



Impact of a ban on single use vapes Consultation summary report

Version History

Version	Details	By	Date
1.0	A summary of the findings from the stakeholder consultation and a set of recommendations	E.Richardson-Calladine, Reviewed by L. Jones.	2/7/24

Contents

Version History.....	2
1.0 Introduction	3
2.0 Methodology.....	4
3.0 Delivery	6
4.0 Analysis	8
5.0 Findings	9
5.1 Analysis of the survey responses	9
5.2 Analysis of the stakeholder meeting responses	15
5.3 Youth vaping consultation findings.....	18
6.0 Summary of key findings.....	19
7.0 Recommendations	21
8.0 Next steps	23
9.0 Conclusion.....	24
Appendix A: Online survey questions	25
Appendix B: Stakeholder meeting questions.....	27

1.0 Introduction

Following the commitment of the Ministers for Infrastructure and Environment to bring forward a ban on single use (disposable) vapes based on their environmental impact, a consultation has been carried out to understand the impact of a ban and to inform the technical detail required to amend the relevant legislation.

The Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 was identified as the legislative vehicle to move this forward as this Law was established to reduce the island's use of avoidable single use plastic by prohibiting the supply and importation of certain single-use items.

The consultation regarding the impact of a ban on single use vapes ran from 28th March to 9th May 2024.

This report outlines the consultation process and provides a summary of the analysis of the responses received.

A set of recommendations are included that are based on the consultation findings.

2.0 Methodology

The consultation was delivered using an online survey and through individual stakeholder meetings.

The key areas of focus for the consultation to inform were:

- Definition / specification of single use vapes to be banned and any required exemptions
- Implementation requirements, for example the duration of the implementation period and supporting tools / point of sale material
- Impact of banning single use vapes on local businesses and individuals

The online survey was available from the Government of Jersey website. It contained eight questions, five were closed questions and three were open questions inviting qualitative free-text responses. A copy of the survey is provided as Appendix A.

A series of stakeholder meetings were scheduled during the consultation period. The stakeholders were all government departments that either worked with single use vape users or with the associated supply chain from import through to end of life disposal / recycling. Each stakeholder received a question sheet in advance that mirrored the questions in the online survey. This is provided as Appendix B.

A link to the Infrastructure and Environment Department Privacy Policy provided on the gov.je website was provided to all respondents.

Due to the subject matter, the following message was also provided at the start of the online survey and in the pre-meeting notes sent to stakeholders:

‘Jersey is a party to the World Health Organization Framework Convention on Tobacco Control (FCTC) and so has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.’

In accordance with the requirements of Article 5.3 of the FCTC, the views of those with links to the tobacco industry have not been considered when developing the recommendations from this consultation.

In the interests of transparency, the responses from the tobacco industry have been included in this report.

3.0 Delivery

The consultation survey was available from the Government of Jersey website.

The consultation was targeted at retailers selling or supplying single use vapes and, to encourage participation, retailers and the relevant representative bodies were contacted directly. This included direct communications with:

- Jersey Chamber of Commerce
- Jersey Business
- Jersey Hospitality Association
- Parish of St Helier
- Supermarkets and / or their local retail operators
- Jersey Chemist Contractors Committee
- Forecourt / convenience store chain
- Specialist vape shops
- Channel Islands Tobacco Importers and Manufacturers' Association (CITIMA)

The survey was also advertised in social media and in the JEP Gazette.

Stakeholders were contacted directly to arrange individual meetings to discuss the consultation. The following government departments were invited to take part:

- Waste operations and recycling
- Trading Standards
- Jersey Customs
- Prison Service
- Health Improvement
- Help2Quit
- Children's Services
- Child and Adolescent Mental Health Service
- Adult Mental Health and Adult Social Care

- Education
- Youth Service
- Economic Development

All of the above stakeholders were available to meet with the exception of the Adult Mental Health and Adult Social Care. In lieu of this, comments representing the General Hospital were received. Officers hope to engage with Adult Mental Health and Adult Social Care over the coming months.

The views of children and young people were not directly invited as a consultation to understand more about the use vapes amongst children and young people was running at the same time, delivered by the Health Improvement Team.

Questions regarding the impact of a ban on single use vapes were included in this separate consultation and their findings are referenced in this report.

4.0 Analysis

The online survey received 15 responses.

The responses to the closed questions were quantitatively analysed and the qualitative data received in response to the three open questions was thematically analysed to identify common themes across the responses.

The notes taken from the 12 stakeholder meetings were analysed using the same approach as the online survey.

