

Prohibition of the sale and supply of single-use vapes

Stage 1 Child Rights and Wellbeing Impact Assessment

April 2024

Disclaimer

This **draft** document is an **initial assessment** of the impact of The Environmental Protection (Single-use vapes) (Scotland) Regulations 2024: Prohibition of the sale and supply of single-use vapes and the Scottish Government will continue to review and update this document where required during the parliamentary process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 1 – Screening

1. Brief Summary (Guidance Section 2.1)

Name the relevant proposal, and describe its overall aims.

The Environmental Protection (Single-use vapes) (Scotland) Regulations 2024: Prohibition of the sale and supply of single-use vapes in Scotland.

The 2023/24 Programme for Government committed to taking action to tackle the environmental impact of single-use vapes, including consulting on a proposal to ban them. The Scottish Government, along with the UK Government, Welsh Government and Department of Agriculture, Environment and Rural Affairs in Northern Ireland published a four nations consultation on Creating a smokefree generation and tackling youth vaping which ran from October-December 2023. The consultation included a range of proposals, including consideration of a ban on single-use vapes and other measures to reduce their environmental impact. The consultation included 5 questions relating to proposals to restrict the supply or sale of disposable vapes.

The four nations consultation response showed clear support for restrictions on the sale and supply of disposable vapes. In Scotland, 82.3% supported restrictions on single-use vapes (79.3% UK-wide), and 73.4% favoured an outright ban (68.1% UK-wide). Open text answers show the largest concerns raised were around environmental harm and littering. For those who disagreed with a ban, concerns included impacts on smoking cessation programmes and desire to focus on improving waste management. The responses from Scotland accounted for 11% of the 28,000 responses received.

Consequently, the Scottish Government intend to bring forward the legislation to prohibit the sale and supply of disposable (single-use) vapes in Scotland, anticipated to come into force on 1 April 2025. This includes both nicotine and non-nicotine containing single-use vapes since the environmental concerns exist for both types of products. To address the range of environmental issues associated with single-use vapes, the Scottish Government has agreed with the UK Government (legislating for England) and the Welsh Government, to prohibit the sale and supply of such items (hereafter referred to as ban on single-use vapes).

Start date of relevant proposal: 8 January 2024

Start date of CRWIA process: 31 January 2024

2. Which aspects of the relevant proposal currently affects or will affect children and young people up to the age of 18? (Guidance Section 2.1)

The law in Scotland makes it illegal for anyone under 18 to buy e-cigarettes or vapes in general. However, evidence suggests that there is widespread use of vapes by children and young people. Data from the Health and Wellbeing Census 2021/22 in Scotland show a marked increase in the number of pupils vaping regularly (once a

week or more) compared to the Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2018.

There are clear environmental impacts associated with the use of single-use vapes, including littering; increased fire risk; and greenhouse gas emissions generated during production. These combined impacts will have long lasting effects for future generations of children and young people if action is not taken.

Whilst the objectives of the ban on single-use vapes is for environmental purposes, it is clear that vaping also has health impacts on children and young people.

Studies have found that many youths perceive vaping as a coping mechanism to manage stress and anxiety¹² and vaping may act as a gateway to smoking for some children and young people³ Due to their nicotine content and the unknown long-term harms associated with their use, vaping carries a risk of harm and addiction for children and young people.

A precautionary approach has been adopted by the Scottish Government, with the main objective being to protect public health and prevent nicotine addiction and other known potential health harms deriving from the use of vaping products, especially in children and young people.

While single-use vapes should be already inaccessible to this group, we recognise that the new legislation will likely have significant positive impacts on this group. Overall, we do not anticipate that this legislation impinges upon articles of the UNCRC or the indicators of wellbeing (SHANARRI).

3. Which groups of children and young people are currently or will be affected by the relevant proposal? (Guidance Section 2.1)

It is illegal for all children and young people (under the age of 18) to buy vapes. The new legislation will introduce a ban on single-use vapes, which should have been already inaccessible by these groups.

However, as noted above, evidence suggests that children and young people have tried vaping. The Health and Wellbeing in Schools Survey reported that 12% of children in Scotland aged 11, 13 and 15 used vaping products⁴. Therefore, it is likely that this group will be affected by this proposal.

In addition, it's anticipated that all children and young people will be affected by the proposed environmental benefits as a result of this proposal.

¹ [Adolescents' Health Perceptions of E-Cigarettes: A Systematic Review - ScienceDirect](#)

² Adolescents Who Vape Nicotine and Their Experiences Vaping: A Qualitative Study

³ Vaping as a gateway to smoking – evidence briefing - gov.scot (www.gov.scot)

⁴ [Health behaviour in school-aged children - HBSC Scotland Study 2022](#)

Declaration

4. Is a Stage 2 Children’s Rights and Wellbeing Impact Assessment required? (Tick relevant requirement) (Guidance Section 2.1)

CRWIA required No explanation required, please complete questions 5 and 6

CRWIA not required Please explain why below and contact the children’s rights unit to discuss this decision crwia@gov.scot

5. Sign & Date

Policy Lead Signature & Date of Sign Off: Mark Sweeney

CRWIA author, if different from policy lead, Signature & Date of Sign Off: Annie McGovern

Deputy Director Signature & Date of Sign Off: David McPhee

Date SGLD contacted: 01/01/2024

Once signed off, please send to CRWIA@gov.scot and publish on gov.scot or relevant Executive Agency website.



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Edinburgh
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