

## **CONSULTATION QUESTIONS**

### **Age restriction for e-cigarettes**

**1. Should the minimum age of sale for e-cigarette devices, refills (e-liquids) be set at 18?**

Yes ☐ No ☒

**2. Should age of sale regulations apply to:**

**a. only e-cigarette devices and refills (e-liquids) that contain nicotine or are capable of containing nicotine, or**

**b. all devices / refills (e-liquids) regardless of whether they contain or are capable of containing nicotine?**

a ☒ b ☐

**3. Whom should the offence apply to:**

**a. the retailer selling the e-cigarette**

**b. the young person attempting to purchase the e-cigarette**

**c. both**

a ☐

b ☐

c ☒

**4. Should sales of e -cigarettes devices and refills (e-liquids) from self-service vending machines be banned?**

Yes ☒ No ☐

**5. Should a restriction be in place for other e-cigarette accessories?**

Yes ☐ No ☒

6. If you answered “ yes” to question 5, which products should have restrictions applied to them?

If at age 16 you can, vote, get married, join the army why is this age set at 18?????

**Proxy purchase for e-cigarettes**

7. Should the Scottish Government introduce legislation to make it an offence to proxy purchase e-cigarettes?

Yes ☐ No ☒

**Domestic advertising and promotion of e-cigarettes**

8. Should young people and adult non-smokers be protected from any form of advertising and promotion of e-cigarettes?

Yes ☐ No ☒

9. In addition to the regulations that will be introduced by the Tobacco Products Directive do you believe that the Scottish Government should take further steps to regulate domestic advertising and promotion of e-cigarettes?

Yes ☐ No ☒

10. If you believe that regulations are required, what types of domestic advertising and promotion should be regulated?

- |  |                            |
|--|----------------------------|
| a. Bill boards   | a <input type="checkbox"/> |
| b. Leafleting  | b <input type="checkbox"/> |
| c. Brand-stretching (the process of using an existing brand name for new products or services that may not seem related) | c <input type="checkbox"/> |
| d. Free distribution (marketing a product by giving it away free)  | d <input type="checkbox"/> |
| e. Nominal pricing (marketing a product by selling at a low price)   | e <input type="checkbox"/> |
| f. Point of sale advertising (advertising for products and services at the places where they were bought)                | f <input type="checkbox"/> |
| g. Events sponsorship with a domestic setting  | g <input type="checkbox"/> |

11. If you believe that domestic advertising and promotion should be regulated, what, if any, exemptions should apply?

Comments

**12. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on children and adults (including smokers and non-smokers)?**

*Dr. Gilbert Ross, medical and executive director of the American Council on Science and Health offered a comprehensive report on e-cigarettes, concluding that e-cigarettes are much healthier than tobacco cigarettes according to common sense. He suggested that regulating e-cigs could be a deadly decision for public health*

**13. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on business, including retailers, distributors and manufacturers?**

*Dr. Ted Wagener from the University of Oklahoma Health Sciences Center studied the impact of e-cigarette use on 1,300 college students. He discovered that only one person that first used nicotine in the form of e-cigs went on to start smoking tobacco cigarettes. He concluded that e-cigs were not a gateway to tobacco use.*

#### **Inclusion of electronic cigarettes on the Scottish Tobacco Retailer Register**

**14. Do you agree that retailers selling e-cigarettes and refills should be required to register on the Scottish Tobacco Retailers Register?**

Yes ☐ No ☒

**15. Do you agree that the offences and penalties should reflect those already in place for the Scottish Tobacco Retailers Register?**

Yes ☐ No ☒

**16. If you answered 'no', to question 15, what offences and penalties should be applied?**

Minor fines and 'name and shame'. three strikes and you are out

#### **E-cigarettes – use in enclosed public spaces**

**17. Do you believe that the Scottish Government should take action on the use of e-cigarettes in enclosed public spaces?**

Yes ☐ No ☒

**18. If you answered 'yes' to Question 17, what action do you think the Scottish Government should take and what are your reasons for this?**

**19. If you answered, 'no' to Question 17, please give reasons for your answer.**

Little or no evidence of second hand effects. This product should be encouraged. Leave it up to the owners of establishments

**20. Are you aware of any evidence, relevant to the use of e-cigarettes in enclosed spaces, that you think the Scottish Government should consider?**

*Professor Igor Burstyn of Drexel University School of Public Health studied e-liquids to determine if the chemicals in e-liquid could be dangerous. He refuted all the most widespread health concerns about e-liquids*  
*In a French study, researchers found that e-cig vapor dissipated within 11 seconds on average. In contrast, cigarette smoke lingered for an average of 20 minutes. They concluded that secondhand exposure to e-cig vapor causes no public risk. (Revue des Maladies Respiratoires)*

### **Smoking in cars carrying children aged under 18**

**21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18?**

Yes ☐ No ☐

**22. Do you agree that the offence should only apply to adults aged 18 and over?**

Yes ☐ No ☒

**23. If you answered 'no' to Question 22, to whom should the offence apply?**

If the law is applied it should apply to any age. 5, 10, or 15

**24. Do you agree that Police Scotland should enforce this measure?**

Yes ☐ No ☒

**25. If you answered 'no' to Question 24, who should be responsible for enforcing this measure?**

Local Government

**26. Do you agree that there should be an exemption for vehicles which are also people's homes?**

Yes ☒ No ☐

**27. If you think there are other categories of vehicle which should be exempted, please specify these?**

Temporary homes such as lorry cabs

**28. If you believe that a defence should be permitted, what would a reasonable defence be?**

Terminally ill, very disabled, locked up (mentally or by law). Doctors recommendation.

