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Committee Stage: Tuesday 14 May 2024

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## Tobacco and Vapes Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage.

A glossary with key terms can be found at the end of this document.

First to Eighth Sittings

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That

*This motion is to be moved under Standing Order No. 83C(10).*

*First and Second Sittings*

Andrea Leadsom

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 30 April) meet—
  - (a) at 2.00 pm on Tuesday 30 April;
  - (b) at 9.25 am and 2.00 pm on Wednesday 1 May;
  - (c) at 11.30 am and 2.00 pm on Thursday 9 May;
  - (d) at 9.25 am and 2.00 pm on Tuesday 14 May;
  - (e) at 11.30 am and 2.00 pm on Thursday 16 May;
  - (f) at 9.25 am and 2.00 pm on Tuesday 21 May;
  - (g) at 11.30 am and 2.00 pm on Thursday 23 May;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 30 April	Until no later than 10.05 am	Cancer Research UK; Action on Smoking and Health; Action on Smoking and Health Scotland
Tuesday 30 April	Until no later than 10.40 am	British Heart Foundation; Asthma + Lung UK
Tuesday 30 April	Until no later than 11.10 am	Department for Education's Secondary Headteacher Reference Group; National Association of Schoolmasters Union of Women Teachers
Tuesday 30 April	Until no later than 11.25 am	Age UK
Tuesday 30 April	Until no later than 2.30 pm	Local Government Association; Association of Directors of Public Health
Tuesday 30 April	Until no later than 2.50 pm	Fresh and Balance North East
Tuesday 30 April	Until no later than 3.10 pm	British Retail Consortium
Tuesday 30 April	Until no later than 3.40 pm	The Chartered Trading Standards Institute
Tuesday 30 April	Until no later than 4.00 pm	Laura Young, Center for Water Law, Policy and Science, University of Dundee
Tuesday 30 April	Until no later than 4.20 pm	Professor Linda Bauld OBE, Bruce and John Usher Chair in Public Health, University of Edinburgh
Tuesday 30 April	Until no later than 4.50 pm	Professor Robert West, Professor Emeritus of Health Psychology, University College London; Professor Ann McNeill, Professor of Tobacco Addiction, King's College London
Wednesday 1 May	Until no later than 10.25 am	Chief Medical Officers for England, Wales, Northern Ireland and Scotland
Wednesday 1 May	Until no later than 10.55 am	NHS England
Wednesday 1 May	Until no later than 11.25 am	Royal College of General Practitioners; Royal College of Paediatrics and Child Health

Date	Time	Witness
Wednesday 1 May	Until no later than 2.40 pm	Royal College of Physicians; Royal College of Surgeons
Wednesday 1 May	Until no later than 3.00 pm	Mental Health Foundation
Wednesday 1 May	Until no later than 3.25 pm	Medicines and Healthcare products Regulatory Agency
Wednesday 1 May	Until no later than 3.45 pm	Inter Scientific
Wednesday 1 May	Until no later than 4.25 pm	Professor Anna Gilmore, Director, Tobacco Control Research Group, University of Bath; Dr Allison Ford, Associate Professor at the Institute for Social Marketing and Health, University of Stirling; Dr Rob Branston, Senior Lecturer, University of Bath.

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 27; Schedule 1; Clause 28; Schedules 2 to 4; Clauses 29 to 55; Schedule 5; Clauses 56 to 81; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 23 May.

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**Andrea Leadsom**

**Agreed to**

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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**Andrea Leadsom**

**Agreed to**

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

**The following Witnesses gave oral evidence:**

**Michelle Mitchell**, Chief Executive, Cancer Research UK, **Deborah Arnott**, Chief Executive, Action on Smoking and Health, and **Sheila Duffy**, Chief Executive, Action on Smoking and Health Scotland,

**Dr Charmaine Griffiths**, Chief Executive, the British Heart Foundation and **Sarah Sleet**, Chief Executive Officer, Asthma and Lung UK,

**Matthew Shanks**, Chair, Secondary Headteacher Reference Group, and **Patrick Roach**, General Secretary, NASUWT,

**Paul Farmer**, Chief Executive, Age UK,

**CLlr David Fothergill**, Deputy Chair, Local Government Association, and **Greg Fell**, President, Association of Directors of Public Health,

**Ailsa Rutter**, Director, Fresh and Balance North East,

**Adrian Simpson**, Policy Adviser, British Retail Consortium,

**John Herriman**, CEO, and **Kate Pike**, Lead Officer for Vaping, Chartered Trading Standards Institute,

**Laura Young**, Centre for Water Law, Policy and Science, University of Dundee.

### *Third and Fourth Sitings*

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**Aaron Bell**

That the Programme Order of the Committee of 30 April be varied by the insertion of the following words at the end of the table in paragraph 2—

Wednesday 1 May	Until no later than 4.55pm	Professor Robert West, Professor Emeritus of Health Psychology, University College London; Professor Ann McNeill, Professor of Tobacco Addiction, King's College London.
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### **The following Witnesses gave oral evidence:**