In addition to the meetings held with various service areas across the Health and Community Services Department, Public Health Jersey provided a written response to the consultation. This response informed the recommendations included in this report.

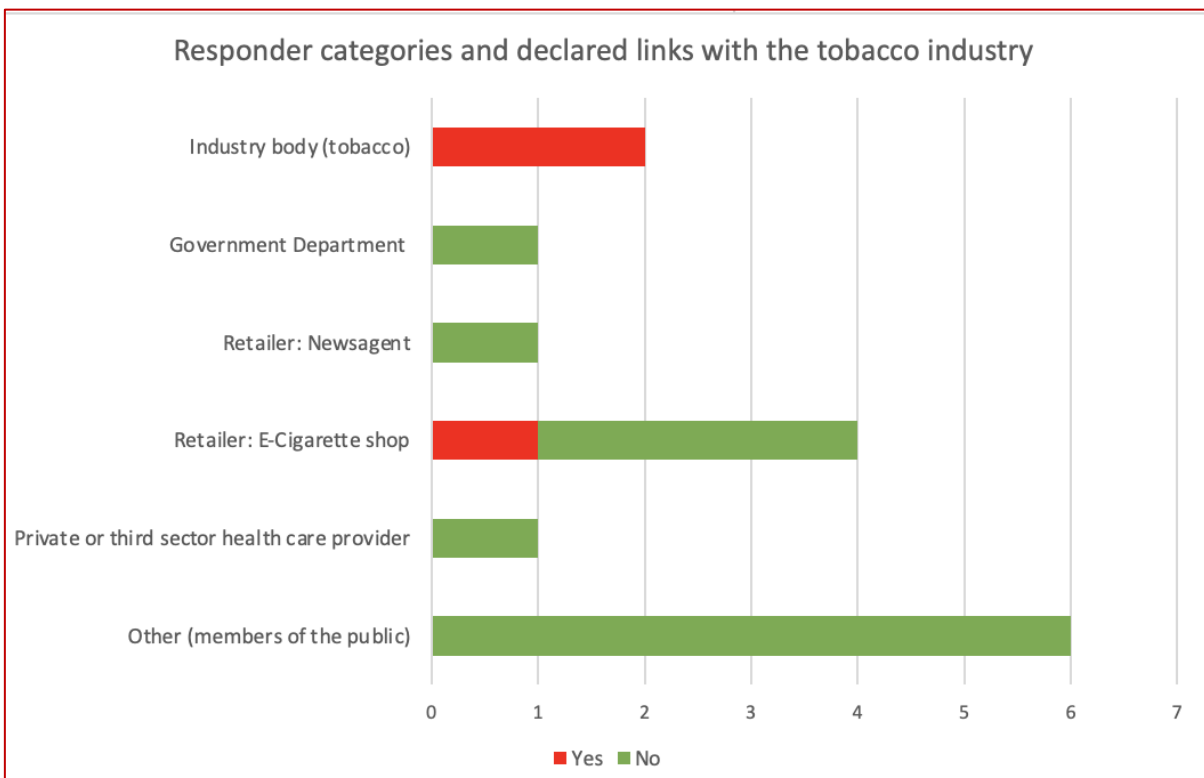
5.0 Findings

5.1 Analysis of the survey responses

Question 1: Do you or your organisation have any direct or indirect links to, or receive funding from, the tobacco industry?

