

16 January 2025

Comments to the Senedd Health and Social Care Committee, on the LCM for the Tobacco & Vapes Bill, submitted by ASH Wales Cymru:

ASH Wales Cymru is the only organisation solely dedicated tobacco control in Wales. Established in 1976, we work to raise awareness of the health, social and economic effects of smoking by working closely with communities, young people and partner organisations across Wales to create change for the better.

Background:

1. One in ten of ALL deaths among over 35s in Wales is attributable to smoking. Every year in Wales, this equates to [3,845 preventable deaths](#).
2. ASH Wales Cymru remains committed to the Smokefree 2030 target set by Welsh Government, but we recognise this ambition cannot be met without urgent and radical action, beyond what is already being done.
3. ASH Wales Cymru supports all measures contained in the Tobacco & Vapes Bill to eradicate the devastating harms of tobacco use, which continue to hit Wales' most disadvantaged communities hardest. [Data Published by ASH Wales in 2024](#), shows that 9% of Welsh homeowners smoke, compared to 30% of adults who live in social housing.
4. ASH Cymru 2024 evidence on public opinion in Wales shows that raising the age of sale for tobacco products has the support of [62% of adults](#) in Wales, 15% are opposed. In addition, our polling of smaller [independent retailers](#) in Wales shows **58%** support raising the age of sale.

Youth Vaping in Wales:

5. We would particularly like to draw committee's attention to new evidence on youth vaping in Wales.

[The ASH Wales Youth Vaping Survey 2024](#) received 12,524 respondents from 65 schools and demonstrates the extent of the issues we face, the levels of support required for our young people and the efforts required in enforcement.

6. We found highly significant predictors of vaping in school children that would help design more targeted interventions for those at highest risk.
7. The ASH Wales Youth Vaping Survey confirms the increasing prevalence of vaping in Wales, which is now perceived as 'common' among most pupils, with many reporting 'very easy or easy' access to vaping products.

8. Almost a quarter of all pupils, had tried vaping, with around 1 in 11 reporting regular (at least weekly) use; females were more likely to vape in every age group. There was a significant relationship between smoking and vaping, with 37% of current vapers who responded in years 7-11 also reporting being current smokers – compared to 3% of all pupils year 7 to 11.

Our survey showed that pupils who currently vape were twice as likely to live with a smoker or a vaper than pupils who had never vaped (66% vs 32%)

In addition:

- A significant percentage of current vapers (22%) report being never smokers
- Only 5% of current vapers reported to have quit smoking
- A total of 73% of current vapers had experience of smoking

9. Unlike most other large scale population surveys on vaping, the ASH Wales Cymru survey provides much more context into the sources of their vapes, the motivations and habits of young vapers.

10. Informal sources, such as friends and family, are the most common channel for obtaining vapes but many use shops or the internet.

11. The vast majority of vapers use nicotine containing devices with **many now reporting they are unable to go without vaping throughout the school day.**

12. More than half (55%) of all pupils that vape reported using vaping products that **are highly likely to be illegal, unregulated products** that contain over 600 puffs.

13. Concerns have been raised that the rise in vaping is attributable, at least in part, to the marketing and availability of disposable vapes, which have rapidly become the preferred vaping device for children and young people. The survey backs these claims.

14. Concerns have also been raised about device safety and quality, with increasing numbers of non-compliant vaping devices/ consumables seized by trading standards teams in Wales often containing higher levels of contaminants and nicotine than those permitted by UK law.

15. The suggestion of likely addiction fits with the multiple (media) reports of concerns from teachers and parents who are experiencing significant challenges in managing behaviour. Nicotine dependence which is disruptive to day-to-day life and learning, is being seen by those working directly with learners as becoming more common.

16. Alongside stricter regulation of vapes, recommendations from the [Public Health Wales IRG](#) (which we contributed to and support) include targeted education campaigns and support for young people to quit vaping and smoking. These recommendations should be fully funded to support the roll-out of regulations relating to the product, place and promotion of vapes in our communities. Regulation alone is not enough.

17. Addressing informal sources of vapes (family and friends) and understanding the influence of age, gender and social (smoking) environments are also crucial strategies to support the success of the regulations. We recommend a long-term commitment to fully fund and grow the [“No Ifs No Butts” online reporting tool](#), for illegal tobacco and vape sales.

Retail Licensing in Wales:

18. Over the years, regulation and laws on cigarette promotion and price have played a huge part in tobacco control.

19. But in today’s market, with the explosion in unregistered retail outlets and a surge in youth vaping, a fresh approach is needed and we must meet the scale of this growing challenge.

20. We support the Tobacco & Vapes Bill measures for retail licensing.

21. Until now, tackling the **availability** of cigarettes and vapes in our communities has been very much a poor relation. A retail licensing scheme for Wales could help address that gap to particularly support people living in our most disadvantaged communities.

22. At the moment, we don’t know for sure if the most disadvantaged areas of Wales have the highest density of tobacco retailers and vape shops. We can guess, because of what we see in our communities, but we lack true evidence.

23. We believe the additional measure of mandatory age verification for all should be included for the sale of tobacco and nicotine products. This would legally underpin the current “challenge 25” type of scheme – recent polling in Wales shows retailers support this. The [ASH Wales Retailer Survey 2024](#) found overwhelming support for mandatory age verification (proof of age) for **all** customers who look like they were born on or after 1 January 2009. **This measure is supported by 80% of those retailers surveyed in Wales**, five times the proportion who oppose the measures (16%).