**Professor Sir Chris Whitty**, Chief Medical Officer for England, **Sir Frank Atherton**, Chief Medical Officer for Wales, **Professor Sir Michael McBride**, Chief Medical Officer for Northern Ireland, and **Professor Sir Gregor Smith**, Chief Medical Officer for Scotland,

**Professor Sir Steven Powis**, National Medical Director and **Kate Brintworth**, Chief Midwifery Officer, NHS England,

**Professor Kamila Hawthorne MBE**, Chair of the Council, Royal College of General Practitioners and **Professor Steve Turner**, President, Royal College of Paediatrics and Child Health,

**Professor Sanjay Agrawal**, Special adviser on tobacco, Royal College of Physicians and **Tim Mitchell**, President, Royal College of Surgeons,

**Mark Rowland**, Chief Executive, Mental Health Foundation,

**Dr Laura Squire OBE**, Chief Healthcare Quality and Access Officer, Medicines and Healthcare products Regulatory Agency,

**David Lawson**, Director, Inter Scientific,

**Professor Allison Ford**, Associate Professor, Institute for Social Marketing and Health, University of Stirling, **Dr Rob Branston**, Senior Lecturer, University of Bath, and **Professor Anna Gilmore**, Director, Tobacco Control Research Group, University of Bath,

**Professor Robert West**, Professor Emeritus of Health Psychology, University College London and **Professor Ann McNeill**, Professor of Tobacco Addiction, King's College London.

*Fifth and Sixth Sitings*

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**Giles Watling**

**Not moved 1**

Clause 1, page 1, line 5, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment makes it an offence to sell tobacco products, herbal smoking products and cigarette papers to a person under the age of 21, rather than to people born on or after 1 January 2009.

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**Lia Nici**

**Not selected 27**

Clause 1, page 1, line 14, leave out "not exceeding level 4 on the standard scale"

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**Clause agreed to.**

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**Giles Watling**

**Not selected 2**

Clause 2, page 1, line 16, leave out "18" and insert "21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 3**

Clause 2, page 1, line 17, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling****Not selected 4**

Clause 2, page 2, line 2, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Lia Nici****Not selected 28**

Clause 2, page 2, line 8, leave out "not exceeding level 4 on the standards scale"

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**Clause agreed to.**

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**Lia Nici****Not selected 29**

Clause 3, page 2, line 13, leave out "not exceeding level 4 on the standard scale"

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**Clause agreed to.**

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**Lia Nici****Not selected 30**

Clause 4, page 2, line 22, leave out "not exceeding level 3 on the standard scale"

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**Clause agreed to.**

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**Giles Watling****Not selected 5**

Clause 5, page 2, line 30, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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Lia Nici

Not selected 31

Clause 5, page 3, line 9, leave out "not exceeding level 3 on the standard scale"

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**Clause agreed to.**

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Lia Nici

Not selected 32

Clause 6, page 2, line 33, leave out "not exceeding level 3 on the standard scale"

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Giles Watling

Not selected 6

Clause 6, page 3, line 15, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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Giles Watling

Not selected 7

Clause 6, page 3, line 17, leave out "a anwyd ar neu ar ôl 1 Ionawr 2009" and insert "dan 21 oed"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Clause agreed to.**

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Lia Nici

Not selected 33

Clause 7, page 4, line 5, leave out "not exceeding level 4 on the standard scale"

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**Clause agreed to.**

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Lia Nici

Not selected 34

Clause 8, page 4, line 24, leave out "not exceeding level 4 on the standard scale"

\_\_\_\_\_  
**Clause agreed to.**

\_\_\_\_\_  
**Lia Nici**

**Not selected 35**

Clause 9, page 4, line 23, leave out "not exceeding level 4 on the standard scale"

\_\_\_\_\_  
**Clause agreed to.**

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**Clauses 10 to 23 agreed to.**

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**Preet Kaur Gill**

**Negatived on division 20**

Rachael Maskell

Clause 24, page 12, line 14, leave out "£100" and insert "£200"

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**Lia Nici**

**Not selected 36**

Page 12, line 2, leave out clause 24

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**Clause agreed to.**

\_\_\_\_\_  
**Lia Nici**

**Not selected 37**

Page 13, line 2, leave out clause 25

\_\_\_\_\_  
**Clause agreed to.**

\_\_\_\_\_  
**Lia Nici**

**Not selected 38**

Page 13, line 10, leave out clause 26

\_\_\_\_\_  
**Clause agreed to.**

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**Clause 27 agreed to.**



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**Giles Watling**

**Not selected 8**

Schedule 1, page 44, line 24, leave out from "arall" to end of line and insert "21 oed neu drosodd"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 9**

Schedule 1, page 45, line 12, leave out from "rhoi," to "a" in line 13 and insert "yn 21 oed neu drosodd"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 10**

Schedule 1, page 45, line 18, leave out from "person" to end of line 19 and insert "dan 21 oed"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 11**

Schedule 1, page 45, line 32, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 12**

Schedule 1, page 45, line 37, leave out "born on or after 1 January 2009" and insert "under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling**

**Not selected 13**

Schedule 1, page 45, line 42, leave out "was born on or after 1 January 2009" and insert "is under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling****Not selected 14**

Schedule 1, page 46, line 24, leave out "was born on or after 1 January 2009" and insert "is under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Giles Watling****Not selected 15**

Schedule 1, page 46, line 30, leave out "was born on or after 1 January 2009" and insert "is under the age of 21"

**Member's explanatory statement**

This amendment is linked to Amendment 1.

