

Public Bill Committee  
Tobacco and Vapes Bill  
By email: [scrutiny@parliament.uk](mailto:scrutiny@parliament.uk)  
30 April 2024

Dear Chair and Committee Members,

## **Re: Submission to the Bill Committee on the Tobacco and Vapes Bill**

I am writing to you as the CEO of Evapo regarding the Committee Stage of the Tobacco and Vapes Bill, which began its first session today, Tuesday, 30th April 2024. As one of the UK's fastest growing and most responsible smoking cessation and specialist vaping companies in the United Kingdom, Evapo has frequently and consistently called for the introduction of simple, evidence-based licensing scheme as the only way to protect children, stop the criminals and help smokers quit.

Evapo has expanded to over 54 stores throughout the UK, as well as a manufacturing plant in Belfast, and employs over 230 staff. All our store teams are NCSCT-certified Stop Smoking Advisors. We regularly and frequently conduct mystery shops across all Evapo stores to ensure our employees adhere to age verification policies and do not sell to any underaged consumers. Our average customer age is 37 years old and 75% of Evapo's customers have successfully quit smoking according to a recent survey. We also supply various stop smoking clinics, hospitals and mental health trusts with our products and participated in two published studies, which demonstrated high efficacy of our products for helping smokers to quit.

Given our deep expertise in this sector, we would like to make the following comments about this Bill.

### **Lack of inclusion of a vaping retailer and distributor licensing scheme in the Tobacco and Vapes Bill.**

We believe that this legislation should include an amendment that either opens a consultation for or directly introduces a simple, evidence-based retailer licensing scheme, which we firmly believe is the only way to protect children, stop the criminals, and help smokers quit. Furthermore, this licensing scheme could restrict who can sell vaping products and raise over £50 million without any cost to the taxpayer. A self-funded licensing scheme would allow enforcement of existing laws and prosecution of the criminals who sell to the underaged and bring disrepute to the whole industry.

As numerous vaping industry bodies like UKVIA and IBVTA have pointed out, most independent, responsible market participants are fully in favour of a retailer licensing scheme. The Government, however, seems willing to ignore business preferences. In the Government's response to the Youth Vaping consultation, they said that while many respondents to the consultation raised the need for a licensing scheme, the Government "have no plans to introduce a licensing scheme for retailers." However, as

a responsible smoking cessation and specialist vaping retailer, we believe only a simple, evidence-based licensing scheme, such as one that has been recently presented to parliamentarians by UKVIA, would be effective at protecting children, stopping criminals and helping smokers quit.

We therefore reiterate our call for an amendment mandating a consultation in how a licensing scheme could work, or an amendment requiring for a licensing scheme to be implemented directly.

## **Ability for the Secretary of State to impose restrictions, by regulation, without scrutiny or conducting a statutory consultation.**

We call on the Bill Committee to recommend the inclusion of an amendment requiring a statutory consultation on the ability of a Secretary of State to impose restrictions on many important aspects of the ability of smoking cessation and specialist vaping retailers like Evapo to trade and cater to the market of smokers trying to quit.

The Tobacco and Vapes Bill grants far-reaching powers to the Secretary of State to the point where many experts have called it micromanaging a dynamic and entrepreneurial sector delivering exceptional public health benefits and pointed out that it is far beyond the scale of government intervention in any other sector barring financial services.

These powers would allow a current or future Secretary of State to impose restrictions, prohibitions, requirements, or limitations on many important aspects of the ability of smoking cessation and specialist vaping retailers like Evapo to trade without undergoing Parliamentary scrutiny or conducting a statutory consultation prior to the introduction of the regulation. These interventions will pose a high risk to lead many of the UK's 4.5 million adult vapers back to smoking.

Under this Bill, the regulations that the Secretary of State will be able to introduce include many factors vital to the ability of specialist vaping retailers to cater to the demands of smokers trying to quit including on:

- Where vaping products can be displayed in stores
- The ability of vaping products' prices to be shown.
- The production or importation of vaping products or nicotine products.
- The packaging of vaping products, including marketing on packaging, the appearance of packaging, materials used in packaging, texture and size of packaging and the information supplied on packaging, amongst other measures.
- The substances that may be included in vaping products, including flavoured e-liquids.
- The general ability to produce or import vaping products into the UK for public or private consumption.

Evapo is supportive of the Government's desire to protect minors from wanting to access vaping products, but not to the extent that adult smokers and former smokers turned vapers give up on vaping and end up continuing with or relapsing to conventional

cigarettes, which are demonstrably more harmful. Evapo remains deeply concerned that future Governments may seek to use these powers without effectively consulting with industry, health professionals, smokers and the general public, and we reiterate our call for an amendment requiring a statutory consultation.

## **Conclusion**

Evapo is aligned with the Government's intentions to protect children from nicotine use and abuse while limiting the ability for criminals to capitalise on the black market. However, we continue to call on the Government to be more ambitious in its efforts to reduce youth vaping and the rising black market by introducing a retailer and distributor licensing scheme. We are also concerned that if the Government is not required to conduct a consultation prior to introducing regulations, many of which will come via secondary legislation and therefore not face Parliamentary scrutiny, they may implement restrictions that result in millions of vapers returning to smoking, a much worse public health outcome that will lead to even greater strain on the NHS.

I would be happy to provide further evidence or information for the benefit of the committee's work if of interest.

Best regards,

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