

## FAQ: Vaping Products Act 2024

### What do we mean by 'vaping products'?

Vaping products is the legal term used to refer to –

- devices known as *vapes* or *e-cigarettes*;
- parts for vapes or e-cigarettes; and
- vaping liquids that may be consumed in vapes or e-cigarettes, regardless of whether or not that liquid contains nicotine.

### What will the Vaping Products Act 2024 do?

The Vaping Products Act 2024 will introduce, for the first time, legal controls on the sale and display of all types of vaping products.

These controls will come into effect in two stages –

- from **Monday 27<sup>th</sup> May 2024**, it will be illegal to sell or supply vaping products to persons under 18, or persons acting as an agent for a person under 18.
- from **Sunday 1<sup>st</sup> September 2024**, it will be illegal to display or advertise vaping products to a person under 18 in places, such as shops, where vaping products are sold.

### Why are we introducing this Act now?

The Vaping Products Bill was put forward in 2022, following the UK evidence that vaping in young people is growing, with 15.8% of 11–17-year-olds having tried vaping in 2022, a significant increase compared to 3.8% in 2013. While there is no specific data for the Isle of Man, there has been an increase reported locally of issues in schools and instances of petty theft from shops, which suggest a rise in the use of vaping products among young people in the Island.

A further increase in young people vaping has been reported in the UK in 2023 with 20.5% of 11 – 17 year olds having tried vaping. Further engagement with teenagers in the Isle of Man shows that we have a high prevalence of young people who vape. This means they are currently experiencing the effects of nicotine addiction and we do not know the long-term effects of vaping on their developing bodies.

We decided to introduce the bill to:

- reduce underage use of vaping devices and products to protect the health and wellbeing of young people
- mitigate against related issues, such as retail theft of such products
- bring Isle of Man consumer safety standards in line with those of the UK, to the benefit of adults who use vaping products.

### Who was engaged as part of the process?

We met and discussed the bill with various groups throughout the process including:

Young people – we held group discussions with students and young people were held in youth clubs, schools and education centres such as UCM

Retailers – we consulted with retail managers at the beginning of the process and throughout to gain an understanding of the impact of new legislation on their business and to ensure that their views and concerns were listened to and addressed.

Parents, carers and teachers – we recently held discussions with teachers and parents/carers through the Island's secondary schools

All of this work will continue to ensure that everyone is ready for these changes and to develop resources to support those who need it.

### What do the general public need to be aware of?

1. From **Monday 27<sup>th</sup> May 2024**, persons under 18 cannot buy vaping products, and –
  - It is an offence for any person to sell, supply or import vaping products to provide to a person under 18.
  - It is an offence to coerce or assist a person under 18 to obtain, buy, supply or sell vaping products.
2. From **Sunday 1<sup>st</sup> September 2024** –
  - Vaping products cannot be displayed or advertised where they are sold (i.e. retail premises) if those premises are accessible to persons under 18.
  - Vaping products can still be displayed in wholesalers and specialist vaping shops after this date, as long as those premises do not allow persons under 18 to enter them.

### What does this mean for a person under 18?

From **Monday 27<sup>th</sup> May 2024**

- A person under 18 cannot be sold or supplied with a vaping product;
- it is an offence to sell or supply vaping products to any person, unless they have permission to do so from a responsible person<sup>1</sup>;
- it is an offence to coerce or assist any person under 18 to obtain, sell or supply vaping products.

Committing any of these offences may, on summary conviction, result in a fine of up to £5,000 for the person supplying the vaping product.

Furthermore, for persons aged between 16 and 18, it will be an offence to import a vaping product. Committing this offence may, on summary conviction, result in a fine of up to £500.

From **Sunday 1<sup>st</sup> September 2024**, it will be an offence to display or advertise vaping products accessible to persons under 18. This will mean that persons under 18 cannot work in specialist vaping premises.

### What do retailers need to do?

By **Monday 27<sup>th</sup> May 2024** –

1. Have signs or warning notices in place as follows –

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<sup>1</sup> A person over the age of 18 who has some level of responsibility (ownership, control or management) for the business selling vaping products.

- In places that sell vaping products, have signs prominently displayed at, or near, the point of sale stating –

*“It is illegal to sell or supply vaping products to anyone under the age of 18”*

- For online stores, prominently display a warning notice at either the point where vaping products advertised for sale, or the point at which an order for vaping products is placed (ideally both). This warning notice to state –

*“It is illegal to sell or supply vaping products to anyone under the age of 18”.*

Failing to display these signs or warning notices is a criminal offence.

2. Ensure staff are aware that it an offence -

- sell or supply vaping products to any person under the age of 18.
- for any staff member under the age of 18, to sell vaping product to a person over 18, without first obtaining permission from a responsible person<sup>2</sup>.
- to sell vaping products outside of their original retail packaging or from a vending machine.
- to sell vaping products to a person you know, or reasonably believe, to be acting as an agent for a person under 18

3. Failing to meet these requirements may, on summary conviction, result in a fine of up to £5,000.

4. It is recommended that retailers consider operating a proof of age policy (e.g. Challenge 25) to enable them to evidence they have taken reasonable steps to comply with this legislation.

