

From: Dan Watkins, Cabinet Member for Adult Social Care and Public Health
Dr Anjan Ghosh, Director of Public Health

To: Health Reform and Public Health Cabinet Committee – 5 September 2023

Subject: **Vaping in Kent - with a focus on underage use**

Classification: **Unrestricted**

Past Pathway of Paper: This is the first committee to consider this report.

Future Pathway of Paper: None

Electoral Division: All

Summary: This paper provides the Cabinet Committee with a briefing on the use of e-cigarettes and the role of vaping to help smokers quit. 13.5% of our adult population in Kent smoke, similar to the England average and many smokers who are trying to quit choose to vape as part of their quit attempt. Although vaping is not risk free, it is considered safer than smoking and people who do not smoke therefore, should not start vaping.

More recently, we have seen a rise in vaping among young people, particularly in the use of disposable vapes which are flavoured, packaged and marketed to appeal to children despite it being an offence to sell (or proxy-purchase) vape products to anyone under the age of 18.

There are also environmental concerns around disposable vapes. Kent County Council recently voted for a motion to request the Executive write to central Government to request that disposable vapes are banned.

Kent Public Health is working collaboratively with Trading Standards and wider partners to tackle the concern of under-age vape sales at a local level using local intelligence. There is ongoing further partnership work to provide factual information to parents and communities to reduce the prevalence of vaping among children in our society.

Recommendation(s): The Health Reform and Public Health Cabinet Committee is asked to **NOTE** and **COMMENT** on the content of this paper.

1. Introduction

1.1 This report on Vaping in Kent has been prepared in response to the request of the Health Reform and Public Health Cabinet Committee members for further information on the use of e-cigarettes and role of vaping in Kent.

- 1.2 E-cigarettes and vapes are popular among smokers trying to quit with more than 3 million people in England vaping. For adults, vapes can be an effective means of quitting smoking and considered to be safer than smoking cigarettes as they do not contain tobacco, tar or carbon monoxide. However, vaping may not be totally risk free with unknown relative long-term harms, therefore non-smokers should not be encouraged to vape. The sale of vapes to people aged under 18 and proxy purchasing for someone aged under 18 is illegal¹ in the United Kingdom.
- 1.3 This report sets out the current position on vaping, its role as a treatment method to quit smoking and the recent concern of the increased use of disposable vapes, particularly among young people.

2. Background

- 2.1 Although further research is needed to understand the long-term health implications, vaping products are the most common method used by people to help them stop smoking. They can be purchased as disposable or rechargeable devices, in refillable tank formats or prefilled cartridges. Most people report purchasing their products from specialist vape shops (40%) and supermarkets or newsagents. Retailers registered with the Independent British Vape Trade Association (IBVTA)² are monitored to conform to product regulations, age of sale laws and are regarded as an approved retailer.
- 2.2 E-cigarettes are regulated as a consumer product. Kent Public Health works closely to support the role of Kent Trading Standards in test purchasing to ensure retailers comply to UK standards and age of sales laws. However, Trading Standards have limited resources to overcome the challenges of such a complex and prolific market. Products sold on street markets or via the internet may have an increased risk of failing to comply with UK regulations. The government has announced £3 million of funding to be made available to create a specialised illicit vape enforcement squad which will focus on online shops selling illicit vapes to under 18s. Although this is welcomed it falls short of the £15 million required by the Khan Report, Making Smoking Obsolete³.

3. Use of Vaping as an aid to quit smoking

- 3.1 The National Institute for Health and Care Excellence (NICE) Guidance (NG209)⁴ and the National Centre for Smoking Cessation and Training (NCSCT)⁵ recommend that e-cigarettes be used as part of a quit attempt in stop

¹ The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015

² Independent British Vape Trade Association, <https://www.ibvta.org.uk/>

³ <https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete>

⁴ National Institute for Clinical Excellence, Tobacco: preventing uptake, promoting quitting and treating dependence, 2022 <https://www.nice.org.uk/guidance/ng209/chapter/Terms-used-in-this-guideline#e-cigarettes>

⁵ National Centre for Smoking Cessation and Training, Advice for Services on making e-cigarettes available https://www.ncsct.co.uk/publication_Service_advice_e-cigarettes.php

smoking services. Kent's One You Stop Smoking Service and Totally Wicked (IBVTA approved vape retailer) have been piloting e-cigarette use alongside behavioural support for adults since 2022. The aim is to test the popularity and success rate of e-cigarettes as a quit aid.

- 3.2 Further analysis is being conducted to review outcomes among specific priority groups (such as routine and manual workers). To date, end of year returns show that e-cigarettes have a 74% quit success rate compared to dual Nicotine Replacement Therapy treatment which achieved 55% success. The two pharmacotherapy treatments previously available yielded similar success rates as e-cigarettes but are now withdrawn from supply due to safety concerns. Therefore, local stop smoking services are finding that offering e-cigarettes as part of their quit smoking treatment options are valuable and cost effective in a climate where there are fewer treatments available.