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**Schedule agreed to.**

Seventh and Eighth Sittings

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**Clause 28 agreed to.**

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**Schedules 2 to 4 agreed to.**

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**Clauses 29 to 52 agreed to.**

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**Andrea Leadsom****Agreed to Gov 25**

Clause 53, page 26, line 32, leave out from "liable" to end of line 37 and insert "on summary conviction to a fine not exceeding level 5 on the standard scale."

**Member's explanatory statement**

This amendment changes the mode of trial and maximum penalty for an offence of free distribution of nicotine products or non-nicotine vaping products in Northern Ireland. It provides for the mode of trial to be summary only and for the maximum penalty to be a level 5 fine.

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**Clause, as amended, agreed to.**

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**Clauses 54 and 55 agreed to.**

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**Schedule 5 agreed to.**

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**Clauses 56 and 57 agreed to.**

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**Preet Kaur Gill**  
Rachael Maskell

**Withdrawn after debate 18**

Clause 58, page 30, line 5, leave out “may” and insert “must, within six months of the passage of this Act,”

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**Preet Kaur Gill**  
Rachael Maskell

**Negated on division 19**

Clause 58, page 30, line 29, at end insert—

“(3A) The regulations must include—

- (a) a requirement for information to be provided on packaging or otherwise supplied with a product stating that smoking does not reduce stress and anxiety;
- (b) the specific wording of the statement to be displayed on the packaging or otherwise supplied with a product; and
- (c) requirements related to the size or appearance of the statement to be displayed on the packaging or otherwise supplied with a product.”

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**Clause agreed to.**

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**Clause 59 agreed to.**

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**Bob Blackman**  
Rachael Maskell  
Kirsten Oswald

**Not called 22**

Clause 60, page 32, line 5, at end insert—

“(f) the markings on cigarette papers (including the use of branding, trademarks or logos)”

**Member's explanatory statement**

This amendment enables the introduction of health warnings on cigarette papers.

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**Clause agreed to.**

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**Dr Caroline Johnson**

Kirsten Oswald

**Negatived on division 26**

Clause 61, page 33, line 19, at end insert—

“(l) the use of fonts in any alphanumeric markings on the packaging.”

**Member's explanatory statement**

This amendment would allow the Secretary of State to make regulations about the font used on the retail packaging of vaping products and nicotine products.

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**Mary Glendon**

**Not called 39**

Clause 61, page 33, line 37, at end insert—

“(7) Before making regulations under this section the Secretary of State must—  
(a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and  
(b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Giles Watling**

**Not moved 16**

Clause 62, page 33, line 42, leave out paragraph (b)

**Member's explanatory statement**

This amendment would remove the power of the Secretary of State to make regulations about flavours of vaping products and nicotine products.

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**Giles Watling**

**Not moved 17**

Clause 62, page 34, line 8, leave out subsection (3)

**Member's explanatory statement**

This amendment is linked to Amendment 16.

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**Mary Glindon**

**Not called 40**

Clause 62, page 34, line 27, at end insert—

- “(7) Before making regulations under this section the Secretary of State must—
- (a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and
  - (b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Bob Blackman**

**Not called 21**

Rachael Maskell  
Kirsten Oswald

Clause 63, page 34, line 36, leave out from “products” in the second place it occurs to the end of line 37 and insert—

- “(g) any other features of vaping products or nicotine products.”

**Member's explanatory statement**

This amendment allows for changes to other features of vaping or nicotine products as set out in the TRPR 2016 section 36 which do not distinguish between different brands such as capacity of refills, cartridges or pods, and nicotine delivery.

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**Mary Glindon**

**Not called 41**

Clause 63, page 35, line 20, at end insert—

- “(6) Before making regulations under this section the Secretary of State must—
- (a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and
  - (b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Clauses 64 to 68 agreed to.**

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**Bob Blackman**

**Not called 23**

Rachael Maskell  
Kirsten Oswald

Clause 69, page 37, line 19, at end insert—

“cigarette papers” includes anything intended to be used for encasing tobacco products or herbal smoking products for the purpose of enabling them to be smoked;”

**Member's explanatory statement**

These amendment is linked to Amendment 22.

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**Clause agreed to.**

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**Mary Glindon**

**Not called 42**

Clause 71, page 39, line 29, at end insert—

- “(6) Before making regulations under this section the Secretary of State must—
- (a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and
  - (b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Mary Glindon**

**Not called 43**

Clause 72, page 39, line 38, at end insert—

- “(4) Before making regulations under this section the Secretary of State must—
- (a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and
  - (b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Mary Glendon**

**Not called 44**

Clause 73, page 40, line 16, at end insert—

- “(5) Before making regulations under this section the Secretary of State must—
- (a) consider whether there are any persons who appear to be representative of the interests of those likely to have an interest in the regulations, and
  - (b) if there are, to take reasonable steps to consult them.”

