



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

Survey: Controlling E-Cigarettes and Restricting Smoking in Parts of Hospital Grounds

Introduction

This report summarises the results of an online survey that was conducted to gather the views of members of the public on two proposals in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill:

1. To introduce restrictions on the sale of nicotine vapour products (NVPs) such as e-cigarettes. These restrictions will include; a minimum purchase age of 18, a requirement for NVP retailers to register on the tobacco retailer register and the power to restrict or prohibit domestic advertising and promotions.
2. To make it an offence to smoke in a designated no-smoking zone outside of hospital buildings.

Overview

The survey was promoted on the Scottish Parliament's social media channels (twitter and facebook) and on the Scottish Parliament website. A news release was issued to local and national media and stakeholders were e-mailed details of the survey. A total of 845 responses were received. As respondents were self-selecting and due to the way in which the survey was promoted, responses are not necessarily representative of the Scottish population as a whole.

Participants were asked 20 questions relating to these proposals. Most of the questions consisted of statements followed by a choice of five responses: Strongly Agree, Agree, Neither Agree or Disagree, Disagree and Strongly Disagree. There were also two open questions where participants could make written comments. The questions are detailed at the end of this report.

The survey found most respondents were in favour of restricting the sale of e-cigarettes to those aged 18 or over and requiring retailers to verify the age of those wanting to buy e-cigarettes and tobacco products. However, the majority of those surveyed were against imposing a limit or restriction on advertising and sponsorship of e-cigarettes and restrictions on businesses giving away e-cigarettes for free or cheaply. There is also concern that any further restrictions on smoking in public spaces might also include e-cigarettes.

Headline Results

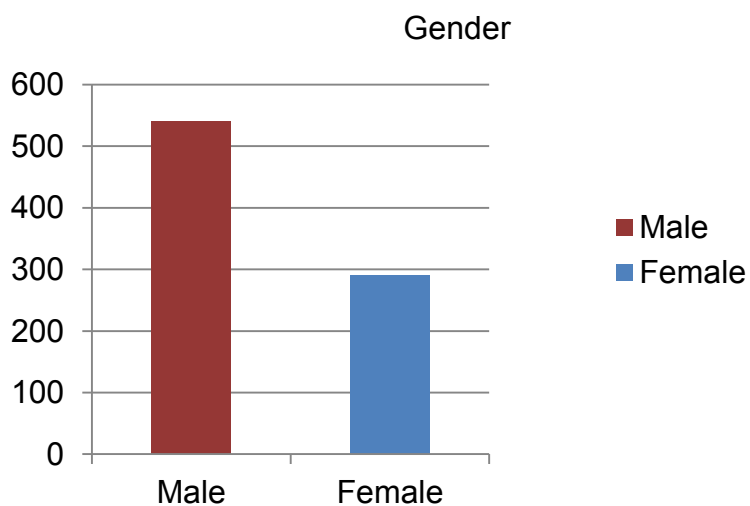
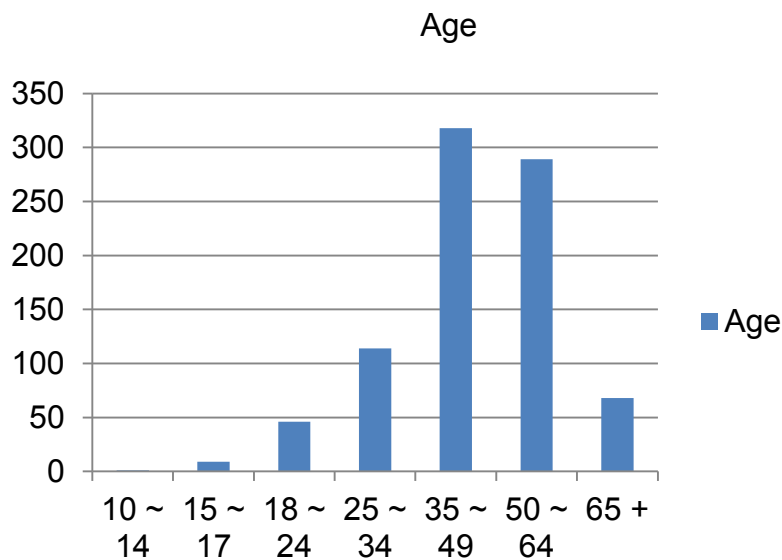
- Over 70% agree with restricting the sale of e-cigarettes to those aged 18 or over and requiring retailers to verify the age of those wanting to buy e-cigarettes and tobacco products.
- 86% of those responding to Q17 about the use of e-cigarettes in giving up smoking agreed that they had used e-cigarettes to help them quit smoking.
- 62% of those surveyed disagree with the proposal to make it an offence to smoke in any part of the 'no smoking' area of NHS hospital grounds.
- Many respondents view e-cigarettes as a preferable alternative to tobacco products, demonstrated in written responses to questions 18 and 19.
- The vast majority of smokers surveyed (97%) did not use e-cigarettes before taking up smoking.

