

**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**

a ☐

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

b ☐

**c. both**

c ☒

**4. SHOULD SALES OF E-CIGARETTES DEVICES AND REFILLS (E-LIQUIDS) FROM SELF-SERVICE VENDING MACHINES BE BANNED?**

Yes ☒ No ☐

**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 ☒

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

#### 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 ☐

#### 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?**

Until there is sufficient evidence to fully understand the impact of e-cigarettes the current smoke-free legislation should be amended to include e-cigarettes. Treating e-cigarettes and tobacco products the same would eliminate any confusion to users of the products.

#### 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 ☐

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

Yes ☒ No ☐

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

Yes ☒ No ☐

#### 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

Comments

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

Areas that are designated locally as children sports or play areas.

**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-medicinal 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?

Anyone over 18 who has received the appropriate training.

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

- a. the penalty a ☒
- b. the enforcement arrangements b ☒