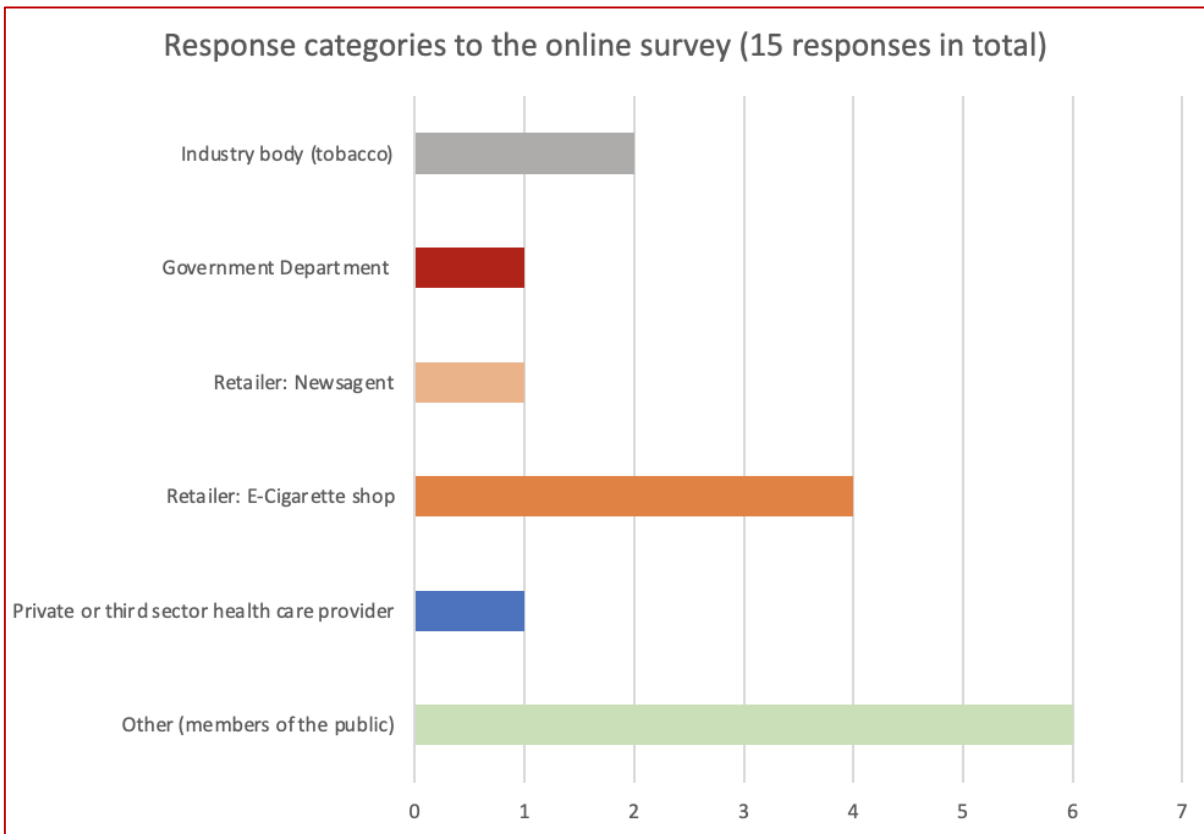
Three respondents selected the 'Yes' response and declared a direct or indirect link with the tobacco industry. Of the three respondents, two were industry bodies representing the tobacco industry and one was a specialist e-cigarette retailer.

The responses are summarised below:



Question 2: Please select a category that defines your interest in this survey

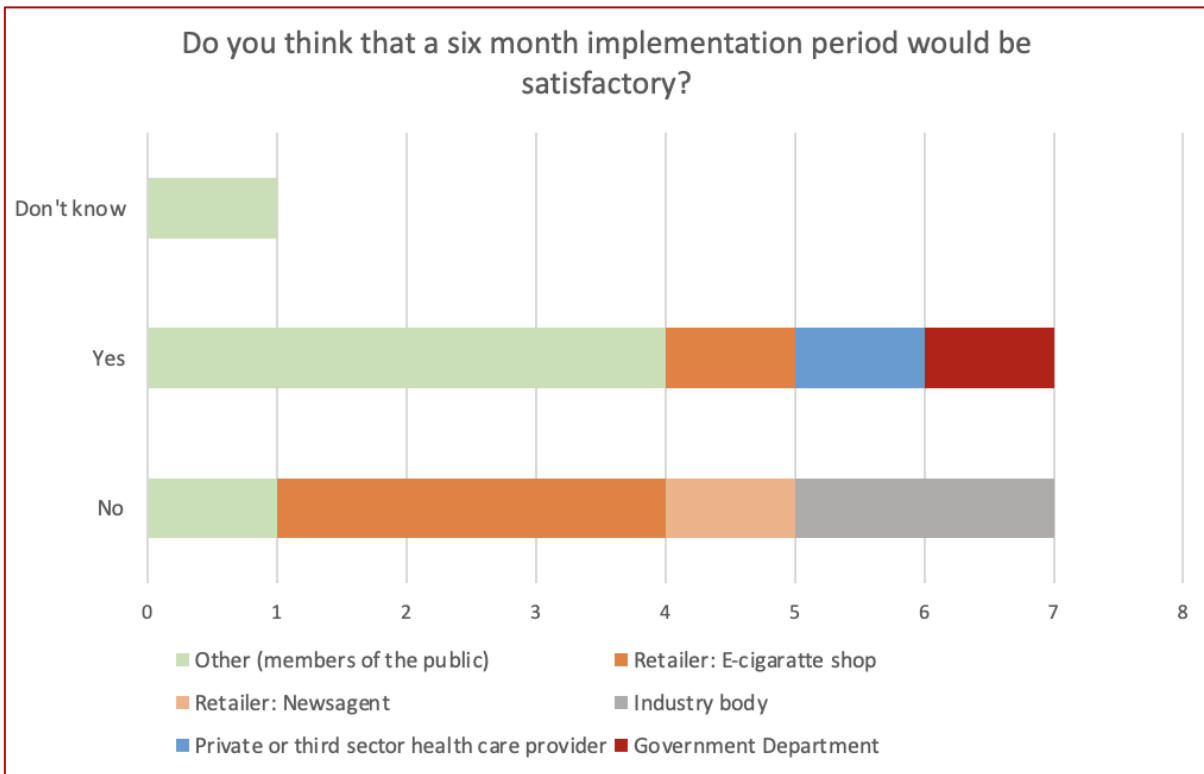
The second question asked responders to select a category that defined their interest and this is summarised below:



