoking cessation.

The [Tobacco and Vaping Framework](#) sets out to establish a tobacco-free generation by 2034, but the petition highlights the highly addictive substance, nicotine, which is also found in vaping products. [This petition](#) hopes that vaping products will be treated the same as tobacco products under the [Tobacco and Primary Medical Services Scotland \(Act\) 2010](#) – which prohibits the display of tobacco products and requires tobacco products to be kept behind customer service counters.

The [Health \(Tobacco, Nicotine etc. and Care\)\(Scotland\) Act](#) placed restrictions on the marketing, advertising and sale of vaping products. These included a minimum-age (18-years-old) restriction on purchasing nicotine vapour products (NVPs) and the need for retailers to be on the list of tobacco and NVP retailers. The Act also included powers provided to Scottish Ministers over restricting or prohibiting displays and promotions of NVPs, however this power is yet to be exercised.

Scottish Government Actions

The Scottish Government participated in a [UK-wide consultation on tackling youth vaping](#), seeking feedback from the public between 12 October and 6 December 2023. Following this consultation, on 28 January 2024, [the Scottish Government unveiled that it plans to ban single use vapes in Scotland](#).

The Scottish Government also published a refreshed [Tobacco and Vaping Framework](#) in November 2023, committing to an overarching target of Scotland being a tobacco-free nation by 2034.

As part of this framework, [introduced a 'Take Hold' marketing campaign](#) to increase the awareness of the harms and risks of

nicotine addiction associated with vaping, particularly in young people, parents and carers.

Between February and April 2022, the Scottish Government [ran a public consultation](#) on proposed rules that would tighten existing restrictions on advertisements and promotion of vaping products outlined in the [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#). The Scottish Government are [actively considering next steps as a priority](#).

Scottish Parliament Actions

The Citizen Participation and Public Petitions Committee is already considering a petition which calls on the Scottish Parliament to urge the Scottish Government to legislate for a full or partial ban on vapes in Scotland – [PE2033: Introduce a full ban on disposable vapes](#).

Members discussed their concerns surrounding vaping in young people and children at a [Meeting of the Parliament on 31st January 2023](#). The concerns included the upwards trend in youth vaping, the potential health harms, and the targeted marketing towards young people.

[The Health, Social Care and Sport Committee](#) has heard from evidence from ASH Scotland, Public Health Scotland, and academics on their concerns around the upwards trends in youth vaping, including the health hazards and targeted marketing. Following their evidence sessions, the [Committee sent a letter to the Minister for Public Health and Women's Health](#) outlining a need for further information relating to issues such as the rise in youth vaping, lack of data on vaping prevalence, existing and future regulation, and illicit products.

David Collins
Trainee Researcher, SPICe Research
31 January 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware

however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP