

P-06-1396 Introduce a vape licence for dedicated vape shops

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Reference: SR24/7850-2

Petition Number: P-06-1396

Petition title: Introduce a vape licence for dedicated vape shops

Text of petition: Lack of training and a licence can cause unsuitable products and illegal devices to be sold, which can be dangerous and hinder the chances of becoming a non-smoker. There are also fake and illegal vape products that are not compliant with UK regulations in circulation, which is a danger to the public. Licenced premises authorised to sell vape products should lower this as they buy directly from licensed suppliers, so they won't be fakes, bought cheaply on the black market to make a quick buck.

We want Vape products to be sold by licensed vape dedicated shops with trained staff who specialise in vape products, all aspects of vaping, NRT (Nicotine Replacement Therapy), including product knowledge to enable them to work with the public to ensure a more successful quit smoking rate.

Currently Vape shops are compliant and meet Trading Standards requirements to trade. Many staff are qualified NCSCT Non Smoking Practitioners to ensure a working knowledge of all NRT and advise accordingly

Parents are unhappy as some retailers are selling vape products to under 18s. This hinders the vape industry as they work towards a smokefree Wales. Vaping is a stepping stone from smoking, it's not something they should be introduced to at such a young age.



With such a high success rate in the vaping industry helping people quit smoking, the industry needs to be recognized and a licence needs to be introduced to ensure safety is met and vapes are sold responsibly.

1. Background

Vapes or e-cigarettes are battery powered devices which allow nicotine to be inhaled through a vapour rather than smoke (known as vaping). Vape products primarily consist of e-cigarettes and e-liquids.

There are currently no licencing requirements for retailers selling vape products or other tobacco products in England and Wales.

Vape retailers must however comply with rules preventing the sale of illegal vapes, restricting the promotion of vape products, and preventing the direct or proxy sale of vapes to people under the age of 18.

The National Centre for Smoking Cessation and Training (NCSCT) provides information and training to support the delivery of smoking cessation interventions, including guidance on vape products.

1.1. Illegal vaping products

The Tobacco and Related Products Regulations 2016 (TRPRs) set product standards for nicotine vapes across the UK. These standards do not apply to non-nicotine containing vapes, which are covered by the General Products Safety Regulations 2005 (GPSRs).

Illegal, or non-compliant vapes are vaping products that do not fulfil the criteria set out in the TRPRs, and/or are deemed unsafe under the GPSRs. Illegal vapes can carry health risks, due to potentially higher concentrations of nicotine or the presence of banned ingredients. Some illegal vapes have been found to contain potentially harmful amounts of heavy metals.

In January 2024, the BBC reported that over 4.5 million illegal vapes were seized at the UK border between January and October 2023, more than four times the number seized the previous year.

1.2. Role of vape products in smoking cessation

Vapes can be effective in supporting people to reduce or stop smoking. The most recent update to the [Cochrane review](#) found that nicotine e-cigarettes are more effective at helping people to stop smoking than nicotine replacement therapy, and may be better than behavioural support or no support at all.

The [NHS website](#) states that vaping is one of the most effective tools for quitting smoking. A review from [Public Health England](#) reported that quit attempts involving a vaping product amongst those using stop smoking services were associated with the highest success rates.

However, the review also noted that vaping is not without health risks, due to potential exposure to toxicants and the addictiveness of nicotine. There is also a lack of evidence on potential long-term health impacts. As such, vaping is **not recommended** for non-smokers.

There are also [growing concerns](#) about the number of children and young people taking up vaping and their exposure to health risks. The National Institute for Health and Care Excellence (NICE) [recommends](#) that vaping should be discouraged in children and young people who have never smoked.

1.3. Calls for a licencing scheme

In 2022, the [Khan Review into smokefree 2030 policies](#) recommended introducing a licence for retailers of any tobacco product, to limit where tobacco is available. It suggested that criminal retailers should lose their tobacco licence and that local authorities should be empowered to attach public health criteria to the licence (e.g. prohibiting sales near schools).

The Chartered Trading Standards Institute (CTSI) has previously [called for](#) a mandatory registration scheme for retailers selling tobacco and nicotine vaping products, with the aim of tackling the sale of non-compliant vapes and stopping illegal sales to children and young people.

The UK Vaping Industry Association [has also proposed](#) the introduction of a vape retailer and distributor licensing scheme to tackle rogue traders who engage in underage or illicit sales of vapes. The industry body is planning to publish details of a proposed scheme in February 2024.

1.4. Action in other countries

In Scotland, retailers who sell nicotine vape products are required to register on the [Scottish Tobacco Retailers Register](#). The [Health \(Tobacco, Nicotine Etc. and Care\)\(Scotland\) Act 2016](#) makes it an offence to sell vapes from a premises which is not registered.