4. Vaping and Young People

- 4.1 Whilst smoking in the under 18 age group is a well-established public health concern, underage vaping is an emerging issue. Although smoking rates have declined among young people (to 3% among 15 year olds in 2021⁶), there are recent reports and public observations showing an increase in e-cigarette use among school aged children which could potentially introduce a new gateway into smoking, particularly as nicotine is so addictive.
- 4.2 Lung damage known as E-cigarette or Vaping Associated Lung Injury (EVALI), increased respiratory infections and chronic coughs are recorded health risks particularly related to vaping among young people⁷.
- 4.3 High nicotine levels present in e-cigarettes targeted to adolescents is a concern as children are more vulnerable to nicotine addiction than adults and it can have a negative effect on brain development⁸. The current evidence suggests it is too early to tell whether vaping is a gateway to smoking despite the nicotine connection, however it is a risk and the underlying concern may cause damage to the reputation and viability of vapes as an alternative for current tobacco users.
- 4.4 There are two national surveys available offering annual estimates on young peoples' attitudes and behaviour on smoking and vaping.
- The NHS Smoking Drinking and Drugs Use among Young People (SDD survey) 2021 surveys vape use among 15 year olds and shows an increase in current and regular use. 18% report using vapes and 10% report using them regularly.

⁶ . NHS Digital, Smoking, Drinking and Drug Use Among Young People in England 2022, <https://digital.nhs.uk/data-and-information/areas-of-interest/public-health/smoking-drinking-and-drug-use-among-young-people-in-england>

⁷ UK Parliament, House of Lords Library, Vaping Among Teens: A Growing Trend 2022, <https://lordslibrary.parliament.uk/vaping-among-teens-a-growing-trend/#:~:text=The%20proportion%20of%2018%2Dyear,than%20smokers%20trying%20to%20quit.>

⁸ Lancet, It's a time to Act, Vol 10 September 2022, Published Online August 16, 2022 [https://doi.org/10.1016/S2213-2600\(22\)00303-4](https://doi.org/10.1016/S2213-2600(22)00303-4)

- The YouGov survey (ASH, 2022⁹) shows that almost half of 18 year olds surveyed (41%) had never tried vaping and 20.2% reported that they currently vape. Most 11-15 year olds who vape regularly say they obtained e-cigarettes from other people (61%), most of whom were friends (45%). Purchasing from shops was the second most common answer (57%) with newsagents being the most common (41%)¹⁰

4.5 Although there is no data available at a local level, Kent Public Health and Trading Standards are working with school nursing, youth services and Kent Youth Voice to explore ways of developing a local survey to gather local insights and intelligence from young people on the attitudes and behaviours of vaping.

4.6 One of the reasons for the marked increased levels of e-cigarette use among young people may be the 14 fold increase in disposable vape use among 18 year olds in the last year, from 0.89% in 2021 to 56.7% in 2022¹¹. There has been a similar trend in under 18s and a 40.9% reduction in rechargeable and refillable e-cigarettes in this age group.

4.7 Disposable vapes cause particular concern due to their appeal to younger audiences, with sweet and confectionary flavourings, brightly coloured packaging, widely available and promoted on social media, all at pocket money prices. The government has launched a call for evidence on youth vaping which will identify opportunities for further government measures to reduce the number of children accessing and using vape products, and is planned to share findings later in the year.

5. Underage Sales

5.1 The sale of nicotine containing vapes is restricted to those aged 18 or over in the UK subject to the Children and Families Act 2014¹². This Act also introduced the offence of proxy sales (buying on behalf of a minor) for both tobacco and vape products to limit accessibility of both categories of product to young people. The age restrictions for both tobacco and vapes are enforced by Trading Standards.

5.2 The growth in popularity of vapes has led to them also being sold by retailers who may not be familiar with selling age restricted goods, providing a challenge in respect to the number of emerging shops on the high street. Intelligence

⁹ Action on Smoking and Health, Use of e-cigarettes (vapes) among young people in Great Britain, 2022
<https://ash.org.uk/uploads/Use-of-e-cigarettes-among-young-people-in-Great-Britain-2021.pdf>

¹⁰ NHS Digital, Smoking, Drinking and Drug Use Among Young People in England 2022,
<https://digital.nhs.uk/data-and-information/areas-of-interest/public-health/smoking-drinking-and-drug-use-among-young-people-in-england>

¹¹ Birch et al, Rapid growth in disposable e-cigarette vaping among young adults in Great Britain from 2021 to 2022: a repeat crosssectional survey, National Library of Medicine , 2022
<https://pubmed.ncbi.nlm.nih.gov/36065820/>

¹² <https://www.legislation.gov.uk/ukpga/2014/6/part/5/crossheading/tobacco-nicotine-products-and-smoking/enacted>

received by Trading Standards has pointed to a 450% increase in complaints around vape products nationally over the last year.

