

Ministear airson Slàinte Phoblach is Slàinte Bhoireannach
Jenni Minto BPA

Minister for Public Health and Women's Health
Jenni Minto MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Clare Haughey MSP
Convener
Health, Social Care and Sport Committee
The Scottish Parliament

hscs.committee@parliament.scot

20 March 2024

Dear Clare,

Smoke Free Generation - UK-wide Bill

On the 29 January 2024 a response to the 4-nation consultation on a Smoke Free Generation was published. As the committee will be aware the response included proposals to tackle smoking across the UK and the growing issue of children and young people vaping, including the environmental impact of single-use vapes.

The consultation covered the following broad themes:

- Creating a smokefree generation;
- Tackling youth vaping; and
- Enforcement.

The response set out that the UK Government and Devolved Governments would work to bring forward legislation on these issues.

I am now writing to inform you that a UK-wide Bill has been introduced to the UK Parliament which will change the age of sale for all tobacco products, cigarette papers and herbal smoking products so that anyone born on or after 1 January 2009 will never legally be sold tobacco products, alongside prohibiting proxy sales.

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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I will inform the Scottish Parliament about the Tobacco and Vapes Bill, as it relates to Scotland, through a statement and there will be an opportunity for MSPs to ask questions.

The Bill will amend our current legislation, to remove existing provisions which make it an offence for a person under 18 to purchase tobacco products – a step that key stakeholders have been requesting for some time. This will ensure that, in line with the rest of the UK, no one is criminalised for their addiction to nicotine. Critically, however, it will remain an offence to sell these products to persons below the age of sale, and retailers will still be required to operate an age verification policy.

The Bill also introduces powers for the Scottish Ministers to make provision about tobacco warning notices, to regulate retail displays of vapes and other nicotine products and to extend existing provisions applicable to vapes so they will apply to other nicotine products, such as nicotine pouches.

It introduces powers for the Secretary of State to make UK-wide regulations, with consent from the Scottish Ministers, regarding the flavours, contents, retail packaging and other product requirements of vapes.

As the Bill makes provision which would be within the competence of the Scottish Parliament, the legislative consent of the Scottish Parliament is needed for provisions which relate to devolved matters. We will therefore shortly be bringing forward a Legislative Consent Motion for consideration by this Parliament.

The results of the UK-wide consultation also showed overwhelming support for a ban on the sale and supply of disposable vapes in Scotland. We are legislating separately in Scotland in order to enact a ban, with separate regulations required to be made in England, Wales and Northern Ireland to effect a UK-wide ban.

As you will be aware the Circular Economy Minister published draft regulations on 23 January 2024, and these were out for consultation until 8 March 2024. Officials are now working to analyse responses to the consultation. The ban is proposed to come into force on 1 April 2025.

I continue to work closely with Ms Slater to ensure that any potential health impacts of a ban on disposable vapes are carefully considered. Refillable, reusable vapes will remain available, alongside other tools for smoking cessation, including nicotine patches and medication.

The Scottish Government continues to work collaboratively with the UK Government, Welsh Government and the Northern Ireland Executive to ensure as far as possible that measures are implemented in a consistent manner across the UK.

Our world-leading measures to increase the age of sale of tobacco are designed to protect future generations and create a Tobacco Free Scotland by 2034. Nicotine addiction is most

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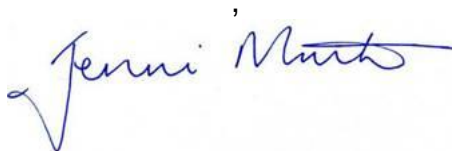


often started in childhood and we must do all we can to prevent nicotine addiction taking hold. We are stopping the start – it's much easier to never start smoking tobacco or vaping than it is to give it up.

These measures are central to our Tobacco and Vaping Framework and represent an opportunity to make a real significant generational impact on the future health of Scotland.

I look forward to continuing to work with the Health, Social Care and Sport Committee and Scottish Parliament to achieve our ambition of a Tobacco Free Scotland by 2034.

Yours sincerely



Jenni Minto MSP

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