

Citizen Participation and Public Petitions Committee  
Wednesday 17 April 2024  
6th Meeting, 2024 (Session 6)

## PE2066: Treat vapes and e cigarettes like cigarettes and tobacco

### Introduction

**Petitioner** Lewis McMartin

**Petition summary** Calling 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.

**Webpage** <https://petitions.parliament.scot/petitions/PE2066>

1. This is a new petition that was lodged on 9 November 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 55 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. Members will be aware that the [Minister for Public Health and Women's Health provided a statement on working towards a tobacco-free Scotland by 2034 and tackling youth vaping](#) to the Parliament on 26 March 2024. During the statement, the Minister referred to the [Tobacco and Vapes Bill being considered by the UK Parliament](#).
7. Members may also wish to note that the [draft regulations to ban the sale and supply of disposable vapes](#) were published in February 2024, with a ban expected to come into force on 1 April 2025.

8. Members will also be aware from their consideration of the related petition PE2033: Introduce a full ban on disposable vapes, that [the Health, Social Care and Sport Committee heard evidence on the public health impact of vaping at its meeting on 14 November 2023](#).

## **Action**

9. The Committee is invited to consider what action it wishes to take on this petition.

**Clerks to the Committee**  
**April 2024**

## **Annexe A: Summary of petition**

### **PE2066: Treat vapes and e-cigarettes like cigarettes and tobacco**

#### **Petitioner**

Lewis McMartin

#### **Date Lodged**

9 November 2023

#### **Petition summary**

Calling 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.

#### **Previous action**

I previously contacted the Scottish Government and received correspondence the Healthy Living Unit, which acknowledged that vapes and e-cigarettes contain highly addictive nicotine.

#### **Background information**

In 2010, legislation was passed to prohibit the display of tobacco and smoking related products, and to protect children from eye-catching, colourful displays. This ban came into full effect in April 2015.

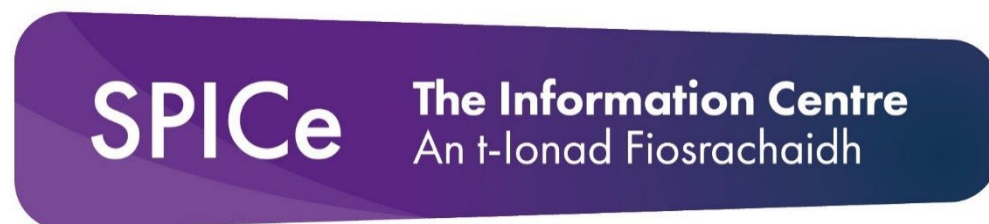
In 2020, the sale of menthol cigarettes was banned in the UK to prevent young people from smoking as it was shown that the menthol flavour masked the harshness of the smoke.

The 2018 Tobacco Action Plan aims to create a tobacco free generation by 2034, but what about the highly addictive nicotine?

The Scottish Government ran a consultation in 2022 seeking views on tightening the rules on advertising and promoting vaping products.

If vapes and e-cigarettes are to be sold as a cessation tool, then make them tobacco flavoured as opposed to every colour and flavour of a sweet shop. These devices are displayed on brightly lit billboards at shop entrances, all over shop floors, and often with promotional prices encouraging multiple unit sales.

## Annexe B: SPICe briefing on petition PE2066



[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 31<sup>st</sup> 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

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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](mailto: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.

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## Annexe C: Written submission

### Scottish Government submission of 7 December 2023

#### PE2066/A: Treat vapes and e-cigarettes like cigarettes and tobacco

1. The Scottish Government's 2023/24 [Programme for Government](#) included a commitment to publish a refreshed Tobacco Action Plan in autumn 2023 and take action to reduce vaping among non-smokers and young people.
2. In line with this commitment, Scottish Government's new [Tobacco and Vaping Framework](#) was published on 22<sup>nd</sup> November 2023. This outlines decisive action to meet our goal of a Tobacco-Free Scotland, lowering smoking rates in our communities to 5% or less by 2034.
3. The first implementation plan under the new framework includes a commitment to progress restrictions on vaping. As part of this, we will continue to progress the outstanding regulations from the 2016 Act that were consulted on in 2022.
4. The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 ("the 2016 Act") created restrictions on purchase and sale of vapes in Scotland, as well as regulation making powers to further restrict the advertising and promotion of NVPs, including restrictions on advertising, brandsharing and sponsorship, free distribution or nominal pricing of NVPs.
5. Our 2022 consultation [on "Tightening Rules on Advertising and Promoting of Vaping Products"](#) proposed restrictions that strike a balance between protecting non-smokers from the potential harms of vaping, whilst providing existing adult smokers with the information they need to make an informed choice on cessation. We are now considering next steps as a priority.
6. The first implementation plan also commits to working with the UK Government and Devolved Government and Administrations on possible further restrictions on vaping products.
7. Scottish Government has also participated in the UK-Wide Consultation on ["Creating a smokefree generation and tackling youth vaping"](#), which closed on 6<sup>th</sup> December. The consultation included proposals on reducing the appeal and availability of vapes to children, including:
  - Restricting the flavours and descriptions
  - Regulating point of sale displays in retail outlets
  - Regulating packaging and product presentation
  - Action on single-use vapes
  - Stopping free samples
  - Action on affordability, including introducing a new duty on vapes.
8. We will consider responses and will continue to work with the UK Government and other devolved administrations over the development of any potential legislation from this consultation.