



Isle of Man
Government

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Vapour Products Bill 2023

Summary of Responses to the public consultation

Public Health

Cronk Coar, Noble's Hospital, Douglas, IM4 4RJ | May 2023

Summary of responses to the Consultation on the Vapour Products Bill 2023

We asked

Following engagement with retailers and public bodies, a consultation on the Vapour Products Bill 2023 commenced on Friday 23rd December 2022 and concluded on Sunday 29th January 2023, although responses submitted by 1st February 2023 were accepted by the Department.

This was achieved using online survey published on the IoM Government consultation hub. This survey sought views on the main policy goals the Bill was intending to support, quoting parts of the Bill where appropriate, as well as seeking general feedback on the Bill and suggestions for future policy development. To assist the completion of this survey an early draft of the Bill was published at the same time, along with a downloadable copy of the consultation questions.

Following its publication a link to the consultation was also emailed to retailers selling vapour products and the consultees listed in the [Council of Ministers public engagement and consultation principles](#).

The consultation was publicised via a press release issued on [23rd December 2022](#), which received coverage in local media¹. Supporting this publicity a number of social media messages highlighting the consultation being commenced and ongoing were issued by the IoM Government and Public Health accounts on Facebook and Twitter.

You said

The Department received submissions from 308 people to this consultation, of which –

- 299 were via the online consultation survey;
- 8 were emailed; and
- 1 was hand written.

When examining who responded to the consultation –

- 294 responses were from members of the public;
- 5 were from vapour products retailers;
- 5 were on behalf of public bodies;
- 1 was from a manufacturer of tobacco and vaping products;
- 1 was from a Manx Advocate;
- 1 was from a Member of Tynwald; and
- 1 was from a Trade Union.

¹ [Have your say on vaping legislation](#), Isle of Man Today website, 23rd December 2022.

[Feedback sought on proposals to ban sale of vape to under 18s](#), Manx Radio website, 24th December 2022.

[Public asked for views on new vaping legislation](#), 3FM website, 28th December 2023.

[New laws proposed to clamp down on under-18s vaping on Isle of Man](#), BBC website, 28th December 2022.

These responses set out in these submissions can be broadly categorised as –

- ***Broad agreement with the proposed contents of the Bill***
 - These responses to the Bill were generally in agreement with the proposed contents of the Bill, answering YES to all of the consultations main questions. These responses often expressed concern over vaping by large number of children (17 responses) or vaping in schools (16 responses).
 - Where feedback was given it was to suggest technical improvements to the drafting of the Bill (e.g. 7 responses suggesting minor corrections to the Bill), or expressing concern as to its enforceability, while still respecting the broad policy goals the Bill is intending to achieve.
 - Notably, these responses were supportive of the need for better regulation of vapour products labelling (92 responses) and health warning labelling (14 responses), which could be introduced in line with UK regulatory controls (supported by 4 responses) or IOM specific legislation (11 responses).
 - These responses also highlighted the potential difficulties and costs on retailers of complying with the proposed regulatory controls with suggestions for alternative controls on displays (8 responses) and simply requiring vapour products to be sold from behind the counter (7 responses).

- ***Further controls are needed for vapour products***
 - These responses to the Bill were supportive of the proposed measures, but suggested these could be extended.
 - The main focus was on removing vapour products from being visible at the point of sale (97 responses) or having the sale of vapour products regulated in a manner similar to tobacco (85 responses).
 - 68 responses expressed concern potential impact of vaping on an individual's health (68 responses), and the effect on the persons around the person vaping, 78 responses also suggested the use of vapour products in public places should be regulated.
 - Making vaping less visible was also supported with responses advocating for partial or complete bans on vapour product advertising (34 responses), controlling advertising of such products to children (21 responses) and regulating the flavour of such products to make them less attractive (19 responses)
 - These response were also opposed to there being any exceptions for allowing the sale or supply of vapour products to persons under 18 (62 responses) by their parents or anyone else, with 16 responses expressing concern as to the existing exceptions for the supply of tobacco by parents to persons under 18.
 - There was significant concern expressed in 68 responses as to the health impact of persons' vaping and those around them, and respondents suggested the age for buying vapour products should be increased to 21 or 25.

- ***Low to no regulation required for vapour products***
 - In this category responses to the Bill were of the view that no legislation is required (19 responses) or more evidence would be needed to support legislation (19 responses), along with the view that vapour products as harmless (5 responses).
 - These responses were often of the view that retailers were taking sufficient voluntary measures to control the sale of vapour products (7 responses), with no need for lockable cabinets (10 responses), and there was little need for regulatory controls or enforcement powers as a consequence.
 - Some feedback indicated support for voluntary controls (7 response) or took that view that age controls only needed from 16 (6 responses) in line with voting age restrictions.
- ***Stricter controls required on vapour products, tobacco and tobacco products***
 - This category of responses to the Bill argued for complete, or near complete, bans on the sale and use of vapour products (38 responses).
 - Such suggestions often extended to a complete, or near complete, ban on the sale of tobacco and tobacco products as well referencing the approach taken in New Zealand and Singapore.
 - These responses often made the case for stricter regulatory controls than the UK (15 responses), greater enforcement generally (15 responses) and in schools (15 responses), supported by broader enforcement powers for the police (5 responses).
 - From a retail perspective, if the sale of vapour products was allowed it would only be for persons over 21 (4 responses) or 25 (4 responses) or only for supporting smoking cessation (4 responses).
 - These views were formed based on the perceived health risks posed by vaping and smoking, the social nuisance value of such activities.

A detailed summary of responses document has been compiled and published on the consultation webpage.

We did

Having considered the consultation feedback, and undertaken further engagement with key stakeholders, a number of amendments to the Bill have been identified and agreed by the Department.

These amendments were –

- Amending the title of the Bill to refer to “Vaping Products”, rather than “Vapour Products”;
- Clarifying the definition of vaping products, to ensure the Bill only applied to such products and not to items such as batteries or medical devices;
- Providing that persons acting on “reasonable belief” that a person is over 18 are not committing an offence under this legislation;
- Enhancing the controls on the display of vaping products in light of feedback from the consultation, removing advertising of vaping products in retail premises, and only allowing the products to be displayed to persons over the age of 18;

- Ensuring the police have the necessary powers to seize and dispose of vaping products being used by persons under 18 in public places;
- Making a number of minor technical changes to improve the drafting and formatting of the Bill.

A revised Bill incorporating these changes is in the process of being drafted and will be introduced into the House of Keys at the earliest opportunity.

Furthermore, Public Health will –

- Engage with DEFA on regulating the use of single-use vaping products under the powers provided by the Climate Change Act 2021;
- Undertake further engagement with young people with respect to vaping products.

