

Public Bill Committee

Tobacco and Vapes Bill

By email: scrutiny@parliament.uk

January 2025

Dear Chair and Committee Members,

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

I am writing to you in my capacity as Director-General of the UK Vaping Industry Association (UKVIA) regarding the Committee Stage of the Tobacco and Vapes Bill. 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 educating the public and stakeholders on the public health benefits of supporting smokers to switch to vaping, as well as advocating for the industry. As an association, we are also committed to clamping down on illicit vapes and bad actors who are selling vapes to children. It is this commitment which leads us to welcome the reintroduction and revision of the Tobacco and Vapes Bill.

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 which include all parts of the vaping industry, we urge the committee to consider the following points:

- Guarantee an inclusive and transparent consultation process that includes industry representatives, public health experts, and consumer groups so that unintended consequences are avoided.
- Ensure that regulation preserves vaping as a harm reduction tool, protecting youth while maintaining accessibility and appeal for adult smokers seeking to switch to safer alternatives.
- Enable evidence-based campaigns from non-government sources that address widespread misconceptions about vaping and promote its role in smoking cessation.

Yours sincerely,

John Dunne
Director-General
UK Vaping Industry Association

UK Vaping Industry Association Submission to the Tobacco and Vapes Bill Committee

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Executive Summary

The UK Vaping Industry Association (UKVIA) welcomes the introduction of the Tobacco and Vapes Bill, and recognises its potential to address the critical public health and regulatory challenges. As the largest vaping industry association in the UK, the UKVIA is committed to supporting the government's Smokefree 2030 ambition by ensuring that vaping remains accessible as an effective harm reduction tool for adult smokers while addressing youth vaping and the illicit trade of vaping products.

This submission outlines the UKVIA's position on the Bill, highlighting areas of support and concern, such as:

1. Supporting public health through harm reduction
 - a. Vaping offers a unique opportunity to reduce smoking prevalence, which continues to claim 78,000 lives annually and costs the NHS £1.9 billion per year. Evidence shows that vaping is significantly less harmful than smoking and is the most effective smoking cessation tool available. However, widespread misconceptions about its relative risks must be addressed through public health education campaigns to maximise its impact as a harm reduction tool.
2. Balancing regulation with accessibility
 - a. While the UKVIA supports measures to regulate the vaping industry and prevent youth uptake, overregulation could undermine the role of e-cigarettes in smoking cessation. Any proposal that limits the availability of flavoured vaping products or restricts legitimate retailers risks discouraging the UK's six million smokers from switching to vaping. The Bill must strike a balance between targeting rogue actors and ensuring that adult smokers have the tools they need to quit.
3. Enabling evidence-based public health education campaigns
 - a. Misconceptions about vaping are widespread, with half of smokers wrongly believing it to be as or more harmful than smoking. The lack of investment in public health campaigns has exacerbated this issue. We believe that the Bill should explicitly enable collaboration between public, private and third-sector organisations to fund and deliver evidence-based public education campaigns.
4. Licensing and consultation provisions
 - a. The UKVIA supports the introduction of a licensing scheme, which we believe would help identify rogue retailers and protect consumer interests. A scheme should not restrict access to products for adult smokers. The consultation process must also include all relevant stakeholders, including industry representatives, public health experts, and consumer groups, to ensure balanced and effective policymaking.

Summary of Recommendations

To ensure the Bill achieves its objectives, the UKVIA urges the Committee to:

- Include provisions for well-funded public health education campaigns to address misconceptions and promote vaping as a smoking cessation tool.
- Design a licensing scheme that focus on responsible retailing without creating barriers for legitimate businesses .
- Extend advertising exemptions to specialist vaping stores, recognising their role in helping smokers transition to vaping.
- Ground regulatory measures in evidence, ensuring they do not inadvertently undermine vaping's appeal to adult smokers.

The UKVIA is committed to collaborating with the government and parliamentarians to refine the Bill and ensure its success in reducing smoking prevalence and protecting public health. This submission provides detailed recommendations to achieve these aims and highlights the importance of striking the right regulatory balance.

Section One: Preserving vaping as a harm reduction tool

Smoking is an immense burden on public health. It remains one of the biggest causes of preventable death and disease in the UK, claiming almost 78,000 lives every year (Office of National Statistics, 2018).

