

DHSC Creating a smokefree generation and tackling youth vaping consultation - BMA submission

About the BMA

The BMA (British Medical Association) is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding healthcare and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Introduction

The BMA welcomes the proposals to create a smokefree generation. Despite good progress already made on reducing smoking rates and the implementation of successful policies (such as the 2007 ban on smoking in enclosed and public spaces and raising the purchase age from 16 to 18), tobacco use remains one of the most significant public health challenges in the UK. There are still 6.4 million adult smokers in the UK¹. Progress has not been ambitious enough to meet Government commitments such as for England to become 'smokefree' by 2030. A move towards a smoke-free society that stops people starting, and helps people quit, is vital for a healthy population.

The BMA also welcomes proposals to tackle youth vaping. While originally launched as aids to help people stop smoking, it is clear that vapes are now being used more widely than for this intended purpose. It is crucial that this is addressed.

The use of vapes by children is growing rapidly, with around 4% of young people (11-17 year olds) in Great Britain now regularly using vapes, with 11.6% of young people having tried them once or twice². Its appeal needs eliminating with a range of measures, including restrictions on flavours, colours and marketing. The BMA believes a ban on disposable vapes is necessary, for the sake of both young people's health and the environment.

There are concerns that this frequent use is exposing young people to the risk of addiction to nicotine. Young people are particularly susceptible to this addiction due to their brains building synapses faster than adult brains which helps them learn. As addiction is a form of learning, young people can get addicted more easily than adults³.

While we understand the proposals in this consultation are specifically focused on tackling youth vaping, it is also important to not lose sight of adults and focus measures on all non-smokers, particularly young adults. This is due to the public health issues associated with vapes as vapes that contain nicotine are just as addictive as cigarettes⁴ and often contain high levels of the substance. There is also growing evidence to suggest that young non-smokers who use vapes containing nicotine are more likely than non-users to take up smoking tobacco.^{5,6,7}

The BMA therefore, urges government to act without delay to protect the health of the public and implement legislation to prevent the uptake of smoking tobacco as well as vaping by young people and non-smokers.

Legislation to create a smoke free generation

1. *Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?*

- **Agree**
- *Disagree*
- *Don't know*

The BMA strongly supports the proposal to raise the age of the sale of tobacco products. Although previous legislation has had a positive impact, smoking rates in adults and young people are still high. Therefore, stronger legislation is still needed.

The number of smokers in the UK is declining, with smoking prevalence now 12.9% of the adult population (18 years and over) in the UK⁸. Tobacco control measures such as increasing the age of sale from 16 to 18 has played a significant part in this decline. However, there are still 6.4 million adult smokers in the UK⁹ and over 100,000 children in England alone take up smoking each year.¹⁰ The vast majority of smokers start before they are 18 years old, and virtually all do by the age of 25.¹¹ Among those teenagers who try smoking, 70% will go on to be daily smokers. Therefore, it is crucial that legislation addresses this population. Raising the age of sale is likely to both delay smoking uptake and reduce the number of young people who start smoking in the first place. The 2019 government commitment for England to become 'smokefree' by 2030, achieved when adult smoking prevalence falls to 5% or less¹², will not be met without the strong regulation and action currently proposed.

Doctors are witnessing first-hand the devastating effects of smoking on their patients. Smoking remains a leading cause of preventable illness and premature death in the UK (accounting for approximately 74,600 deaths a year in England alone)¹³, and is a key driver of health inequalities as well as causing a myriad of health harms including 16 types of cancer, heart disease, COPD (chronic obstructive pulmonary disease) and strokes.¹⁴ In England alone smoking is estimated to cost the NHS £2.4 billion every year, equivalent to 1.6% of the health service's budget.¹⁵

It is vital that Government act without delay to bring forward legislation to address smoking rates across the UK. To ensure effective implementation of such legislation, a comprehensive public communication strategy in the run-up to implementation is essential to promote compliance and make enforcement easier for retailers.

In addition to the legislation to reduce and prevent the uptake of smoking, it is crucial that support is available and accessible to help current smokers quit. The BMA welcomes the additional funding to the NHS and Local Authorities across England for stop smoking services, funding for national anti-smoking campaigns, funding to roll out the 'Swap to Stop' scheme, and funding to provide financial incentives to support all pregnant smokers to quit. However, it is vital that additional funding for these services is recurrent and not just a one-off payment.