APPENDIX

Summary of responses to the Consultation on the Vapour Products Bill 2023

1. What is your name?

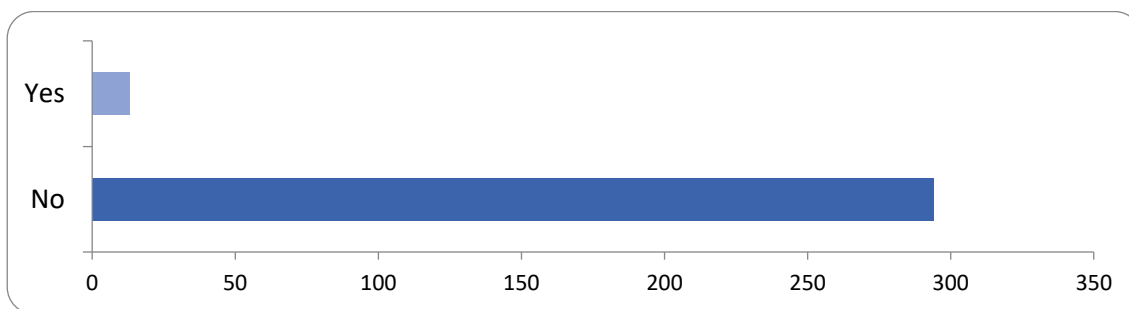
There were 308 responses to this part of the question.

2. What is your email address?

There were 308 responses to this part of the question.

3. Are you responding on behalf of an organisation?

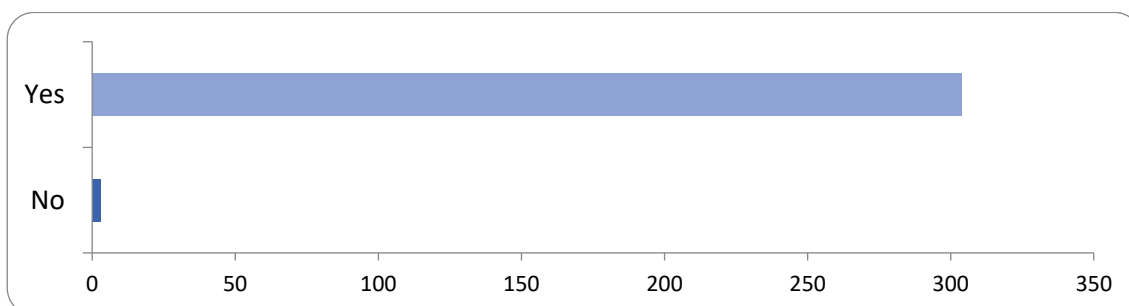
There were 308 responses to this part of the question.



Option	Total	Percent
Yes	14	4.55%
No	294	95.45%
Not Answered	0	0.00%

4. Are you an Isle of Man resident?

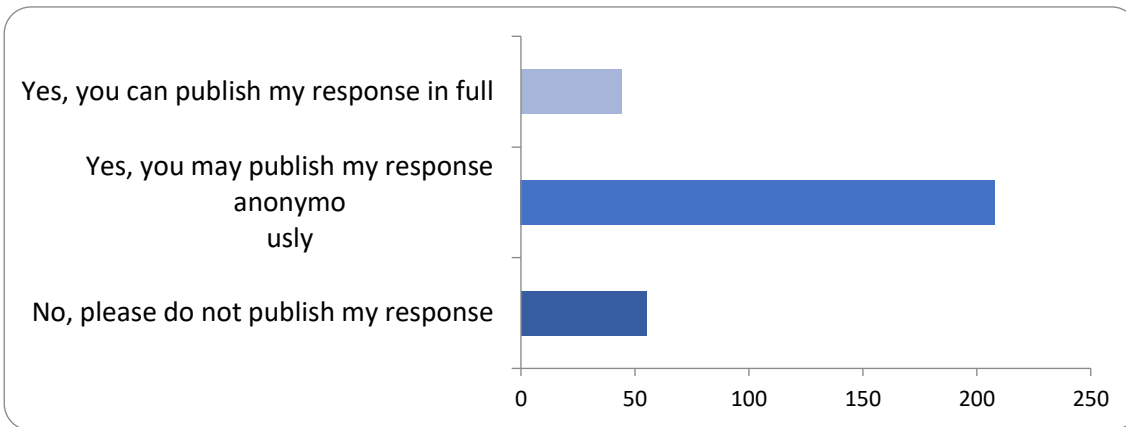
There were 308 responses to this part of the question.



Option	Total	Percent
Yes	305	99.03%
No	3	0.97%
Not Answered	0	0.00%

5. May we publish your response?

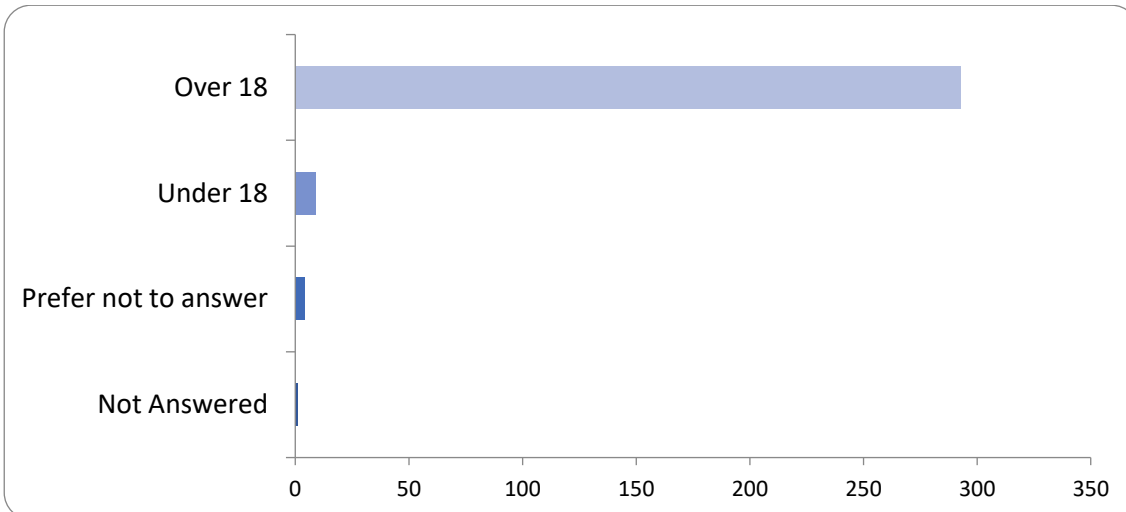
There were 308 responses to this part of the question.