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Survey Participants

A total of 845 responses were received. Most of the survey participants (72%) were aged 35-64. Around two-thirds (65%) of respondents were male and a third (35%) were female. As such, the survey should not be interpreted as being representative of the population as a whole. Across the population as a whole, only 40% are aged 35-64 and 49% are male.¹



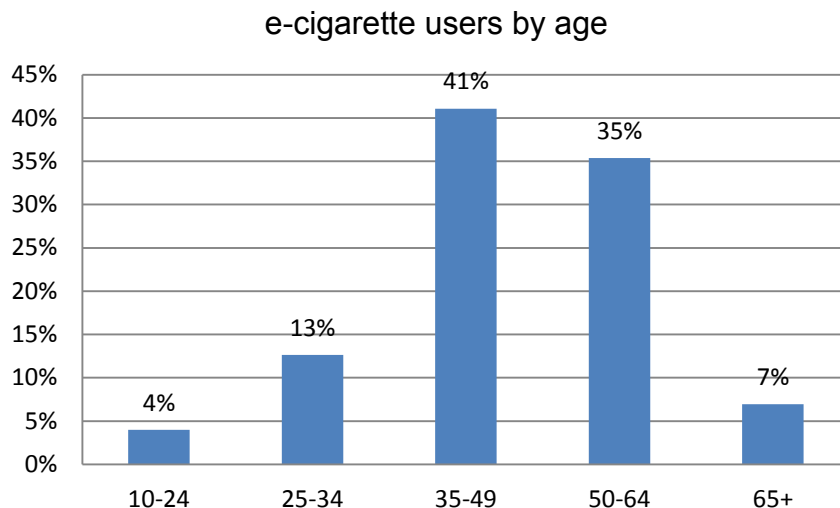
A third (32%) of the participants did not reside in any of the listed Scottish postcode areas and a further 12% lived abroad. Of those who lived in areas listed most respondents (37%) gave their postcode as Edinburgh (EH) or Glasgow (G).

In terms of e-cigarette and tobacco consumption 54% of respondents reported having stopped smoking tobacco products, while 11% currently smoke and 13%

¹ <http://www.nrscotland.gov.uk/files//statistics/population-estimates/midyear-2014/14mid-year-pe-cahb-tab2.xlsx>

have never smoked tobacco products. 68% of participants in the survey currently use e-cigarettes, 15% have never used e-cigarettes and 3% have stopped using e-cigarettes.

The age profile of those respondents who said that they used e-cigarettes is shown below. Of those who said that they used e-cigarettes, around two-thirds were aged 35-64. Only 4% of e-cigarette users were under 25, but this will in part reflect the relatively low number of responses from this age group. [Only 7% of respondents were aged 10-24, but this age group represents 18% of the Scottish population.]



Restricting the sale of E-cigarettes and Tobacco

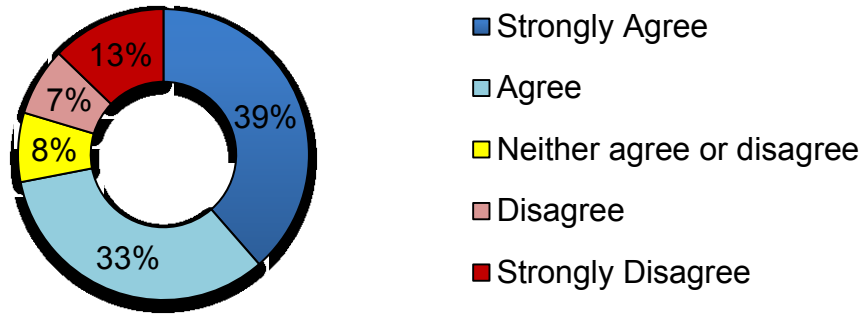
Over two thirds of respondents (72%) agreed with the proposal to restrict the sale of e-cigarettes to those aged 18 or over. Approximately the same proportion (75%) either agreed or strongly agreed with the notion of requiring retailers to verify the age of those wanting to buy tobacco products or e-cigarettes if they look under 25.

Over half of respondents (59%) either agreed or strongly agreed with the statement: “The Bill will make it illegal to buy e-cigarettes on behalf of someone who is under 18.” The survey demonstrates considerable support for these three proposals.