Recurrent funding is crucial to reverse the cuts that public health services have faced over recent years. For example, in England, Local Authority Public Health funding has been cut, with the Public Health grant falling by 26% between 2015/16 and 2023/24, on a real terms per person basis. As a result, smoking cessation services have been the most cut service, with funding falling by 45% in real terms between 2015/16 and 2023/24.¹⁶ At the very least, to resource these crucial services, the Local Authority Public Health grant in England should be restored to 2015 levels on a real terms per person basis— equating to £1.2 billion.

Although the additional funding announced helps to show the priority placed on tackling smoking, a commitment to long term funding of smoking cessation services is needed across the UK.

2. *Do you think that proxy sales should also be prohibited?*

- Yes
- No
- Don't know

It is crucial that proxy sales (a person at or over the legal age of sale purchasing a product on behalf of someone under the legal age of sale) laws are in line with age of sale laws to ensure consistency.

3. *Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?*

- Yes
- No
- Don't know

All tobacco containing products as well as cigarette papers should be covered by the new legislation, mirroring current age of sale laws. Tobacco containing products still pose a significant health risk. For example, smokeless tobacco (such as chewing tobacco) is strongly associated with oral and pharyngeal cancers, ischaemic heart disease, stroke and adverse perinatal outcomes.¹⁷

If tobacco products are not all included it will make enforcement more challenging and create opportunities for the industry to find loopholes. For example, when menthol cigarettes were banned, tobacco companies employed marketing strategies such as pack designs and brand descriptors and developed product accessories such as menthol flavoured filters to still enable smokers to experience menthol flavoured cigarettes.^{18,19}

4. *Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?*

- Yes
- No
- Don't know

It would make sense for the warning notices in retail premises to be changed to reflect the new legislation and ensure that the law easily understood. However, it is recommended that the best way to achieve this is discussed with Trading Standards colleagues who will be responsible for enforcing the legislation as well as ensure the change is widely publicised in advance.

Tackling youth vaping

Restricting flavours

5. *Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?*

- Agree

- *Disagree*
- *Don't know*

Consistent evidence shows that flavours attract both youth and adults to use vapes. Among youth, flavours increase not only preferences for vapes but they also increase willingness to use, susceptibility to use and initiation, as well as decrease vape product harm perceptions.²⁰ Therefore, there is a clear need to regulate and restrict the flavours available to help reduce the uptake of vaping by non-smokers, particularly children.

6. *Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (Select from Option 1-3 above - more than one answer may be selected)*

- *Option 1: limiting how the vape is described*
- *Option 2: limiting the ingredients in vapes*
- *Option 3: flavours limited to tobacco, mint, menthol and fruits only*
- *Don't know*

Whilst the BMA does not yet have formal cross-branch of practice policy on what vape flavours should be permitted, it is clear that non-tobacco flavours such as sweet flavours can initiate vaping in non-smokers. This is particularly concerning due to the role flavours play in youth vaping rates. This has led to the BMA's Committee representing public health doctors calling for flavours to be limited to tobacco and menthol.

The role of vape flavours in supporting existing smokers to quit also needs to be considered. For example, it has been found vapers who used flavours were more likely to transition away from cigarette smoking and quit cigarette use, at least in the short term, compared with those who used tobacco or unflavoured vaping products^{21,22,23}.

More research is needed to better understand the importance of flavours in smoking cessation over the longer term. Therefore, a regular review of the evidence on the role of flavours in vape use is needed.

Nevertheless, it is clear that some vape flavours are marketed to appeal to children and young people. For example, mimicking sweet shop flavours such as 'bubblegum' and using appealing flavour descriptors such as 'berry blast' rather than 'blueberry'. This should be urgently addressed and as a priority, we recommend the ways in which flavours are described are limited in order to reduce their appeal to young people.

7. *Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people? (Select from Option A-C above)*

- *Option A: flavours limited to tobacco only*
- *Option B: flavours limited to tobacco, mint and menthol only*
- *Option C: limiting the characterising flavours (the taste and smell) of vapes*
- *Don't know*

Assuming this question is relating to non-nicotine vapes purchased by children, restricting the range of vape flavours may benefit youth and young adult prevention efforts.

