

Public Health (Wales) Bill: Consultation questions

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?

No. Most definitely not.

After more than 45 years as a tobacco smoker I enrolled on a Quit Smoking Course, at my GPs surgery, on 24th July 2015. I had made numerous attempts to stop smoking in the past. None of these were successful despite the use of the following NRT products: – Patches, chewing gum, lozenges and an inhalator. In addition I had also tried to quit using hypnotherapy and acupuncture. Prior to my recent Stop Smoking attempt I researched alternative smoking cessation products on the internet. Of relevance were the following reports: –

E-cigarettes: an evidence update – A report commissioned by Public Health England, 2015, and, ASH (Action on Smoking and Health) Briefing (Electronic cigarettes), November 2014.

The PHE report stated that ‘*current expert estimate that using Electronic Cigarettes is around 95% safer than smoking*’. The ASH briefing stated that ‘*Toxins have been found in a number of studies of electronic cigarettes although these are at levels much lower than those found in cigarettes and not at levels which would generally cause concern*’.

Having read those reports I decided to use an e-cigarette and can report that I have not

smoked tobacco in the last 6 weeks. The two reports I have cited above are certainly not in favour of the restrictions on e-cigs currently being proposed in the Public Health (Wales) Bill.

'In the UK smokefree legislation exists to protect the public from the demonstrable harms of secondhand smoke. ASH does not consider it appropriate for electronic cigarettes to be subject to this legislation, but that it should be for organisations to determine on a voluntary basis how these products should be used on their premises' – [ASH \(Action on Smoking and Health\) Briefing \(Electronic cigarettes\), November 2014](#)

'New regulations currently planned should also maximise the public health opportunities of Electronic Cigarettes' – [E-cigarettes: an evidence update – A report commissioned by Public Health England, 2015](#)

It is impossible to see how the proposals to ban e-cig use in enclosed public and workplaces in Wales does anything other than detract from the public health benefits offered by them.

Furthermore, had e-cigarettes been banned in enclosed and substantially enclosed public places at the time of my latest 'quit attempt' it is more than likely that I would have again been unsuccessful.

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?

No. The provisions will achieve the opposite. In practice the provisions would require e-cig users to occupy the same areas outside workplaces and social venues now occupied by smokers. E-cig users would again be exposed to the same toxic second hand smoke that the Smoke-free Premises etc. (Wales) Regulations 2007 were supposed to protect them from.

The proposed provisions are therefore illogical and work contrary to harm reduction principles.

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?

They don't "replicate cigarettes" and don't normalise smoking, they normalise using something completely different. For example, here's a picture of my current e-cig which could not possibly be confused with a traditional cigarette.



A leading UK Charity actively promoting smoke free policy has the following to say on this point in its report [ASH \(Action on Smoking and Health\) Briefing \(Electronic cigarettes\), November 2014](#)

*'The fact that many electronic cigarettes look similar to conventional cigarettes has been said to risk confusion as to their use in enclosed public places, such as on public transport. However, given that the most distinctive feature of cigarette smoking is the smell of the smoke, which travels rapidly, and that this is absent from electronic cigarette use, it is **not clear how any such confusion would be sustained**'.*

*'One stated advantage of smokefree legislation is that it de-normalises smoking, effectively distancing the behaviour from what is an accepted social norm.... There are concerns that electronic cigarettes will undermine this process, threatening the now established practice of smokefree public places, such as at work or on public transport. However to date there is **little evidence to suggest this is the case**'.*

In addition The [Smoking Toolkit Study carried out in England](#) found that e-cigarettes were taking over from nicotine gum and patches as an aid to giving up smoking. The leader of that study, Professor Robert West, said: *"Despite claims that use of electronic cigarettes risks renormalising smoking, we found **no evidence to support this view**. On the contrary, electronic cigarettes may be helping to reduce smoking as more people use them as an aid to quitting."*

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?

I certainly do not agree with this inference.

In fact, according to [E-cigarettes: an evidence update – A report commissioned by Public Health England, 2015](#)

– Despite some experimentation with Electronic Cigarettes among never smokers, Electronic Cigarettes are attracting very few people who have never smoked into regular EC use.

*– No evidence that Electronic Cigarettes are undermining the long-term decline in cigarette smoking among adults **and youth**, and may in fact be contributing to it.*

According to Deborah Arnott, ASH Chef Executive

"While it is important to control the advertising of electronic cigarettes to make sure children and non-smokers are not being targeted, there is no evidence from our research that e-cigarettes are acting as a gateway into smoking."

The evidence appears to be demonstrating the exact opposite of what this consultation document is suggesting.

Question 5

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

Whilst I would support the proposal to establish a national register of tobacco retailers I would not support the introduction of a similar register of e-cig retailers.

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 have no problem with the creation of an offence in relation to the handing over of tobacco to a person under 18.

However, I do not believe that a parent should be penalised and criminalised for handing over an e-cig to their 16 year old child who currently smokes tobacco.