Vaping, which offers a critical lifeline for smokers as a powerful and evidence-backed quitting tool, has been instrumental in bringing the UK's smoking prevalence down to record low levels and has an undeniable role to play in helping the government achieve its smokefree ambitions. It also has the potential to reduce cost burdens to our struggling NHS, with research from Brunel University London estimating the service could save £500m per year if just half of smokers in England made the switch (Palmer, 2023).

According to the latest data from Action on Smoking and Health UK (ASH), half of all successful quit attempts in the past five years involved a vape and vaping has helped millions of adults cut down on or completely move away from cigarettes in Great Britain alone - this, and the six million adults who still need support to stop smoking, must be front of mind as the Tobacco and Vapes Bill progresses (Action on Smoking and Health, 2024).

Despite its potential, the uptake of vaping among smokers remains lower than it should be, largely due to widespread misconceptions about its relative risks. Public understanding of vaping has been undermined by misinformation, with half of smokers believing it to be as or more harmful than smoking. This should be highly alarming to policymakers given that the scientific evidence overwhelmingly demonstrates that vaping is, in fact, significantly less harmful than smoking.

The latest review by the Office of Health Improvement and Disparities (OHID), for instance, concludes that vaping poses a 'small fraction' of the risks of smoking (McNeill, et al., 2022). Similarly, NHS Better Health guidance says vaping, while not risk free, is 'substantially less harmful than smoking' (National Health Service, n.d.) and Cancer Research UK confirms that there is 'no good evidence' that vaping causes cancer, while smoking is the leading cause of cancer in the UK and worldwide (Cancer Research UK, n.d.).

There is also significant evidence to support the cessation power of vaping. For instance, a comprehensive analysis conducted by the University of Oxford-backed Cochrane review - which is widely regarded as the gold standard in evidence synthesis - found nicotine e-cigarettes are amongst the most effective stop smoking aids available (Lindson, et al., 2024). These findings are increasingly echoed by a growing body of international research, confirming that vaping can help smokers transition away from cigarettes and reduce their risk of smoking-related diseases.

However, misconceptions about vaping risk undermining its role as a harm reduction tool, and significantly more investment in public education campaigns are needed to address this. Something that is particularly relevant as the Committee considers the Tobacco and Vapes Bill, which seeks to address pressing public health concerns, including vaping among young people. While regulation of vaping products is critical to reduce youth vaping, there is a risk

that the Bill's focus could inadvertently reinforce the misconception that vaping is as harmful as smoking. While this is by no means a justification not to act, it is vital that the Bill allows for public health entities, health-based organisations and the private sector to actively dispel rumours through public education campaigns. Without this, the unintended consequences could discourage adult smokers from making the switch to vaping, perpetuating their dependence on cigarettes – the only legal consumer product that, when used as intended, will kill one in two long-term users.

Moreover, the role of flavoured vaping products in smoking cessation is evident. An investigation led by the UKVIA found that over 95% of surveyed stop smoking services offer vapes as a quitting tool, with nearly 70% reporting fruit flavours as the most popular choice among adult smokers (UKVIA, 2024). Proposals like the British Medical Association's call for a ban on all non-tobacco vape flavours could undermine the effectiveness of vaping as a quitting tool.

The stakes could not be higher. Smoking costs the NHS an estimated £2.4 billion annually and imposes an additional £13 billion burden on wider society through lost productivity and social care needs (Department of Health and Social Care & Dr Caroline Johnson, 2022). Vaping offers a cost-effective public health intervention to reduce these harms but requires that there be a regulatory framework that balances the need to prevent youth uptake while providing smokers with viable alternatives to combustible cigarettes.

We urge the Committee to consider the need for:

1. Public health campaigns that clearly communicate that vaping is far less harmful than smoking and is an important tool in the UK's stop-smoking arsenal.
2. A regulatory framework that protects youth without introducing unnecessary barriers that would deter adult smokers from making the switch away from smoking - such as disproportionate restrictions on flavours or communication.
3. A regulatory framework that is grounded in the latest scientific research.

Section Two: Public health education campaigns

The Tobacco and Vapes Bill provides a critical opportunity to address misinformation about vaping and ensure that public health education campaigns play a central role in supporting smoking cessation efforts. Currently, widespread misconceptions about vaping are undermining its effectiveness as a harm reduction tool, and the lack of investment in national education campaigns exacerbates the problem.

Recent Freedom of Information (FOI) data from the Department of Health and Social Care reveals that only £4.88 million was allocated to stop smoking campaigns over the past two financial years, averaging less than 50p per smoker annually. This is significantly lower than the £15 million per year recommended by the Khan Review for national mass media campaigns aimed at encouraging smoking cessation and correcting myths about vaping.