Option	Total	Percent
Yes, you can publish my response in full	44	14.29%
Yes, you may publish my response anonymously	208	67.53%
No, please do not publish my response	56	18.18%
Not Answered	0	0.00%

6. Are you over 18 or under 18 years of age?

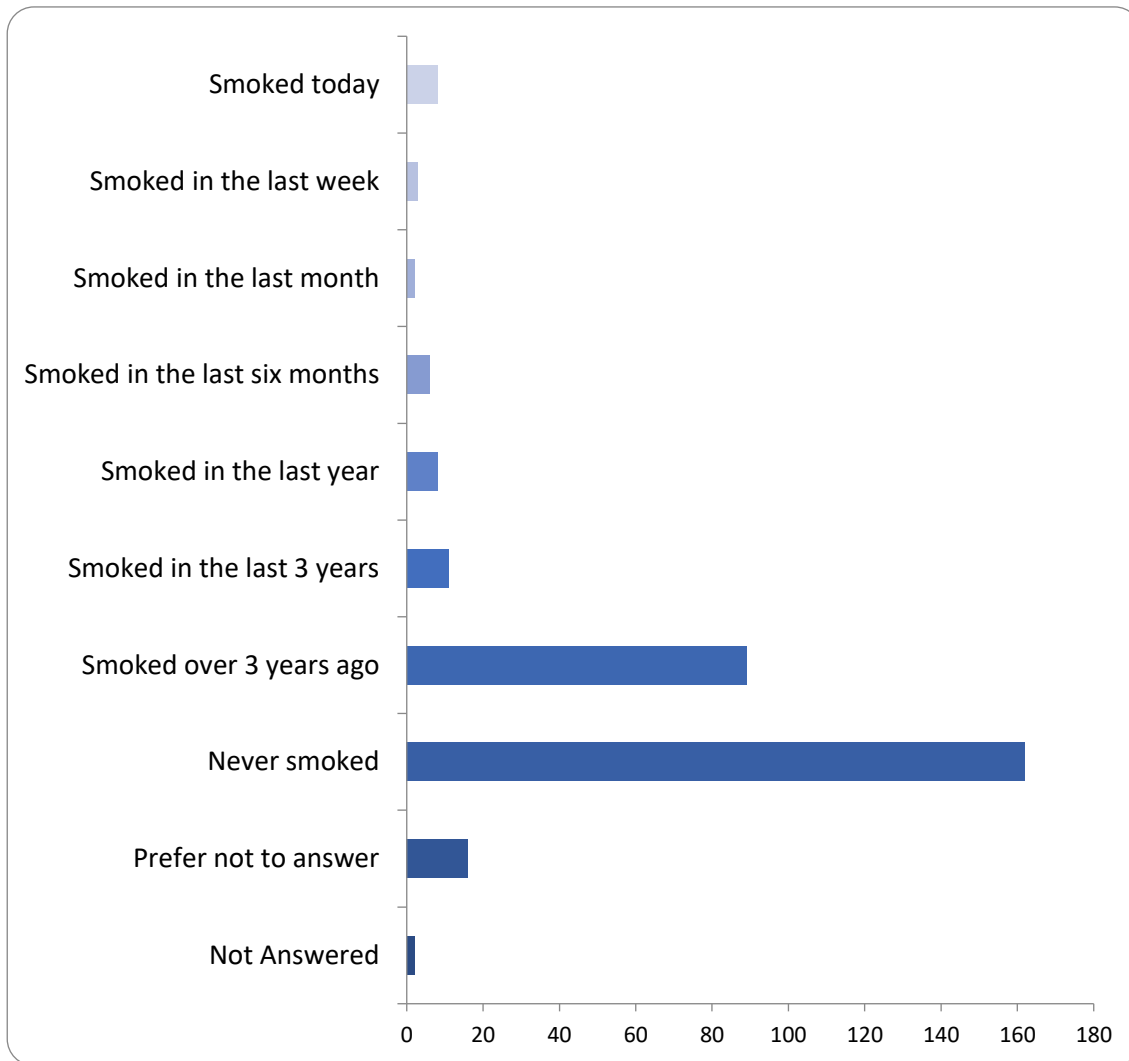
There were 307 responses to this part of the question.



Option	Total	Percent
Over 18	294	95.65%
Under 18	9	2.83%
Prefer not to answer	4	1.20%
Not Answered	1	0.32%

7. Do you, or have you, smoked?

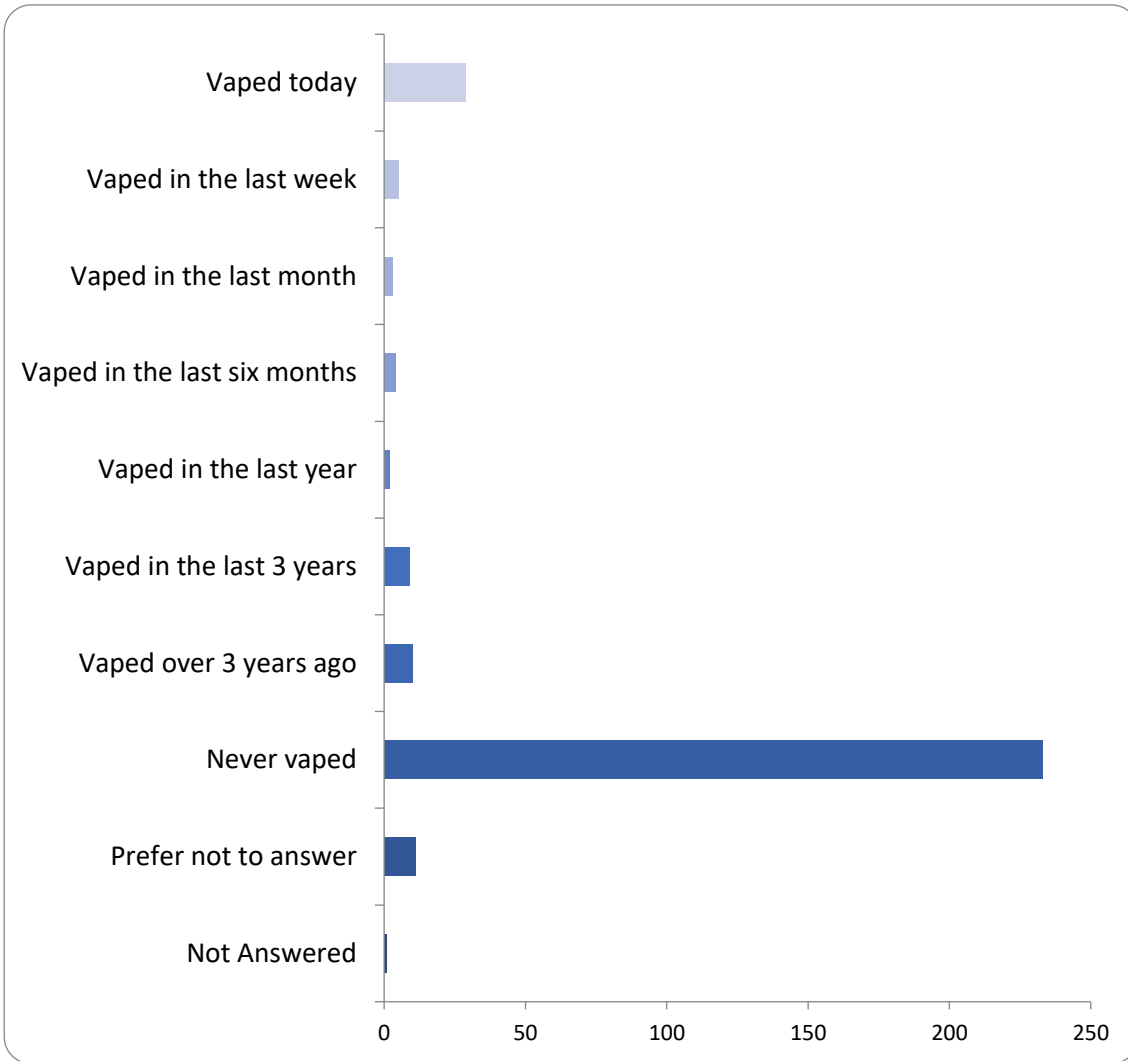
There were 305 responses to this part of the question.