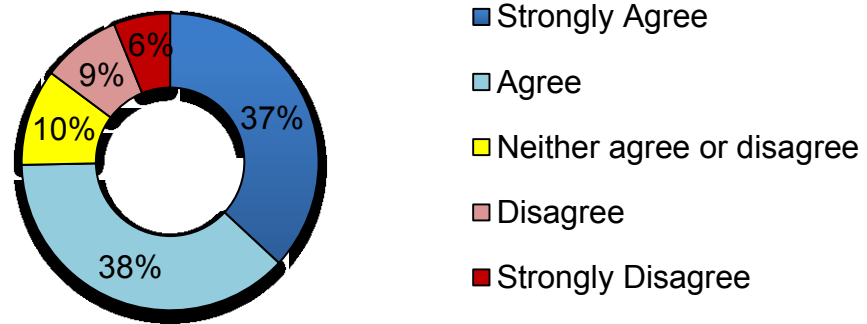
The majority (62%) of those surveyed agreed with the statement: “The Bill will require employers to authorise employees aged under 18 in order for them to sell e-cigarettes or tobacco,” however, a significant proportion (22%) responded that they neither agreed nor disagreed.

However, there was a mixed response to the proposal to ban the sale of e-cigarettes from vending machines. 48% of respondents strongly agreed or agreed with this statement, 32% either disagreed or strongly disagreed with the statement and 20% neither agreed nor disagreed.

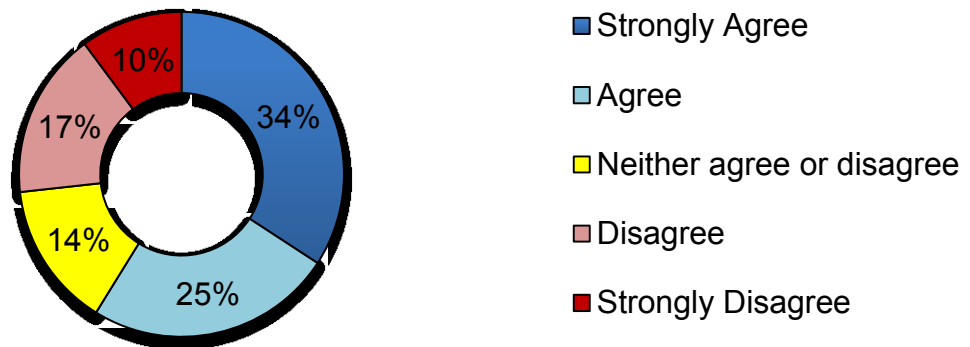
1. The Bill will restrict the sale of e-cigarettes to those aged 18 or over



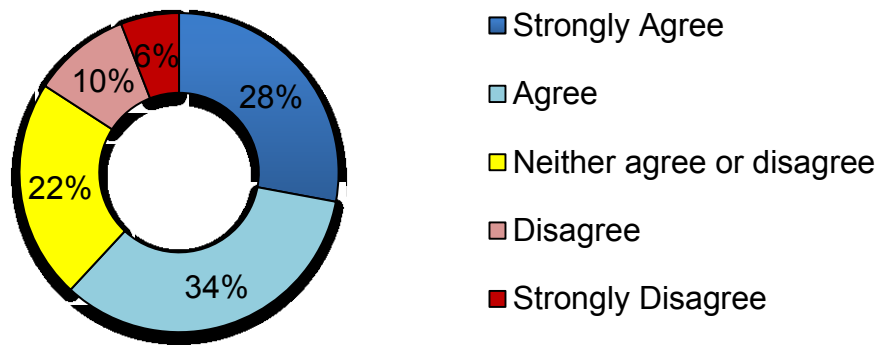
2. The Bill will require retailers to verify the age of those wanting to buy tobacco products or e-cigarettes if they look under 25. If they can prove they are 18 or over the sale can go ahead



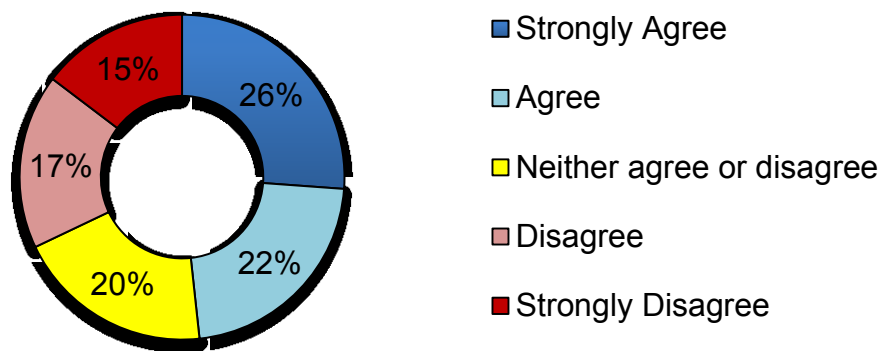
3. The Bill will make it illegal to buy e-cigarettes on behalf of someone who is under 18



4. The Bill will require employers to authorise employees aged under 18 in order for them to sell e-cigarettes or tobacco



5. The Bill will ban the sale of e-cigarettes from vending machines



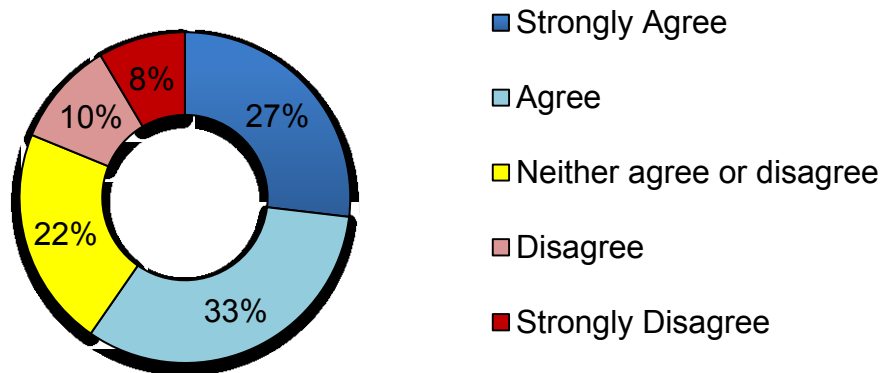
The majority of those surveyed (60%) either agreed or strongly agreed with the statement: “The Bill will provide for retailers to be banned from selling e-cigarettes if they repeatedly fail to comply with some of the Bill’s requirements.”

Approximately two thirds of respondents disagreed with the notion of enabling Scottish Ministers to limit or restrict advertising of e-cigarettes and to limit or restrict businesses from giving away e-cigarettes for free or cheaply, with 64% and 63% respectively stating that they disagreed or strongly disagreed with these statements.

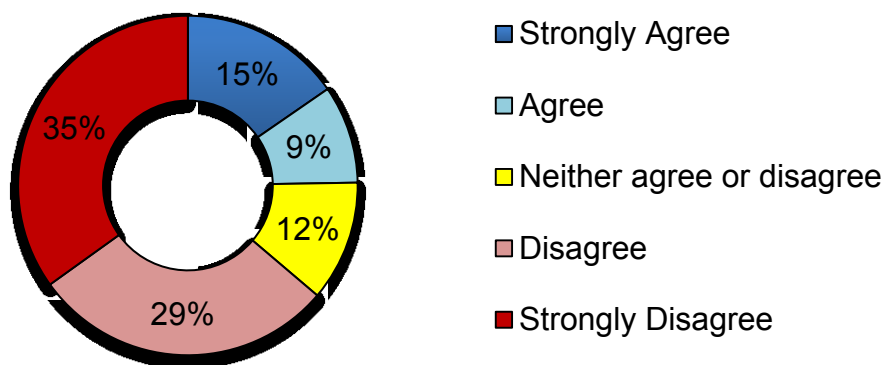
Two thirds of respondents either disagreed or strongly disagreed with the notion of enabling Scottish Ministers to limit or restrict sponsorship of an event, activity or person which would promote e-cigarettes. 41% of respondents strongly disagreed with this statement, more than those who strongly agreed, agreed or were indifferent put together.

The majority of those surveyed were in favour of age-related measures to restrict the sale of e-cigarettes and tobacco products such as a “Challenge 25” policy for retailers, limiting the sale of e-cigarettes to those aged 18 and over and making it illegal to purchase e-cigarettes on behalf of someone who is under 18. However there was a significant majority that opposed measures that would limit the sale or promotion of e-cigarettes through sponsorship advertising or promotions.

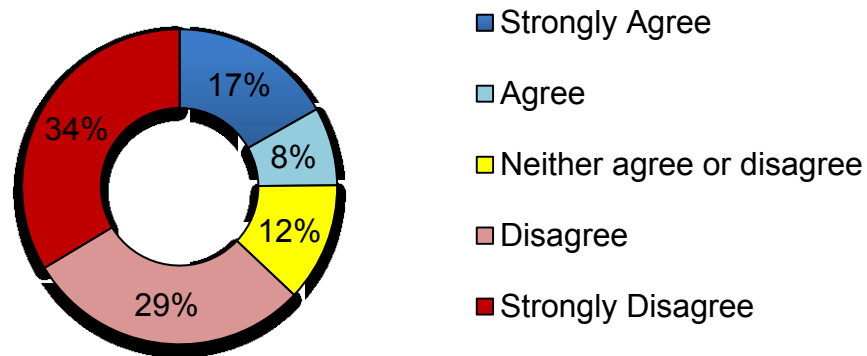
6. The Bill will provide for retailers to be banned from selling e-cigarettes if they repeatedly fail to comply with some of the Bill’s requirements



