



Senator Seán Kyne
Seanad Éireann
Leinster House
Kildare Street
Dublin 2

10th November 2021

Re: Heated Tobacco Products - current prohibition in Ireland

Dear Senator Kyne,

I am writing in relation to the recent discussion on the subject of heated tobacco products (HTP) which took place on the 3rd November during the Oireachtas Health Committee's pre-legislative scrutiny of the Public Health (Tobacco and Nicotine Inhaling Products) Bill 2019.

Heated tobacco products are novel tobacco products; heated without being combusted and producing vapour rather than smoke, making them clearly distinct from conventional combustible tobacco products.

During the Committee meeting, a representative of the Department of Health indicated that there are no heated tobacco products on the market in Ireland at present.

JTI's view is that heated tobacco products are prohibited from sale in Ireland, under Article 38(2) of the Public Health (Tobacco) Act, 2002, which states that "*It shall be an offence for a person to manufacture, import, supply, sell or invite an offer to purchase an oral smokeless tobacco product.*" JTI understands this law to expressly forbid the sale of heated tobacco products in Ireland as they are oral smokeless tobacco products. JTI considers that a legislative change to the Public Health (Tobacco) Act would be required before heated tobacco products could be authorised for sale in the State.

It is JTI's understanding that should the legislative change necessary to allow for the sale of HTP occur, the provisions contained within the Public Health (Standardised Packaging of Tobacco) Act 2015 would apply to these tobacco products. Similarly, JTI considers that all relevant restrictions on the advertising, promotion and communication of tobacco products, including those contained within the Public Health (Tobacco) Amendment Act 2009, would apply to heated tobacco products, should the ban on their sale be removed.

Thank you for taking the time to consider the points I have raised above in relation to heated tobacco products. Should you require any further information or if you would like to discuss this issue further, please do contact me.

Yours sincerely,

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