

## **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?**

Comments

**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?**

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

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

Do not allow sports team sponsorship. Prevent advertising / promotion at sports grounds.

**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)?**

Mainstream, 'Big Tobacco' companies seem to be buying e-cigarette firms. That would be evidence enough that their financial power is attempting to subvert this new product suite and a potential new market. This will be to the overall detriment of the general population – and should be stopped or severely curtailed.

**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?**

Comments

**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?**

Comments

**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?**

e-Cigarettes should be treated exactly as if they were any other tobacco product.

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

Comments

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

The evidence of personal experience leading to environmental degradation.

**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?**

All ages should be enjoined to not 'smoke' in confined spaces, including cars.

**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?**

Comments

**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?**

All wheeled vehicles should have a similar ban, with no exemptions.

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

Comments

**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 <input checked="" type="checkbox"/> |
| b. Only hospital grounds   | b <input type="checkbox"/>            |
| c. Only within a designated perimeter around NHS buildings         | c <input type="checkbox"/>            |
| 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)?**

Addiction, whether chemical or nervous to smoking, should not be permitted.

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

Comments

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

Comments

**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?**

Comments

**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?**

Clearly designated children's play areas. Any outdoor event where children are the main, target audience then no-smoking of any kind should apply to every attendee.

**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?**

The premises manager / owner.

**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)?**

The only deviation from the above regulations should be doctors prescriptions.

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

The 'equality' issue is not strong enough to over-ride the equality of

nuisance, disturbance and threat to the general population.

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

There should be an overall objective applying equally to all the population to cease the manufacture, sale and use of all types of smoking materials.

**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?**

There is no financial implication too high - the objective should be to cease the manufacture, sale and use of all types of smoking materials.

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

The objective should be to cease the manufacture, sale and use of all types of smoking materials and financial implications should be accepted and absorbed.

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

Government publicity seems very well able to permeate the media so as to reach virtually all the population.

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

Why is this question asked? Other impacts arising from government objectives or regulations are in force and accepted. This would be just one more and would differ only by being of benefit to the general population – that is the same population who make up the business community, who purchase from the business community, who invest in the business community, whose government assists the business community and who look to government to institute regulations which will generally aid the whole population.

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.

If this includes breathing in the results of tobacco industry product usage then, yes, I have indirect links all too often.