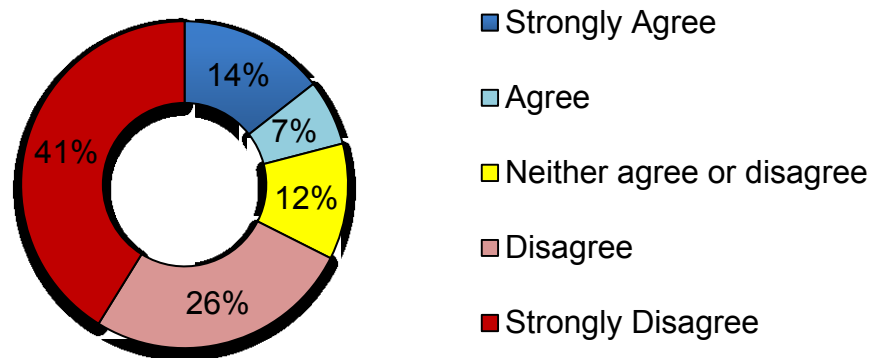
7. The Bill will enable Scottish Ministers to limit or restrict advertising of e-cigarettes



8. The Bill will enable Scottish Ministers to limit or restrict businesses from giving away e-cigarettes for free or cheaply



9. The Bill will enable Scottish Ministers to limit or restrict sponsorship of an event, activity or person which would promote e-cigarettes

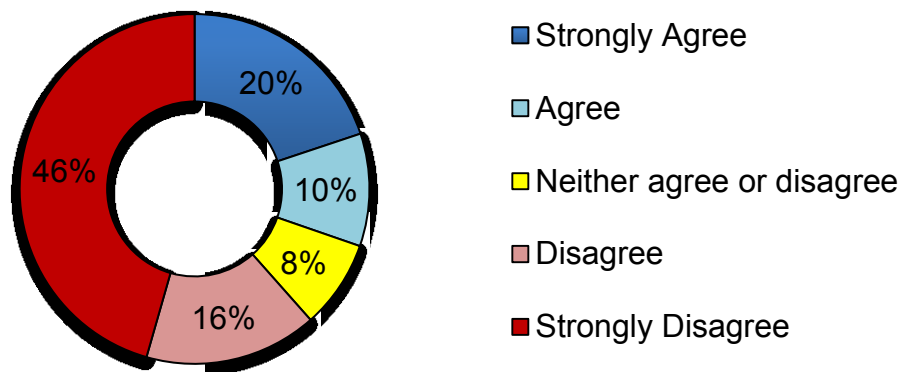


Banning Smoking in Parts of NHS Hospital Grounds

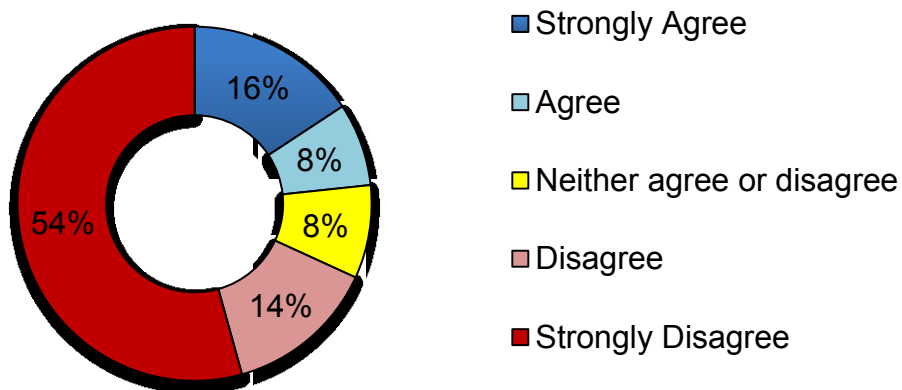
The majority of those surveyed either strongly disagreed or disagreed with this proposal (46% and 16% respectively). However, the phrasing of Question 10 may have contributed to this negative response as the statement does not specify whether it refers exclusively to smoking cigarettes or includes the smoking of e-cigarettes. This was reflected in several comments made at the end of the survey (“You need to clarify your questions regarding 'smoking' in a 'no smoking' area. I thought this survey was about e-cigarettes?” “The question on smoking in hospital grounds is not clear - does this include vaping?” etc).

Over half of respondents (54%) strongly disagreed with the notion of imposing a fine of up to £1000 on any person convicted of the offence of smoking in a no-smoking area in hospital grounds. Over two thirds of those surveyed (68%) either disagreed or strongly disagreed. Again, responses may have been influenced by a lack of clarity over whether such a ban would include e-cigarettes.