Flavourings have been used to market vapes and increase use among youth. A recent survey of 11-17 year olds in Great Britain showed that 14% reported vaping because 'I like the flavours'²⁴. Research shows the most frequently used vape flavour for children is 'fruit flavour' and many also choosing sweet flavours such as chocolate and candy²⁵. It is also evident that flavours such as these can encourage the regular use of vapes, as it has been found that adolescents who vaped non-traditional flavours, compared with those who exclusively vaped tobacco-flavoured, mint- or menthol-flavoured, or flavourless e-cigarettes, were more likely to continue vaping and take more puffs per vaping occasion 6 months later²⁶.

However, as previously mentioned, the role flavours play in smoking cessation needs to also be considered. For example, a recent study of 851 regular vapers, 17.1% reported that they would stop vaping and smoke instead if vape flavours were banned.²⁷

More independent research is needed on the impact of flavours on vaping behaviours in smoking cessation. However, to prevent children and young people from taking up vaping in the first place, the BMA calls for urgent restrictions on how vape flavours are described.

8. *Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?*

- Yes
- No
- **Don't know**

Ensuring non-nicotine vapes are regulated in the same way as nicotine vapes and not allowing them to be sold to people under 18 years of age would help to prevent children using them and prevent children and young people escalating to nicotine vapes once they are of age.

9. *Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?*

- **Yes**
- No
- Don't know

Any rules in place to restrict the availability of flavours, as well as flavour descriptors should apply to all vaping products to avoid risk of companies finding loopholes in the law to continue to promote products inappropriately.

Regulating point of sale displays

There are 2 options for regulating point of sale:

- Option 1) vapes must be kept behind the counter and cannot be on display, like tobacco products
- Option 2) vapes must be kept hidden behind the counter but can be on display

10. *Which option do you think would be the most effective way to restrict vapes to children and young people? (Select from Option 1 or Option 2 as above)*

- **Option 1**
- Option 2

Although the BMA does not yet have formal policy on this, as with cigarettes, shops should not be displaying these products where children and young people are likely to be drawn into buying them

and thus exposing themselves to preventable harms. A recent survey showed that 11-17 year olds in Great Britain were most aware of promotion of vapes in shops.²⁸ It is important to note that research shows that stores with hidden displays showed a decrease in sales of cigarettes.²⁹ Hence, regulating point of sale displays for vapes may have the same impact.

It is also worth noting that ensuring vapes are not on display requires the customer to ask to purchase one. This provides the retailer with an additional opportunity to assess the customer's age supporting enforcement efforts.

11. Do you think exemptions should be made for specialist vape shops?

- Yes
- **No**
- Don't know

More research is needed to assess the impact of specialist vape shops on smoking cessation as well as vaping rates in non-smokers and young people.

It is recognised that many vape shop customers are vapers who have quit smoking.³⁰ However, it is crucial that specialist shops do not play a role in youth vaping. Marketing methods used by specialist shops need to be limited. Therefore, strong regulations of shop front displays should be in place and marketing boards should be prohibited. Further age restrictions on specialists shops to ensure they are primarily accessed by adults should also be in place.

12. If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?

Not applicable – the BMA agrees that point of sale displays need to be regulated.

Regulating packaging and presentation

Options for regulating packaging:

- Option 1) Prohibiting the use of cartoons, characters, animals, inanimate objects and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design.
- Option 2) Prohibiting the use of all imagery and colouring on both the vape packaging and vape device. This would still allow for branding, such as logos and names.
- Option 3) Prohibiting the use of all imagery and colouring and branding for both the vape packaging and vape device. This is equivalent to the standardised packaging rules on tobacco.

13. Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping? (Select from Option 1-3 as above)

- Option 1
- Option 2
- **Option 3**

Despite the illegality of sales of vapes including nicotine to people under 18, the marketing of vapes is often targeted towards younger people, with many being brightly coloured, containing exotic flavours and labelled with enticing names. It is crucial that there is a ban on all marketing of vape products, including the establishment of a plain packaging system, in the same vein as tobacco products in order to reduce the appeal to children and young people.

