



REGULATIONS RESTRICTING THE AGE OF SALE FOR NICOTINE INHALING PRODUCTS TO OVER EIGHTEENS

Consultation Response Questionnaire

September 2017

CONSULTATION RESPONSE QUESTIONNAIRE

You can respond to the consultation document by e-mail or in writing.

Before you submit your response, please read **Appendix 1** at the end of this questionnaire, regarding the Freedom of Information Act 2000 and the confidentiality of responses to public consultation exercises.

Responses should be sent to:

By e-mail: phdconsultation@health-ni.gov.uk

In writing: Population Health Directorate Administration Team
Department of Health
Room C4.22
Castle Buildings
Belfast
BT4 3SQ

**RESPONSES CANNOT BE CONSIDERED AFTER 5.00PM ON FRIDAY 27
OCTOBER 2017**

I am responding: as an individual ☐ on behalf of an organisation ☒
(please tick a box)

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Q1. Do you have any comments regarding the definition of nicotine inhaling products proposed in the draft regulations?

Yes ☒ No ☐

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/PositionStatements/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.

The College signed a [consensus statement](#) clarifying perceptions about the harms and benefits of using e-cigarettes supporting the current evidence that vaping e-cigarettes is less harmful than smoking tobacco, however the purpose for public health and health service purposes is only as a potential route towards stopping smoking. Access to e-cigarettes must be controlled carefully and there remains much that we do not know.

Q2. Do you agree that there should be an offence of proxy purchasing in relation to the underage sale of nicotine inhaling products?

Yes ☒ No ☐

The College supports the extension of the proxy purchase offence.

Q3. Do you agree that there should be exemptions for licensed nicotine inhaler products as set out in regulations 5 and 6 the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations?

Yes ☐ No ☐

Please outline the reasons for your answer.

The College supports the exemption of nicotine products that are medicines or medical devices. The Medicines and Healthcare products Regulatory Agency (MHRA) is responsible for assessing the safety, quality and efficacy of medicines in the UK. Nicotine products which are licensed by the MHRA have been assessed and regulated to ensure they are fit for purpose.

Q4. Do you have any comments on the level of fixed penalty notice fines applicable for the age of sale and proxy purchasing offences in relation to nicotine inhaling products?

Yes ☐ No ☐

The College has no specific comments on this issue.

Q5. Do you have any information or evidence which would inform the consultation-stage impact assessment? This may be in relation to the impact the proposed legislation would have on retailers, manufacturers or distributors.

Yes ☐ No ☐

Please outline the reasons for your answer.

The College has no specific comments on this issue.

Q6. Do you wish to make any other comments or provide other evidence about possible health, economic or social impacts of the regulations, whether adverse or beneficial?

Yes ☐ No ☐

Comments

The College has no specific comments on this issue.

Appendix 1

FREEDOM OF INFORMATION ACT 2000 – CONFIDENTIALITY OF CONSULTATIONS

The Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. **Before** you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- the Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided;
- the Department should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and
- acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see website at: <http://www.informationcommissioner.gov.uk/>).