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

NHS Tayside

**NVPs and smoking in hospital grounds**

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

The Bill makes the following provisions for the sale and purchase of tobacco and nicotine vapour products:

- **Sale and purchase of tobacco and nicotine vapour products**
  - Sale of nicotine vapour products to persons under 18
  - Age verification policy
  - Sale by persons under 18
  - Defence of due diligence for certain offences
  - Purchase of nicotine vapour products on behalf of persons under 18
  - Extension of vending machine prohibition

- **Register of tobacco and nicotine vapour product retailers**
  - Register of tobacco and nicotine vapour product retailers
  - Registration and changes to the Register
  - Tobacco and nicotine vapour product banning orders
  - Offences relating to the Register
  - Public inspection of the Register
  - Power to exclude certain premises
  - Presumption as to contents of container
  - Part 1 of the 2010 Act: miscellaneous
  - Advertising and brandsharing
  - Free distribution and nominal pricing
  - Sponsorship

We support the introduction of the provisions as set out in this section of the Bill. The provisions support the requirements of the WHO Framework on Tobacco Control.

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

- **Smoking outside hospitals**

We support the introduction of the provisions set out in this section of the Bill. We support the proposal to ban smoking of tobacco products in hospital grounds, but ask that Boards have the opportunity to create specified areas for the use of nicotine vapour products, if this requirement is included within the local tobacco control policy. We do not support exemptions given to premises used for mental health services, or to exemptions given to long-stay premises.
Is there anything you would add/remove/change in the Bill with regards to NVPs or smoking in hospital grounds?

In terms of assisting the Health Board in securing the best health for the communities within the area that they serve, we would propose an additional provision, that the Health Board, in consultation with the local Authority, should be able to set out a proposal as to the number of tobacco and nicotine vapour product retailers that should be enabled to carry out their business within a defined area. We would propose that when this number was exceeded, that no new registered retailers would be able to establish a new business, until such a time as the number of retailers in a designated area decreased below the defined number.

In terms of assisting Health Boards to comply with the spirit of the legislation and manage the day-to-day operation of the legislation, we would request that Boards are given the duty of defining the extent and boundaries of the non-smoking areas that surround hospitals, and that such boundaries should be clearly designated. We further request that Boards have the opportunity to create specified areas for the use of nicotine vapour products, if this requirement is included within the local tobacco control policy. Funding to support additional or amended signage should be designated through the appropriate Effective Prevention Bundle allocation letter.

NHS Tayside