Questions 3 and 4: If the ban on the supply of single use vapes is approved, do you think that a six month implementation period would be satisfactory? If answering "no", please explain why.

The responses to this question were evenly split with seven 'yes' responses and seven selecting 'no'. One respondent selected 'don't know'.

From the five retailers that completed the survey, four selected 'no', as shown over the page:



Responders that selected 'no' were asked to explain their answer.

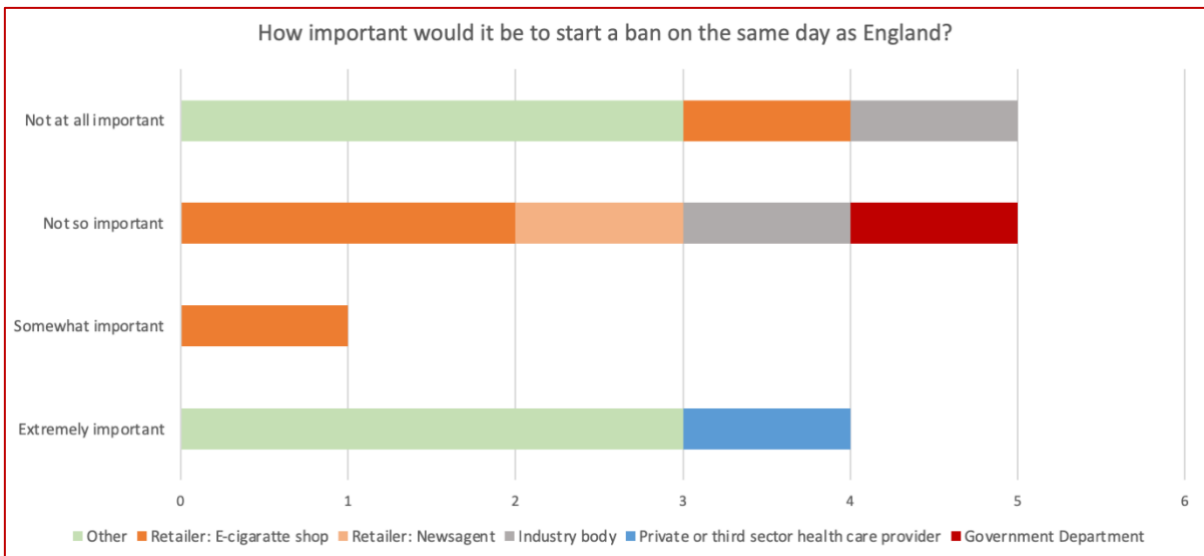
The responses from the four retailers shared a concern regarding the length of time it would take to clear some lines of stock, which could require 12 months.

The suggestion of a staged approach to provide retailers with a notice period to stop purchasing stock and then a 'sell through period' in which all existing stock could be sold was made.

Question 5: A ban on the sale and supply of single use vapes may come into force in England on 1 April 2025. If a similar ban is to be implemented in Jersey, how important would it be to start on the same day as England?

This question was asked to explore the importance of aligning the timing of a ban on single use vapes in Jersey with the ban planned in England.

Two thirds (10 out of 15) of the responses thought that aligning local implementation with England was not important. This set of responses included four of the five retailers (one retailer thought it was ‘somewhat important’).