By **Sunday 1<sup>st</sup> September** –

1. Ensure that –

- Vaping products are not ‘on display’ to persons under 18
- Advertisements for vaping products must not be visible to persons under 18

2. Failing to meet these requirements may, on summary conviction, result in a fine of up to £2,000.

3. Ideally, vaping products (if sold) should be provided to customers from a location either under the counter or in a cabinet.

4. It is also recommended that vaping products are not sold from a cabinet selling tobacco products, to avoid incidental display of tobacco products.

5. Incidental display to a person under 18, e.g. when restocking, cleaning or obtaining a vaping product to supply to a customer is considered to fall within the legislation as long as reasonable efforts have been made to ensure the vaping products are not displayed for longer than is necessary in the course of this action. If the OFT reports concerns on this matter, after the legislation takes effect, then the Cabinet Office will consider the need for possible further legislation.

6. Exceptions to this offence are provided for –

- Wholesalers:
  - As long as the vaping products are only displayed for the purposes of trade to persons who are employed by that business, or engaged in wholesale trade.
- Specialist vaping premises:
  - As long as –
    - More than 50% of the businesses sales derive from vaping products; and

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<sup>2</sup> A person over the age of 18 who has some level of responsibility (ownership, control or management) for the business selling vaping products.

- The premises are not accessible to persons under 18.
7. Window displays of vaping products, or exterior advertisements for specific vaping products, are not allowed in either wholesalers or specialist vaping premises. However, the present policy position is that it will not be considered an offence if vaping products within the premises are simply visible to person outside of those premises, as long as the vaping products are not being deliberately displayed to such persons.

#### **What does this mean for schools?**

Further to sections 21 (conduct on school and college premises), 21B (seizure of certain articles) and 21D (discipline: supplemental) of the Education Act 2001, schools may issue rules to ban or prohibit the use of vaping products on school premises. Schools may then seize and dispose of any vaping products that do not comply with those school rules.

#### **Is using vaping products within public buildings, like shops and restaurants, banned by this Act?**

No. Premises may decide to allow or prohibit the use of vapes subject to their own business needs

#### **Is using vaping products on public transport banned by this Act?**

No. Controls on the use of vapes on public transport (e.g. ferries, planes, buses and taxis) are set by the public transport operator.

#### **When will regulatory standards be introduced?**

Regulations are being drafted having regard to the existing UK legislation in this area<sup>3</sup>. It is noted that the UK Government are presently progressing legislation<sup>4</sup> that may result in new regulatory controls in this matter. The drafting of the regulations will be progressed once it is clear what additional regulatory controls on vaping products, if any, the UK is proposing to introduce.

#### **Who do I complain to about underage sales or displays of vaping products to persons under 18?**

The Office of Fair Trading (OFT) are responsible for enforcing the legislation.

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<sup>3</sup> The Tobacco and Related Products Regulations 2016 and the General Product Safety Regulations 2005.

<sup>4</sup> The Tobacco and Vapes Bill 2024-25.

## FAQ: About vaping

### Are vapes harmful?

For those quitting smoking, it's important to know that vaping is at least 95% less harmful than smoking. Tobacco smoke contains carbon monoxide and tar, a sticky soup of around 250 toxic chemicals, 69 of which are known to be carcinogenic, causing disease, disability, and early death.

Like nicotine patches and gum, vapes containing nicotine are a useful aid to quitting as they deal with the cravings smokers get when they try to stop.

However, vapes are not without harm.

### What are the dangers of vapes for young people?

We don't yet know the **long-term health effects** of vaping, especially for young people with developing lungs. If you are under 18 years old your body is still developing and it isn't safe to introduce chemicals to the undeveloped adult body

In the short-term, the most pressing concern is nicotine addiction. Vapes are likely to contain nicotine, a highly addictive drug found in tobacco products such as cigarettes. Addiction to nicotine is known to be caused even when the person doesn't vape regularly.

To find out more about the effects of vaping on young people visit <https://www.talktofrank.com/>

### What are the dangers of addiction?

Addiction means not having control over using something to the point where it is harmful to you. Addiction can cause withdrawal symptoms, so that you feel irritable and anxious if you don't have what you crave. Taking it again relieves this feeling which is why you need more and more to stay at an even level.

This can be dangerous when it starts to affect other areas of your life such as relationships and your physical and mental wellbeing.

Addiction can be a way of dealing with difficult areas in your life and it is always better to learn more favourable coping mechanisms when things get tough to avoid becoming addicted in the first place.

Find out more about addiction <https://www.nhs.uk/live-well/addiction-support/addiction-what-is-it/>

### What can you do to stop vaping if you are addicted?

- Make an appointment with your GP – this will be confidential and your doctor can give you advice on how to quit
- Do some research online – there are a lot of great places to look for information and contacts you can turn to for support. Here are a few:

[Talk to Frank](#) – Honest information about drugs

[Want to quit vaping](#) – Tips for success

[Quit vape](#) – All you need to know about quitting, for teenagers

The best thing to do for your health and wellbeing is to not start vaping if you haven't started.