Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

British Heart Foundation Scotland

British Heart Foundation (BHF) Scotland is the nation's heart charity. In the fight for every heartbeat, we fund ground-breaking medical research, provide support and care to people living with cardiovascular disease and advocate for change.

BHF Scotland would like to thank the Scottish Parliament's Health and Sport Committee for the opportunity to respond to this call for evidence. In summary, these are our observations and recommendations in relation to the consultation:

- BHF Scotland supports the proposal to set the age-limit for sale of e-cigarettes to over 18’s only.
- BHF Scotland agrees with the proposal to make it an offence to supply a young person under the age of 18 with an e-cigarette.
- BHF Scotland does not support the proposal to require retailers who sell e-cigarettes to register on the Scottish Tobacco Retailers Register.
- BHF Scotland supports the moves to ban smoking around NHS facilities.

BHF Scotland fully supports the Scottish Government’s efforts to strengthen tobacco control in Scotland and work towards a smoke-free Scotland by 2034.

1 Do you support the Bill’s provisions in relation to NVPs?

We believe that the proposed age restrictions and adoption of age verification policies by vendors are sensible and proportionate responses to regulating the non-medicinal market in nicotine delivery products.

We believe legislation regarding e-cigarettes and all other refills and paraphernalia should be brought in line with current legislation banning the use of vending machines for the sale of tobacco products.

BHF Scotland campaigned to ban tobacco dispensing vending machines as there is no way of regulating the age of people who purchase from them and we believe the same rationale should apply to e-cigarettes.

We believe that the protection of those under 18 is important and timely. We therefore support the prohibition of proxy purchase of NVPs for under 18’s, the extension of the current banning order regime, and also the requirement for the authorisation of sale of both tobacco and NVPs by those under 18.

BHF Scotland does not believe that retailers selling e-cigarettes should be required to
register on the STRR. The STRR is intended for products which contain tobacco, which e-cigarettes do not. We feel that including e-cigarettes in STRR would be confusing and unhelpful.

BHF Scotland believes that the Scottish Government should exercise any powers available to protect the public at large from advertising of e-cigarettes and similar products. At present legislation does not sufficiently protect the public from advertising which has become increasingly sophisticated and suggestive and we would support any efforts to bring advertising restrictions in line with that of tobacco.

2 Do you support the proposal to ban smoking in hospital grounds?

BHF Scotland supports the proposal to make it an offence to smoke or allow smoking on NHS Grounds.

BHF Scotland however does not have a position on the definition of ‘grounds’ and would encourage the Scottish Government, NHS and partners to produce a reasonable and workable definition of grounds understanding the diverse nature of NHS properties across Scotland.

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