

2024.06.11

3.9 Deputy L.K.F. Stephenson of the Minister for the Environment regarding the ban of disposable vapes (OQ.111/2024)

Further to his answer to Written Question 207/2024, will the Minister provide an estimated timetable for a ban on the sale of disposable vapes to be in place; and what consideration, if any, is being given to restricting the advertising and packaging of vapes to make them less appealing to consumers, especially the young?

Deputy S.G. Luce (The Minister for the Environment):

Following the end of the consultation on the ban of single-use vapes on 9th May and a careful consideration of the responses was taken, the Minister for Infrastructure and myself have agreed that work can proceed in drafting the changes required to the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 to expand it to include single-use vapes. The intention is that the proposition will be lodged in early September with a proposed debate date of late October and should the legislation be adopted I anticipate a 6-month implementation period if everything else proceeds as expected. The hope is therefore that the ban will come into place in late April 2025. The latter part of the question rests with the Minister for Health and Social Services but my understanding, and with his agreement, is as follows; I am very happy to front up on this. Unfortunately, we know that vaping use among young people in Jersey has increased with the availability, affordability and marketing of single-use vapes. I would strongly anticipate the proposals in a future strategy would include regulatory options to reduce demand and supply for all vaping products, for example, through advertising and packaging. I will therefore be meeting with Ministerial colleagues in due course to discuss the broader approach to vaping to ensure that the environmental, health and tax implications are all taken into consideration as this workstream is progressed.

3.9.1 Deputy L.K.F. Stephenson:

I am very grateful to the Minister for that very comprehensive response and also for detailing what I think is a very good timeline, particularly when I heard this week of a recent case involving year 4 and 5 students at a Jersey school, so that is 8, 9 and 10 year-olds, being found vaping during a break time, so I am particularly encouraged by that answer. Would the Minister support a move to bring advertising and packaging of vapes, those that would continue to be sold, into line with those which apply to cigarettes and tobacco?

Deputy S.G. Luce:

While vaping is certainly preferential to smoking tobacco it is not preferential to breathing in fresh air and I would agree with the Deputy that we do need to address these issues. Some of the potential options we are or will be considering will be regulating flavours, regulating size and contents, regulating packaging and presentation and regulating point-of-sale displays and advertising. As I say to the Deputy, future discussions will take all of this into account once we can get the single-use vaping issue dealt with. I anticipate that we may have some more amendments and propositions to bring back to the Assembly in future months once we get a wider strategy together. I would just add to the Deputy, as she may well know, that the Public Health directorate now has a lead officer on tobacco and vaping and that will certainly help Government as they move forward with considerations for both tobacco and vaping in the future.

3.9.2 Deputy K.C. Lewis of St. Saviour:

When vapes first arrived on the market they were promoted as a safer alternative to tobacco but with flavours like vanilla, popcorn, cherry and bubble gum it goes without saying that these flavours will be extremely attractive to children and young people with unknown health consequences. Does the Minister believe we should re-double our efforts to eradicate this among young people, not just single-use vapes, but all vapes?

Deputy S.G. Luce:

Certainly that is the direction of travel. If the Constable feels that we are not moving fast enough, I can assure him that the 4 Ministers concerned meet on a regular basis. The reason that a Ministerial Decision was taken this week, the reason that a letter is going out to retailers this week, is that we are moving absolutely as fast as we can. I accept the Constable's view that some of this advertising and the way that the flavourings are manufactured it could be construed as targeting children, and it is our intention to bring that to an end just as quickly as possible.

3.9.3 The Connétable of St. Saviour:

I thank the Minister for his comprehensive answer but maybe it is probably one with education as well is, while commuting the Parish - I have most of the schools in my Parish - I unfortunately see large plumes of a vape smoke, which can hardly be disguised, coming up from school bus stops which is something that needs to be stopped because it does encourage other children to do likewise. I thank the Minister for his support on this one and I agree with the original questioner that everything must be done to eradicate this ...

The Deputy Bailiff:

Do you have a question?

The Connétable of St. Saviour:

I am just coming there. I would fully support the Minister on this, does he not agree?
[Laughter]

Deputy S.G. Luce:

I would very much like to support myself on this issue. Thank you. [Laughter]

3.9.4 Deputy H.L. Jeune:

We are always told that introducing legislation or legislation work can take time and resources from the team, so could the Minister advise what work is being dropped or postponed in his team to prioritise the ban on disposable vapes?

[10:45]

Deputy S.G. Luce:

I am not sure that any work has been taken off a list for prioritisation. This was always one of the issues that the Ministers and I were considering as something we wanted to bring forward, so I cannot tell the Deputy if anything was dropped off the list but certainly this is a priority. We have consulted, we have indicated the date that we want this to come to the Assembly, we have indicated the date that we will bring it into force; it will be in line with the U.K. The reason that we have written to retailers this week is to give them the longest possible lead-in time to clear those stocks. We had originally suggested a 6-month implementation, they suggested 12 months. It is about 10 months from this week that we are indicating to those retailers. I believe the Assembly will support us in bringing this legislation, and it is fair to

retailers to have as much time as possible, while at the same time we bring this into effect just as quickly as we possibly can.

3.9.5 Deputy H.L. Jeune:

Will the Minister be bringing any more bans under the Single-Use Plastic Law 2021 in his term?

Deputy S.G. Luce:

I do not have any under consideration at the moment but if some arrive I will certainly consider them.

3.9.6 Deputy J. Renouf:

May I also congratulate the Minister on a very clear and thorough response to the question? Could I just ask him to bear in mind the distinction between the use of single-use vapes particularly targeted at children which provides a pathway to nicotine addiction as against the use of vapes in the adult population where they can provide a pathway away from nicotine addiction? Can I ask him whether he is aware of that distinction and prepared to take that into account when designing the legislation that may be coming forward?

Deputy S.G. Luce:

I thank the Deputy for the question. I am aware of the distinction and obviously it is clear that the single-use vapes are cheaper to purchase, therefore, easier to obtain. We did, after consultation, receive good responses both from the prison and from Health to quit, and both of those groups of people suggested maybe bringing in exemptions of single-use vapes; both of those. We have gone against that mainly on the basis that of course there is an option to single-use vapes and that is to buy rechargeable and refillable vapes. I go back to my original answer and say vaping is certainly a preferable option to smoking tobacco but I would also say to the Deputy that while we do not know of any long-term effects of vaping at the moment, it is not impossible that some may come forward in the future and we need to take that into account as well. As I said at the outset, fresh air is much better to smoking tobacco or vapes.

3.9.7 Deputy L.K.F. Stephenson:

Once again I would just say I am very encouraged by the answers from the Minister there. Does the work being undertaken currently consider the online ordering of vapes?

Deputy S.G. Luce:

Yes, we will be taking into consideration all the various options, and banning the sale in Jersey is one of them. We are very aware that ordering online and having products posted to individuals through the post from the U.K. is an option, and we will be looking at making sure that is closed as well.