



VAPING POLICY

A BAN ON SINGLE USE DISPOSABLES WITH
INCREASED REGULATIONS AND GUIDANCE

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Executive Summary

The Ulster Unionist Party is aware of the growing concern around increased usage of e-cigarettes and vapes in Northern Ireland. Over the last decade, there has been a growing demand and use for e-cigarettes and vapes. Initially, the primary delivery mechanism for vaping was via a refillable e-cigarette. Since then, there has been considerable demand for mostly single-use disposable vapes, which entered the market in 2021. The single-use disposable vape is a plastic device containing a lithium battery, which poses significant recycling challenges. These vapes are easier to use, widely available, have attractive flavours and colours and are affordable, with the cheapest being around five pounds.

This has led to growing concerns that vapes have become more accessible to children. Before the introduction of single-use disposable, rechargeable vapes were more expensive and difficult to obtain. There is currently limited legislation on vapes in Northern Ireland, and whilst there are age restrictions on purchasing vapes and e-cigarettes, they seemingly continue to fall into children's hands.

There are genuine concerns about children using vapes, but there has also been a significant increase in adults using these single-use disposable vapes. In 2021, 95% of adult vapers said their main device was a rechargeable or refillable vape. However, by 2023, rechargeable vapes have fallen to 67% whilst disposables as a main device have risen to 31%. [1]

It was estimated that in 2023, there would be roughly 4 million people (7.7%) aged 16 years old in Great Britain using vapes. This statistic was up from 3.7% of over 18-year-olds in 2014.[2] Initially, the intended purpose of a vape was to be used as a short-term measure to help people cut back on smoking or quit altogether. However, it seems to have had the opposite effect, with more people turning to vaping over smoking. There has also been a recognisable increase in the environmental impact of vapes and how they are being disposed of. There are roughly five million vapes thrown away weekly in the UK, and the estimated cost for these to be recycled adequately would be around £200m a year [3].

1. ASH (2023). Policy options to tackle the issue of disposable (single use) vapes, Available at: <https://ash.org.uk/resources/view/policy-options-to-tackle-the-issue-of-disposable-single-use-vapes> (Accessed: 12th November 2023).

2. Baker, C. & Rough, E. (2023). The regulation of e-cigarettes. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8114/> (Accessed: 12th November 2023).

3. King, B. (2023). Five million vapes thrown away every week - research., Available at: <https://www.bbc.co.uk/news/business-66740556> (Accessed: 12th November 2023).

Increased usage of vapes by children

One of the more significant concerns around vaping is the uptake of vapes used by children. In 2023, 69% of children who currently vape said they most frequently used a disposable, up from half (52%) in 2022 and fewer than one in ten (7.7%) in 2021. The proportion of children currently vaping has more than doubled since 2023 (from 3.2% to 7.6%), and experimentation (trying once or twice) has grown by 50% in the last year (from 7.7% to 11.2%). [4]

The Action on Smoking and Health (ASH), in their youth survey, suggest a growing awareness among children of disposable vape promotion in shops and online.[5] If we consider the type of branding, packaging, displays and marketing used for vapes, they are appealing due to being colourful and having attractive names. In 2020, the UK Government banned menthol cigarettes in the hope of deterring young people from taking up smoking.[6] However, the flavour of vapes has been a reason for many young people to vape, as they prefer the taste over a cigarette. A single-use disposable is relatively cheap, meaning children can easily access these products in shops by asking older siblings or school friends to purchase them:

However, vaping has a magnitude of health implications for children 18 or under. Nicotine is a drug often used in vapes and is highly addictive for young people. Our brains continue to grow until we turn 25, and nicotine exposure before this age can harm brain development, impacting learning, memory, and attention. With nicotine being an addictive substance, exposure to the substance from a young age leaves many young people struggling to stop vaping due to addiction. Children are already more susceptible to addiction than adults because their brains are still developing, making them more likely to habituate to drugs and alcohol. Some vapes sold contain the same amount of nicotine as a pack of 20 cigarettes, making children's brains vulnerable to nicotine. Some of the leading tobacco companies have created most vapes on the market. As a result, these tobacco companies know that if they get children to start vaping early, they will have a customer for life with the help of nicotine addiction.