Option	Total	Percent
Smoked today	8	2.61%
Smoked in the last week	3	0.98%
Smoked in the last month	2	0.65%
Smoked in the last six months	6	1.95%
Smoked in the last year	8	2.61%
Smoked in the last 3 years	11	3.58%
Smoked over 3 years ago	89	28.99%
Never smoked	162	52.77%
Prefer not to answer	16	5.21%
Not Answered	2	0.65%

8. Do you, or have you, vaped?

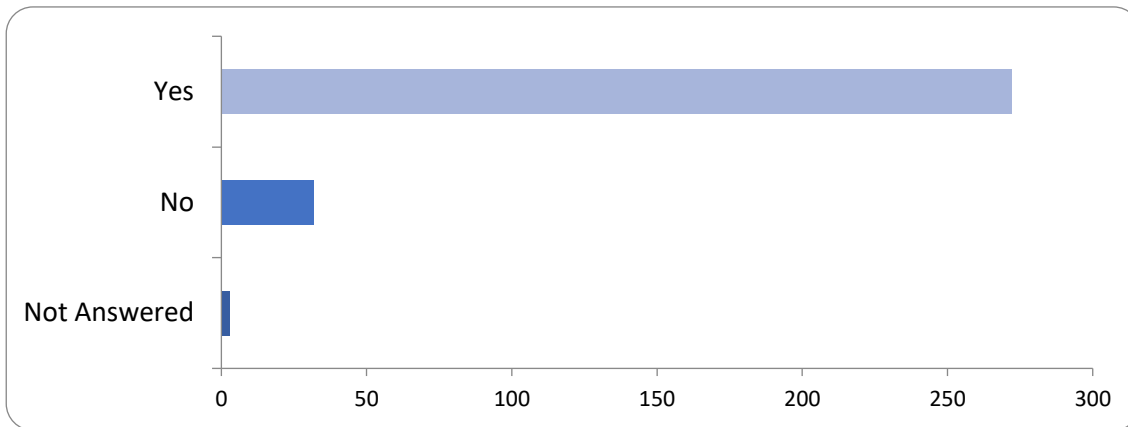
There were 306 responses to this part of the question.



Option	Total	Percent
Vaped today	29	9.45%
Vaped in the last week	5	1.63%
Vaped in the last month	3	0.98%
Vaped in the last six months	4	1.30%
Vaped in the last year	2	0.65%
Vaped in the last 3 years	9	2.93%
Vaped over 3 years ago	10	3.26%
Never vaped	233	75.90%
Prefer not to answer	11	3.58%
Not Answered	1	0.33%

9. Do you consider these definitions to be appropriate?

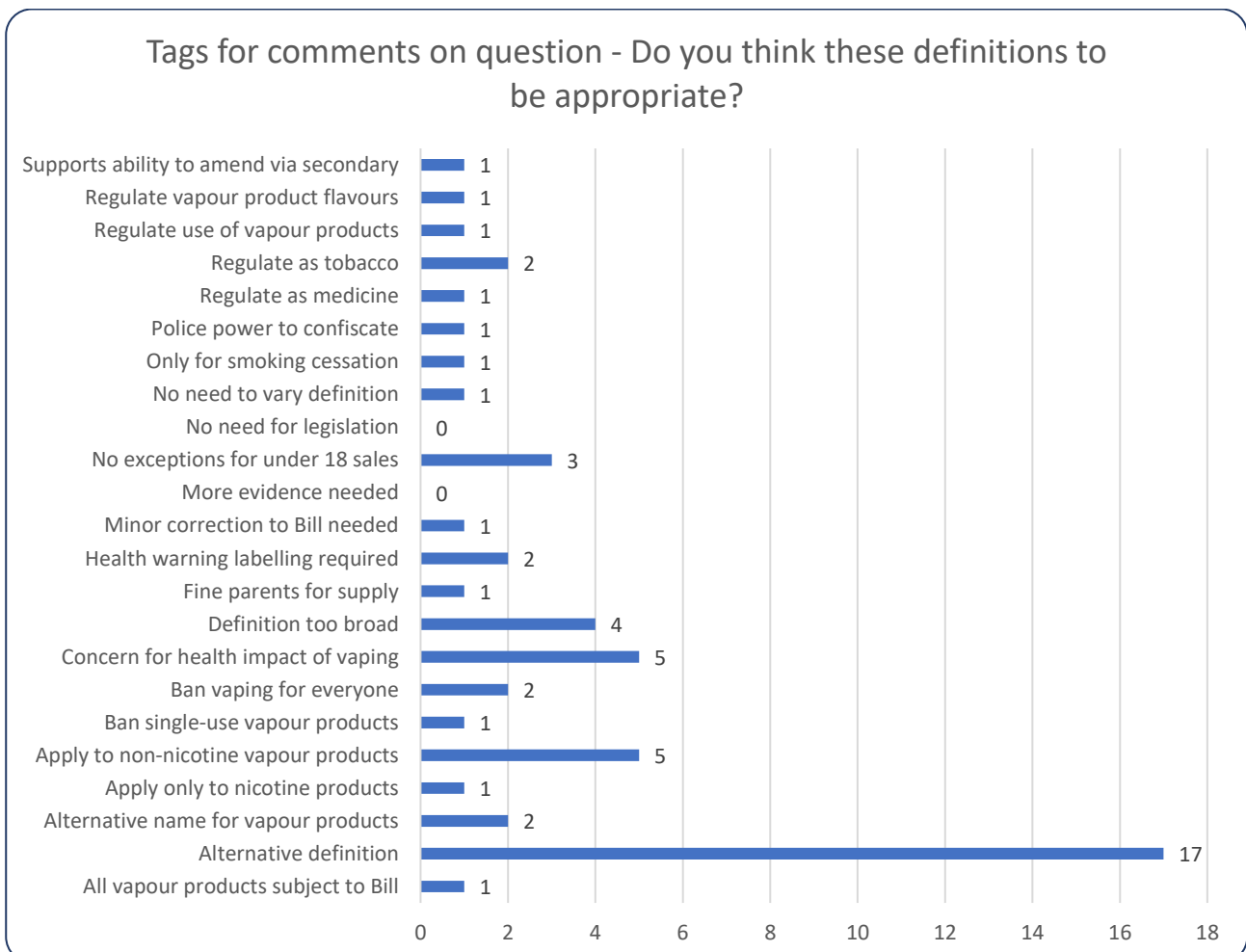
There were 304 responses to this part of the question.



