

To: see attached annex

9 January 2025

Dear colleague

Legislative Consent Memorandum for the Tobacco and Vapes Bill

The Health and Social Care Committee is currently scrutinising the **Legislative Consent Memorandum for the Tobacco and Vapes Bill**, laid by the Welsh Government. To inform our deliberations, we would welcome your response to the matters set out in the annex to this letter.

It would be helpful to receive your response no later than **Friday 24 January 2025**. We appreciate that this is a very tight timescale but this is unfortunately unavoidable if we are to be able to consider your views and report in line with the reporting deadline of 21 February, set by the Senedd's Business Committee.

Yours sincerely



Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Annex 1

To inform the Health and Social Care Committee's scrutiny of the Legislative Consent Memorandum ("the LCM") on the Tobacco and Vapes Bill ("the Bill"), we would welcome your views on the matters listed below.

Overall views

1. Your overall views on the policy objectives of the Bill to introduce measures to stop people from ever starting smoking and becoming addicted to tobacco products, as well as introducing measures to reduce youth vaping.
2. Do you think the legislation sufficiently protects young people from vaping while supporting smokers to quit?

Impact on areas of devolved competence

3. Do you support the principle of Westminster legislating in areas that are devolved to the Welsh Government?
4. How does the Bill align with the goals set out in *A Smoke-Free Wales* and the Welsh Government's public health priorities? Does it adequately respect the devolved nature of public health policy?
5. Do you think there are areas where greater collaboration with other UK nations is necessary, and/or should Wales consider developing additional, specific measures? (e.g; to consider inequalities in smoking rates across different demographics in Wales, including socio-economic and regional disparities?)

Tobacco

6. Your views on proposals to:
 - a) make it an offence to sell tobacco products, herbal smoking products and cigarette papers to anyone born on or after 1 January 2009;
 - b) make it an offence for a person aged 18 or over to buy, or attempt to buy tobacco products, herbal smoking products and cigarette papers for someone who was born on or after 1 January 2009;

Vaping and other nicotine products

7. Your views on proposals to:

- a) ban vaping products and nicotine products from being sold to under 18s
 - b) ban advertising, promotion and sponsorship agreements for vapes and nicotine products;
 - c) provide regulation-making powers to regulate the flavours, packaging, and other product standards of vapes and nicotine products;
 - d) provide powers to regulate the display of vapes and nicotine products, empty retail packaging and their prices;
 - e) ban the presence of vape and nicotine product vending machines;
 - f) introduce powers to introduce a new and more robust registration scheme for all vapes and nicotine products. This scheme would also cover tobacco products and non-nicotine vapes;
 - g) introduce powers to extend smoke-free laws so that they could also prohibit the use of vapes and heated tobacco products in specified areas where smoking is prohibited.
8. Are the proposed restrictions on advertising, packaging, and flavours sufficient to prevent uptake among young people while maintaining access for smokers using vapes for harm reduction?

Enforcement

9. Your views on proposals to provide enforcement authorities with the power to issue Fixed Penalty Notices of £200 for the underage sale, proxy sale, and free distribution of cigarette papers and tobacco, herbal smoking, vaping and nicotine products, breaches of age of sale notice restrictions and display restrictions, and FPNs of £2,500 for offences in connection with licensing.
10. What potential challenges do you foresee for the enforcement of these regulations in Wales?

How to share your views

Please email your response to seneddhealth@senedd.wales by no later than Friday 24 January 2025.

The Senedd has two official languages, Welsh and English.

In line with the [Senedd's Official Languages Scheme](#) the Committee requests that documents or written responses to consultations intended for publication or use in Senedd proceedings are submitted bilingually. When documents or written responses are not submitted bilingually, we will publish in the language submitted, stating that it has been received in that language only.

We expect other organisations to implement their own standards or schemes and to comply with their statutory obligation.

Please see **guidance for those providing evidence for committees**.

Please ensure that you have considered the Senedd's **policy on disclosure of information** before submitting information to the Committee.

Annex 2

List of consultees

Ash Cymru
Cancer Research UK
Macmillan Cancer Support
Tenovus Cancer Care
Asthma & Lung UK Cymru
British Heart Foundation
Public Health Wales
Welsh Local Government Association
Welsh NHS Confederation
British Medical Association
British Dental Association
Royal College of GPs
Royal College of Nursing
Royal College of Paediatrics and Child Health
Royal Pharmaceutical Society
Royal College of Physicians
Royal College of Surgeons
NHS Trusts and Local Health Boards
Children's Commissioner for Wales
Federation of Small Businesses
Federation of Independent Retailers
Association of Convenience Stores
National Federation of Retail Newsagents
Trading Standards Wales
Chartered Institute of Environmental Health
Directors of Public Protection Wales
UK Vaping Industry Association
Independent British Vape Trade Association
Philip Morris International