The lack of adequate public health education risks stalling progress in reducing smoking prevalence and leaves smokers confused about their options and the absence of dedicated vaping education campaigns has led to increased public misconceptions. Action on Smoking and Health UK reports that half of all adult smokers now wrongly believe vaping to be as harmful, or more harmful, than smoking (Action on Smoking and Health, 2024). This misinformation deters smokers from switching to a less harmful alternative.

To address these challenges, it is imperative that the Tobacco and Vapes Bill enables public, private and third sector organisations to continue running public information campaigns that can address the following:

1. Correcting misconceptions about vaping risks:
 - a. Action on Smoking and Health (ASH) reports that half of smokers wrongly believe vaping is as harmful, or more harmful, than smoking. This misinformation discourages smokers from switching to a significantly less harmful alternative. Without targeted education campaigns, these misconceptions will persist, undermining the Bill's objective to protect public health and support harm reduction efforts.
2. Highlighting vaping as a proven cessation tool:
 - a. The University of Oxford-backed Cochrane Review confirms that vaping is more effective than traditional nicotine replacement therapies in helping smokers quit. However, without strong public messaging, many smokers remain unaware of these findings. Including provisions in the Bill to encourage and facilitate public education campaigns on this topic will support the transition of smokers away from combustible tobacco.

The Tobacco and Vapes Bill's ultimate success will depend on its ability to strike the right balance between regulation and education. Without adequate public health campaigns, the Bill risks reinforcing misinformation and discouraging smokers from making the switch to vaping. Ensuring that accurate, evidence-based information is widely shared will be essential in achieving the government's Smokefree 2030 ambition while protecting vaping's critical role as a harm reduction tool.

Section Three: Positions on the Tobacco and Vapes Bill

The UKVIA supports the following aspects of the Tobacco and Vapes Bill:

- The requirement for the Health Secretary to consult prior to implementing any regulations.
- The introduction of a retailer licensing scheme for the vaping sector, ensuring that illegal vapes cannot be sold on our streets and eliminating rogue retailers.
- The ability for the Health Secretary to introduce regulations on product displays, retail packaging, and flavours.
- The ability for the Health Secretary to introduce a register of vaping products and information relating to individual products.

The UKVIA has concerns about the following aspects of the Tobacco and Vapes Bill:

- The requirement for the Health Secretary to only consult persons that they consider it appropriate to consult, rather than those who appear representative of the interests concerned and relevant parties including industry.
- That a licensing scheme is used to limit the number of premises in an area that can sell vaping or non-combustible nicotine products.
- Specialist vaping stores are excluded from the advertising exemptions granted to specialist tobacconists, despite their critical role in helping smokers quit.
- Organisations are prohibited from promoting the relative benefits of vaping compared to smoking as part of public health campaigns, unless those campaigns are government-funded.
- The government risks overregulating the vaping industry with overly strict measures. While it is vital to address bad actors who target children with their advertising, it is equally important to preserve the features that make vaping an effective tool for quitting smoking.

Section Four: Detailed Recommendations on the Bill

Consultation Process

The UKVIA welcomes the inclusion of a requirement for the Secretary of State to consult before implementing new regulations. However, the current language of the Bill, which states that consultation only needs to include persons “they consider it appropriate to consult,” raises concerns about the transparency and inclusiveness of the process.

To ensure regulations are both effective and practical, it is essential that all relevant stakeholders, including industry representatives, public health experts, and consumer groups, are consulted. Excluding key voices could result in overly restrictive or poorly informed policies that fail to achieve their intended outcomes.

While it may seem like common sense that industry and consumer groups would be consulted, unfortunately under previous governments this has not been the case, leading to many of the challenges we face today.

Potential Restrictions due to Licensing Scheme

The UKVIA has long supported the introduction of a vaping licensing scheme and is pleased the government has decided to proceed. It is currently legal for vapes to be sold from locations such as the backs of taxis, toy stores, and confectioners. This practice must stop.

However, there are many places where selling vapes is entirely legitimate, including corner shops, supermarkets, and specialist vape stores. A licensing scheme should be designed to allow these premises to continue selling products without restricting the number of licenses available in a given area. Under Schedule One of the Bill, a license could theoretically be refused based on location. For example, a local authority could impose caps on the number of stores allowed to sell vapes in a town centre.

Such restrictions would be draconian and could limit accessibility for smokers looking to quit. Additionally, they may harm the UK's convenience store sector, which relies heavily on vape and tobacco sales.