4. ASH. (2023). Use of e-cigarettes (vapes) among young people in Great Britain. Available at: <https://ash.org.uk/uploads/Use-of-vapes-among-young-people-GB-2023-v2.pdf> (Accessed: 12th November 2023).

5. ASH. (2023). Use of e-cigarettes (vapes) among young people in Great Britain. Available at: <https://ash.org.uk/uploads/Use-of-vapes-among-young-people-GB-2023-v2.pdf> (Accessed: 12th November 2023).

6. Sky News. (2020). Menthol cigarettes are banned as new anti-smoking laws come into force. Available at: <https://news.sky.com/story/menthol-cigarettes-are-banned-as-new-anti-smoking-laws-come-into-force-11991568> (Accessed: 12th November 2023).

Impact of vaping in schools

There is a growing concern and consensus from schools that more and more young people use vapes on school premises. Standard smoke detectors cannot pick up the smoke from a vape, unlike a cigarette, making it increasingly difficult for schools to manage and control those breaking the law and school rules. It means that children do not have to leave school premises, unlike what they would have had to have done to smoke, making it easier to vape in school toilets. Some schools have already installed vape detectors on school premises to try and control young people under 18 vaping and breaking school policy. Schools need to take further action as it is illegal for under 18s to smoke; therefore, schools need guidance on what procedure they must go through to comply with the law.

Whilst we know vaping has severe health implications on young people under 25, leading to a magnitude of health issues, there seems to be a lack of awareness around those health concerns. Therefore, the next Government should deem it necessary to address the lack of educational awareness around the impacts of vaping. This information should be delivered to students as a stand-alone class where they learn about a specific part of their well-being or as a part of the science curriculum that provides a digital demonstration of the impacts of vaping on children's lungs and the brain. Additionally, the Department of Health should consider advertising the health implications of vaping through TV and online or billboard advertisements.



A ban on single-use disposable vapes

Single-use disposable vapes should be banned in Northern Ireland. This means selling or purchasing single-use disposable vapes will be treated as a crime of handling an illegal item/substance. While many would agree with a ban on single-use disposables, there are concerns about whether a ban is the most effective intervention to achieve policy goals. However, the reason for the ban on single-use disposables rather than harsher restrictions is for several reasons.

1. There are serious health concerns these products are having on young people and adults. New evidence is emerging daily about the health impacts of vaping on young people under 25, especially those under 18. Vaping can cause various lung problems, such as inflammation, infection, mucus, damage and diseases. Vaping exposes the lungs to poisonous chemicals, oxidation and heavy metals. Additionally, vaping can significantly negatively affect young people's brain development. Nicotine, often found in vapes, is highly addictive to young brains. It changes how brain synapses are formed in young people, harming their ability to pay attention and learn and affecting their mood and memory. Nicotine exposure during the teenage years can harm brain development, which continues until about age 25, and increase the risk for future addiction to other drugs.
2. Single-use disposables are relatively cheap, meaning they are more accessible to children. Banning single-use disposables and only allowing for refillable and rechargeable vapes to be sold acts as a deterrent to children due to how much more expensive they are.
3. The concerns raised about driving single-use disposables into the dark market can be controlled with a ban on importing vapes from beyond the United Kingdom. With the United Kingdom taking even harsher steps to eventually ban all tobacco products, all goods will be checked going through the United Kingdom from the EU before being sent to Northern Ireland.
4. The ability to recycle single-use disposable vapes is difficult. It would cause significant financial burdens on recycling centres, costing more to recycle a vape than what it is worth. The potential annual cost of recycling all disposable vapes in the United Kingdom would be £200 million, and this cost is currently not being met by producers, importers or retailers.

