

# Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill 2026

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## Bill Digest: Bill No. 36 of 2026

### Abstract

The [Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026](#) provides for the further regulation of e-cigarettes. It would change the rules for display and advertising of e-cigarettes, legislate for the introduction of plain packaging of products, regulate product design, e.g. in the use colour and graphics, and restrict the use of flavour names.

The Bill also seeks to regulate ‘nicotine consumption products’ for the first time, including banning their sale to children and restricting their display in most shops. These are nicotine products intended for human consumption, such as nicotine pouches. The provisions would apply to new nicotine consumption products as they come on the market.



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## Executive Summary

The [Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026](#) (the Bill) seeks to further regulate nicotine products. The Bill is proposed due to public health concerns about the impact of nicotine use, especially by children and young people.

Rates of e-cigarette and of nicotine pouch use are higher among children and young people than among the general population. About 7% of adults vape daily, and most vapers are smokers or ex-smokers. Among children the rates are higher, with 13% of 12-17 year-olds reporting they are current vapers (vaped in the last 30 days) in one study and 16% of 15-16 year-olds in another. About 1% of adults currently use nicotine pouches. The highest rate of use, at 3%, is among the cohort aged from 15 to 24 years. In 2024, [a large scale Irish survey](#) found that 4% of 15 to 16-year-olds were currently using nicotine pouches, with 8% having used them at some point.

Sales of nicotine pouches are growing rapidly worldwide. In Ireland, the makers of one product [reported](#) an almost five-fold (480%) increase in sales between 2023 and 2024.

Though evidence is still developing, the HSE points to the negative health impacts of vaping and using nicotine pouches. There are particular concerns about use by children and young people, especially those who have never smoked cigarettes. The HSE advises that people neither vape nor smoke. However, available evidence indicates that vaping is safer than smoking, albeit that the long-term impacts of vaping are not yet understood.

E-cigarettes can be seen as a ‘harm reduction’ tool - a way of supporting smokers to give up a very damaging habit. The interpretation of the evidence in this area, around health risks versus benefits of vaping as a tool for smokers to quit, is debated. Different perspectives on this evidence impacts views of the appropriate type and level of regulation.

Specifically, the Bill seeks to introduce:

- In relation to **‘nicotine inhaling products’** (also known as e-cigarettes or vapes):
  - A ban on point-of-sale display of e-cigarette and related products in mixed retail outlets (e.g. supermarkets, garages, newsagents).
  - A ban on advertising of e-cigarettes in retail premises or from a website.
  - Restrictions on the colours and imagery used on nicotine inhaling products and their packaging.
  - A ban on e-cigarettes that resemble toys or games.
  - Requirements for only basic flavour names to be used, as prescribed by the Minister for Health. Those proposed in the Bill are limited to ‘tobacco’ and ‘unflavoured’.
- In relation to **‘nicotine consumption products’** (including nicotine pouches and novel nicotine products):
  - A ban on sales to people under the age of 18 years.

- A ban on the point-of-sale display of these products in mixed retail outlets (e.g. supermarkets, garages, newsagents).
- A ban on advertising these products in retail premises or from a website.

These provisions would result in stricter regulation of vapes, with some provisions being similar to those in place in relation to tobacco, e.g. plain packaging. They also seek to regulate nicotine consumption products for the first time. The intent is that nicotine containing products launched in the future will immediately be subject to the same restrictions on the age of sale, retail display and advertising as existing products.

The Oireachtas Joint Committee on Health **waived** Pre-legislative Scrutiny of the General Scheme.

Internationally, there is great variation in how different countries have approached the regulation of e-cigarettes and other nicotine products. The Minister for Health **has indicated** that she is in favour of greater EU regulation of nicotine products.

Under single market rules, the Public Health (Tobacco and Nicotine Inhaling Products) (Amendment) Bill 2026 will require notification to the EU Commission.