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**Clause agreed to.**

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**Clauses 74 to 78 agreed to.**

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**Bob Blackman**

**Withdrawn after debate 24**

Rachael Maskell

Clause 79, page 42, line 16, leave out “and 8” and insert “, 8 and (*age verification policy*)”

**Member's explanatory statement**

This amendment to the commencement provisions would mean that NC6 (age verification policy in England and Wales) would come into force six months after Royal Assent.

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**Clause agreed to.**

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**Clauses 80 to 81 agreed to.**

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**Giles Watling**

**Not moved NC1**

To move the following Clause—

**“Licensable activities: sale by retail of tobacco products and vaping products**

- (1) The Licensing Act 2003 is amended as follows.
- (2) After section 1(1)(d) insert—
  - “(e) the sale by retail of tobacco products,(f) the sale by retail of vaping products”
- (3) The Secretary of State may by regulations make provision that is consequential on this section.

- (4) Regulations under this section may amend, repeal or revoke provision made by or under an Act passed—
  - (a) before this Act, or
  - (b) later in the same session of Parliament as this Act.
- (5) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

**Member's explanatory statement**

This new clause (to the Licensing Act 2003) would include tobacco products and vaping products as licensable activities and would therefore require retailers to apply for a premises licence from their local licensing authority.

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**Bob Blackman**

**Withdrawn after debate NC2**

Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**“Tobacco products statutory scheme: consultation**

- (1) The Secretary of State must consult and report on the desirability of making a scheme with one or more of the following purposes—
  - (a) regulating, for the purposes of improving public health, the prices which may be charged by any manufacturer or importer of tobacco products for the supply of any tobacco products;
  - (b) limiting the profits which may accrue to any manufacturer or importer in connection with the manufacture or supply of tobacco products;
  - (c) providing for any manufacturer or importer of tobacco products to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those products (whether on the basis of net prices, average selling prices or otherwise) to be used for the purposes of reducing smoking prevalence and improving public health.”

**Member's explanatory statement**

This new clause would require the Secretary of State for Health and Social Care to consult on proposals for regulating the prices and profits of, and to raise funds from, tobacco manufacturers and importers.

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**Bob Blackman**

**Withdrawn after debate NC3**

To move the following Clause—

**“Notification fees**

The Secretary of State may by regulations vary notification fees for novel tobacco, vaping and other nicotine products in order to include costs of enforcement and testing.”



**Member's explanatory statement**

This new clause would enable the Secretary of State to vary the level of notification fees collected by the competent authorities in order that fees may be used to cover the costs of enforcement including product testing.

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**Bob Blackman****Not called NC4**Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**“Mandatory health information inside tobacco packs**

The Secretary of State must consult on draft regulations to require tobacco manufacturers to include within tobacco and cigarette packs an insert setting out—

- (a) warnings about the dangers of tobacco to a person’s health and wellbeing, and
- (b) information about sources of advice and support on stopping smoking.”

**Member's explanatory statement**

This new clause commits the government to consult on draft regulations to require mandatory pack inserts containing health information such as quit messaging.

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**Bob Blackman****Not called NC5**Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**“Mandatory health warnings on cigarettes and cigarette rolling papers**

The Secretary of State must consult on draft regulations to require tobacco manufacturers to print health warnings on individual cigarette sticks and cigarette rolling papers.”

**Member's explanatory statement**

This new clause commits the government to consult on regulations to require the placing of specified health warnings on cigarettes and rolling papers by tobacco manufacturers and importers.

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**Bob Blackman****Not called NC6**

Rachael Maskell

To move the following Clause—

**“Age verification policy**

- (1) A person commits an offence if the person—
  - (a) carries on a tobacco, herbal smoking product or vaping product business, and
  - (b) fails to operate an age verification policy in respect of premises at which the person carries on the tobacco, herbal smoking product or vaping product business.
- (2) Subsection (1) does not apply to premises (“the business premises”) from which—
  - (a) tobacco products, herbal smoking products, cigarette papers or vaping products are, in pursuance of a sale, despatched for delivery to different premises, and
  - (b) no other tobacco, herbal smoking product or vaping product business is carried on from the business premises.
- (3) Before the specified date, an “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers or a vaping product on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers or vaping product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (4) After the specified date, an “age verification policy”—
  - (a) in relation to a tobacco business or herbal smoking product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a tobacco product, cigarette papers, herbal smoking product or cigarette papers on the premises (the “customer”) if it appears to the person selling the tobacco product, cigarette papers, herbal smoking product or cigarette papers that the customer may have been born on or after 1 January 2009 (or such earlier date as may be specified in the policy);
  - (b) in relation to a vaping product business, is a policy that steps are to be taken to establish the age of a person attempting to buy a vaping product on the premises (the “customer”) if it appears to the person selling the vaping product that the customer may be under the age of 25 (or such older age as may be specified in the policy).
- (5) In relation to times before the end of 2033, the reference in subsection (4)(a) to the customer being born on or after 1 January 2009 (or such earlier date as may be specified in the policy) has effect as a reference to the customer being under the age of 25 (or such older age as may be specified in the policy).
- (6) The appropriate national authority may by regulations amend the age specified in subsection (3) or (4)(b).
- (7) The appropriate national authority may publish guidance on matters relating to age verification policies, including, in particular, guidance about—
  - (a) steps that should be taken to establish a customer's age,