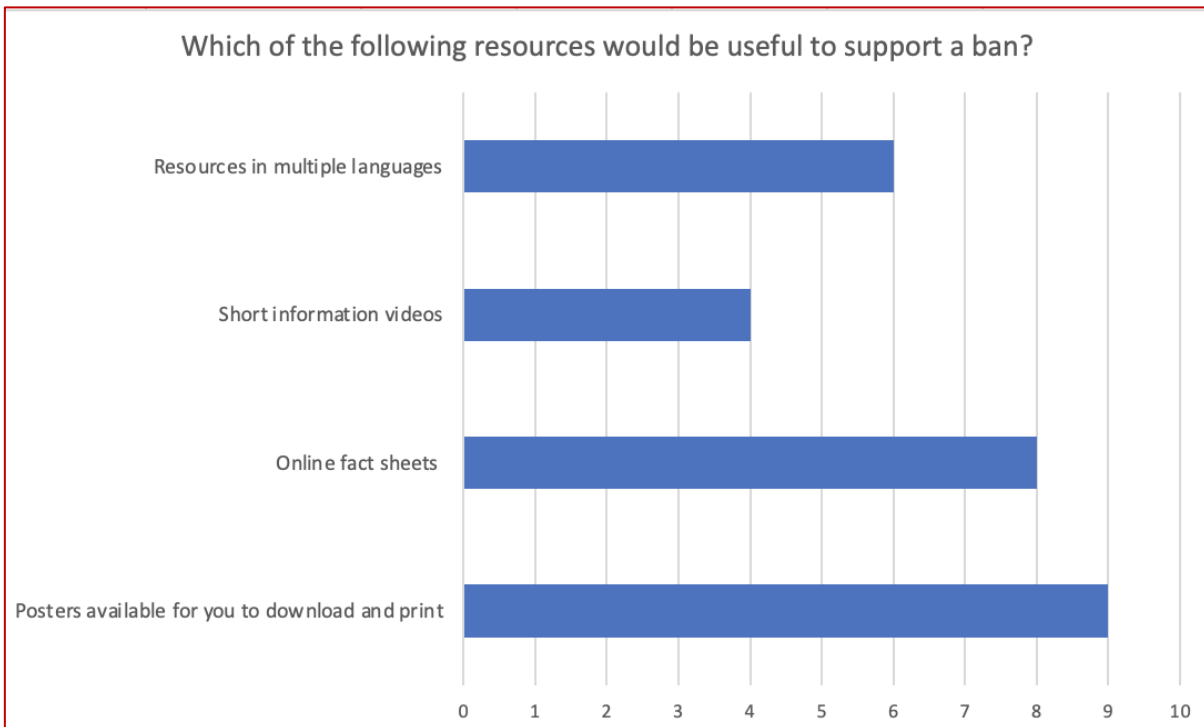


Question 6: If a ban on the supply of single use vapes is approved, which of the following would you / your customers find useful? Please select all that apply.

Responders were given the choice of selecting from the following:

- Posters available for you to download and print
- Online fact sheets
- Short information videos
- Resources in multiple languages

The responses are summarised over the page:



The most popular tool selected by retailers was the poster. Almost half (eight of the 15) of the responders supported the use of online fact sheets and six responders selected resources in multiple languages.

Question 7: In a brief summary, how will a ban on single use vapes have an impact on you / your organisation / your customers or clients?

The specialist retailers did not highlight a significant impact to their business as they stock alternative products.

One retailer commented on the negative impact of a potential loss of revenue and the risk of an increase in an illicit vape market. Another retailer said that there may be a positive impact, as vape sales may be more focused on specialist outlets in the future.

The importance of a single use vape definition was raised by one retailer, along with the suggestion of licensing each shop that sells vape devices to help regulate under age sales. Another retailer

commented on the need for further restrictions to target under age use and suggested taxation as a preferred method to raise funds for environmental projects and healthcare.

The comments received from the Government of Jersey department focused on the potential positive impact of a ban to reduce youth vaping but also emphasised the importance of maintaining accessibility to vapes for adults addicted to nicotine and those less resilient to policy changes.

Question 8: If a ban on the supply of single use vapes is approved, what support and resources should be available to people that regularly use single use vapes?

10 of the 15 respondents provided comments in response to this question.

Four of the five retailers provided comments which are summarised in the following points:

- The smoking cessation service should be more vape friendly and work with the specialist vape retailers
- Specialist retailers should be provided with resources from the smoking cessation service to support people that wish to stop smoking and to educate people about vaping
- People that wish to vape require reassurance
- Time is required to teach customers how to use alternative vape devices

Other responses referred to the importance of explaining the environmental impact of single use vapes, the need to provide resources in schools, the support of refillable vapes by the smoking cessation service and the importance of ensuring the accessibility of vapes to vulnerable groups of society.

5.2 Analysis of the stakeholder meeting responses

The questions discussed with the stakeholders mirrored questions 3 – 8 of the survey and the responses are summarised below.

Questions 3 and 4: If the ban on the supply of single use vapes is approved, do you think that a six month implementation period would be satisfactory? If answering no, please explain why.