A ban on the importation of vapes from outside the United Kingdom

Importing vapes outside of the United Kingdom should be illegal. Anyone found selling or using a vape that contains illegal substances or ingredients will be prosecuted. Furthermore, those found selling imported vapes and vapes containing illegal substances or ingredients will be subject to a fine of £25,000 if prosecuted and convicted by a court.

An e-cigarette registration scheme for businesses and retailers

Any company or business wishing to sell e-cigarettes must have applied for a license through their local council and had the license approved. Any e-cigarette sales through companies or businesses that have not had a license approved will be heavily penalised.

E-cigarette products will be subject to the same standards, advertising, packaging and branding laws as tobacco products

Companies producing e-cigarettes must ensure that their branding and marketing align with the same standards, display and regulations as tobacco. Packaging must include health warnings and pictures and be packaged in Pantone 448 C. E-cigarettes must be stored behind a door and not displayed on shelves on counter-fronts or windows. E-cigarette products must meet a standard ingredients criterion to be approved as legal products and sold in shops with an e-cigarette license. This will require products to include only certain legal ingredients and not others, such as metals or illegal substances.

The Tobacco Advertising and Promotion Act of 2002 banned most forms of tobacco advertising and promotion in the UK. The law initially specified a ban on print media and billboard advertising and was subsequently extended to incorporate a ban on direct marketing and sponsorship. This law should be extended to e-cigarettes, meaning businesses can no longer advertise e-cigarettes.

One of the most significant incentives for moving from cigarettes to e-cigarettes is the various flavours available to purchase, with some brands of e-cigarettes offering over 30 oil flavours. E-cigarettes are generally considered less harmful than traditional cigarettes. They contain fewer numbers and lower levels of toxic substances than traditional cigarettes. Therefore, if we had to weigh the pros and cons of both cigarettes and e-cigarettes, it would be ideal to see more people using e-cigarettes due to exposure to fewer chemicals and many moving to e-cigarettes to try and quit nicotine altogether. Allowing e-cigarette oil to continue to contain flavourings will also allow for less push-back amongst adults with banning single-use disposables. However, Ulster Unionists plan to explore potential options for restricting e-cigarette oils as in 2016, Finland moved to “prohibit nicotine liquids with a characterising flavour or aroma” (Finnish Tobacco Act), meaning the only flavour of vape oil sold is tobacco.[7]

7. WHO. (2020). Strong legislation helps defeat e-cigarettes in Finland. Available at: <https://www.who.int/europe/news/item/20-05-2020-strong-legislation-helps-defeat-e-cigarettes-in-finland> (Accessed: 12th November 2023).

Prohibiting the sale and proxy purchasing of e-cigarette products to those under 18 and heavily penalising businesses that repeatedly sell e-cigarettes to minors (similar to 2021)

Growing evidence shows the significant impacts of vaping on young people, leading to lung problems and concerns around brain development. Therefore, it is illegal for under 18-year-olds to purchase an e-cigarette and anyone over 18 to purchase an e-cigarette for under 18s. This includes the refill liquids for e-cigarettes.

The current law outlines "an adult buying, or attempting to buy, tobacco products or nicotine inhaling products (including e-cigarettes/ vapes) on behalf of a person under the age of 18: a fixed penalty notice of £250, or a maximum fine of £5,000 if prosecuted and convicted by a court." However, Ulster Unionists would want the fixed penalty raised from £250 to £1500 and a maximum fine of £10,000 if prosecuted and convicted in court. Businesses who believe they may have been subject to a proxy purchase can also contact relevant authorities and allow them to take further action.

Any company or business found selling e-cigarettes to under 18s will be heavily penalised with significant fines. The current law outlines "selling tobacco products or nicotine inhaling products (including e-cigarettes/vapes) to a person under 18: a fixed penalty notice of £250, or a maximum fine of £5,000 if prosecuted and convicted by a court." However, Ulster Unionists would seek to raise the fixed penalty notice from £250 to £1500 and a maximum fine of £10,000 if prosecuted and convicted by a court. Hopefully, this will be a strong deterrent for businesses who may consider breaking the law.