- (b) documents that may be shown to the person selling a tobacco product, cigarette papers, herbal smoking product or a vaping product as evidence of a customer's age,
  - (c) training that should be undertaken by the person selling the tobacco product, cigarette papers, herbal smoking product or vaping product,
  - (d) the form and content of notices that should be displayed in the premises,
  - (e) the form and content of records that should be maintained in relation to an age verification policy.
- (8) A person who carries on a tobacco, herbal smoking product or vaping product business must have regard to guidance published under subsection (7) when operating an age verification policy.
- (9) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) Regulations under subsection (6) are subject to the affirmative resolution procedure.
- (11) In this section—
- “the appropriate national authority” means—
    - (a) in relation to England, the Secretary of State, and
    - (b) in relation to Wales, the Welsh Ministers,
  - “herbal smoking product business” means a business involving the sale of herbal smoking products by retail,
  - “the specified date” is 1 January 2027,
  - “tobacco business” means a business involving the sale of tobacco products by retail,
  - “tobacco, herbal smoking product or vaping product business” means a business which involves any one or more of the following—
    - (a) a tobacco business,
    - (b) a herbal smoking product business, or
    - (c) a vaping product business,
  - “vaping product business” means a business involving the sale of vaping products by retail.”

#### **Member's explanatory statement**

This new clause introduces a requirement on tobacco, herbal smoking or vaping product businesses to operate an age verification policy covering steps to be taken to establish the age of persons attempting to buy tobacco, herbal smoking or vaping products, or cigarette papers. It reflects provisions in place in Scotland.

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**Bob Blackman**  
Rachael Maskell

**Withdrawn after debate NC7**

To move the following Clause—

**“Retail licence for sale of tobacco, vaping and nicotine products**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 13 (Power to amend age for sale of tobacco etc.) insert—

**“13A Retail licence for sale of tobacco, vaping and nicotine products**

The Secretary of State may by regulations introduce a scheme in England to require a person to obtain a licence before selling tobacco, e-cigarettes, novel nicotine products and related goods.””

**Member's explanatory statement**

This new clause would enable the Secretary of State to introduce by regulation schemes to require the licensing of sale of tobacco, vaping or nicotine products.

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Bob Blackman

Not called NC8

Rachael Maskell

To move the following Clause—

**“Sale of tobacco, vaping and nicotine products**

The Secretary of State may by regulations limit the places in England where tobacco, vaping or nicotine products are available for retail sale.”

**Member's explanatory statement**

This new clause enables the Secretary of State to limit by regulation where tobacco, vaping or nicotine products can legally be made available for sale.

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Kirsten Oswald

Withdrawn after debate NC9

Rachael Maskell

To move the following Clause—

**“Prohibition of sponsorship: vaping substances containing nicotine**

- (1) A person who is party to a sponsorship agreement is guilty of an offence if the purpose or effect of anything done as a result of the agreement is to promote a vaping substance containing nicotine in the United Kingdom.
- (2) A sponsorship agreement is an agreement under which, in the course of business, a party to it makes a contribution towards something, whether the contribution is in money or takes any other form (for example, the provision of services or of contributions in kind).
- (3) A person does not commit an offence under this section—
  - (a) where it is alleged that the purpose of what was done as a result of the agreement was to promote a vaping substance containing nicotine in

the United Kingdom, if the person did not know, and had no reason to suspect, that that was its purpose, or

- (b) where it is alleged that the effect of what was done as a result of the agreement was to promote a vaping substance containing nicotine in the United Kingdom, if the person could not reasonably have foreseen that that would be its effect.
- (4) A person does not commit an offence under this section if he did not know and had no reason to suspect that the contribution referred to in subsection (2) was made in the course of business.
- (5) This section comes into force on such day as the Secretary of State may by order appoint.
- (6) The day specified may not be later than 1 June 2026."

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Preet Kaur Gill

Not called NC10

Rachael Maskell

To move the following Clause—

**"Power to change product requirements of vaping and nicotine products**

- (1) The Secretary of State may by regulations amend regulations 36 and 38 of the Tobacco and Related Products Regulations 2016.
- (2) Regulations under this section—
  - (a) shall be made by statutory instrument; and
  - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament."

**Member's explanatory statement**

This new clause enables the Secretary of State to amend sections 36 and 38 of the Tobacco and Related Products Regulations 2016 related to general product requirements of vaping and nicotine products.