**Smoke-free (tobacco) NHS grounds**

**29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?**

Yes ☐ No ☒

**30. If you support national legislation to make it an offence to smoke on NHS grounds, where should this apply?**

- a. All NHS grounds (including NHS offices, dentists, GP practices) a ☐
- b. Only hospital grounds b ☐
- c. Only within a designated perimeter around NHS buildings c ☐
- d. Other suggestions, including reasons, in the box below

Comments

**31. If you support national legislation, what exemptions, if any, should apply (for example, grounds of mental health facilities and / or facilities where there are long-stay patients)?**

Comments

**32. If you support national legislation, who should enforce it?**

Not the police. They can hardly manage the workload they have

**33. If you support national legislation, what should the penalty be for non-compliance?**

**34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?**

Moving people on, warnings, On site security enforcement. Signs etc

**Smoke-free (tobacco) children and family areas**

**35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?**

Yes ☒ No ☐

**36. If you answered 'yes' to Question 35, what action do you think is required:**

- a. Further voluntary measures at a local level to increase the number of smoke-free areas a ☒
- b. Introducing national legislation that defines smoke-free areas across Scotland b ☐
- c. That the Scottish Government ensures sufficient local powers to allow decisions at a local level as to what grounds should be smoke-free c ☐
- d. Other actions. Please specify in the box below

Signs, fencing, advertising

**37. If you think action is required to make children's outdoor areas tobacco-free, what outdoor areas should that apply to?**

Mark areas within larger parkland. You may put off parents taking their children out altogether, if they are smokers

**Age verification policy 'Challenge 25' for the sale of tobacco and electronic cigarettes**

**38. Do you agree that retailers selling e-cigarettes, refills and tobacco should be required by law to challenge the age of anyone they believe to be under the age of 25?**

Yes ☐ No ☒

**39. Do you agree that the penalties should be the same as those which are already in place for selling tobacco to someone under the age of 18?**

Yes ☐ No ☒

**Unauthorised sales by under 18 year olds for tobacco and electronic cigarettes**

**40. Do you agree that young people under the age of 18 should be prohibited from selling tobacco and non-medical e-cigarettes and refills unless authorised by an adult?**

Yes ☐ No ☒

**41. Who should be able to authorise an under 18 year old to make the sale, for example, the person who has registered the premises, manager or another adult working in the store?**

Make the age 16 then the above problem will go away

**42. Do you agree with the anticipated offence, in regard to:**

**a. the penalty**

a ☐

**b. the enforcement arrangements**

b ☐

**Equality Considerations**

**43. What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation)?**

Disability and older age (infirmary) could mount a challenge (accessibility)

**44. If the proposed measures are likely to have a substantial negative implication for equality, how might this be minimised or avoided?**

Common sense

**45. Do you have any other comments on or suggestions relevant to the proposals in regard to equality considerations?**

Make Scotland 'tobacco free' encourage e-cigs. I know, extreme, but forward thinking

### **Business and Regulatory Impacts Considerations**

**46. What is your assessment of the likely financial implications, or other impacts (if any), of the introduction of each of these proposals on you or your organisation?**

May stifle the small business community that has grown up around this product also too much regulation could have a detrimental effect on the health benefits I have already experienced in the last 1.5 years

**47. What (if any) other significant financial implications are likely to arise?**

Reduce innovation and the chance to have a product that may get rid of tobacco smoking for good.

**48. What lead-in time should be allowed prior to implementation of these measures and how should the public be informed?**

Comments

**49. Do you have any other comments on or suggestions relevant to the proposals in regard to business and regulatory impacts?**

Read all the research into e-cigs and then try and say that they would not benefit the Scottish population especially the poor. Then stop the giant pharmaceutical and tobacco companies jumping onto the band wagon only to make more profits at people's health and financial expense

NHS Scotland should be trying to encourage people away from smoking heavy handedness re ecigs will only discourage users. Leicester NHS are trying to encourage use. Talk to [Louise.Ross@leicspart.nhs.uk](mailto:Louise.Ross@leicspart.nhs.uk)



As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), Scotland has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

I have no links at all with the tobacco industry. As an e-cig user I have my health as a vested interest in these products and to be honest I have saved a fortune by not buying tobacco.

**Talk to Louise Ross (the Stop Smoking Service Manager) she has researched this as an option for her smokers.**

Louise Ross from Leicestershire Stop Smoking Services Offers ecigs as part of the service. Why not drop her a line [Louise.Ross@leicspart.nhs.uk](mailto:Louise.Ross@leicspart.nhs.uk)