



Short briefing on key measures proposed in the Tobacco and Primary Medical Services (Scotland) Bill

The Tobacco and Primary Medical Services (Scotland) Bill will be debated and scrutinised by the Scottish Parliament over the course of 2009. ASH Scotland is very supportive of a strong bill as is the Scottish Coalition on Tobacco (SCOT) a coalition of ten health and professional organisations.

The tobacco bill proposes four key measures which are aimed at preventing young people smoking by reducing the availability, attractiveness and visibility of tobacco to young people. The four key tobacco control measures in the Bill are:

A ban on the display of tobacco products, and smoking related products

Since the implementation of the 2002 Tobacco Advertising and Promotion Act, promotional displays have become one of the last remaining outlets for tobacco marketing. The continuing display of colourful, highly visible and attractive tobacco products at the point of sale represents a huge loophole in an otherwise comprehensive advertising ban.

There is compelling evidence which shows that exposure to tobacco marketing displays is linked with increased smoking initiation among young people; among adults, former smokers frequently report that their quit attempts were undermined by seeing cigarette displays.

A ban on cigarettes from vending machines

By banning vending machines, the availability of cigarettes to young people is reduced and the tobacco bill is about preventing young people smoking. While vending machines only make up around 1% of the supply of tobacco in the UK, latest statistics show that 10% of 15 year old and 13% of 13 year old smokers say they use vending machines as a source of obtaining cigarettes. No other age restricted product is available in a self service machine. A number of countries have already taken the opportunity to outlaw vending machines.

A registration scheme for tobacco retailers

A tobacco register will mean that all outlets selling tobacco including large supermarkets, corner shops, and small mobile vans, will be registered and be on an even playing field for the first time. A register will mean trading standards officers who enforce the law know where tobacco retailers are located so they are able to offer information, advice, and support as well as carry out enforcement work.

A new system of sanctions for breaches of the law, involving fixed penalty notices and banning orders

For the first time, retailers will face clear and immediate penalties including Fixed Penalty Notices and Banning Orders when they are found by trading standards officer to be selling tobacco to under-18s. The new penalties will give enforcement officers new tools to enforce existing tobacco sales law and act as a deterrent to those who sell to underage customers. Enforcement of the law will be simpler, cheaper and more efficient.

If a retailer is consistently found to be selling to under-18s then they can be banned from selling tobacco for a period of time. Anyone who sells tobacco without being registered will face a fine of up to £20,000 and/or up to six months in prison. This is aimed at those who are selling illicit tobacco. When effectively enforced, such schemes have been shown to radically reduce the availability of tobacco to young people.