

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?

The evidence to date would suggest that at present e-cigarettes does not pose the same risk to health as cigarette smoke does. Nevertheless e-cigarettes are a new product, and further cumulative evidence over time would guide future policy. Given that this is an emerging area for further research into risks associated with the vapour from e-cigarettes and the smell travels quickly, the RCM believes that a precautionary approach should be taken until further evidence becomes available.

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?

The RCM believes that the provisions in the bill will achieve a balance between the benefits to smokers wishing to quit and protecting the public from any unknown risks associated with the vapour from e-cigarettes.

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?

Only a small number of young non-smokers were identified in Wales as using e-cigarettes. The imagery of “vaping” e-cigarettes appears closely aligned to the act of smoking and could inadvertently promote smoking and normalise smoking in smoke free areas. Time and further research is required to answer this question objectively.

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?

Only a small number of young non-smokers were identified in Wales as using e-cigarettes. However, this use is increasing and, by implication, their use of Nicotine is too. This is why it is important to regulate the places where e-cigarettes can be used , as the trend could lead to consumption of tobacco products by young people.

Question 5

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

Yes. The RCM is in favour of establishing a national register of retailers of tobacco and nicotine products as it is likely to make retailers accountable for their actions. We believe that both – retailers of tobacco and nicotine products-should be on the same register in order to monitor their activities and reduce the number of young smokers and those who may take up the use of e-cigarettes

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?

The RCM supports the proposal to create a new offence in order to prevent under-18s accessing and using tobacco and nicotine products. This would be in line with other legislation, such as the vending machine ban and the point of sale display bans. With the introduction of a retail register, together, these could limit the access of young people to tobacco and nicotine products.

References

ASH (2015). [Use of electronic cigarettes among children in Great Britain.](#)

ASH Wales (2014). [Young people and the use of e-cigarettes in Wales.](#)

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?

The RCM welcomes this proposal as a public protection measure for a compulsory licensing system for those who carry out tattooing, body piercing, acupuncture and electrolysis.

The terms '*practitioner and procedures*' imply that the individuals carrying out these activities are trained and accredited and that their competence will be regularly validated.

Any licensing system must require minimum standards of hygiene for the premises from which they work and a defined set of rules and principles governing this group.

Question 8

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

Yes, There is a need to exclude genital piercing from this and future list as a procedure that should be licensed because it is illegal under the Female Genital Mutilation Act as Type 4 FGM and cannot be carried out on a girl under the age of 18 in England and Wales.

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?

The RCM sees no reason why the list cannot be varied, depending on the circumstances, as long as the intention is always to protect the public from harm.

Question 10

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

Local Authorities would initially require initial funding and resources to set up the agreed systems, which defines at the outset what is permitted under the Bill, the category of persons who can have intimate piercings, and the required competence of the individuals who is licensed to carry out these procedures. That way, it would be easier to monitor bad practices and protect the public.

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?

Yes. The RCM believes that intimate body piercing should be prohibited in anyone under the age of 18. Genital piercing in girls under the age of 18 is illegal throughout the UK (Female Genital Mutilation Act 2003 in England, Wales and Northern Ireland and the Prohibition of Female Genital Mutilation (Scotland) Act 2005 in Scotland) and classified as Type 4 FGM.

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.

Given the proposal to require a licensing system for intimate piercing, it would be important to consider the fact that under 18s are deemed to be minors and cannot not give informed consent to '*invasive procedures*' involving the use of needles or cutting equipment. The procedures listed for example, naval piercing, tongue piercing, etc should be prohibited on young people under the age of 18.