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

Colin Robertson

NVPs and smoking in hospital grounds

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

Firstly, the heading speaks of “smoking in hospital grounds”, that has nothing to do with nicotine vapour. These devices do not produce smoke of any kind, they produce a vapour that is created in a similar way to fog machines, used at concerts and events.

I do support many of the issues raised, such as the restriction of the sale of products to under 18s, prohibition of sales via vending machines etc. but the particular passage:

“implement an age verification policy for the sale of NVPs and ban staff under the age of 18 from selling tobacco and NVPs”

Again, this seems to try and link NVPs with tobacco, and smoking. Let me be clear in the assertion that the use of NVPs is not smoking.

The final part of the Bill plans to make it an offence to SMOKE in parts of hospital grounds. As it is already an offence to SMOKE in parts of hospital grounds, then this part of the Bill is redundant.

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

Yes! Smoke is harmful and full of chemicals, it can enter vents and can cause adverse effects in the health of non-smokers who are subject to second hand smoke. However, Vapour is a different matter. Many studies have shown that the vapour produced by these devices poses no risk to those breathing “second hand vapour” and some studies suggest that the vapour produced is actually CLEANER than the polluted air by the side of most roads. So, to make myself clear, I do not support making it an offence to use NVPs in hospital grounds. These devices provide a safer alternative to smoking, that does not harm anyone around the user.

3. Is there anything you would add/remove/change in the Bill with regards to NVPs or smoking in hospital grounds?

It needs to be clarified that NVPs and “vaping” are completely separate from tobacco and smoking.

There are now around 2.1million “vapers” in the UK and many more people will switch from smoking to vaping in the coming year. Vaping is genuinely saving lives, and by trying to legislate against it, the Scottish Government is doing its own population a disservice.
Our Health system deals with such a huge amount of smoking related issues every year, that to restrict the use of devices that stop people smoking seems like lunacy.

There have been many negative media stories about the safety of electronic cigarettes and the dangers of children taking up vaping. The Scottish Government should look beyond the headlines and look at the companies that seek to gain from the restriction of NVP use and sale, big pharmaceutical companies and the tobacco companies are keen to see Governments pass legislation that will help demonise the use of these devices.

This Bill should be thoroughly rethought with regards to the banning of the use of NVPs in hospital grounds, and before further legislation is passed on the use and regulation of NVPs the Government should carry out some fact finding and learn about the products, retailers, community, and benefits associated with vaping, instead of the money driven media slandering of a potentially world changing, smoking alternative.

**Duty of candour and wilful neglect**

4. Do you support the proposed duty of candour?

Yes.

5. Do you support the proposal to make wilful neglect or ill-treatment of patients a criminal offence?

I agree in principle, but our NHS staff must be protected from being wrongly accused of committing an offence.

6. Is there anything you would add/remove/change in the Bill with regards to these provisions?

No.

As you may assume, I have written this response in order to highlight the dangers of legislating against electronic cigarettes instead of embracing the health benefits that these devices are delivering on a daily basis across Scotland. If the Government is serious about looking after the health of our population and reducing the stress on our NHS created by smoking related diseases, then it has to start looking at the potential of these devices, rather than classifying them as a tobacco product and specifically remove the right of hospital patients to use these alternative devices in a smoke free environment, by forcing them to breath second hand smoke in smoking areas in order to use their anti-smoking alternative. It makes no sense to me.

**Colin Robertson**