In Ireland, the [Public Health \(Tobacco Products and Nicotine Inhaling Products\) Act 2023](#) has recently been passed. The Act provides for the licensing of retailers selling nicotine vape or tobacco products, and for the establishment and maintenance of a register of licences.

Retailers in New Zealand can apply to become [specialist vape retailers](#), which means they are exempt from some restrictions (for example, on product promotion and the sale of some flavoured vape products) which are placed on other retailers selling vape products.

2. Welsh Parliament action

In October 2023, a short debate was held in the Senedd on the [impact of vaping across Wales](#). Members discussed the problem of underage sale of vapes and the sale of illegal vapes. In her reply to the debate, the Deputy Minister for Mental Health and Wellbeing stated:

Whilst I want to act swiftly on tobacco and e-cigarettes, I want to work closely with other UK nations so that we redouble our efforts to tackle illegal markets and all the associated criminality this brings. The illegal import and sale of unlicensed dangerous products is also something we are acutely aware of... My officials are working closely with trading standards colleagues from across Wales's local authorities to support further enforcement and seizure of illegal dangerous products.

In a [written question](#) in December 2023, Rhys ab Owen asked about the extent of illegal vapes market in Wales and the funding allocated to Trading Standards Wales to combat it. The Deputy Minister for Mental Health and Wellbeing responded:

'I have made available a grant of £145,250 in this financial year to aid efforts to tackle illegal vapes in Wales. The level of funding was informed

by discussions with Trading Standards Wales. The funding will be used to seize, store and analyse illegal vapes, and to support the training and development of enforcement staff in every Local Authority in the country. This will allow us to continue to build a picture of the extent and nature of illegal vape sales in Wales.'

3. Welsh Government action

3.1. Public Health Legislation

The [Public Health \(Wales\) Act 2017](#) includes provisions which may be used as part of its tobacco control legal framework in Wales, including establishing a register of retailers of tobacco and nicotine products. These provisions are outlined in [Chapter 2](#) of the Act.

In 2015, the Welsh Government sought to ban the use of e-cigarettes in enclosed and public spaces in its [initial proposals for the Act](#). However, it failed to gain enough support and the legislation passed without the inclusion of the ban.

3.2. Funding to tackle illegal vaping

The Welsh Government [announced](#) in December 2023 that it was providing funding to Trading Standards Wales to help tackle the illegal vaping market. It said that the funding would support Trading Standards Wales activities such as:

- undertaking test purchasing
- dog detection to identify rogue retailers
- intelligence gathering
- checks at ports to ensure illegal and possibly dangerous products are removed from sale quickly and effectively

In its [Tobacco Control Delivery Plan 2022-24](#), the Welsh Government committed to undertake a review of the tobacco control enforcement tools available in Wales to understand if and where strengthening is required.

3.3. Outcome of the four nations consultation

On 29 January 2024, the Welsh Government announced it would introduce legislation to implement a ban on disposable vapes, along with the Scottish and UK Governments.

It is also supporting other measures being introduced by the UK Government, which have come about following a four nations consultation. These include:

- Raising the age of sale for tobacco products by one year each year (whereby anyone born on or after 1 January 2009 will never legally be sold tobacco products),
- Introducing regulation making powers to restrict flavours, point of sale and packaging for vaping products (nicotine and non-nicotine) as well as other consumer nicotine products; and,
- Introducing new enforcement powers for England and Wales for breaches of age of sale legislation for tobacco and vapes (nicotine and non-nicotine) and other consumer nicotine products.

3.4. Response to the petition

In her response, the Deputy Minister for Mental Health and Wellbeing said:

‘I am committed to taking all measures necessary to address the devastating health impacts of tobacco in Wales and to do all we can to prevent young people from using vapes’

The Minister said the Welsh Government’s focus at the moment is on working with other UK nations to create a smokefree generation, including supporting work on the Tobacco and Vapes Bill which will be brought forward by the UK Government, and legislating to implement a ban on disposable vapes.

The Minister noted the Khan Review recommendation to introduce a tobacco licence for retailers, and said that licencing for tobacco and vape retailers is an area that the Welsh Government is continuing to explore, stating that:

‘Whilst I believe that the Tobacco and Vapes Bill provides us with a once in a generation opportunity to protect future generations from the harms of smoking and to prevent vapes appealing to and being accessed by children and young people, I am committed to going

further in Wales if the evidence supports it. My officials will therefore continue to explore the option of a scheme to introduce licenses for tobacco and vape retailers.'

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.