

## Agenda – Health and Social Care Committee

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Meeting Venue:	For further information contact:
Committee Room 3 – Senedd	Llinos Madeley
Meeting date: Thursday, 19 November 2015	Committee Clerk 0300 200 6565
Meeting time: 09.15	<a href="mailto:SeneddHealth@Assembly.Wales">SeneddHealth@Assembly.Wales</a>

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**1 Motion under Standing Order 17.22 to elect temporary Chair**  
(09.15)

**2 Introductions, apologies and substitutions**  
(09.15)

**3 Papers to note**  
(09.15)

**Minutes of the meeting on 11 November 2015**

(Pages 1 – 3)

**Public Health (Wales) Bill: additional information from the Minister for Health and Social Services**

(Pages 4 – 5)

**4 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the remainder of the meeting**  
(09.15)

**5 Safe Nurse Staffing Levels (Wales) Bill: discussion on order of consideration for Stage 2 proceedings**  
(09.15 – 09.20)

(Page 6)

**6 Draft Wales Bill: consideration of findings**  
(09.20 – 09.45)



**7 Public Health (Wales) Bill: consideration of the draft report**

(09.45 – 12.30)

(Pages 7 – 74)

**Lunch (12.30 – 13.15)**

**8 Public Health (Wales) Bill: consideration of the draft report**

(13.15 – 15.00)

## Concise Minutes – Health and Social Care Committee

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Meeting Venue:

Committee Room 3 – Senedd

Meeting date: Wednesday,

11 November 2015

Meeting time: 09.17 – 12.17

**Private**

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### Attendance

Category	Names
Assembly Members:	David Rees AM (Chair) Alun Davies AM John Griffiths AM Altaf Hussain AM Elin Jones AM Darren Millar AM Lynne Neagle AM Gwyn R Price AM Lindsay Whittle AM Kirsty Williams AM
Committee Staff:	Llinos Madeley (Clerk) Catherine Hunt (Second Clerk) Sian Giddins (Deputy Clerk) Gareth Howells (Legal Adviser)



	Amy Clifton (Researcher)
	Philippa Watkins (Researcher)

## 1 Introductions, apologies and substitutions

1.1 No apologies were received.

## 2 Draft Wales Bill: consideration of the Bill's impact on legislative competence in the field of health and social care

2.1 The Committee considered the impact of the draft Wales Bill on legislative competence in the field of health and social care.

2.2 The Committee agreed to write to the Constitutional and Legislative Affairs Committee to inform its overarching scrutiny of the draft Wales Bill, and to send a copy of this letter to the Secretary of State for Wales, the First Minister and the Presiding Officer.

## 3 Public Health (Wales) Bill: consideration of the draft report

3.1 The Committee considered the draft report. It agreed to give further consideration to the draft report at its meeting on 19 November 2015.

3.2 In accordance with Standing Order 17.34(ii), the Committee voted on the following motion, proposed by Darren Millar AM and supported by Alun Davies AM, and accepted by the Chair without notice in accordance with Standing Order 17.44:

That the Health and Social Care Committee write to the Business Committee to seek an extension to the deadline for reporting the conclusions of its Stage 1 consideration of the Public Health (Wales) Bill.

The result of the vote was as follows:

For	Against	Abstain
Alun Davies	John Griffiths	0
Altaf Hussain	Lynne Neagle	
Elin Jones	Gwyn Price	

Darren Millar Lindsay Whittle Kirsty Williams	David Rees	
6	4	0
The motion was agreed.		

#### **4 Papers to note**

##### **4.1 Minutes of the meeting on 5 November 2015**

4.1a The Committee noted the minutes.

##### **4.2 Public Health (Wales) Bill: additional information from the Minister for Health and Social Services**

4.2a The Committee noted the additional information.

# Agenda Item 3.2

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA-L-MD-0127-15

David Rees AM  
Chair of the Health and Social Care Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

10 November 2015

Dear David,

## Public Health (Wales) Bill

I would like to thank you and the Committee for your continuing consideration of the Public Health (Wales) Bill.

I am pleased to provide the Committee with further information on the following issues, which were raised in your correspondence, dated 09 November:

### Nicotine free e-cigarettes

The term 'nicotine inhaling device' (NID) is used in the Bill and is defined as: "*a device enabling the inhalation of nicotine via a mouth piece (whether or not the device also enables any other substance to be inhaled)*". The definition does not therefore capture non-nicotine e-cigarettes unless they can also be used to inhale nicotine, e.g. by replacing the pre-filled cartridge with a nicotine-containing cartridge, or by filling a cartridge or a tank with a nicotine-containing liquid. As such, devices that may enable nicotine to be inhaled via a mouthpiece would be subject to the restrictions on use in enclosed and substantially enclosed public and work places.

The Bill gives the Welsh Ministers the power to make regulations that provide for other devices, or descriptions of a device, to be covered by Chapter 1 of the Bill where they are satisfied that this is likely to contribute towards the promotion of the health of the people of Wales. Such additional devices may or may not enable nicotine to be inhaled.

As set out in the Statement of Policy Intent, there is no current intention to use these powers in relation to a specific known device or description of a device. However, should it be found that non-nicotine inhaling devices not captured by the definition of NID in the Bill as introduced are undermining the smoke-free requirements established by the Bill,

this regulation making power would enable the Welsh Ministers to extend the requirements to such devices. Any Regulations made using these powers would be subject to the affirmative procedure and would be consulted on and debated in plenary.

### Heated tobacco

The definition of smoking in the Bill as introduced is framed in terms of being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked. The heated tobacco products that are currently available on the market would not be captured by the definition of smoking due to the fact that the tobacco that they contain is not lit. However, these heated tobacco devices would be captured by the definition of a NID within the Bill as introduced because they enable the inhalation of nicotine via a mouth piece. The heated tobacco products currently available on the market would therefore be subject to the Bill's restrictions on the use of NIDs in enclosed and substantially enclosed public and work places.

I hope that the information provided in this letter is helpful, and I look forward to the Committee's report on the general principles of the Bill.

*Best wishes,*

*Mark*

**Mark Drakeford AC / AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Minister for Health and Social Services

# Agenda Item 5

By virtue of paragraph(s) vi of Standing Order 17.42

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