



Department  
of Health

## Consultation questions about the proposed regulations and assessment of impact on business

1. Do you have any comments regarding the definition of nicotine inhaling products proposed in the regulations?

The Royal College of Physicians of Edinburgh ("the College") agrees that all devices capable of delivering nicotine should come under the regulations.

The College also has concerns about those devices currently available which do not deliver nicotine but do deliver a variety of flavoured liquids. These devices could be very attractive to under 18's and there is currently little evidence on whether or not this could lead on to nicotine use either in e-cigs or real cigarettes in due course.

In view of the lack of knowledge and evidence about the effects of vaping even with non-nicotine solutions, there is a case for reviewing the sale of these devices in addition to nicotine inhaling products. A paper published by the American Industrial Hygiene Association "White paper; Electronic Cigarettes in the Indoor Environment" ([https://www.aiha.org/government-affairs/Documents/Electronic%20Cig%20Document\\_Final.pdf](https://www.aiha.org/government-affairs/Documents/Electronic%20Cig%20Document_Final.pdf)) highlights a number of concerns, including the lack of regulation and quality control of the devices; chemical exposures to bystanders, and the lack of good evidence about exposure to many of the flavourings etc.

2. Do you have any comments regarding the proposals for nicotine inhaling products that are medicines or medical devices?

The College supports the exemption of nicotine products that are medicines or medical devices.

3. Do you have any comments regarding the enforcement arrangements proposed in the regulations, or any views or evidence on enforcement costs?

The College has no specific comments on this issue.

4. Do you have any comments on the proposal to extend the current proxy purchase offence for tobacco to cover nicotine inhaling products?

The College supports the extension of the proxy purchase offence.

5. Do you have any additional evidence on the use of e-cigarettes by under 18s as a gateway in or out of smoking? For example, how a minimum age of sale for e-cigarettes would impact on current users aged under 18?

The College has no specific comments on this issue as there is very little evidence available on this subject.

6. Do you have any additional evidence that restricting the sale of nicotine inhaling products would contribute to reducing health inequalities and/or help us fulfil our duties under the Equality Act 2010?

The College has no specific comments on this issue.

7. Do you have any information or evidence that would inform the consultation-stage impact assessment? We particularly welcome any evidence or information which would improve any of the assumptions or estimates we have made in terms of the impact on retailers, manufacturers and distributors, including our assessment of any loss of profits.

The College has no specific comments on this issue.

8. Do you have any information or evidence that would improve any of the assumptions we have made in terms of the impact of these proposed regulations on small and micro businesses?

The College has no specific comments on this issue.

9. Is there anything else you wish to tell us that you think would improve the draft regulations?

The College has no specific comments on this issue.

Please email your response to:

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