The majority of stakeholders (eight of the 12) had no view on the length of the implementation period but two sets of comments were received emphasising that some time was required to change relevant systems and for the public impacted by the ban to prepare.

Four of the 12 stakeholders thought that six months was an adequate time period, however one stakeholder noted that time was required for businesses to make any necessary changes.

Question 5: A ban on the sale and supply of single use vapes may come into force in England on 1 April 2025. If a similar ban is to be implemented in Jersey, how important would it be to start on the same day as England?

A mixed set of responses were received to this question.

No stakeholders identified a reason which required a local ban to be aligned with changes in England.

Some stakeholders acknowledged the potential benefits of piggy backing off national communications and supporting local traders that sell into the UK.

Two stakeholders considered the potential for local implementation to benefit from any lessons learnt from the introduction of the ban in England but no specific benefits were identified.

Question 6: If a ban on the sale and supply of single use vapes is approved, which of the following would you / your customers find useful? Please select all that apply.

The stakeholders identified the following:

- Educational materials, to include the local environmental benefits of a ban to share with young people
- Resources about steps to take for you and your family ahead of the ban
- Posters / in store materials for retailers to display
- Social and traditional media used to reach across the island population
- Importance of everyone being informed and prepared ahead of the ban i.e. public, retailers, government departments and relevant agencies and services
- Education programme that acknowledges the problem around youth vaping and supports young people to stop vaping
- Online factsheet and short videos
- Resources available in multiple languages

Question 7: In a brief summary, how will a ban on single use vapes have an impact on you / your organisation / your customers or clients?

Two stakeholders referenced the need to make changes ahead of the ban (one referred to system changes and another to their supply chain).

One stakeholder referred to the impact on retailers that sold single use vapes and commented that no issues had been raised by the business community with the department.

Two stakeholders discussed the impact on vape users and adults looking to use vapes as a smoking cessation aid. The removal of single use vapes was expected to 'make things more challenging' in this context as single use vapes are easily accessible, especially for people wishing to vape occasionally and as a relapse prevention tool in addition to a smoking cessation method.

The impact on societal groups that may be more vulnerable to a ban was also raised and the groups identified were those in prison, mental health facilities, elderly care facilities and those with poor dexterity, impaired intellect and those on a low income.

Linked to this, one stakeholder requested exemptions to the proposed ban so that they could a) continue to provide rechargeable vapes that used single use sealed refill pods for security reasons and b) to purchase single use vapes due to the availability of a better quality product and to provide robustness to their supply chain.

An exemption for smoking cessation services was also discussed and it was understood this service will be included in a set of exemptions to the future legislation being considered in Guernsey.

Question 8: If a ban on the supply of single use vapes is approved, what support and resources should be available to people that regularly use single use vapes?

The responses shared a common theme of the need to deliver a strong island wide communications campaign ahead of the ban to support members of the public and retailers.

Two stakeholders referred to the need to include information about the safe disposal of vape devices (notably the battery) in the communications. One stakeholder commented on a potential lack of awareness in this area as a contributory factor to the number of vapes being disposed of inappropriately.

Guidance for schools was included in two stakeholder responses, along with the need for an extension to the existing Help2Quit service to include support for people who wished to stop vaping.

During the meetings, the Help2Quit service was frequently referred to and it was noted that the service is limited to help people to stop smoking and is not set up to support those wishing to stop vaping.

Other points raised

As the stakeholder meetings discussed the impact and implementation of a potential ban on single use vapes in more depth than was possible in the online survey, other points were raised.

The points are summarised as:

- The importance of a clear definition of a single use vape in the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021, alignment with the definition to be used in England would be helpful
- Future proofing the definition in view of industry developments trying to circumnavigate the single use restrictions
- Consideration of all import routes when developing the legislation, this includes the importation by individuals
- Consideration of the policy work underway in Guernsey to restrict the supply of single use vapes
- The importance of maintaining accessibility to vapes for those that need them and those that may be in vulnerable groups that may be disproportionately affected by the ban on single use devices

5.3 Youth vaping consultation findings

The recent consultation delivered by the Health Improvement Team to explore youth vaping included an online parent/carer survey and direct engagement with children and young people.

The findings were that of the children and young people that used vapes, 96% use disposable (single use) vapes.

The responses from the online survey found that 18% of children and young people vape, and the engagement with children and young people identified that 81% of the group of 15–17 years olds vape on a daily basis.

90% of parents/carers supported a ban on single use vapes and there was an overall sense of urgency for decisive Government intervention to address the ‘vaping epidemic’.

