

Chairperson of the Oireachtas Joint Committee on Health,
Mr Seán Crowe TD,
Leinster House,
Kildare Street,
Dublin 2,
D02 XR20

Drogheda, 11th March 2022

Dear Chairperson,

I am writing to you on behalf of Vape Business Ireland (VBI) to thank you for your facilitation of VBI's appearance at the hearing of the Oireachtas Joint Committee on Health held on 1st March 2022 as part of the Pre-Legislative Scrutiny of the Public Health (Tobacco and Nicotine Inhaling Products) Bill 2019.

We are enormously grateful to have had the opportunity to appear on behalf of our membership and to represent the interests of the 300 independent vape product retailers and the 200,000 people in Ireland who vape. I want to thank you and the members of the Committee for the engagement during our appearance at the hearing.

I would also like to take this opportunity to re-emphasise VBI's key positions with regard to the General Scheme of the Bill, as well as to provide you with details of the age verification technology - an important element of preventing under-age vaping - which we referred to during our appearance.

To summarise, VBI:

- Strongly supports the introduction of a statutory ban on the sale of vaping products to persons under the age of 18. We have been consistently advocating for this since 2015;
- Is in favour of the implementation of a licensing system that is proportionate in cost and which helps finance the enforcement of strict existing legislation pertaining to the content, advertising and sale of vaping products;
- Welcomes the recognition by the Department of Health that flavoured vaping products play a role in helping smokers to quit. VBI, therefore, opposes proposed amendments to the Bill which would place excessive restrictions on the flavouring of vaping products;
- Our members oppose any amendment that would introduce plain packaging which would give smokers the false impression that vaping and smoking carry equivalent risks to their health;
- Similarly holds that advertising regulations must not lead smokers to believe that vaping products are equally bad for their health, and notes that industry is already working on the basis of strict regulations on advertising introduced under the Tobacco Products Directive II.

As referenced during our submission, VBI is deeply committed to responsible trading practices and to eliminating youth access to vaping products in particular. This has been demonstrated by the association in a myriad of ways, not least by our voluntary Code of Conduct. To redouble our efforts in preventing under-age access to vape products, VBI proposes that retailers implement age verification technology for online sales. Such systems have successfully been implemented in the United Kingdom (UK) and placing a requirement on retailers to have them in place would greatly facilitate their implementation in Ireland.

As mentioned during our appearance before the Committee, VBI has been engaging with 1account, a company based in the UK that provides age verification services for the online sales of a variety of age-restricted goods, including vaping products. This brings a number of opportunities to ensure that a statutory ban on the sale of vaping products to persons under 18 can also be enforced online which we are happy to share with the Committee.

1account offer age verification services at a number of levels of security that can be matched to the needs of the merchant. These include silent checks where in the space of a few seconds the customer's details are verified against records including the electoral roll, credit rating agencies, and details held by mobile network operators. When a greater level of certainty is required, the company offers a service whereby a user must take a photo of an identity document and provide a photo or live capture of their face. 1account's services are already available within the European Union (EU) in Germany and they have assured us their methods are fully compliant with data protection law in Ireland, including the General Data Protection Regulation (GDPR).

These methods can also be used to create a digital identification within the 1account app. This is something which may be of interest to the Committee in the context of the sale of vaping products through vending machines. 1account has developed technology that combines the digital identification feature with a QR code generated on the digital screen of a vending machine to allow for the verification of the age of the buyer in what has traditionally been a higher risk setting for the purchase of restricted products by persons not of legal age. This would mean that vaping products could be made conveniently available in settings where former smokers are more likely to relapse while maintaining a high level of protection to those under 18.

For your convenience, we have attached further information on 1account's technology and services.

I would once again like to reassure you of the evidence-based approach that our organisation takes to vaping and its role in assisting smoking cessation, and of our commitment to ensuring that young people remain protected, both from our products which are not designed for them, but also from the much greater danger of smoking. As such, we are buoyed by the [latest research](#) from University College London finding that a liberal approach to vaping in the UK has not undermined the long-term trend of a decline in smoking rates among British teenagers.

Allow me to again thank you and all Members of the Joint Oireachtas Committee on Health for your keen engagement with what is a vital Bill in the context of the 6,000 preventable deaths caused by smoking each year and given the fact that the ambitious and laudable goal of a Tobacco Free Ireland by 2025 is at serious risk. We hope that the Bill is adopted urgently to provide a statutory basis for the ban on sales to under 18s but in a form that is proportionate and recognises the vital role vaping is playing in helping many Irish smokers to quit.

We remain at the disposal of the Committee to provide any further input and look forward to working consistently with legislators and regulators to ensure that the Irish vaping market upholds the highest possible standards.

Yours sincerely,

Eoin O'Boyle
On behalf of Vape Business Ireland

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