

24.02.06.

9.4 Deputy I. Gardiner of the Minister for the Environment regarding the prospect of a ban of disposable vapes in Jersey. (OQ.18/2024)

Given the U.K. decision to ban disposable vapes to protect children and young people's health, will the Minister advise what consideration, if any, is being given to a similar ban in Jersey? Will he explain his current position regarding disposable vapes?

Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):

The previous Ministers for the Environment and Infrastructure have made a commitment to bring forward legislation to ban the use of single use vapes in 2024 with the intention of extending the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 to cover these items and I will not be moving away from that commitment. Initial advice has been sought and received from the Law Officers' Department. Officers from Public Health, Recycling, Jersey Trading Standards, Treasury and Policy are working together to ensure all aspects are being taken into consideration. These include the wider tobacco strategy, a future tax potentially on vapes, impact on local businesses, importation from internet sales and enforcement to name a few. I look forward to getting a full briefing on this in due course so that I can consider it together with the rest of my priorities for the next 2 years but I commit to further discussing it with the new Minister for Health and Social Services and the Minister for Infrastructure to agree the easiest, quickest and best way forward.

9.4.1 Deputy I. Gardiner:

I thank the Minister for the answer and it is welcome in that the plans will progress. I would like to ask if the Minister is aware or has been told that since the announcement on 11th September, 5 months ago, it was suggested that consultation will take place. It is 5 months after the announcement. Is the Minister aware if consultation has been prepared and if not, what is the timeline he expects for the consultation to be lodged?

Deputy S.G. Luce:

As I said, I have not had a full briefing yet and I can say to the Deputy that I am not aware that a consultation has started yet. I do question the need for consultation on an issue such as this, but I do believe also that we have to take into consideration the fact that there are businesses in Jersey that sell these products and we need to speak to those people before we think of any ban. We have to consider the internet sales that come into the Island through the post. We might ban the sale in local shops and find that they are all imported from the U.K. so there are a number of considerations to put into the mix and, like I say to the Deputy, I can only report back once I have had a full briefing.

9.4.2 Deputy M. Tadier:

The question is slightly strange in the sense that it is predicated on health outcomes for young people, but it is being put to the Minister for the Environment, because the vapes themselves are single use plastics. Can I ask the Minister what is the motivation for the banning of single use vapes and what is the difference between a single use vape or a non-single use vape for the outcomes of children in the Island and why is it his responsibility to ensure health outcomes as a Minister for the Environment?

Deputy S.G. Luce:

The Deputy asks the same questions that I asked when the question landed on my desk, but to be honest this is an answer that could have been given equally by the Minister for Infrastructure or the Minister for Health and Social Services because I think we are all committed to this. We know that

the sale of e-cigarettes in vapes is banned to children under the age of 18 and we want to continue that, but I think there is a case to be made for the quickest route to banning this product and stopping its sale would be to use the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 and that may well be the reason why it is with me and the Minister for Infrastructure. I think if there is a commitment made to do something there is then a requirement on us to find the easiest, quickest, and best way to achieve that.

9.4.3 Deputy M. Tadier:

Does the Minister not accept that this is very confusing and muddled policymaking if single use vapes are to be banned because they contain plastic? That is a completely different proposition from them being banned because they are harmful for the inhalation of children under 18. Could I ask the Minister to decide why he is banning single use vapes because they are plastic and also look at, for example, our own behaviour in this Assembly where we have disposable coffee cups where we used to have ceramic ones and we have lots of single use plastic in the States Assembly, which presumably also needs to be banned under the same law?

Deputy S.G. Luce:

Vaping products should really only be used by smokers to reduce, quit, or lower the risk of relapse back into smoking. We know that e-cigarettes and vapes are not products for children and they are banned for young people. It is important they are protected from their use. It is also important that they are protected from tobacco and that vaping does not lead to children starting to smoke. I have outlined the issues around the single use. The Deputy may be well aware that disposable vapes are a complex product, if we want to talk about the physical attributes of plastic, glass, a cardboard case, a heating element, a microprocessor. They contain a very small lithium ion battery and then of course the liquids inside, which are usually nicotine, benzoic acid, carbonyl and benzyl alcohol. They are difficult to dispose of. They can be a health risk for those people who are trying to dispose of them and of course they catch fire where they can have a problem with the dust carts and the incinerator. So there are a number of reasons, but as I explained earlier, if we make a decision to ban them then surely the quickest route to do that is the one to use.