It has been found that standardising e-cigarette (vape) packaging is associated with a decrease in vapes' appeal among teenagers. A recent randomised control trial of 2,469 teenagers aged 11-18 and 12,026 adults aged 18 and over found that teenagers were more likely to report that their peers would have no interest in vapes when marketed in standardised packaging. Researchers also found that a greater proportion of teenagers who had never smoked or vaped perceived no interest among people their age in trying any of the products shown in standardised packaging, suggesting that removing brand imagery could deter teenagers from taking up vaping in the first place. Importantly, standardisation of packaging did not affect interest in trying vapes among adults who smoke, suggesting that policy to reduce branding elements would not deter this group from trying vapes to stop smoking³¹.

14. If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?

Not applicable – the BMA agrees that vape packaging must be regulated.

Considering restricting the supply and sale of disposable vapes

15. Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes? That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.

- **Agree**
- Disagree
- Don't know

The BMA supports a ban on the manufacture for commercial sale, and the commercial sale of all disposable vapes, on the grounds of disproportionate and harmful use by children and young people and their adverse impact on the environment.

Disposable vapes first became available on the market in 2019. The number of children and young people using vapes significantly increased from 2020³² – coinciding with the time when a wide range of disposable vapes from different vape brands emerged.³³ Between January 2021 and April 2022, there was a significant increase in use of disposable vapes among people who vape, rising from 1.2% to 22.2%.³⁴ The growth in the use of disposable vapes has been most pronounced in younger people. The most popular type of e-cigarette amongst young people (11-17 year olds) in Great Britain is now disposable vapes, with their use growing from 7.7% in 2020 to 69% 2023.³⁵ Alongside the rise in the use of disposables, there was a drop in the use of rechargeable vapes.³⁶

Disposable vapes are also particularly harmful to the environment. A single-use vape contains on average 0.15g of lithium; the mining of which has led to water loss, ground destabilisation, biodiversity loss, increased salinity of rivers, contaminated soil and toxic waste.³⁷ Due to the scale of the waste caused by these disposable vapes, about 10 tonnes of the metal is ending up in landfills each year.³⁸

Half of disposable vapes are not recycled.³⁹ At least 1.3 million disposable vapes are thrown away every week in the UK, equivalent to over 67 million a year.⁴⁰ They are challenging to recycle as the battery must be removed from the plastic by the individual user for domestic recycling.

In addition, lithium (a limited resource) is critical to the UK's green transition. However, two disposable vapes are thrown away every second in the UK.⁴¹ Over a year, this is enough lithium to make about 1,200 electric car batteries.

Producers of vapes are falling short of their requirements under the law to fund the recycling of the electrical waste from vapes. There is insufficient regulatory action to compel them to comply.^{42,43} In addition, all retailers selling vapes must provide an option for customers who buy the product to dispose of their old vapes. However, a recent survey of adult vapers found that 54% said they would be more likely to recycle single-use vapes if there were recycling points in-store.⁴⁴ This suggests there is low compliance of these services by retailers and low public awareness.

There is widespread support for a ban of disposable vapes, with many health and environmental organisations calling for a ban of these products. Most recently in an open letter to the Environment Secretary at the time Thérèse Coffey and Health Secretary at the time Steve Barclay, 18 environment and health groups, including the Green Alliance, Royal College of Paediatrics and Child Health, ASH (Scotland), the Marine Conservation Society and RSPCA, demanded the government ban the sale of single-use vapes to stem their “rapidly escalating threat” to the public’s health and the environment.⁴⁵ The Welsh devolved government have called on Westminster to implement a UK-wide ban on these products⁴⁶, whilst the Scottish devolved government has confirmed its own plans to hold a public consultation that could lead to an outright ban of single-use disposable vapes.⁴⁷

16. Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

- **Agree**
- Disagree
- Don’t know

The BMA supports a ban on the manufacture for commercial sale, and the commercial sale of all disposable vapes due to the reasons set out above.

However, further consideration must be given to the impact on certain groups for whom disposable vapes may be helpful. For some vulnerable groups of smokers, disposable vapes are currently a good alternative to smoking. These include many elderly smokers, who have dexterity or cognitive issues, such as learning difficulties or dementia, who may find re-usable products too complex to use, at least initially.