Option	Total	Percent
Yes	272	88.60%
No	32	10.42%
Not Answered	3	0.98%

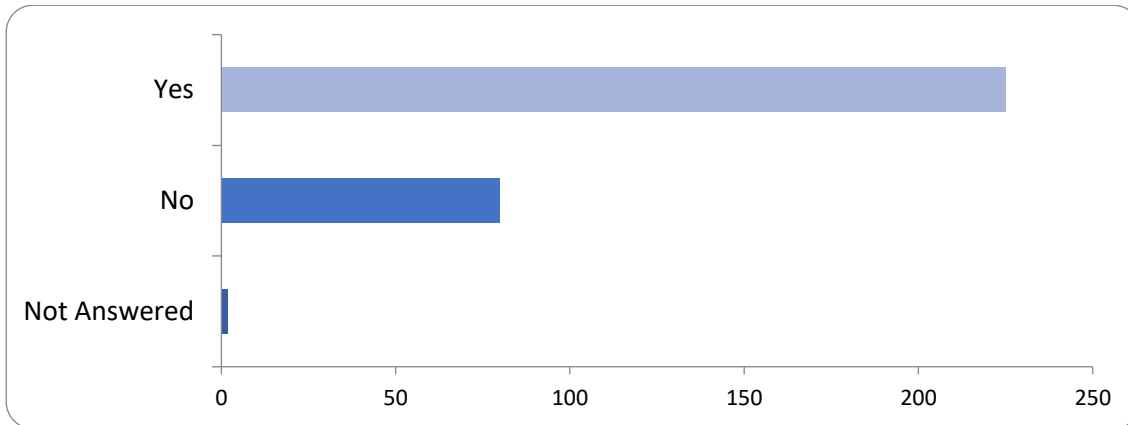
Comments box - Definition of vapour products

There were 38 responses to this part of the question. In analysing these responses the following tags were applied –



10. Are you content with the proposed controls on the sale and supply of vapour products?

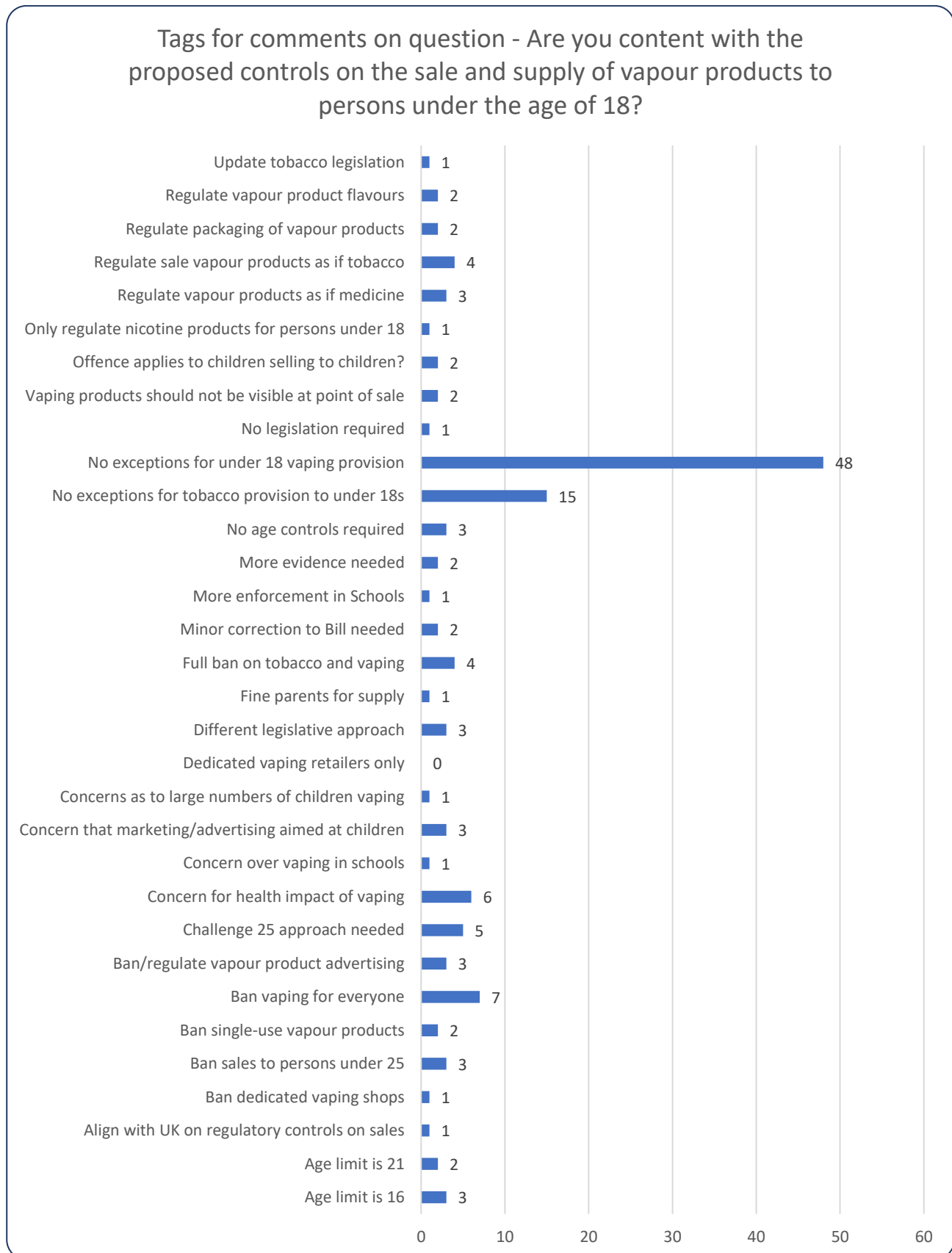
There were 305 responses to this part of the question.



Option	Total	Percent
Yes	225	73.29%
No	80	26.06%
Not Answered	2	0.65%

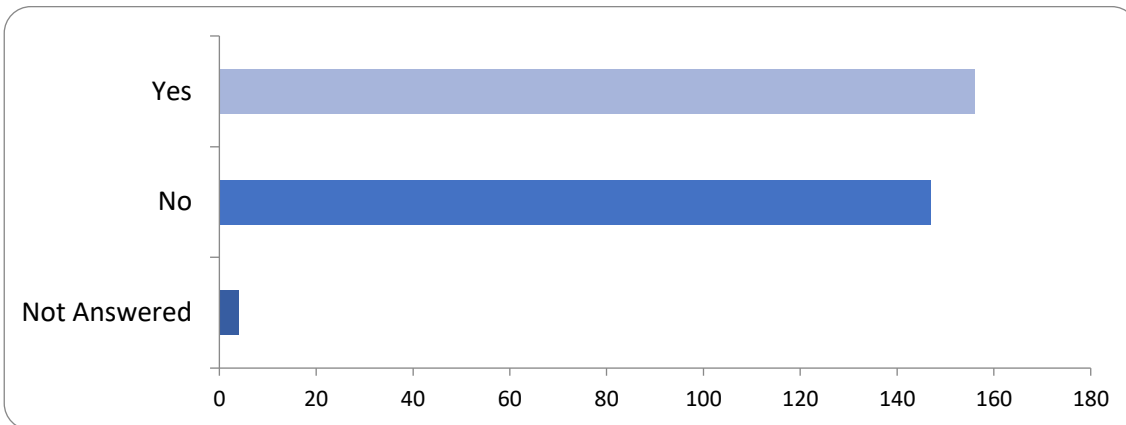
Comments box - Controls on the sale and supply to under 18s

There were 92 responses to this part of the question. In analysing these responses the following tags were applied –



11. Are you content with the proposed controls on how vapour products may be sold in retail premises?

There were 303 responses to this part of the question.