10. The Bill will make it an offence to smoke in any part of the 'no smoking' area of NHS hospital grounds



11. The Bill provides that a person who is convicted of the offence of smoking in a no-smoking area in hospital grounds can be fined up to £1,000



E-cigarettes and Smoking

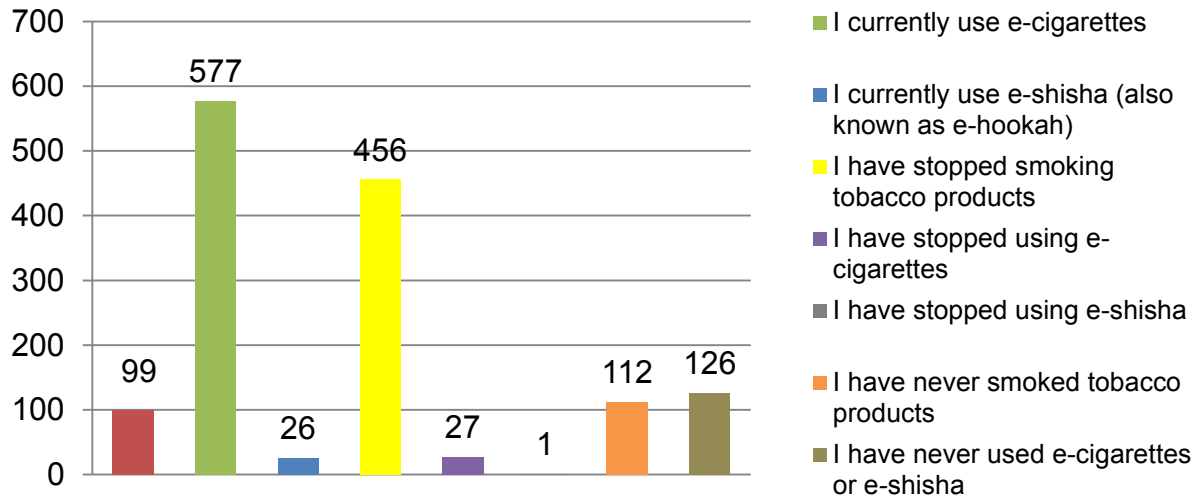
Participants were asked questions about the impact of e-cigarettes on their consumption of tobacco products. The question about use of e-cigarettes **prior** to taking up smoking tobacco appears to have been mis-interpreted, as the small number who said they had used e-cigarettes prior to taking up smoking tobacco also (with one exception) said that they did not smoke tobacco.

Of those who answered yes or no to "Have you used e-cigarettes to help you quit smoking?" 86% agreed that they had used e-cigarettes for this purpose. 18% of respondents selected "not applicable" which roughly corresponds to the proportion that reported that they have never smoked or used e-cigarettes.

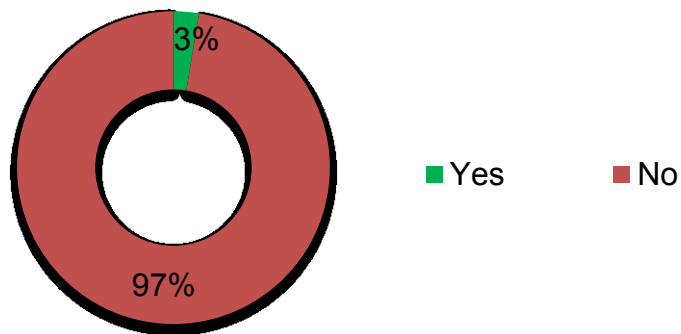
Asked what impact e-cigarette use has had on their smoking cigarettes 64% of respondents (81% excluding those who answered "Not Applicable") reported that e-cigarettes had stopped them smoking tobacco. Less than 5% of respondents

reported no impact and 8% (10% excluding N/A) answered that e-cigarettes reduced their consumption of tobacco cigarettes. 263 participants left written comments following this question.

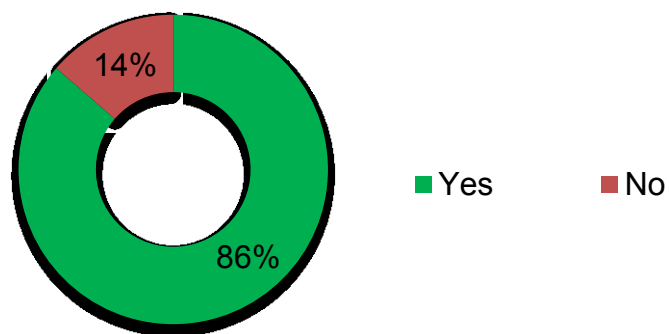
15. Please tick all the options that currently apply to you:



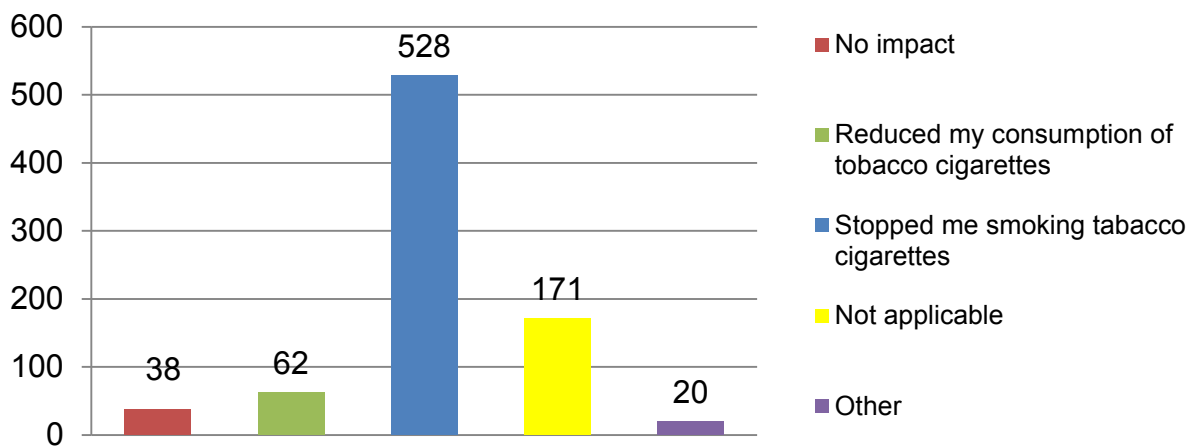
16. If you are a tobacco smoker, did you start using e-cigarettes before taking up a tobacco product? (excluding N/A)



17. Have you used e-cigarettes to help you quit smoking? (excluding N/A)



18. What impact has using e-cigarettes had on you smoking cigarettes?



From the responses to Questions 15-18 it can be inferred that most e-cigarette users are current or former smokers, many of whom use e-cigarettes in order to reduce their tobacco consumption. The written comments following Question 18 support this view and will be considered in the following section.

Written Responses to Questions 18 and 19

Participants were invited to leave comments following Question 18: “What impact has using e-cigarettes had on you smoking cigarettes?” and Question 19 at the end of the survey: “Please provide any additional comments you may have on the Bill’s proposals on controlling e-cigarettes or banning smoking in parts of NHS hospital grounds”. 263 participants left comments following Q18 and 431 following Q19 therefore approximately half of respondents provided at least one written comment.

The majority of written contributions are statements in favour of e-cigarettes as a safer alternative to smoking or an effective means of reducing tobacco consumption. One respondent writes “E-cigarettes have enabled me to stop smoking tobacco when all other methods failed” and many others write to similar effect: “e-cigarettes are [the] beginning of my route to stop smoking tobacco,” “e-cigarettes are amazing and save lives,” “I smoked for 30 years, tried everything to stop - only Vaping has worked,” “without e-cigarettes I could not have given up smoking” etc.

The second most common response is an expression of hostility towards further regulation of either tobacco and/or e-cigarettes: “Restricting the sale of e-cigarettes is slamming the door shut on a smoke-free future,” “the government should back off when it comes to personal choices,” “Nanny state,” “Regulation is not the answer. E-cigarettes should be encouraged because they help people to stop smoking” “Overly restrictive bans on e-cigarettes are liable to remove one of the reasons why tobacco smokers first try using this less harmful alternative” etc.

Various respondents also opposed the idea of a blanket ban on smoking on hospital grounds as potentially distressing to patients “the idea that anyone suffering and having to visit a hospital could be fined £1k just for relieving their symptoms of nicotine addiction on NHS grounds is disgusting”

Several respondents raised concerns that Question 10 did not specify whether the proposed smoking ban on hospital grounds would include e-cigarettes: “Banning smoking on hospital grounds is very sensible but I do not think e-cigarettes should also be banned. They are a healthier alternative to smoking,” “You don't mention vaping bans on hospital grounds, that would be an extremely bad idea, permitting vaping would give good incentive for sick, inveterate smokers to switch to a less harmful alternative.”

There were a small number of responses that were negative about e-cigarettes in general, usually on the grounds that their health effects have yet to be properly established (i.e. “It's far too early to say how safe they are”). There were also a small number of responses that supported in favour of a blanket ban on e-cigarettes. Those in favour of the hospital smoking ban cite the potential harm caused by passive smoking, and the bad example set by those who are smoking - or appear to be smoking in the case of e-cigarette use.

The number of responses either in praise or criticism of the proposed ban on smoking (and/or vaping) in hospital grounds was more evenly divided in the responses to Q19 compared with Q18 though the majority were still against.