Many mental health settings also only permit the use of disposable vapes due to the safety risks associated with battery operated vapes. Therefore, exemptions to prohibiting the sale and supply of disposable vapes in certain settings and for members of such vulnerable groups, should be considered. Additionally, disposable vapes are currently being used opportunistically in some out- and in-patient settings and these may continue to play a valuable role in supporting patients to take the first step to quitting cigarettes. Therefore, there is a longer term need to consider and develop solutions in these settings to enable the use of rechargeable products over time, where feasible.

17. Are there any other types of product or descriptions of products that you think should be included in these restrictions?

The BMA would like to see a ban on both nicotine and non-nicotine containing disposable vapes.

18. Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

- **Agree**
- Disagree
- Don’t know

The BMA believes that restrictions on disposable vapes should be implemented without delay.

19. Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?

Investment:

More investment is needed to put in place effective processes to recycle all vapes, including re-usable products.

Producers of legal products should be held more accountable. This can be done by strengthening the requirements on them to fund the cost of collecting and recycling vapes, and to make sure the products are designed so that they are easier to recycle and ensuring environmental compliance with electrical waste, portable batteries and packaging regulations.

Public awareness:

Effort and resources will also be needed to communicate to consumers how to recycle responsibly at home as well as greater promotion of collection schemes to increase their use.

Enforcement:

In order to be effective, there will also need to be more done to tackle the market in illegal vapes though greater enforcement powers alongside government funding for recycling of illegal products. For example, currently the Border Force has insufficient resources to prevent the flow of illegal products into the UK. A ban on disposable vapes must ensure that products can be turned away at the border. This will likely require controls across all forms of vaping products and ensuring that there is a ban on importation rather than simply on sale.

Whether regulations should extend to non-nicotine vapes and other nicotine products

20. Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

- Yes
- No
- Don't know

Restrictions on non-nicotine vapes are also needed due to their health impacts and to ensure they are not accessed by children and young people acting as a gateway to use of nicotine vapes.

Many young people are regularly using non-nicotine vapes. In a survey of young people in 2023, ASH found that 51% of 11-17 year olds who currently vape said that the e-cigarette they used most often always contained nicotine; 30% said it sometimes contained nicotine; 9.5% said that it never contained nicotine; with 10% saying they didn't know⁴⁸.

Although vaping without nicotine prevents nicotine dependence, damaging side effects do exist. Many of the chemicals in e-liquids may have toxic effects on the body. One 2018 in-vitro study found that exposure to non-nicotine vape led to cell death within the lungs and flavouring additives in vapes can harm blood vessels in the heart.⁴⁹

Therefore, it is crucial that the same restrictions are in place for nicotine and non-nicotine vapes, particularly regarding flavour descriptors aimed at children and young people.

21. *Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?*

- Yes
- No
- Don't know

Non-nicotine vapes should be regulated in the same way as nicotine containing vapes.

22. *Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?*

- Yes
- No
- Don't know

Nicotine pouches are an emerging class of non-combustible nicotine products. They have been promoted as cost effective (comparable to a pack of cigarettes); convenient (as they can be used anywhere and do not require batteries or a device); and relatively safe in comparison to other nicotine products. Industry-funded research has claimed nicotine pouches as a “reduced-risk” product and argued that these products have lower physiological impact compared with conventional tobacco products, partially due to the absence of tobacco leaf and combustion.⁵⁰ However, these products are not without health risks and have a significant impact on nicotine addiction.

A 2022 study of 44 nicotine pouch products and two nicotine-free pouches found that 26 of the samples contained cancer-causing chemicals known as tobacco-specific nitrosamines. The same study found that 29 of the products did not clearly state how much nicotine they provided or gave vague descriptions.⁵¹ Nicotine is a highly addictive substance, which can negatively impact learning, attention span and has been labelled as a ‘tumour promoter’.^{52,53}

23. *Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?*

- Yes
- No
- Don't know

It is crucial that all nicotine products including nicotine pouches are covered by regulations. This is crucial to prevent their attraction to young people through marketing strategies and to promote greater awareness of their contents/ ingredients to consumers.