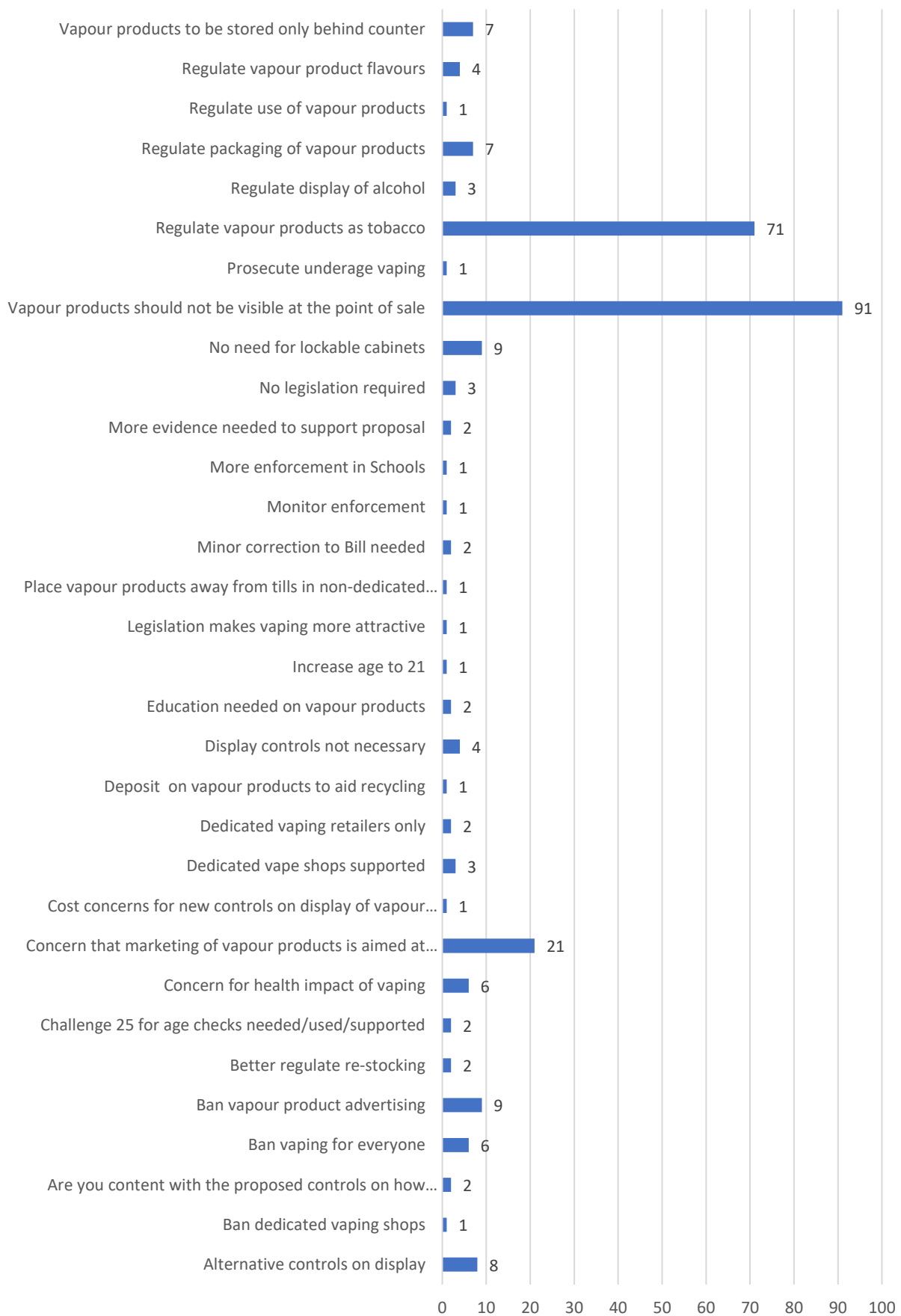


Option	Total	Percent
Yes	156	50.81%
No	147	47.88%
Not Answered	4	1.30%

Comments box - Controls on the display of vapour products

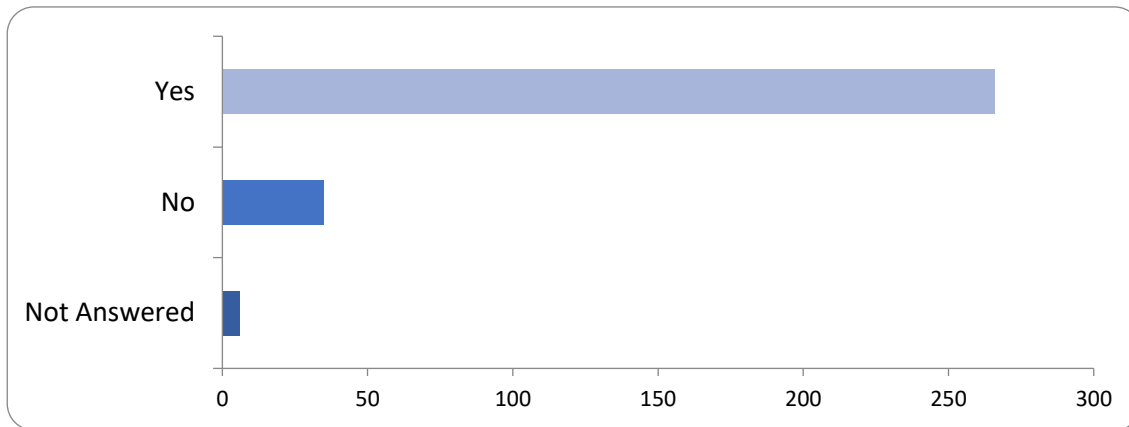
There were 150 responses to this part of the question. In analysing these responses the following tags were applied –

Tags on comments for the question - Are you content with the proposed controls on how vapour products may be sold in retail premises?



