

## **Tobacco and Nicotine Vaping Products - Update noted.**

**2** With reference to the minutes of 12th March 2024 (Print 7, page 63) noting an update on the sale of Nicotine Vaping Products (NVPs), there was submitted and noted a report by the Executive Director of Neighbourhoods, Regeneration and Sustainability providing a further update on the work carried out by Trading Standards Service (TS), advising

- (1) of the recent developments, the associated work undertaken by TS and HM Revenue and Customs (HMRC), and of the amended legislation that allowed TS to refer illegal tobacco seizures to HMRC to consider the imposition of a civil penalty (a Sanction);
- (2) that in Scotland it was illegal for shops to sell NVPs (known as vapes) to anyone under 18 years of age it and was also illegal to buy vapes for someone under 18 years of age and of the non-compliant products and enforcement activities of the seizure of vapes and e-cigarettes regulated by the Medicines and Healthcare product Regulatory Agency, which were banned;
- (3) that the Council had a duty under Section 26(1) of the Tobacco and Primary Medical Services (Scotland) Act 2010 in terms of age restrictions and had carried out a programme of enforcement actions that included test purchasing in respect of tobacco and of the enforcement activities undertaken by TS in relation to cigarettes and NVPs;
- (4) that the Scottish Government had passed regulations to ban single-use vapes that would no longer be stocked or sold in Scotland under new legislation which came into force on 1st June 2025, namely The Environment Protection (Single-Use Vapes) (Scotland) Regulations 2024;
- (5) that the UK-wide ban had been introduced to prevent the environmental damage disposable vapes caused and to address health concerns associated with vaping as Scotland moved towards a tobacco-free generation by 2034 (The Tobacco and Vaping Framework: Roadmap to 2034); and
- (6) of the several enforcement options available to officers upon single-use vapes being found for sale and of the future developments that included the Tobacco and Vapes Bill currently at the House of Lords, that included a provision prohibiting the sale of tobacco to people born on or after 1st January 2009, and of the main proposals that would be relevant to Scotland, as detailed in the report.