

Public Health (Wales) Bill: Consultation questions

1.1 Tobacco and Nicotine Products

The Bill includes proposals to ban the use of nicotine inhaling devices, such as e-cigarettes, in enclosed spaces like restaurants, pubs and at work. Shops will also have to join a register for retailers of tobacco and nicotine products, and it will become an offence to “hand over” tobacco and e-cigarettes to anyone under the age of 18.

Question 1

Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?

Not even remotely. For many smokers, part of the motivation to try using e-cigarettes is to avoid the need to stand around in the rain and cold when they need their nicotine, it certainly was in my case. By banning the use of e-cigarettes in enclosed public and work places this nudge will disappear. It also means that current e-cigarette users will now be forced outside with the smokers – for many smokers that have only just started vaping, this may just tempt them to start smoking again.

Furthermore, it is important to consider the message that such a ban will convey to existing smokers (as well as non-smokers), ie that in the opinion of the government, e-cigarettes are as dangerous as tobacco cigarettes – which flies in the face of all the current scientific evidence – see the recent report from Public Health England.

I would also like to question if any exemptions are envisaged for vape-shops? Many vape-shops allow their customers to try out devices and liquids before purchase, as far as I can tell this legislation will prohibit this. Similarly for e-



liquid manufacturers (of whom there are a number in Wales) – where do they test their products?

There are 3 options set out in the explanatory memorandum – and it appears that the health minister is seeking to pursue the most draconian and the one that will cause the highest cost to the Welsh economy, and all for absolutely no benefit to the health of the public.

Point of information #1 – in the explanatory memorandum point 339 about the assumption that e-cigarette breaks would last the same amount of time as cigarette breaks: for a vaper to absorb the same amount of nicotine as a smoker on a 5–10 minute break they would have to vape for around 30 minutes as the uptake rate is substantially lower. Accordingly the costs of vaping breaks would have to be increased, possibly by a factor of 3.

Point of information #2 – premises that provide a smoking shelter would also have to provide a vaping shelter so as not to expose vapers to second-hand smoke – this will impose an additional cost on businesses (companies will be sued if they do not provide vaping shelters – I can guarantee this).

Point of information #3 – explanatory memorandum point 363 claims to have found 26 specialist e-cigarette retailers in Wales in January 2015. [Data from 2014](#) showed 42 specialist retailers in Wales and that number has certainly increased to my knowledge since that map was compiled.

Question 2

Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential dis-benefits related to the use of e-cigarettes?

Not at all – the **purported** reason behind the Smoke-Free Premises bill was that second-hand smoke poses a health hazard to non-smokers. The same can definitely not be said about second-hand vapour. The Bill as it stands can only dissuade smokers from switching to vaping.



Question 3

Do you have any views on whether the use of e-cigarettes re-normalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?

Vaping normalises vaping, not smoking. Particularly since the overwhelming majority of vaping products in use today look absolutely nothing like conventional tobacco cigarettes. I cannot recall the last time I saw a first generation e-cigarette (or cigalike) being used here in Cardigan, yet I see second and third generation devices pretty much every day.

Question 4

Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?

The evidence says that they are not – see the Smoking Toolkit Study for example, and the recent Public Health England report.

To suggest that a non-smoker would start vaping and then go on to using lit tobacco is, quite frankly clutching at straws. It is certainly possible that some young people may do this, but the likelihood is that they would be the sort of person that would have tried smoking anyway. In theory this point should be moot given that sales to under-18s will be banned soon, although that doesn't seem to work too well with conventional cigarettes.

Question 5

Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?

It seems like pointless bureaucracy to me, even for tobacco products.

Question 6

What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?



I am unclear what the intent of this part of the bill is. If it's for retailers and those people delivering to the home then I am unconcerned about it. However, if it comes to parents of a smoking teenager becoming criminals for providing their child with a vaping product to help them to stop smoking then I'm very much against. The explanatory memorandum is not helpful in regard to this.



1.2 Special Procedures

The Bill includes a proposal to create a compulsory licensing system for people who carry out special procedures in Wales. These special procedures are tattooing, body piercing, acupuncture and electrolysis. The places where these special procedures are carried out will also need to be approved.

Question 7

What are your views on creating a compulsory, national licensing system for practitioners of specified special procedures in Wales, and that the premises or vehicle from which the practitioners operate must be approved?
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Question 8

Do you agree with the types of special procedures defined in the Bill?
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Question 9

What are your views on the provision which gives Welsh Ministers the power to amend the list of special procedures through secondary legislation?
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Question 10

Do you have any views on whether enforcing the licensing system would result in any particular difficulties for local authorities?

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1.3 Intimate piercings

The Bill includes a proposal to ban intimate body piercings for anyone under the age of 16 in Wales.

Question 11

Do you believe an age restriction is required for intimate body piercing? What are your views on prohibiting the intimate piercing of anyone under the age of 16 in Wales?

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Question 12

Do you agree with the list of intimate body parts defined in the Bill? Whether any other types of piercings (for example naval piercing, tongue piercing) should be prohibited on young people under the age of 16.

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1.4 Community pharmacies

The Bill will require local health boards in Wales to review the need for pharmaceutical services in its area, and that any decisions relating to community pharmacies are based on the needs of local communities.

Question 13

Do you believe the proposals in the Bill will achieve the aim of improving the planning and delivery of pharmaceutical services in Wales?

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Question 14

What are your views on whether the proposals will encourage existing pharmacies to adapt and expand their services in response to local needs?

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1.5



1.6 Public toilets

The Bill includes a proposal that will require local authorities to prepare a local strategy to plan how they will meet the needs of their communities for accessing public toilet facilities. However, the Bill does not require local authorities to actually provide toilet facilities.

Question 15

What are your views on the proposal that each local authority in Wales will be under a duty to prepare and publish a local toilets strategy for its area?

More pointless bureaucracy as far as I can see, unless there are minimum standards set in the Bill.

Question 16

Do you believe that preparing a local toilet strategy will ultimately lead to improved provision of public toilets?

This seems very unlikely – since it will require funds to prepare the strategy that could be better spent on actually improving toilet provision.

Question 17

Do you believe the provision in the Bill to ensure appropriate engagement with communities is sufficient to guarantee the views of local people are taken into account in the development of local toilet strategies?

Not in the slightest. When Ceredigion closed several public toilets in Cardigan there was no consultation – as a result all the public toilets are on one side of the High street, and there are no public toilets near to the bus station (excepting the one in the Council office that closes at 4:30pm).



Question 18

What are your views on considering toilet facilities within settings in receipt of public funding when developing local strategies?

All very well, but generally such places are only open during the working day.



1.7 Other comments

Question 19

Do you believe that the issues included in this Bill reflect the priorities for improving public health in Wales?

By no means – we need improvements in the NHS, particularly in rural Wales. We do not need petty legislation that deals with insignificant trivia.

Question 20

Are there any other areas of public health which you believe require legislation to help improve the health of people in Wales?

There is a crying need for more dentists – certainly in Ceredigion, and I suspect the same applies to other rural areas. There are two dentists in Cardigan, but neither of them has been taking on NHS patients for at least the last 5 years as far as I am aware. My dentist is in Aberystwyth, which is a 2 hour bus ride in each direction.

Question 21

Are there any other comments you would like to make on any aspect of the Bill?