12. Are you content with the proposed powers to apply UK legislation?

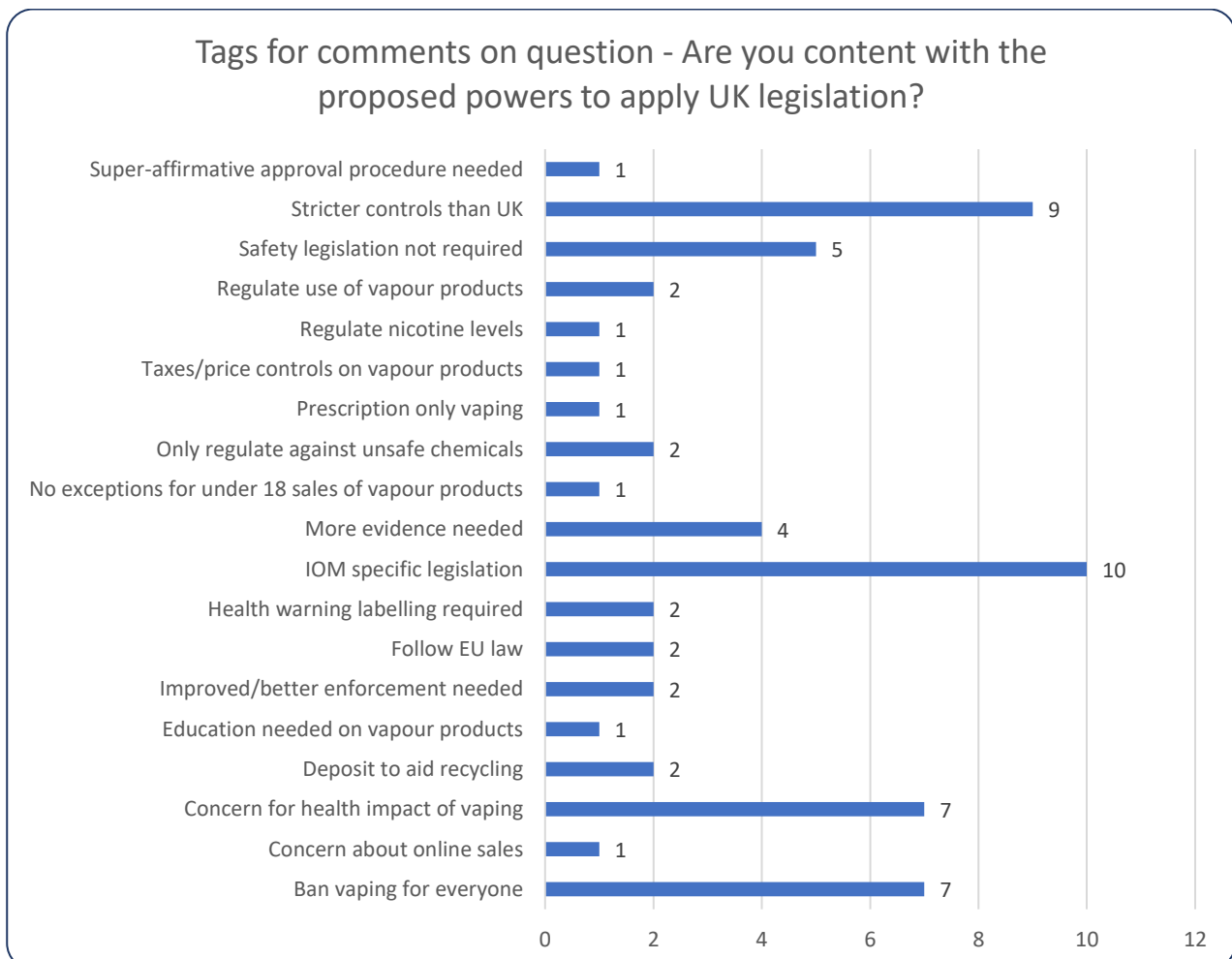
There were 301 responses to this part of the question.



Option	Total	Percent
Yes	266	86.64%
No	35	11.40%
Not Answered	6	1.95%

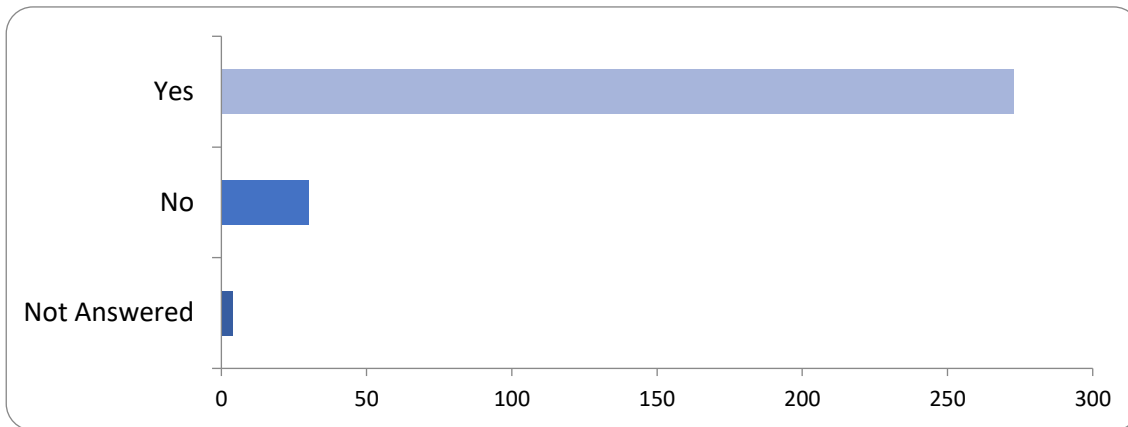
Comments box - Regulatory standards for vapour products

There were 45 responses to this part of the question. In analysing these responses the following tags were applied –