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Preet Kaur Gill

Negatived on division NC11

Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**"Testing of samples of nicotine-containing e-cigarette products**

- (1) Regulation 36 of the Tobacco and Related Products Regulations 2016 is amended as follows.
- (2) At end insert—
  - "(12) The Secretary of State may—

- (a) approve and monitor one or more laboratories (“approved laboratories”) which must not be owned or controlled directly or indirectly by the tobacco or e-cigarette industry; and
  - (b) arrange for an approved laboratory to verify the product requirements referred to in this regulation.
- (13) For the purposes of enabling the Secretary of State to perform functions under paragraph (11)(b), a person who produces e-cigarettes or nicotine-containing liquids, or manufactures e-cigarettes or nicotine-containing liquids for export must provide to the Secretary of State (or to such person as the Secretary of State may specify) such samples, at such times and intervals and from such sources, as the Secretary of State may reasonably require.”
- (3) The Secretary of State may by regulations make provision that is consequential on this section.”

**Member's explanatory statement**

This new clause enables the Secretary of State to approve laboratories for the purpose of testing product requirements of nicotine-containing vaping products set by the Tobacco and Related Products Regulations 2016 and to require manufacturers to provide samples for testing.

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**Preet Kaur Gill**

**Not called NC12**

Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**“Consultation on mandating quit information messages inside tobacco packs: publication**

The Secretary of State must, within three months of the passage of this Act, publish a response to the consultation on mandating quit information messages inside tobacco packs.”

**Member's explanatory statement**

This new clause requires the Secretary of State to publish a response to the consultation led by the Office for Health Improvement and Disparities on mandating quit information messages inside tobacco packs.

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**Preet Kaur Gill**

**Not called NC13**

Rachael Maskell  
Kirsten Oswald

To move the following Clause—

**“Report on the powers of the Medicines and Healthcare products Regulatory Agency: vaping and nicotine products**

- (1) Within 12 months of this Act receiving Royal Assent, the Secretary of State must lay a report before Parliament examining the case for giving the Medicines and Healthcare products Regulatory Agency (the MHRA) the explicit power to—
  - (a) request samples and test vaping and nicotine products as part of the notification scheme; and
  - (b) recall and remove from the list of notified products vaping and nicotine products which do not comply with product standards.
- (2) The report should also examine the case for a requirement for local trading standards authorities to notify the MHRA of any instances where vaping or nicotine products are being sold which—
  - (a) have not been notified to the MHRA; or
  - (b) do not comply with product standards.
- (3) The Secretary of State may by regulations give effect to any recommendations made in the report.
- (4) Regulations under this section—
  - (a) shall be made by statutory instrument; and
  - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

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Dr Caroline Johnson

Withdrawn after debate NC14

To move the following Clause—

**“Application of Part 1 of the Health Act 2006 to vaping**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 1 (Introduction) insert—

**“1A Application of restrictions on smoking in public places to vaping**

- (1) In this Part, and in any regulations made under this Part, where a provision applies to smoking, it should also be taken to apply to vaping.
- (2) For the purposes of this section, “vaping” means the use of a vape or vaping product to vaporise a vaping substance.
- (3) For the purposes of this section, “vape”, “vaping product”, “vaping substance” and “vaporises” have the meanings given in section 69 of the Tobacco and Vapes Act 2024.””

**Member's explanatory statement**

This new clause would amend the Health Act 2006, which banned smoking in public places and certain vehicles, to include vaping.

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**Dr Caroline Johnson**

**Not moved NC15**

Sir Julian Lewis  
Miriam Cates  
Rachael Maskell  
Lia Nici  
Siobhan Baillie

Sir John Hayes  
Sally-Ann Hart

Richard Graham  
Dehenna Davison

Matt Warman  
Kirsten Oswald

To move the following Clause—

**“Objectives for advertisements: vaping products**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 321A (Objectives for advertisements: less healthy food and drink) insert—

**“321B Objectives for advertisements: vaping products**

- (1) OFCOM must set standards by virtue of section 321(1)(b) prohibiting television programme services provided between 5.30 am and 9.00 pm from including advertisements for vaping products.
- (2) OFCOM must ensure that the prohibition provided for by the first standards set by virtue of subsection (1) takes effect from the beginning of 1 January 2025.
- (3) For the purposes of this section—
  - (a) “advertisements” includes advertisements under a sponsorship agreement and anything else which, under a sponsorship agreement, is included in a television programme service, other than in a television programme;
  - (b) a product is “identifiable”, in relation to advertisements, if persons in the United Kingdom (or any part of the United Kingdom) could reasonably be expected to be able to identify the advertisements as being for that product;
  - (c) “Vaping product” has the meaning given in section 69 of the Tobacco and Vapes Act 2024.””

**Member's explanatory statement**

This new clause would amend the Communications Act 2003 so that advertising of vaping products on TV is banned before the watershed.

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**Dr Caroline Johnson**

**Not moved NC16**

Sir Julian Lewis  
Miriam Cates  
Rachael Maskell  
Lia Nici  
Siobhan Baillie

Sir John Hayes  
Sally-Ann Hart

Richard Graham  
Dehenna Davison

Matt Warman



To move the following Clause—

**“Vaping product vending machines**

- (1) A person commits an offence if the person has the management or control of a premises on which a vaping product or nicotine product vending machine is available for use.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) In this section “vaping product vending machine” means an automatic machine for the sale of vaping products.”
- (4) In this section “nicotine product vending machine” means an automatic machine for the sale of nicotine products.
- (5) This section comes into force on 1 January 2025.”