The HSE has estimated that an additional €3.1 million per year would be required to enforce the measures provided for in the current Bill and those arising from the **Public Health (Single-use Vapes) Bill 2025** (which seeks to ban the sale of single-use e-cigarettes), if enacted.

#### **PRS Resources**

- **Policy and Legislative Briefing Paper** on the **General Scheme of the Public Health (Nicotine Inhaling Products) Bill**.
- **Bill Resource Page** providing resources related to this Bill, including select media coverage, publications from the Government, the Houses of the Oireachtas, and stakeholder and specialist commentary.

[Some resources may only be accessible via the Houses of the Oireachtas network.]

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## Glossary and abbreviations

Term	Meaning
<b>Act of 2002</b>	Public Health (Tobacco) Act 2002
<b>Act of 2023</b>	Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023
<b>Act of 2024</b>	Public Health (Tobacco)(Amendment) Act 2024
<b>HPRA</b>	Health Products Regulatory Authority
<b>Nicotine Consumption Product</b>	<p>In the Bill this means:</p> <ul style="list-style-type: none"> <li>(a) A product for human consumption containing nicotine and which is designed or intended for the intake of nicotine in the human body, or</li> <li>(b) Nicotine pouches which are products containing nicotine intended for oral intake which: <ul style="list-style-type: none"> <li>a. Are mixed with vegetable fibres or an equivalent substrate;</li> <li>b. Are presented in sachet portions or porous sachets or in an equivalent format, and</li> <li>c. Do not contain tobacco.</li> </ul> </li> </ul> <p>The following are specifically <u>excluded</u>:</p> <ul style="list-style-type: none"> <li>• tobacco products,</li> <li>• herbal products for smoking,</li> <li>• nicotine inhaling products (e-cigarettes), and</li> <li>• any device designed or intended to be used for consuming tobacco or herbal products for smoking.</li> </ul>
<b>Nicotine Inhaling Product</b>	<p>In the Act of 2002, this includes electronic cigarettes and any other product consisting of a device, a cartridge or a relevant substance (other than tobacco, cigarette paper or a device which is intended to enable the consumption of lit tobacco) which is intended to enable to be inhaled through a mouthpiece a substance consisting of or containing nicotine.</p> <p>Also referred to as e-cigarettes and vapes in this paper.</p>

## Introduction

This *Bill Digest* examines the provisions of and context to the Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill 2026 ([the Bill](#)). The Bill was published on 7 April 2026. The Oireachtas Joint Committee on Health [waived](#) Pre-legislative Scrutiny of the General Scheme.

The purpose of the Bill is to further regulate the market for e-cigarettes. It also provides for regulation of nicotine pouches and novel nicotine products that may come on the market. These are defined as ‘**nicotine consumption products**’.

The Minister for Health, Jennifer Carroll MacNeill TD (the Minister), said that the measures in the current Bill would operate in concert with proposed legislation banning the sale of single use vapes (see below) to further regulate nicotine products. She stated:

*“Taken together, these laws form a suite of measures to shield our children from the promotion and sale of these [vaping and nicotine] products and to allow them to grow up free from the risk of developing a nicotine addiction.”<sup>1</sup>*

Specifically, the Bill seeks to introduce:

- In relation to **nicotine inhaling products** (also known as e-cigarettes or vapes):
  - A ban on advertising in all retail outlets and a ban on the point-of-sale display of these products in mixed retail outlets (e.g. supermarkets, garages, newsagents).
  - restrictions on the colours and imagery used on nicotine inhaling products and their packaging.
  - a ban on the sale of e-cigarettes that resemble toys or games.
  - a limit on flavour names, with only basic flavour names to be allowed, as prescribed by the Minister for Health. Those proposed in the Bill are limited to ‘tobacco’ and ‘unflavoured’.
- In relation to ‘**nicotine consumption products**’ (including nicotine pouches and novel nicotine products):
  - A ban on sales to people under the age of 18 years.
  - A ban on advertising in all retail outlets and a ban on the point-of-sale display of these products in mixed retail outlets (e.g. supermarkets, garages, newsagents).

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<sup>1</sup> Department of Health (2025) [Press release: Government approves Minister for Health’s proposals to prohibit the sale of disposable vapes and regulate future nicotine products](#). 19 November 2025.

The Minister has indicated that the motivation for the proposed legislation is to reduce the attractiveness and accessibility of vapes and other nicotine products. She stated that:<sup>2</sup>

*“This Bill will enhance and expand existing legislation on nicotine inhaling products by reducing their appeal, visibility and accessibility. It will also prohibit the sale of current and future recreational nicotine products to minors and reduce their visibility in retail outlets.”*

Minister of State, Jennifer Murnane O’Connor, TD, emphasised the policy goal of protecting children and young people from nicotine, saying:<sup>3</sup>

*“...the approach taken to address new products such as nicotine pouches which will ensure that new law to protect our children does not have to be developed each time a new product comes onto the market.*

*“We are dealing with an increasingly aggressive industry marketing attractively packaged addictive products that appeal to children. We are responding strongly with measures that will protect our young people against current and future threats...”*

This *Digest* describes and analyses the background to and provisions of the Bill. It is designed to assist Oireachtas Members with their scrutiny of the Bill, and is presented in sections as follows:

- Background to the Bill;
- Principal provisions of the Bill; and
- Conclusion.

In addition to the current Bill, a [Public Health \(Single-use Vapes\) Bill 2025](#) is before the Oireachtas. Both [Public Health \(Single-Use Vapes\) Bill 2025](#) and the current Bill arise from the same [General Scheme](#) - that of the Public Health (Nicotine Inhaling Products) Bill. The Parliamentary Research Service has published a [Policy and Legislative Briefing Paper](#) on this General Scheme. It looks in greater depth at the policy and legislative background to the Bill and the other measures proposed in the General Scheme. The Policy and Legislative Briefing Paper is a companion piece to this *Bill Digest*.

The Library & Research Service has also published a [Bill Resource Page](#) on this Bill (available to internal Houses of the Oireachtas system users). The Explanatory Memorandum to the Bill can be found [here](#).

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<sup>2</sup> Department of Health (2026) Press release: [Ministers announce Government approval of proposals for further regulation of nicotine products](#). 3 March 2026.

<sup>3</sup> Department of Health (2026) [as before](#). 3 March 2026.

### Note on the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) and the representation of stakeholder views

This *Bill Digest* does not represent stakeholder views in the same way as is customary in the Library & Research Service's publications. This is due to restrictions in place in the **WHO Framework Convention on Tobacco Control** (FCTC), a legally binding treaty, ratified by Ireland. Under [Article 5.3 of the FCTC](#), Ireland is obliged to protect tobacco control policy from the commercial or other vested interests of the tobacco industry.

[Guidance](#) from the Department of Health<sup>4</sup> on implementing the FCTC states that it applies to, amongst others, Members of Dáil Éireann and Seanad Éireann and individuals acting on their behalf. This Guidance also clarifies that tobacco control policies include those on smoking cessation and 'harm reduction and alternative products'.

The FCTC was developed in the context of a long history of the tobacco industry resisting regulation.<sup>5</sup> The influence of tobacco companies has been recognised as having the potential to be detrimental to public health measures aiming to control tobacco.<sup>6</sup>

Specifically of interest to the current Bill, the WHO is concerned about the link between the tobacco industry and the e-cigarette industry. It argues that:

*"The tobacco industry...is using these newer products to get a seat at the policy making table with governments to lobby against health policies. WHO is concerned that the tobacco industry funds and promotes false evidence to argue that these products [e-cigarettes] reduce harm, while at the same time heavily promoting these products to children and non-smokers and continuing to sell billions of cigarettes."*<sup>7</sup>

To comply with the FCTC, this *Bill Digest* does not represent the views or inputs of the tobacco industry or any person/business acting on its behalf.

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<sup>4</sup> Department of Health (undated) [Guidance for Public Representatives and Officials on Interaction with the Tobacco Industry](#).

<sup>5</sup> Saloojee, Y and Degli, E (2000) [Tobacco industry tactics for resisting public policy on health](#), *Bulletin of the World Health Organization*, 78(7). See also: Gilmore, AB, *et al* (2025) [Why addressing conflicts of interest is essential to progress in reducing commercially driven health harms: Lessons from tobacco](#), *Future Healthcare Journal*, Volume 12, Issue 2, 2025.

<sup>6</sup> [WHO Framework Convention on Tobacco Control – Guidelines for implementation](#) (2011), p.5.

<sup>7</sup> World Health Organization (2024) [Tobacco: E-cigarettes: Questions and Answers webpage](#).

## Background

The [General Scheme of the Public Health \(Nicotine Inhaling Products\) Bill](#) (the General Scheme) was published in September 2024. It set out provisions intended to further regulate nicotine inhaling products also known as e-cigarettes or vapes. Two bills have arisen from this General Scheme:

- The current Bill - the [Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026](#) - the purpose of which is to regulate the packaging and appearance of nicotine inhaling products and refill containers of such products; and to provide for restrictions in relation to the signage, display and advertising of nicotine inhaling products. It also seeks to regulate ‘nicotine consumption products’ for the first time, seeking to introduce a ban on sales to minors and restrictions on display and advertising.
- The [Public Health \(Single-use Vapes\) Bill 2025](#) which provides for a ban on the sale and supply of single use vapes. This Bill seeks to address both health and environmental concerns around single-use vapes. It is currently before the Houses of the Oireachtas.

The provisions in these bills are in line with recommendations made by the then Oireachtas Joint Committee on Health in its 2022 [Pre-Legislative Scrutiny](#) report on the General Scheme of the Public Health (Nicotine Inhaling and Tobacco) Bill 2019.

As noted above, the motivation for the current Bill is driven by concerns about the availability, take up and health impact of tobacco, e-cigarettes and other nicotine products. These are discussed below.

It is notable that there are debates regarding the extent of the contribution of e-cigarettes and other alternative nicotine products towards reducing smoking and limiting the harm of tobacco consumption. The ‘tobacco harm reduction’ approach highlights the public health benefits of smokers switching to less harmful forms of nicotine consumption than smoking combusted cigarettes, as well as the benefits for second-hand smokers.<sup>8</sup> While a different view held by stakeholders (e.g. many public health bodies) favours increasing regulation or moving away from the use of nicotine products altogether due to concerns about health risks, and the products acting as a gateway for (young) non-smokers into tobacco.<sup>9</sup>

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<sup>8</sup> Lietzmann, Julia and Moulac, Maxime (2023) [Novel tobacco and nicotine products and their effects on health](#) – Workshop Proceedings - ENVI Health Working Group. European Parliament.

<sup>9</sup> See: [Irish Cancer Society Position Paper on E-cigarettes](#), Lietzmann, Julia and Moulac, Maxime (2023) [Novel tobacco and nicotine products and their effects on health](#) – Workshop Proceedings - ENVI Health Working Group. European Parliament, The Royal College of Physicians of Ireland (2026) [Time for a Tobacco Free Future](#); Faculty of Paediatrics, Royal College of Physicians, Ireland (2023) [Position Paper: Disposable Vapes and Young People](#), and World Health Organization (2025a) [WHO position on Tobacco Control and Harm Reduction](#) and WHO (2025b) [WHO calls for urgent action to ban flavoured tobacco and nicotine products](#).

## Prevalence and health impact of tobacco, e-cigarettes and other nicotine products

### Tobacco

The Tobacco Free Ireland Action Plan was launched in October 2013. It set a target for Ireland to have a smoking prevalence rate of less than 5% by 2025, effectively making the country a tobacco free society. This target was not achieved. The Healthy Ireland Survey 2024 found that 17% of the population are current smokers, with 14% daily smokers and 4% occasional smokers.<sup>10</sup> Smoking rates have remained static since 2021.