6.0 Summary of key findings

The aim of the consultation was to inform the following key areas:

- Definition / specification of single use vapes to be banned and any required exemptions
- Implementation requirements, for example the duration of the implementation period and supporting tools / point of sale material
- Impact of banning single use vapes on local businesses and individuals

The findings in each of these areas are summarised below:

- **Definition / specification of single use vapes to be banned and any required exemptions**

The importance of defining a single use vape was referenced in some responses along with comments advising that this should be developed with care so that the local legislation is robust in light of new technologies.

Alignment with the definition being applied in England was mentioned in one response.

Three potential exemptions to the ban were raised in the consultation: 1) to allow single use refillable pods, 2) to allow the purchase of single use vapes by a government department based on product quality and supply chain contingency, and 3) for the smoking cessation service, in line with the exemptions being considered in Guernsey.

The restrictions applied to single use vapes must be relevant to individuals and retailers. This is to ensure single use vapes cannot be imported to the island for commercial or individual use.

- **Implementation requirements, for example the duration of the implementation period and supporting tools / point of sale material**

Four of the five retailers that completed the online survey did not think a six month implementation period was adequate due to existing stock levels.

Other stakeholders shared a pragmatic view that six months seemed acceptable but sufficient time should be provided for the changes that were required ahead of a ban coming into effect.

Aligning the timing of a local ban on single use vapes with a ban in England was not deemed to be important.

The importance of an island wide communications campaign that raises awareness of the changes before the ban comes into effect with retailers and the general public was a key theme from the stakeholder meetings.

The responses to the online survey supported the use of posters and online fact sheets and the stakeholder meetings referenced specific content including the local environmental benefits of the ban and information to support people (including young people) stop vaping.

- **Impact of banning single use vapes on local businesses and individuals**

No significant impact was communicated by retailers.

The responses received in the stakeholder meetings highlighted the potential for the ban to reduce youth vaping but also emphasised the importance of maintaining accessibility to vapes for adults addicted to nicotine and those less resilient to policy changes. This includes those in prison, mental health facilities, elderly care facilities and those with poor dexterity, impaired intellect and those on a low income.

7.0 Recommendations

Following the consultation and considering all of the responses received, the following recommendations are made to inform the amends required to extend the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 to include single use vapes.

a) The definition of single use vape that has been developed in the UK by the Department for Environment, Food and Rural Affairs (DEFRA) and included in The Environmental Protection (Single-use Vapes) (England) Regulations 2024 for implementation in England, Wales and Scotland on 1 April 2025 should be considered as the definition to be applied locally.

For reference, the States of Guernsey approved the introduction of an Enabling Law to Regulate Vapes on 22 May 2024 and a definition is in this scope of works but has yet to be published.

b) No exemptions to the ban on single use vapes are required¹. This recommendation is made as no significant issues such as safety and security were raised through the consultation to justify any exemptions. This recommendation is also linked to the proposed use of the UK definition of a single use vape which allows the continued use of single use refill pods. The importance of single use refillable units in rechargeable vape devices is acknowledged for security reasons in some settings.

Despite the exemptions that have been included in the recently approved scope of work in Guernsey, no exemptions are planned for the UK as the rationale is that other vape devices and smoking cessation aids will continue to be available.

c) The restrictions currently set out in the legislation must be extended to apply to individuals. This will mean the sale and supply of single use vapes is prohibited for commercial and personal use.

¹ Note that conversations are ongoing with the Adult Mental Health and Adult Social Care team on this front.

d) The implementation period must be adequate so that stakeholders can make required changes (including the sale of existing stock) and high levels of public awareness can be achieved.

The consultation focused on youth vaping identified a sense of urgency amongst parents / carers for the government to take action to address the ‘vaping epidemic.’

Six months was only considered to be unsatisfactory in light of the time required to sell existing stock and so the time required to make the legislative changes and implement a communications plan should be considered, along with ways to work with the retail industry to bring about the ban as quickly as possible.

e) In parallel to the required legislative amends, an implementation plan should be prepared that includes the communication tools and resources recommended by stakeholders.

8.0 Next steps

The findings from this consultation will inform Law Drafting Instructions to amend the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021. The amended Law will be lodged for debate and approval by the States Assembly.

An implementation plan will also be developed that includes a communications schedule. This will be submitted to the States Assembly for consideration along with a Child Rights impact Assessment due to the use of single use vapes by children and young people.

9.0 Conclusion

The consultation achieved its objectives in collecting information from the specialist stakeholders to inform the detail required to move forward with a potential ban on single use vapes.