**Member's explanatory statement**

This new clause would create an offence of managing or being in control of a premises on which a vaping product vending machine is available for use.

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Lia Nici

Not moved NC17

To move the following Clause—

**“Licensable activities: sale of tobacco, vapes and nicotine products**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 13 (Power to amend age for sale of tobacco etc.) insert—
 

**“13A Licensable activities: sale of tobacco, vapes and nicotine products**

  - (1) The Secretary of State must within 1 year of this Act being passed make provision by regulations for a licensing regime for the sale of tobacco products, vaping products and nicotine products.
  - (2) An instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

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Lia Nici

Not moved NC18

To move the following Clause—

**“Licensing scheme: offences**

- (1) A person commits an offence if the person—
  - (a) sells tobacco products, vaping products or nicotine products by retail without a licence issued under a scheme created by regulations under section (*Licensable activities: sale of tobacco, vapes and nicotine products*);

- (b) sells tobacco products, vaping products or nicotine products by retail from premises other than premises in respect of which they have been granted a licence under section (*Licensable activities: sale of tobacco, vapes and nicotine products*); or
  - (c) sells tobacco products, vaping products or nicotine products whose sale is prohibited under this or any other Act.
- (2) A person who is guilty of an offence under paragraph 1(a) or 1(b) is liable on summary conviction to a fine of £20,000.
- (3) A person who is guilty of an offence under paragraph 1(c) is liable on summary conviction to a fine of £10,000."

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Dr Caroline Johnson

Not moved NC19

To move the following Clause—

**"Prohibition of advertising on public transport**

- (1) The Tobacco Advertising and Promotion Act 2002 is amended as follows.
- (2) After section 12 (Television and radio broadcasting) insert—

**"12A Prohibition on publishing advertisements for vaping and nicotine products on public transport**

- (1) The Secretary of State must by regulations make it an offence to display an advertisement for a vaping or nicotine product on public transport.
- (2) For the purposes of this section "public transport" must include—
  - (a) buses, trains, taxis, coaches and trams;
  - (b) any other vehicle which carries passengers for a fee; and
  - (c) any terminal, station or stop for such vehicles.
- (3) For the purposes of this section—
  - (a) "vaping product" has the meanings given in section 69 of the Tobacco and Vapes Act 2024;
  - (b) "nicotine product" has the meanings given in section 70 of the Tobacco and Vapes Act 2024.
- (4) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any regulations made under this section may not come into force before 1 January 2026.""

**Member's explanatory statement**

This new clause would require the Secretary of State to make regulations to create an offence of displaying an advertisement for a vaping or nicotine product on public transport.

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Dr Caroline Johnson

Not moved NC20

To move the following Clause—

**“Prohibition of advertising in sports grounds: vaping products and nicotine products**

- (1) A person who, in the course of business, publishes or distributes an advertisement for a vaping product or nicotine product in a sports ground in the United Kingdom is guilty of an offence.
- (2) Distributing an advertisement for a vaping product or nicotine product includes transmitting it in electronic form.
- (3) For the purpose of this section, a sports ground is defined as a place in which a sport or game which promotes health by involving physical or mental skill or exertion is played.
- (4) This section comes into force on such day as the Secretary of State may by order appoint.
- (5) The day specified may not be later than one year from the date on which this Act is passed.”

**Member's explanatory statement**

This new clause would make it an offence to publish or distribute an advertisement for a vaping product or nicotine product in a sports ground.

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Dr Caroline Johnson

Not moved NC21

To move the following Clause—

**“Prohibition of sports sponsorship: vaping products and nicotine products**

- (1) A person who is party to a sponsorship agreement is guilty of an offence if the purpose or effect of anything done as a result of the agreement is to promote a vaping product or nicotine product to those participating in or watching sport.
- (2) A sponsorship agreement is an agreement under which, in the course of business, a party to it makes a contribution towards something, whether the contribution is in money or takes any other form (for example, the provision of services or of contributions in kind).
- (3) For the purpose of this section, sport is defined as a sport or game which promotes health by involving physical or mental skill or exertion.
- (4) A person does not commit an offence under this section—
  - (a) where it is alleged that the purpose of what was done as a result of the agreement was to promote a vaping or nicotine product in the United Kingdom, if the person did not know, and had no reason to suspect, that that was its purpose; or

- (b) where it is alleged that the effect of what was done as a result of the agreement was to promote a vaping or nicotine product in the United Kingdom, if the person could not reasonably have foreseen that that would be its effect.
- (5) A person does not commit an offence under this section if he did not know and had no reason to suspect that the contribution referred to in subsection (2) was made in the course of business.
- (6) This section comes into force on such day as the Secretary of State may by order appoint.
- (7) The day specified may not be later than one year from the date on which this Act is passed."