13. Are you content with the enforcement powers proposed in the Bill?

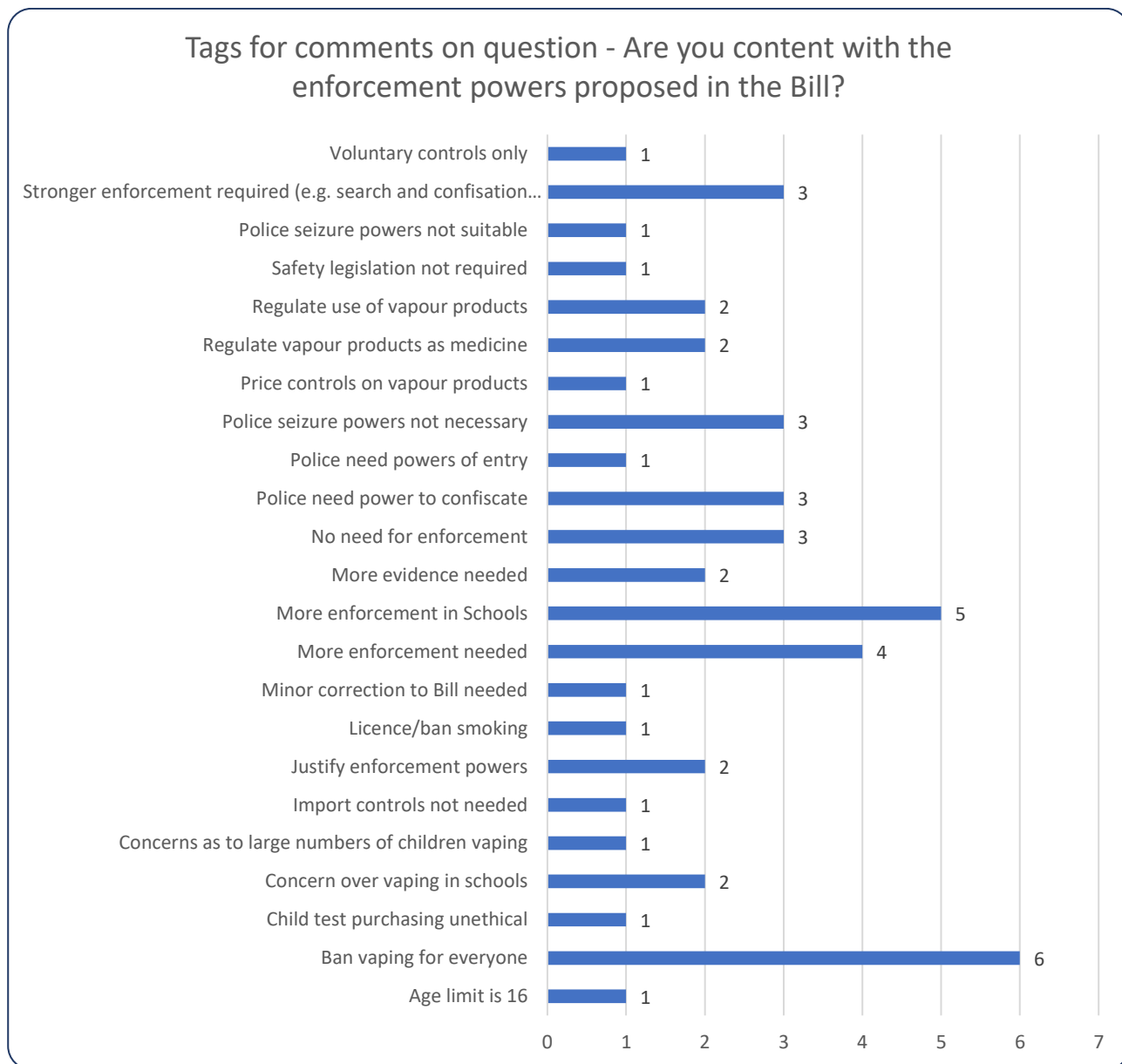
There were 303 responses to this part of the question.



Option	Total	Percent
Yes	273	88.93%
No	30	9.77%
Not Answered	4	1.30%

Comments box - Enforcement of the Bill's proposed regulatory controls

There were 39 responses to this part of the question. In analysing these responses the following tags were applied –

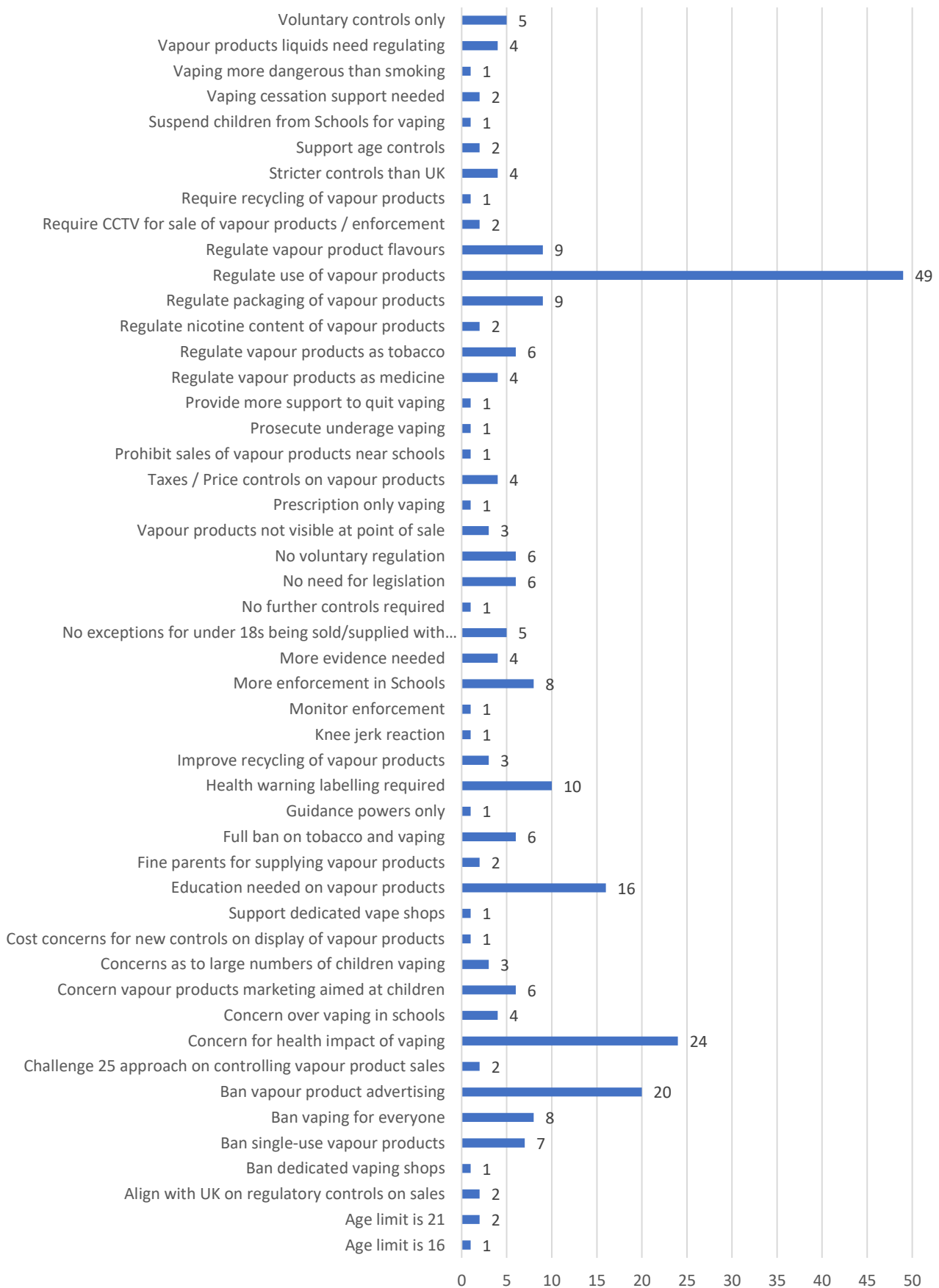


14. What additional voluntary or regulatory controls on vaping devices or vaping products, if any, do you think should be considered?

Comments box - Additional voluntary or regulatory controls

There were 162 responses to this part of the question. In analysing these responses the following tags were applied –

Tags for comments on question - What additional controls on vaping devices or vaping products, do you think should be considered?



15. Do you have any other queries, concerns or feedback on the Bill as whole?

Comments box - Further comments on the Bill

There were 121 responses to this part of the question. In analysing these responses the following tags were applied –



16. Analysis of all responses to the Bill

308 persons submitted responses to the Bill, providing a total of 647 responses to each of the consultation questions. Each of these responses has been tagged to aid analysis of this feedback, merging similar tags together where appropriate.

Analysis of tags applied to all responses to the consultation questions.