The health effects of tobacco use are well known – it accounts for the deaths of up to half of long-term smokers,<sup>11</sup> resulting in over 4,500 deaths each year in Ireland.<sup>12</sup> The Health Research Board sums up some of the impact of smoking as set out in the Box below.

#### Text Box 1: Impact of smoking, Health Research Board.

#### What does smoking do?

- takes 10 to 15 quality years off your life.
- causes cancer, heart attacks, stroke, lung disease, blindness, diabetes and many other diseases.
- reduces fertility for both women and men and makes it harder to start a family - can lead to ectopic pregnancy, miscarriage and stillbirth if you smoke during pregnancy.
- has a negative effect on mental health.
- is an expensive habit - smoking 20 cigarettes a day would cost over €5,000 a year.

**Source:** Health Research Board (2025) [Factsheet: Smoking and vaping – the Irish situation](#).

### E-cigarettes

About 7% of adults vape daily.<sup>13</sup> Most adult vapers are smokers or ex-smokers. Among children and younger people, the vaping rates are higher than for the general population, with 13% of 12-17 year-olds reporting they are current vapers (vaped in the last 30 days) in one study<sup>14</sup> and 16% of 15-16 year-olds in another<sup>15</sup>.

<sup>10</sup> Ipsos B&A (2024) [Healthy Ireland survey 2024 - summary report](#). Healthy Ireland, Department of Health

<sup>11</sup> <https://www.who.int/news-room/fact-sheets/detail/tobacco>.

<sup>12</sup> HSE Tobacco Free Ireland Programme (2022) [State of Tobacco Control](#).

<sup>13</sup> [CSO Irish Health Survey 2024](#). This is a nationally representative survey of Irish adults (i.e. aged 18 and over).

<sup>14</sup> [Health Behaviour in School Aged Children \(HBSC\)](#). This is a [World Health Organization \(WHO\) cross-national study](#) that monitors the health behaviours of school-aged children every four years. [HBSC Ireland](#) surveys school-going children aged 9-18 years.

<sup>15</sup> [European School Survey Project on Alcohol and Other Drugs \(ESPAD\)](#). This study was conducted in a nationally representative sample of Irish post-primary schools, with 5,587 students taking part. See: Hanafin J, *et al* (2025). [ESPAD Ireland 2024: Results from the European School Survey Project on Alcohol and Other Drugs](#). Tobacco Free Research Institute Ireland for the Department of Health Ireland.

Research into the impact of e-cigarettes is complicated by differences between devices and the way people use them. Further to this, products are constantly changing with new devices emerging; there are numerous brands and thousands of flavours available.<sup>16</sup> As vaping products are relatively new, there are no studies available to show the health impact of e-cigarette use across someone's lifetime. This means that the long-term effect of these products is not yet known.<sup>17</sup>

Despite the drawbacks in research, in 2019, a *New England Journal of Medicine* editorial stated that “a consensus has emerged that e-cigarettes are safer than traditional combustible cigarettes”.<sup>18</sup>

However, vaping is not risk-free and there is evidence on the shorter-term impact of use. According to the HSE, the risks and negative health effects linked with vaping include:

- nicotine dependence;
- sleep problems;
- mental health difficulties, such as anxiety;
- damage to your heart, lungs and blood vessels;
- exposure to toxins; and
- injuries from batteries or nicotine poisoning - though this is less common.<sup>19</sup>

There are particular concerns about vaping by children and young people as they are thought to be more at risk of the negative effects of nicotine. These include problems with<sup>20</sup>:

- attention and learning,
- mood,
- impulse control, and
- anxiety.

The HSE considers that, over time, these risks may cause diseases such as heart disease, lung disease and cancer. They state that risks are higher for people who both smoke and vape (this is known as ‘dual-use’).

Even nicotine-free vapes may carry risks. According to the HSE, vape liquid that does not contain nicotine often has other chemicals such as colours and flavourings which can be harmful when inhaled.

