

# Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill

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## 1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 35

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 8

#### Malcolm Chisholm

- 13** In section 8, page 5, line 17, leave out from <, after> to the end of line 18 and insert <—
- (a) the words “of persons carrying on a tobacco business” are repealed,
  - (b) after “Register”)” insert “comprising the following parts—
    - (a) Part 1: persons carrying on a tobacco business,
    - (b) Part 2: persons carrying on a nicotine vapour product business,
    - (c) Part 3: persons carrying on both a tobacco business and a nicotine vapour product business”.>

### Section 10

#### Maureen Watt

- 2** In section 10, page 7, line 9, at end insert—
- <(ii) the word “or” immediately following paragraph (a) is repealed,
  - (iii) after paragraph (b), insert “, or
    - (c) convicted of an offence under section 92(1)(b) or (c) of the Trade Marks Act 1994 (unauthorised use of trade mark in relation to goods) in circumstances where the goods in question are, or include, tobacco products, smoking related products or nicotine vapour products.”.>

### Section 15

#### Malcolm Chisholm

- 14** In section 15, page 8, line 29, leave out <tobacco and nicotine vapour product retailers”> and insert <retailers of age-restricted products”>

#### Malcolm Chisholm

- 15** In section 15, page 9, line 6, leave out <tobacco and nicotine vapour product retailers> and insert <retailers of age-restricted products>

**Malcolm Chisholm**

- 16 In section 15, page 9, line 7, leave out <TOBACCO AND NICOTINE VAPOUR PRODUCT RETAILERS"> and insert <RETAILERS OF AGE-RESTRICTED PRODUCTS">

**Section 21**

**Maureen Watt**

- 3 In section 21, page 15, line 26, leave out <medical practitioner> and insert <health professional>

**Maureen Watt**

- 4 In section 21, page 15, line 30, after <paragraph> insert <(b) or>

**After section 21**

**Rhoda Grant**

- 11 After section 21, insert—

**<Incident which does not activate duty of candour procedure**

- (1) Subsection (2) applies to a person if an unintended or unexpected incident occurred in the provision of a health service, a care service or a social work service to the person and in the reasonable opinion of a registered health professional that incident—
- (a) affected the person's care, but
  - (b) did not result in or could not have resulted in an outcome mentioned in section 21(4).
- (2) A responsible person must—
- (a) notify the relevant person,
  - (b) provide an account of the incident,
  - (c) provide information about further steps taken,
  - (d) provide any other information the responsible person considers relevant to the incident.>

**Section 22**

**Malcolm Chisholm**

- 17 In section 22, page 15, line 34, at end insert—

- <( ) Before taking any such actions, the responsible person must ask the relevant person whether the relevant person wishes the duty of candour procedure to apply to that person.
- ( ) If the relevant person does not wish the duty of candour procedure to apply—
- (a) a written record is to be kept of the communications with that person by which that person's wishes have been ascertained, and
  - (b) the duty of candour procedure does not apply to that person.>

**Rhoda Grant**

- 12 In section 22, page 16, line 13, after <In> insert <section (*Incident which does not activate duty of candour procedure*) and>

**Section 25**

**Maureen Watt**

- 6 In section 25, page 18, line 8, at end insert—  
<“provide” in relation to a health service, a care service and a social work service means to carry on or manage such a service,>

**Maureen Watt**

- 7 In section 25, page 18, line 19, at end insert—  
<( ) a person (other than an individual) who provides a care service,  
( ) an individual who provides a care service and who employs, or has otherwise made arrangements with, other persons to assist with the provision of that service (unless the assistance in providing that service is merely incidental to the carrying out of other activities),>

**Maureen Watt**

- 8 In section 25, page 18, line 20, leave out from <any> to <or> and insert <a person (other than an individual) who provides>

**Maureen Watt**

- 5 In section 25, page 18, line 22, leave out <Sector> and insert <Services>

**Maureen Watt**

- 9 In section 25, page 18, line 23, at end insert—  
<(2) The Scottish Ministers may by regulations modify the definition of “responsible person” in subsection (1).>

**After section 31**

**Maureen Watt**

- 1 After section 31, insert—

**<PART**

**PROVISION OF COMMUNICATION EQUIPMENT**

**Duty to provide or secure communication equipment**

After section 46 of the National Health Service (Scotland) Act 1978, insert—

**“46A Provision of communication equipment**

The Scottish Ministers must, to such extent as they consider necessary to meet all reasonable requirements, provide or secure the provision of—

- (a) communication equipment, and
- (b) support in using that equipment,

to any person who has lost their voice or has difficulty speaking.”.>

### **Section 32**

#### **Maureen Watt**

**10** In section 32, page 22, line 30, at end insert—

<( ) under section 25(2),>

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