9.4.4 The Connétable of St. Saviour:

I think my question has been partially asked by Deputy Tadier. The question was regarding disposable vapes, but surely all vapes that are available to children, either legally or illegally, should be stamped on. Will the Minister, in consultation with Ministerial colleagues, try to find the shortest route to stamp this out? With vapes with flavours like toffee apple, popcorn, and vanilla, it is no secret as to whom they are aimed at. Does the Minister not agree?

Deputy S.G. Luce:

I do agree. I can only reiterate e-cigarettes and vapes are not products for children and it is illegal to be sold.

[15:45]

9.4.5 Deputy H.L. Jeune:

Can the Minister explain how ... he has mentioned of course the consultation with businesses who sell the vapes but how he will also consult with children and young people, because we are talking about them, and why I say that is because although we are saying for under-18s they are banned they do regularly have them. I know for example my son, not that I want to dob him in, he regularly is on the school bus and there are a group of them at the back - not him - using the vapes, using disposable vapes and so it is readily available and accessible for children and young people. The question may

have been lost in all of that. Could the Minister explain how he will bring the voice of children and young people into the consultation around this ban?

Deputy S.G. Luce:

It is a very interesting question; one I really have to say I had not considered. It is not usual for the police to engage in consultation with people who regularly speed and exceed the speed limits and in this case it may be difficult to engage with young people who are, by vaping or smoking e-cigarettes, breaking the law. I guess their opinion is important and I guess they would also say, I would hazard to say, that they enjoy it. I would say to the Deputy, as a schoolchild who started smoking at the age of 13 or 14 and has not managed to stop yet, just because you enjoy it does not mean it is a good thing to do. I certainly regret it.

9.4.6 Deputy H.L. Jeune:

I was not trying to suggest that he only consults with those youngsters who use disposable vapes, but also to include young people into this discussion about banning of disposable vapes, not just for health but also for the environmental impact as well. It is just bringing in young people's voices into this, because it is really important to hear their voices in all aspects when legislation is being built.

Deputy S.G. Luce:

I can only agree. I think we will find if we did ask a good cross-section of young people that some would say it is a good thing to do and they enjoy it, while others might say that they find it a great nuisance, they do not like the smell and they wish everybody would stop. I guess the more questions we ask the more different answers we would get, but, yes, they need to be spoken to and I am sure they will be.

9.4.7 Deputy P.F.C. Ozouf:

The Minister is going to say that he is going to continue the policy of the previous Minister. Is he also going to pay close attention to the evidence that is now coming out from Australia who banned single use vapes as of 1st January and would he agree to talk to his neighbour, the Minister for External Relations, to get some real good research and evidence based upon the efficacy of the success or otherwise of the decision already taken by Australia on 1st January?

Deputy S.G. Luce:

One of the benefits of being a fast follower and not a leader is that you can take notice of other jurisdictions that have acted before you, and I am sure officers when they report to me in detail will also report on other jurisdictions that have placed this ban and the challenges that go with it.

9.4.8 Deputy P.F.C. Ozouf:

I have no taste or smell, never smoked but did start vaping after a tragic situation in my life, and I do understand the issues that people are concerned about, but would he confirm that he is talking about vapes that contain tobacco, not the vapes that are not tobacco?

Deputy S.G. Luce:

We are talking about all vapes, whether they contain tobacco or not. Disposable vapes have challenges for the environment. They are thrown away. I say to the Deputy that rechargeable vapes also are challenging for the community and it is not just once you start recharging them. It is possible to recharge them with all sorts of products, some of which are not legal to be vaped or smoked in any form either.

9.4.9 Deputy L.M.C. Doublet:

Does the Minister agree that commencing his child rights impact assessment at the earliest stage of policy development will help him to consider children's needs and their rights?

Deputy S.G. Luce:

As with most legislation, the more you consult before you move forward the better and the more time you save generally. I guess the answer to that is yes.

9.4.10 Deputy I. Gardiner:

Last year when I met Hautlieu School Council I asked them about their concerns and what we as politicians need to address. They have raised disposable vapes and mentioned the environmental and health impact. When I put this question I really thought to which Minister this question needed to be addressed, as it is going across Health, Environment and Infrastructure. Would the Minister indicate who he thinks needs to be the lead Minister for this piece of work?

Deputy S.G. Luce:

It is my understanding that the Minister who would act under the Single-Use Plastics etc. (Restrictions) (Jersey) Law 2021 would be the Minister for Infrastructure and in that case I guess he would be the lead Minister, but it is interesting to hear the Deputy's recounting of her interview speaking to children and if this is the last question I might just end with this quote, which is from Dr. Jeanelle de Gruchy, a good Jersey name, but the deputy chief medical officer for England, who says: "The message is clear, Sir. If the choice is between smoking and vaping, choose vaping. If the choice is between vaping and fresh air, choose fresh air."