Recommendation: We urge parliamentarians to ensure that a licensing scheme is implemented to promote responsible retailing without unnecessarily restricting market access for reputable businesses.

Specialist Vaping Stores and Advertising Exemptions

The Tobacco and Vapes Bill proposes exemptions from advertising restrictions for specialist tobacconists but fails to extend the same consideration to specialist vaping stores. This

omission undermines the critical role these stores play in helping smokers transition to safer alternatives.

Specialist vaping stores provide tailored advice, education, and support to smokers seeking to quit. Restricting their ability to advertise to adult smokers within their premises diminishes their capacity to fulfil this vital public health function. Unlike general retailers, these stores cater almost exclusively to adult smokers and vapers making them a unique and trusted environment for providing information about products and cessation strategies.

Failing to grant these stores similar advertising freedoms to specialist tobacconists creates an uneven playing field and risks marginalising a key resource in the fight against smoking.

Recommendation: Extend advertising exemptions granted to specialist tobacconists to include specialist vaping stores, enabling them to educate adult smokers as to the benefits of switching to vaping and to promote their products responsibly to adult smokers and vapers.

Over-Regulation and Its Impact on Smoking Cessation

While the UKVIA supports robust measures to prevent underage access to vaping products, the Bill risks over-regulating the industry in ways that could undermine the usefulness of vapes as a smoking cessation tool. Provision such as overly restrictive flavour regulations or excessive controls on product design could make vaping less appealing to adult smokers seeking safer alternatives to cigarettes.

Flavours, for example, are a key factor in helping smokers successfully transition to vaping. FOI data from Stop Smoking Services across the country revealed almost 70% record fruit flavours as or amongst the most popular choices for adult smokers. Over-regulation in this area could discourage smokers from making the switch, potentially driving them back to combustible tobacco products.

Recommendation: Ensure that regulations focus on targeting bad actors who market to children while preserving the features of vaping products, such as flavours, that make them an effective cessation tool for adult smokers.

Vaping Vending Machines for Stop Smoking Services

While we can understand limiting the availability of vaping vending machines in unsecure premises we strongly advocate for the continued use of vending machines in age-gated premises, particularly in age-gated healthcare environments such as hospitals and mental health trusts. In these settings, vending machines are often the only feasible way to ensure smokers can access vaping products as a less harmful alternative to smoking. To impose a blanket ban would undermine efforts to support smokers in these vulnerable situations to transition away from tobacco.

Recommendation: That age-gated premises and age-gated healthcare environments be exempted from the prohibition of vaping vending machines.

Conclusion

The UKVIA welcomes the introduction of the Tobacco and Vapes Bill and its potential to improve public health outcomes by addressing key challenges posed by smoking and recent increases in youth vaping. However, the success of the Bill will depend on its ability to strike the right balance between regulating the industry to protect youth and ensuring vaping remains accessible and appealing as a harm reduction tool for adult smokers.

We urge the Committee to consider the following priorities in their scrutiny and as the Bill progresses:

- Implementing robust yet proportionate measures that safeguard vaping as an effective cessation tool, including the preservation of flavours and other product features essential to encouraging smokers to switch to vaping, and to supporting former smokers to continue transitioning away from cigarettes.
- Ensuring consultation processes under the Bill are inclusive, transparent, and informed by input from all relevant stakeholders, including industry representatives, public health experts, and consumer groups.
- Enabling private companies and third sector organisations to run campaigns focused on the public health benefits of vaping. Helping to dispel many of the misconceptions that exist.
- Allocating sufficient resources to public health education campaigns that dispel misconceptions about vaping, emphasises its relative safety compared to smoking, and promote its effectiveness as a smoking cessation aid.
- Designing the proposed licensing scheme to remove rogue actors from the market without restricting access to legitimate retailers, including specialist vape stores, which play a vital role in public health efforts.

The stakes are high. Smoking continues to be the leading cause of preventable illness and death in the UK, imposing an immense burden on both public health and the economy. By creating a regulatory environment that enables the responsible use of vaping while combating youth uptake and illicit trade, the Bill can help achieve the government's Smokefree 2030 ambition and improve the lives of millions of smokers.

The UKVIA is committed to working collaboratively with government and parliamentarians to ensure the Bill is fit for purpose and delivers on its public health goals. We would welcome the opportunity to discuss our recommendations in further detail and provide any additional insights that may support the Committee's work.

We thank the Committee for considering our submission and we look forward to further engagement as the Bill progresses.

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