**Member's explanatory statement**

This new clause would prohibit sponsorship agreements which have the purpose or effect of promoting vaping products or nicotine products to anyone watching or participating in sport.

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**Dr Caroline Johnson**

**Not moved NC22**

To move the following Clause—

**"Sale of nicotine products to under 18s**

- (1) It is an offence to sell a nicotine product to a person who is under the age of 18.
- (2) It is a defence for a person charged with an offence under this section to prove that they took all reasonable steps to avoid the commission of the offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale."

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**Rachael Maskell**

**Not selected NC23**

To move the following Clause—

**"Application of the Tobacco Advertising and Promotion Act 2002 to vaping products and nicotine products**

After section 1 of the Tobacco Advertising and Promotion Act 2002 insert—

**"1A Application of restrictions on advertising to vaping products and nicotine products**

- (1) In this Act where a provision applies to tobacco, it should also be taken to apply to vaping products and nicotine products.
- (2) For the purposes of this section—  
"nicotine product" has the meaning given in section 70 of the Tobacco and Vapes Act 2024;

“vaping product” has the meaning given in section 69 of the Tobacco and Vapes Act 2024.””

**Member's explanatory statement**

This new clause would amend the Tobacco Advertising and Promotion Act 2002 so that all of its provisions, including prohibiting advertising and sponsorship in print, broadcast or electronic form including on the internet, also apply to vaping products and nicotine products.

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**Rachael Maskell**

**Not selected NC24**

To move the following Clause—

**“Sale of vaping products and nicotine products**

- (1) The Secretary of State may by regulations prevent the sale of to anyone born after 1 January 2015—
  - (a) vaping products; or
  - (b) nicotine products.
- (2) Regulations made under subsection (1) must specify an exemption for products prescribed by a clinician
- (3) Regulations under this section:
  - (a) shall be made by statutory instrument; and
  - (b) may not be made unless a draft has been laid and approved by resolution of both Houses of Parliament.
- (4) Prior to making any regulations under subsection (1), and within 12 months of this Act coming into force, the Secretary of State must commission an independent evaluation of the health impacts of the matters under subsection (1) and must lay the report of the evaluation before Parliament.”

**Member's explanatory statement**

This new clause would allow the Secretary of State, by regulations, to prevent the sale of vaping and nicotine products to anyone born after 1 January 2015 after having laid before Parliament an independent evaluation report on the health impact of doing so.

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**Rachael Maskell**

**Not selected NC25**

To move the following Clause—

**“Report on prescribing vaping products**

Within twelve months of the passage of this Act, the Secretary of State must lay before Parliament a report by an independent person which evaluates the potential impact on smoking cessation of enabling clinicians to prescribe the use of vaping products.”

**Member's explanatory statement**

This new clause would require the Secretary of State to lay before Parliament an independent report on the potential impact of prescribing vapes on smoking cessation.

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Rachael Maskell

Not selected NC26

To move the following Clause—

**“Report on impact of vaping**

- (1) On a date no later than 31 March 2026 the Secretary of State must lay a report before Parliament which examines:
  - (a) the impact of the use of vaping products on foetuses;
  - (b) the impact of vaping substances on those who inhale through involuntary or passive vaping;
  - (c) the impact of the use of vaping products on those with respiratory or other health conditions;
  - (d) the relationship between vaping and the development of respiratory or other health conditions.”

**Member's explanatory statement**

This new clause would require the Secretary of State to lay before Parliament before 31 March 2026 a report which examines the impact of vaping on foetuses, the impact of passive vaping, and the impact on and relationship between vaping and respiratory and other health conditions.

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Rachael Maskell

Not selected NC27

To move the following Clause—

**“Report on track and trace system for the sale of vapes**

Within twelve months of the passage of this Act the Secretary of State must lay before Parliament a report on the potential impact on the sale of illegal vapes of introducing a verification and tracking system for vaping products.”

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Rachael Maskell

Not selected NC28

To move the following Clause—

**“Public duty to promote nicotine product and vaping product cessation services**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 13 (Power to amend age for sale of tobacco etc.) insert—

**“12A After section 13 (Power to amend age for sale of tobacco etc.) insert**

- (1) Public bodies have a duty to actively promote nicotine product and vaping product cessation services.

- (2) The Secretary of State must issue guidance to public bodies on steps public bodies must take to fulfil the duty in subsection (1).
- (3) For the purposes of this section, a “public body” means a publicly funded organisation providing a public or government service.””

**Member's explanatory statement**

This new clause would create a duty on public bodies to promote nicotine product and vaping product cessation services.

Bill, as amended, to be reported.

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**Glossary**

**Added:** New Clause agreed without a vote and added to the Bill.

**Agreed to:** agreed without a vote.

**Agreed to on division:** agreed following a vote.

**Negated:** rejected without a vote.

**Negated on division:** rejected following a vote.

**Not called:** debated in a group of amendments, but not put to a decision.

**Not moved:** not debated or put to a decision.

**Question proposed:** debate underway but not concluded.

**Withdrawn after debate:** moved and debated but then withdrawn, so not put to a decision.

**Not selected:** not chosen for debate by the Chair.