While the environmental impact of single use vapes is the driving the ban, the consultation identified the interest and relevance of this work to a wide variety of stakeholders providing very different services including retail, waste management, health, education, justice and regulation.

The consultation did not identify any opposition to a ban on single use vapes but the responses did emphasise the importance of communication both across government and publicly to ensure that everyone is informed and prepared for the changes in advance of the amended law coming into effect.

Appendix A: Online survey questions

1. Do you or your organisation have any direct or indirect links to, or receive funding from, the tobacco industry? (Guidance note: only tick yes if the tobacco industry / tobacco manufacturers provide support to you or your organisation)

Yes

No

2. Please select a category that defines your interest in this survey:

Retailer: Supermarket

Retailer: Newsagent

Retailers: Garage shop

Retailer: E-cigarette shop

Retailer: General shop

Retailer: Online seller

Hospitality (café, restaurant, etc.)

Wholesaler or distributor

Private or third sector health care provider

Industry body (please specify below)

Other (please specify below)

3. If a ban on the supply of single use vapes is approved, do you think that a six month implementation period would be satisfactory? This is the amount of time between the Law being approved and coming into force.

Yes

No

Don't know

Not relevant to me

4. If answering 'no' above , please explain why.

5. A ban on the sale and supply of single use vapes may come into force in England on 1 April 2025. If a similar ban is to be implemented in Jersey, how important would it be to start on the same day as England?

- Extremely important
- Very important
- Somewhat important
- Not so important
- Not at all important

6. If a ban on the sale and supply of single use vapes is approved, which of the following would you / your customers find useful? Please select all that apply.

- Posters available for you to download and print
- Online fact sheets
- Short information videos
- Resources in multiple languages
- Other (please specify)

7. In a brief summary, how will a ban on single use vapes have an impact on you / your organisation / your customers or clients?

8. If a ban on the supply of single use vapes is approved, what support and resources should be made available to people that regularly use single use vapes? Please remember that a ban would only apply to single use vapes. Refillable vapes would still be available.

Appendix B: Stakeholder meeting questions

Work to bring forward a ban on single use vapes based on their environmental impact

Overview

The Ministers for Environment and Infrastructure have committed to bringing a ban on single use vapes before the States Assembly. The reasoning for the ban is the environmental impact of disposable vapes. The Ministers are looking to extend the Single Use Plastics etc. (Restrictions) (Jersey) Law 2021 and include single use vapes in this legislation.

A consultation is now underway to inform what a ban on single use vapes would look like and what impact it would have.

The consultation is being delivered as an online survey (available from gov.je/consultations) and a series of stakeholder meetings. The findings from the consultation will be published in a report and will be used to inform the amends to extend the Single Use Plastics etc. (Restrictions) (Jersey) Law 2021 and propose an implementation plan.

Meeting

I am delivering the consultation on behalf of the Government of Jersey's Cabinet Office.

I would like to meet with you to discuss the survey questions in greater depth and record any feedback you have from your department's perspective that can inform the ban and / or its implementation.

The key areas I am focusing on are:

- Definition / specification of single use vapes to be banned and any required exemptions, for example in a prison setting
- Implementation requirements i.e. duration of the implementation period and supporting tools / point of sale material
- Impact of banning single use vapes on local businesses and individuals

The questions we will discuss are shown below. These are taken from the online survey and some may be more relevant to your department than others. There will be time to discuss any additional comments you may have.

If the ban on the supply of single use vapes is approved, do you think that a six month implementation period would be satisfactory? This is the amount of time between the Law being approved and it then coming into force. If no, please explain why.

A ban on the sale and supply of single use vapes may come into force in England on 1 April 2025. If a similar ban is to be implemented in Jersey, how important would it be to start on the same day as England?

If a ban on the supply of single use vapes is approved, which of the following would you / your customers find useful? Please select all that apply.

- Posters available for you to download and print
- Online fact sheets
- Short information videos
- Resources in multiple language
- Other, please explain

How will a ban on single use vapes have an impact on you / your organisation / your customers or clients?

If a ban on the supply of single use vapes is approved, what support and resources should be available to people that regularly use single use vapes? Please remember that a ban would only apply to single use vapes. Refillable vapes would still be available.

I would also like to discuss any possible exemptions that may be required to the ban and any other comments you have that should be considered as part of the consultation.

Data processing and protection

Jersey is a party to the World Health Organization Framework Convention on Tobacco Control (FCTC) and so has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

The information collected during this consultation is gathered, stored and used in accordance with the Infrastructure and Environment privacy policy.