Although current usage of nicotine pouches is low in the UK compared to other products such as vapes, their popularity is rising. A study by ASH showed that in 2020, 34% of GB adults had heard of them. By 2022 awareness had increased to 44%. The proportion of adults who had ever tried nicotine pouches, albeit still low overall, was already notably higher in 2022 (3.9%) than in 2020 (2.7%)⁵⁴. It is clear that the market of novel nicotine products is likely to evolve therefore regulations must be revised to include such products.

The Tobacco and Related Product Regulations only cover e-cigarettes and novel tobacco products, not novel nicotine products like pouches. That means that for novel nicotine products there are:

- No age of sale regulations so they can be sold to anyone, as well as being handed out free.
- No standardised regulatory requirement for information on packaging to provide information to consumers
- No controls on their advertising, promotion and sponsorship – these products are being promoted online via influencers, free samples and competitions
- No limits on nicotine content – some of them are very high strength, much higher than allowed by the regulations for e-cigarettes.
- No regulation of contents or ingredients – other than that required for them to conform to general product safety rules

Affordability of vapes

24. *Do you think that an increase in the price of vapes would reduce the number of young people who vape?*

- **Yes**
- No
- Don't know

Young people are particularly price sensitive and increasing the price of vapes through taxation would reduce the number of young people vaping.

As with tobacco usage, most studies found that raising cigarette prices through increased taxes is a highly effective measure for reducing smoking among youth, young adults, and persons of low socioeconomic status.⁵⁵

As more young people are using vapes regularly it is crucial that efforts are made to drive down their appeal and accessibility to this population.

Enforcement

25. *Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?*

- **Yes**
- No
- Don't know

We welcome the proposal to increase the enforcement options available to Trading Standards to take action against those who breach age of sale regulations, particularly in light of the challenges of taking forward prosecutions. Fixed penalty notices should be issued for breaches of age of sale legislation; however, this should go further with escalation of penalties issued for repeat offenders.

26. *What level of fixed penalty notice should be given for an underage tobacco sale?*

- £100
- £200
- **Other**

This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level and an appropriate sliding scale for persistent offenders.

27. What level of fixed penalty notice should be given for an underage vape sale?

- £100
- £200
- Other

This needs to be thought through carefully, in consultation with Trading Standards, to determine the most appropriate level and an appropriate sliding scale for persistent offenders.

1

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2022>

² <https://ash.org.uk/uploads/Headline-results-ASH-Smokefree-GB-adults-and-youth-survey-results-2023.pdf?v=1684400380>

³ <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html#:~:text=Young%20people's%20brains%20build%20synapses,other%20drugs%20such%20as%20cocaine.>

⁴ <https://www.hopkinsmedicine.org/health/wellness-and-prevention/5-truths-you-need-to-know-about-vaping>

⁵ <https://onlinelibrary.wiley.com/doi/full/10.5694/mja2.51890>

⁶ <https://researchbriefings.files.parliament.uk/documents/CBP-8114/CBP-8114.pdf>

⁷ <file:///C:/Users/revans/Downloads/9789240077164-eng.pdf>

8

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2022>

9

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2022>

¹⁰ <https://ash.org.uk/media-centre/news/press-releases/this-world-no-tobacco-day-280-children-will-start-smoking-in-england-enough-to-fill-over-17-school-minibuses>

¹¹ <https://www.gov.uk/government/publications/towards-a-smoke-free-generation-tobacco-control-plan-for-england>

¹² <https://www.gov.uk/government/consultations/advancing-our-health-prevention-in-the-2020s/advancing-our-health-prevention-in-the-2020s-consultation-document>

¹³ <https://www.nhs.uk/common-health-questions/lifestyle/what-are-the-health-risks-of-smoking/#:~:text=Smoking%20is%20one%20of%20the,with%20debilitating%20smoking%2Drelated%20illnesse>

S

¹⁴ <https://www.cancerresearchuk.org/about-cancer/causes-of-cancer/smoking-and-cancer>

¹⁵ <https://ash.org.uk/media-centre/news/press-releases/smoking-costs-society-17bn-5bn-more-than-previously-estimated>

¹⁶ <https://www.health.org.uk/news-and-comment/charts-and-infographics/public-health-grant-what-it-is-and-why-greater-investment-is-needed>