Ulster Unionists would want to see it become mandatory for all retailers selling e-cigarettes to challenge those under 25. This is something leading supermarkets like Asda, Tesco, and Sainsbury do through company policy, and this should be a move for all businesses wishing to sell e-cigarettes.

Ulster Unionists would want to see greater enforcement of the law by councils funding enforcement officers to conduct investigations (including covert) of companies and businesses. Any fixed penalties or fines paid by those breaking the law would allow enforcement officers to be funded through councils and see greater enforcement across Northern Ireland.

A ban on e-cigarettes being sold through fast food delivery apps

Fast food delivery apps such as JustEat, Deliveroo and UberEats are another way in which e-cigarettes have been falling into the hands of children. Therefore, we would like to see greater legislation introduced to have these apps place restrictions on businesses selling these products. Those businesses found selling e-cigarettes through the apps will be banned from using the app for their business and will have a fixed penalty notice of £1500 and a maximum fine of £10000 if prosecuted and convicted by a court.



A ban on vaping in workplaces and indoor public places

The current law under the Public Health (Tobacco) Act (Northern Ireland) 2016 prohibits the use of e-cigarettes in all enclosed workplaces, as well as in schools, hospitals, and other places where children may be present. In Northern Ireland, you cannot use e-cigarettes indoors in most public spaces.

However, it is evident that e-cigarettes are used more widely in indoor premises like concert halls, nightclubs, schools and even some workplaces. Therefore, there needs to be additional signage and enforcement of these laws.

With the growing concern from schools admitting they are finding more and more students vaping in toilets. It will be mandatory that all schools and further educational colleges have vape detectors installed on school premises. Schools will be given guidance on what to do if a student is found to be vaping on school premises. As it is illegal for those under 18 to have these products and for anyone to vape indoors, schools must contact relevant authorities and have them deal with the matter.

A duty on vehicle operators to prohibit smoking in public places and regulation of vaping in private vehicles (2021 proposals by Health Minister Robin Swann)

Since 1 February 2022, to further protect children and young people from second-hand smoke, smoking or vaping in a 'smoke-free' private vehicle is an offence.

- A private vehicle is smoke and vape-free if all of the following conditions are met: it is enclosed, more than one person is in the vehicle, and someone under 18 is in the vehicle.
- A vehicle is still enclosed even if the windows are down and/ or the doors are open.
- The rules do not apply to motorcycles or convertible cars when the roof is completely down.
- An exemption is permitted for caravans and motor homes, as the primary purpose of these vehicles is for accommodation; therefore, they are only required to be smoke / vape-free when they are on the road.
- Penalties for smoking in smoke / vape-free private vehicles are set out in the 'penalties and fines' section below.

A requirement to display no-vaping signs in smoke-free premises and vehicles

The current law in Northern Ireland requires businesses to display no-smoking signs. The failure to do so results in "a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) for whoever manages or occupies the smoke-free premises or work vehicle, or a maximum fine of £1,000 if prosecuted and convicted by a court."

This legislation should be extended to ALL businesses that must display no-vape signs alongside no-smoking signs.

A requirement to incorporate compulsory health teaching on vaping in schools and FE colleges

There are currently no provisions to include mandatory teaching sessions about the harmful impacts of vaping on young people's health. Therefore, the Ulster Unionist Party is committed to taking a child-focused approach that will ensure annual teaching sessions to all year groups from P7 upwards about the harmful impacts of vapes and the criminal offences that can be committed. We hope this outcome could act as a deterrent for children vaping but also, in the long run, allow the next generation to see a decline in how many people smoke and vape.

Increased awareness of the health impacts of vaping in mainstream media

There should be increased awareness of the health implications of smoking vapes, which should be included in the mainstream media through adverts and billboards. The Department of Health could also look at producing a leaflet for GP surgeries and hospitals that offer advice and guidance on vaping and the health implications.





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