

Tobacco and Vapes Bill Committee
House of Commons
London
SW1A 0AA

24 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 Director-General of the UK Vaping Industry Association (UKVIA) regarding the Committee Stage of the Tobacco and Vapes Bill, which is due to begin its first session on Tuesday, 30th April 2024. As the largest vaping industry association in the United Kingdom, the UKVIA has spearheaded one of the largest market disruptions in the 21st century – the seismic shift from smoking to vaping. As a non-profit organisation run by its members for its members, we are focused on education, informing our key stakeholders, as well as championing our industry so that the public health benefits of the shift from smoking to vaping can be fully realised. As an association, we are also committed to clamping down on illicit vapes and bad actors who are selling vapes to children - this represents a major focus of our campaigning and advocacy. **Please also note that the UKVIA does not have any members, owned or controlled by the tobacco industry nor does it accept any funding from the tobacco industry.**

In light of this, and on behalf of our 100 plus members, from vaping manufacturers, distributors, and retailers, to a range of service providers and compliance specialists, we would like to make the following comments about this Bill.

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

The Tobacco and Vapes Bill grants far-reaching powers to the Secretary of State to impose restrictions, prohibitions, requirements, or limitations on many important aspects of the ability of the vaping industry to trade by the introduction of regulations via affirmative resolution, without having to conduct a statutory consultation prior to the introduction of the regulation. Under this Bill, the regulations that the Secretary of State will be able to introduce include many factors vital to the ability of the vaping industry to operate as an independent commercial sector including on:

- Where vaping products can be displayed in stores and the ability for their 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.

For the sake of clarity, the UKVIA is supportive of the Government introducing restrictions on vaping displays, flavour descriptors, and packaging, which are so designed to protect minors from wanting to access vapes, but not to the extent that adult smokers and former smokers turned vapers are put off the category and end up continuing with or relapsing to conventional cigarettes. With this in mind, we are deeply concerned that future Governments may seek to use these powers without effectively consulting with both industry participants and the general public. As such, we call on the Bill Committee to recommend the inclusion of an amendment requiring a statutory consultation.

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

The Tobacco and Vapes Bill is likely to be the only major piece of primary legislation that is introduced this decade. As such, we believe that it should look to facilitate further legislative changes that will safeguard against youth vaping and the ever rising black market, supporting both the legal vaping industry and general public health outcomes for former smokers looking to switch. In the [Government's response to the Youth Vaping Consultation](#), they noted that while many respondents to the consultation raised the need for a licensing scheme, the Government is "mindful of the impacts and burden on business and local authorities and therefore have no plans to introduce a licensing scheme for retailers." However, as an industry body, we have played a central role in the development of a comprehensive framework for a licensing scheme, which has been recently presented to parliamentarians and which involved consultation with the likes of Trading Standards and the Association of Convenience Stores.

Conclusion

The UKVIA is supportive of the Government's intention to grant the Secretary of State powers to proportionately restrict vaping point of sale displays, packaging, and flavour descriptors as outlined above. However, we are concerned that if the Government is not required to conduct a consultation prior to introducing regulations, they may implement restrictions that result in vapers returning to smoking, and smokers failing to transition to vapes as a less harmful alternative.

We also 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.

Kind regards

John Dunne
Director General
UK Vaping Industry Association