

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?

- | | |
|--|----------------------------|
| a. Bill boards | a <input type="checkbox"/> |
| b. Leafletting | 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)?

Advertising should be allowed, not yet more regulation as it is has been proven that e cigarettes do not encourage smoking amongst children or adults but instead help reduce the smoking of tobacco products

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?

There has been quite enough regulation on smoking and it has proved to have been total useless. Cigarettes are still being sold and smoked. the impact of the smoking ban on the licence trade has been disastrous forcing hundreds of pubs and clubs to close and thousands of jobs lost. The banning of safe and non addictive e cigarettes and treating those who use them the same way as a smoker ..ie like lepers would only further impact on an industry in crisis and further alienate the government from a large proportion of their electorate.

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?

Why should there be penalties if there is no tobacco being used ..if an age limit has to be set then by all means make it 16 not 18 after all you can vote when you are 16, you can have children at 16 , you should be able to decide if vaping on a safe and harmless e cigarette is for you or not

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?

Comments

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

Ridiculous and smacks of big brother interference here ..e cigarettes are no more harmful than inhaling the steam from a coffee cup ..enough is enough ..the health quangos seem to be on a power mad crusade here what will they ban next ? the sooking of a lollypop? The chewing of a pen? What I find confusing is that if as they claim they are wanting to improve the health of a nation and reduce the numbers of smokers and the harm that smoking cigarettes has on the individual and arguably those affected second hand smoke why are they so virulently opposed to the totally harmless alternative and helpful (to the smoker who is trying to quit) –E cigarette's...It is total nonsense..equally where is the independent evidence that smoking E cigarettes encourages the smoking of tobacco .. there is none!

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?

As I said above there is no evidence to support the ridiculous claims that e cigarettes are harmful in enclosed places ..Should smoke machines and dry ice also be banned, should the steam from a kettle also be outlawed as arguably they are as harmful as e cigs..in fact I would say that smoke machines and dry ice are more dangerous as when they are in use the public cannot see!

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 a law has to be put in place ..then in my view you are an adult not a child once you become 16 so you should be allowed to smoke in your own vehicle when carrying those above that age ..But again this is another ridiculous and ineffective attack on the smoker which will do next to nothing in real terms when taking the nations health...it will be expensive and almost unenforceable...surely there are bigger crimes the police should be trying to solve ..equally if government were so serious on reducing the harm of smoking tobacco why don't they just completely ban the making and selling of them ..Well we know why ? Because of the amount they rake in on tax ..Billions!

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?

No-one there should not be a law put in place as the amount of people doing it are so few and not worth the costs ..equally as I have said the police should be doing something more constructive with their time rather than chase someone for having a fly wee puff!

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 vehicles should be exempt

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

The government allow the sale of cigarettes ..

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

Yet more ineffective infringements on parts of the electorate...banning smoking in a unenclosed area ..a car park ect is a step to far

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?

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**

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

Comments

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?

adult

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)?

Comments

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

Equality should also be a consideration given to those who smoke or vape and it seems that you have a complete and utter contempt for those who do, the same could also be said for the leisure and entertainment industries which has been decimated in recent years

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

Comments

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?

The leisure and entertainment industries will be further hit by the introduction of these erroneous laws. Even more people will decide it is too much hassle to go out and stay in drinking and smoking until the day comes when big bro decides to target them ..

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

treating the vaper of e cigarettes in the same way as a smoker of tobacco

will make them wonder why they should bother giving up tobacco , especially if they are thrown out into the cold as smokers are , so they will probably in huge numbers decide as I have said not bother going out as much ..this will of course have a financial impact

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

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

Comments

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.

none