24. Knowing exactly where these products are being sold, and by whom, is important for public health teams to make sure precious NHS resources are being used in areas of greatest need.

25. A retail licensing scheme would give us new and previously unavailable data for where the most nicotine is being sold in Wales – allowing smoking cessation efforts to be targeted directly in those communities.

26. Therefore, we welcome the provisions contained in the LCM for licensing authorities to refuse licences for premises in particular areas, for example near schools, or to **limit the density** of licenses within a certain area.

27. It is important that Ministers have wide-ranging powers to ensure a licensing scheme remains flexible and adaptable and allowing local authorities to shape their preferred retail environment.

28. Attaching conditions to licenses supports broader Welsh Government objectives. For example, licenses could be restricted to retailers who comply with existing legal requirements, such as offering vape recycling facilities. It could also make it easier to refuse licenses to places or individuals known to have breached the law in the past.

29. Local authorities already administer licensing schemes in other areas such as alcohol. These administrative processes can be adapted to minimise any burden on businesses. However, while many retailers who sell tobacco also sell alcohol and there may be potential to administer some licenses together, there are some other considerations:

- Many retailers that sell vapes do not currently sell alcohol, so any scheme designed to reduce the burden must not inadvertently create an incentive to sell additional health harming products.
- The alcohol licensing model does not have a specific public health objective, and research shows that there is not currently an association between retail licensing and health outcomes. Given the primary intention of the Bill is to reduce harm from tobacco, it is vital that the licensing scheme is built around public health objectives.
- A large proportion of vape sales are online (32% of adult vapers and 13% of underage vapers buy online). Careful consideration is needed to ensure that online retailers are required to meet the same standards as bricks and mortar retailers and how this should be administered.

30. A key part of the consultation process should be to identify the ways in which administration can be streamlined without compromising the objectives of the Bill or wider Welsh Government health objectives and to address the additional complexity of the vaping retail market which has many more businesses than the tobacco market who may be unfamiliar with seeking a licence to sell products.

31. When surveyed in 2024 by ASH Wales Cymru, [**86% of people**](#) questioned said they support a retail scheme for tobacco products. Crucially, this includes 65% of current smokers in Wales and 74% of current vapers.

32. It is important, following further consultation, to define a proportionate regime which balances consumer safety with business burden and the need for a sufficient vaping market to enable smokers to switch. The Welsh Government also needs flexibility to be able to respond to future changes in both the evidence and the market.

33. To be successful the new registration scheme will require sufficient funding, access to expertise, ability to require detailed pre-market information from those registering products, close links with enforcement agencies and sufficient powers to remove products from registration as necessary. These should be key considerations as Welsh Government develops the scheme following royal assent.

34. It should be noted that following a debate on proposals for a tobacco and nicotine retail scheme in Wales in May 2024, cross-party Senedd Cymru members voted, by majority, in favour.

Smoke-free Spaces, vape-free places and other free-from places:

35. We believe all existing smoke-free spaces in Wales should be extended to headed tobacco-free places. Any and all attempts by the tobacco industry to argue heated tobacco is a “safer” product must be resisted and rebuffed. **All tobacco harms health**, and all novel heated tobacco products should not be allowed to circumvent any new and future tobacco regulations.

36. When it comes to vape-free spaces, we will support a national consultation on extending some smoke-free spaces to become vape-free spaces. We recognise this as a useful policy to de-normalise vaping in some environments, particularly around children.

37. However, we have concerns over extending smoke-free to vape-free in some settings, including hospital grounds and in-patient mental health settings. We believe exceptions could be made to take into account the needs of the tobacco and nicotine dependent smoker, whose treatment and wellbeing may benefit from the additional harm reduction support vaping could offer. This should always be coupled with appropriate and longer term smoking cessation support.

38. Treating vapes in exactly the same way as tobacco comes with the potentially unintended consequence of exacerbating current worrying misperceptions of harm. [The ASH Wales Annual Survey 2024](#), revealed there is a sizeable proportion of adults in Wales who believe that vapes are just as harmful, or more harmful than tobacco cigarettes. The percentage who feel this way has grown from 25% in 2017 to 46% in 2024. This is consistent among smokers, with 43% who felt this way, again a significant increase from 14% of smokers in 2017. It's also important to note that almost a quarter of current smokers, 23%, said they did not know whether vapes were more harmful, less harmful or just as harmful as regular cigarettes.

Additional comments:

ASH Wales Cymru supports the Tobacco & Vapes Bill in Wales.

Enacting the legislation and regulations however is just the first step in further reducing the devastating harms tobacco still causes in all our communities.

The majority of the 320,000 current smokers in Wales live in our most disadvantages areas. They will need fully funded, targeted and appropriate support to quit.

It is crucial they are given a voice in securing a compassionate and flexible smoking cessation service, which meets their needs. Particular effort should be made to engage with people in these areas to ensure fully equitable and inclusive consultations on measures.

We also recommend fully funded, bilingual, mass communications campaigns across Wales to explain the legislation /regulations and counter dangerous misperceptions around the relative risks of tobacco and vapes.

We would also like to see a continued commitment to the funding and development of the No Ifs No Butts website, to adequately support intelligence gathering for use by enforcement teams across the country in dealing with illegal tobacco and vapes sales.