¹⁷ <https://ash.org.uk/uploads/smokelesstobaccoeip.pdf>

¹⁸ <https://tobaccocontrol.bmj.com/content/32/6/809>

¹⁹ <https://tobaccocontrol.bmj.com/content/29/e1/e138>

²⁰ <https://www.news-medical.net/news/20191024/Flavors-attract-both-youth-and-adults-to-use-e-cigarettes.aspx>

²¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8500174/>

²² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275248/>

²³ <https://academic.oup.com/ntr/article/25/3/541/6761959>

²⁴ <https://ash.org.uk/uploads/Headline-results-ASH-Smokefree-GB-adults-and-youth-survey-results-2023.pdf?v=1684400380>

25

²⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8837211/>

²⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9094050/>

-
- 28 <https://ash.org.uk/uploads/Headline-results-ASH-Smokefree-GB-adults-and-youth-survey-results-2023.pdf?v=1684400380>
- 29 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9924333/>
- 30 <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-018-5467-9#:~:text=The%20majority%20of%20vape%20shop,many%20provide%20smoking%20cessation%20advice.>
- 31 <https://www.kcl.ac.uk/news/standardised-packaging-on-vapes-reduces-appeal-to-teenagers>
- 32 <https://ash.org.uk/uploads/Use-of-vapes-among-young-people-GB-2023-v2.pdf?v=1697209531>
- 33 <https://www.newvaping.com/blogs/guide/the-evolution-of-disposable-vapes>
- 34 <https://onlinelibrary.wiley.com/doi/full/10.1111/add.16044>
- 35 ash.org.uk/uploads/Headline-results-ASH-Smokefree-GB-adults-and-youth-survey-results-2023.pdf?v=1684400380
- 36 <https://ash.org.uk/uploads/Use-of-e-cigarettes-among-adults-in-Great-Britain-2023.pdf?v=1691058248>
- 37 <https://www.ashscotland.org.uk/news-and-events/news/2023/06/scottish-paediatricians-join-call-for-a-ban-on-disposable-vapes/>
- 38 <https://www.thebureauinvestigates.com/stories/2022-07-15/rise-of-single-use-vapes-sending-tonnes-of-lithium-to-landfill>
- 39 <https://www.theguardian.com/commentisfree/2023/may/03/recycle-disposable-vape-single-use-e-cigarettes-lithium>
- 40 <https://www.materialfocus.org.uk/press-releases/one-million-single-use-vapes-thrown-away-every-week-contributing-to-the-growing-e-waste-challenge-in-the-uk/>
- 41 <https://www.thebureauinvestigates.com/stories/2022-07-15/rise-of-single-use-vapes-sending-tonnes-of-lithium-to-landfill>
- 42 <https://www.thegrocer.co.uk/technology-and-supply-chain/vape-sector-dodging-legal-obligation-to-fund-recycling/677011.article>
- 43 <https://ash.org.uk/uploads/Policy-options-to-tackle-the-issue-of-disposable-single-use-vapes.pdf?v=1690989465>
- 44 <https://www.talkingretail.com/news/industry-news/stores-should-offer-more-vape-disposal-points-say-campaigners-08-09-2023/>
- 45 <https://green-alliance.org.uk/press-release/leading-environmental-and-health-groups-demand-ban-on-disposable-vapes/>
- 46 <https://www.bbc.co.uk/news/uk-wales-66787168>
- 47 <https://www.gov.scot/news/single-use-vapes-ban-considered/#:~:text=The%20Scottish%20Parliament%20has%20successfully,from%20the%20Internal%20Market%20Act.>
- 48 <https://ash.org.uk/uploads/Use-of-vapes-among-young-people-GB-2023-v2.pdf?v=1697209531>
- 49 <https://www.healthline.com/health/side-effects-of-vaping-without-nicotine#without-nicotine>
- 50 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9915420/>
- 51 <https://tobaccocontrol.bmj.com/content/early/2022/08/05/tc-2022-057280>
- 52 <https://health.unl.edu/nicotine-pouches-are-they-safer-chewing-smoking-or-vaping>
- 53 https://apps.who.int/gb/fctc/PDF/cop6/FCTC_COP6_10Rev1-en.pdf
- 54 <https://ash.org.uk/uploads/Awareness-and-use-of-nicotine-pouches.pdf?v=1667213473>
- 55 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3228562/>