- 5.3 The Advertising Standards Agency prohibit the promotion of nicotine-containing e-cigarettes not registered under the Medicines and Healthcare products Regulatory Agency (MHRA), and restrict the advertisement of non-nicotine containing products among children and young people. However, 72% of those surveyed who have ever tried vaping have reported seeing promotions; 56% of 11–17-year-olds have seen in-store promotions, 45% from Tik Tok and 31% on Instagram (ASH YouGov survey 2022). The government led a call for evidence in June 2023 to consider its approach to tackle the packaging and marketing of vapes overtly targeted to children and is expected to announce its findings later in the year.
- 5.4 Kent Public Health and Trading Standards are working collaboratively to fund and deliver a Kent wide programme to inform and educate vape suppliers of the underage sales regulations. Based on local intelligence, this will include test purchasing, operating a Challenge 25 scheme and taking legal action, where necessary, to repeat offenders.

6. Environmental impact of disposable vaping

- 6.1 In addition to concerns around the issues around young people taking up vaping, there is the environmental impact of single use vapes. They create more plastic waste, and the batteries are difficult to separate from the plastic. To recycle, disposable vapes can only be disposed of at a Household Waste and Recycling Centre in a small domestic appliance container as waste electrical and electronic equipment, or at the shop where they were bought.
- 6.2 The lithium battery within the disposable vape also carries a fire risk, with a potential health and safety risk to workers handling the items¹³.

7. Calls for a ban on disposable vapes

- 7.1 In July 2023, Kent County Council voted for a motion to request the Executive write to the Secretary of State for Health and Social Care and the Secretary of State for Environment, Food and Rural Affairs to request that disposable vapes are banned.
- 7.2 This sentiment has also been echoed by the Local Government Association, who is also calling for the government to ban the sale and manufacture of single use vapes by 2024.
- 7.3 However, it is important to ensure that there are mitigations to ensure that a potential ban on disposable vapes does not prevent adults from accessing vapes as an effective method of smoking cessation.

¹³ Smith L, Sutherland, N. The environmental impact of disposable vapes. The House of Commons Library. 2022 [CDP-2022-0216.pdf \(parliament.uk\)](https://www.parliament.uk/publications/2022/0216)

8. Kent Public Health Action

8.1 The Public Health team are taking a proactive and multi-pronged approach to understanding and tackling the issue of vaping amongst young people in our community. This includes efforts to curb illegal sales, advise and inform children and families about risks, work with young people to co-design interventions for behaviour change, and work with local and national partners to strengthen and align messaging about vaping for the public. In March 2023, the Public Health Team established a working group consisting of Kent Trading Standards, Kent Communications Teams, School Nursing, Youth Service and Kent Youth Voice. The purpose of the group is to respond to concerns of young people vaping. To date the group has:

- Launched 'Vaping the Facts' webpage on the Kent County Council Smokefree website. This is to raise awareness of the harms of children vaping and to provide advice to discourage adults accessing vapes on behalf of children.
<https://www.kent.gov.uk/social-care-and-health/health/one-you-kent/quit-smoking/vaping-the-facts#:~:text=The%20key%20facts&text=Vapes%20are%20not%20recommended%20for,effects%20are%20not%20yet%20known>.
- Shared Managing Vaping in Schools Guidance paper (produced by Office for Health Improvement and Depravities (OHID)).
- Shared recent Personal Social Health Education (PHSE) materials on Vaping for school curriculums.
- Exploring the development of a Kent wide survey to gather information on the attitudes and behaviours of children and young people on vaping.
- Provided evidence and intelligence to Trading Standards on when and where young people are accessing vape products.

8.2 We are funding a two-year Trading Standards project to develop a systematic programme of educating vape suppliers and retailers on the age restrictions of vape sales, providing resources and materials to support compliance and to take legal action, where necessary against retailers that persistently offend. This project is due to commence in early Autumn 2023.

9. Conclusions

9.1 E-cigarettes and vaping have a positive role in supporting smokers to quit smoking. However, although vaping is considered safer than smoking, it is not risk free and people who do not smoke should not vape. E-cigarettes are a cost effective quit smoking aid with good success rates, especially alongside specialist stop smoking service behavioural support.

9.2 The rise in e-cigarette use among young people is a concern. It is an offence to sell vape products to anyone under the age of 18 and yet levels of vaping among our young people is increasing. This may pose health risks to children and potentially open a gateway to smoking.

- 9.3 The use of disposable vapes is popular among many children as they are packaged and marketed in a way that is particularly appealing to them. We welcome effective government action to reduce the appeal and accessibility of vape products overtly targeted to children.
- 9.4 There are also environmental concerns around disposable vapes with regards to disposal and storage of lithium batteries and difficulties with recycling.
- 9.5 Kent County Council recently voted to call on the government to ban disposable vapes. There is a risk that this could affect adults taking up vaping as an effective means of helping them quit. Any potential ban would need actions to mitigate against this.
- 9.6 Kent Public Health is leading with partners on positive actions to raise awareness to parents and the public on the risks and facts about young people vaping and will continue to do more.
- 9.7 The underage sales initiative between Kent Public Health and Trading Standards will help provide the resources needed to reduce the accessibility of vapes and vape products among young people in our Kent communities.

10. Recommendations

10.1 Recommendations: The Health Reform and Public Health Cabinet Committee is asked to **NOTE** and **COMMENT** on the content of this paper.

11. Background Documents

All background documents are referenced in this report.

12. Contact details

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