Opposition to the smoking ban in hospital grounds was often on the basis of freedom of choice “stop trying to control our lives” or suspicion that such a ban would be applied to e-cigarettes as well as tobacco “I would strongly object to their [e-cigarettes] use being curtailed anywhere on NHS grounds as they are a means of harm reduction when compared with conventional tobacco use.” Several respondents argue banning e-cigarettes could de-incentivise smokers who currently are tempted to switch from tobacco out of convenience, or “accidental quitters.”

There were a small number of comments in favour of the smoking ban, against smoking or e-cigarette use in general or matters of pedantry (i.e. “vaping isn't smoking”). However, the key themes that emerge from the written comments are support for e-cigarettes and opposition towards government measures that to discourage or prohibit their use.

Key Themes

Three main themes emerged from a review of survey respondents' comments:

Harm Reduction

Many of the comments in support of e-cigarettes refer to them in terms of “harm reduction,” as they are safer to consume than tobacco products. Most written responses to questions 18 and 19 were statements in support of e-cigarette use, either in the form of personal testimonials or “harm reduction” arguments in favour of their use over tobacco cigarettes.

The Nanny State

The second most common type of comment was an objection to the idea of a further smoking ban on hospital grounds, either due to suspicion that such a ban might include e-cigarettes or a more general objection to government measures to influence individual's behaviour (the "nanny state" argument).

E-cigarettes vs Smoking

Various respondents were keen to highlight the distinction between smoking and "vaping": "vaping is NOT smoking" "E-cigarettes should not be subjected to the same regulation as tobacco products as they are fundamentally different" etc.

Summary

The responses to this survey demonstrate is that there is considerable support for legislation to control the sale of e-cigarettes but hostility towards any measures to deter their use, as can be seen in the responses to questions 1-9. This survey also clearly demonstrates hostility to the notion of a smoking ban on hospital grounds and the imposition of a fine on those who contravene such a ban. This is evident in the response to questions 10 and 11 as well as in the written responses to questions 18 and 19.

It is unclear whether the exemption of e-cigarettes to the ban on smoking in NHS hospital grounds would significantly alter the proportion of respondents that were against the proposal. Support for e-cigarette use as a less harmful alternative to smoking and opposition to any measures to prohibit their use are the key findings of this survey.

Michael Shea
Nicola Hudson

SPICe Research
2 September 2015

List of Survey Questions

E-cigarettes and age restrictions:

1. The Bill will restrict the sale of e-cigarettes to those aged 18 or over.
2. The Bill will require retailers to verify the age of those wanting to buy tobacco products or e-cigarettes if they look under 25. If they can prove they are 18 or over the sale can go ahead.
3. The Bill will make it illegal to buy e-cigarettes on behalf of someone who is under 18.
4. The Bill will require employers to authorise employees aged under 18 in order for them to sell e-cigarettes or tobacco.

E-cigarettes - Vending machines, retailers and advertising:

5. The Bill will ban the sale of e-cigarettes from vending machines.
6. The Bill will provide for retailers to be banned from selling e-cigarettes if they repeatedly fail to comply with some of the Bill's requirements.
7. The Bill will enable Scottish Ministers to limit or restrict advertising of e-cigarettes.
8. The Bill will enable Scottish Ministers to limit or restrict businesses from giving away e-cigarettes for free or cheaply.
9. The Bill will enable Scottish Ministers to limit or restrict sponsorship of an event, activity or person which would promote e-cigarettes.

Banning smoking in parts of NHS hospital grounds:

10. The Bill will make it an offence to smoke in any part of the 'no smoking' area of NHS hospital grounds.
11. The Bill provides that a person who is convicted of the offence of smoking in a no-smoking area in hospital grounds can be fined up to £1,000.

About you:

12. Your age
13. Gender
14. Where do you live? Please select your postcode area.
15. Please tick all the options that currently apply to you.

1. I currently smoke tobacco products (cigarettes, cigars, roll-ups, pipe)
2. I currently use e-cigarettes
3. I currently use e-shisha (also known as e-hookah)
4. I have stopped smoking tobacco products
5. I have stopped using e-cigarettes
6. I have stopped using e-shisha
7. I have never smoked tobacco products
8. I have never used e-cigarettes or e-shisha

16. If you are a tobacco smoker, did you start using e-cigarettes before taking up a tobacco product?

17. Have you used e-cigarettes to help you quit smoking?

18. What impact has using e-cigarettes had on you smoking cigarettes?

19. Please provide any additional comments you may have on the Bill's proposals on controlling e-cigarettes or banning smoking in parts of NHS hospital grounds.

20. If you would like to keep up to date with what's happening in the Scottish Parliament, please provide your email address (in the box) below, and we'll send you a weekly bulletin (You can unsubscribe easily at any time).