Although evidence is still developing, the HSE points to the negative health impacts of vaping, and, as a result, advises that people neither vape nor smoke. As a result of concerns about the

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<sup>16</sup> European Lung Foundation and European Respiratory Society (2020) “E-cigarettes, heat-not-burn and smokeless tobacco products.” *Breathe (Sheffield, England)* vol. 16,1: 161ELF.

<sup>17</sup> European Lung Foundation and European Respiratory Society (2020) *as before*.

<sup>18</sup> See: public health doctors [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)00140-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)00140-5/fulltext) and Belinda Borrelli and George T. O’Connor, “E-Cigarettes to Assist with Smoking Cessation,” *New England Journal of Medicine*, 380, no. 7 (February 14, 2019): 678–79.

<sup>19</sup> HSE webpage, Vaping (using e-cigarettes). <https://www2.hse.ie/living-well/quit-smoking/vaping/>.

<sup>20</sup> HSE Vaping and Young People webpage.

health impact of vaping, the Government considers the control of e-cigarettes to be a public health issue.

As noted above, e-cigarettes can be seen as a ‘harm reduction’ tool - a way of supporting smokers to give up a very damaging habit. The interpretation of the evidence in this area, around health risks versus benefits of vaping as a tool for smokers to quit, is debated. Different perspectives on this evidence impacts views of the appropriate type and level of regulation for vapes.

### Other nicotine products

The current bill seeks to regulate other nicotine products, termed ‘nicotine consumption products’. These include nicotine pouches (described below) and other products that have come on the market in Ireland, the UK and other EU Member States such as nicotine pearls (small bead-like forms that dissolve on the tongue), nicotine toothpicks and nicotine gels.<sup>21</sup> Given their short duration on the market, there is less evidence on the impact of these products.

#### What are nicotine pouches?

Nicotine pouches contain nicotine powder mixed with flavourings, sweeteners, fillers and other chemicals.<sup>22</sup> The pouch is placed between the user’s lip and gum. They do not contain tobacco, so are not subject to tobacco regulations.<sup>23</sup> They may be **informally called ‘snus’**. However, more traditionally, this term refers to a similar style of pouch that **does** contain powered tobacco - it is illegal to sell these in Ireland.<sup>24</sup> Figure 1 below presents a description and photograph of nicotine pouches.

Figure 1: Description of Nicotine Pouches

#### Synthetic oral nicotine pouch

Nicotine pouches are similar to snus pouches but they do not contain tobacco. They do contain nicotine, often with added flavours. The pouch is placed between the lip and gum and the nicotine gets into the bloodstream through the gums.



Source: HSE Youth Prevention Toolkit – E-cigarettes and other nicotine delivery systems.

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<sup>21</sup> Department of Health (2026) Summary of addendum to the Regulatory Impact Analysis of the Public Health (Tobacco and Nicotine Inhaling Products) (Amendment) Bill 2026.

<sup>22</sup> HSE webpage: [Smokeless nicotine and tobacco products](#).

<sup>23</sup> Grilo, G., Carrington, D., Hartmuller, R., Albuquerque, B., Muggli, M., Welding, K. (2025) [Global regulatory scenario for nicotine pouches](#). Institute for Global Tobacco Control, Johns Hopkins Bloomberg School of Public Health and International Legal Consortium, Campaign for Tobacco Free Kids.

<sup>24</sup> HSE webpage on [Smokeless nicotine and tobacco products](#).

At present, nicotine pouches are not covered by the same laws as tobacco products, nor are they regulated as a medicine.

According to the HSE, most people who use pouches use other nicotine or tobacco products too.<sup>25</sup> Nicotine pouches can contain high levels of nicotine.<sup>26</sup>

The HSE says that evidence is still being developed about the risks of nicotine pouches but suggest they may include:<sup>27</sup>

- nicotine addiction,
- gum problems,
- mouth ulcers,
- dry mouth and hiccups,
- nausea and stomach problems, and
- nicotine poisoning.

### **How many people in Ireland are using nicotine pouches?**

About 1% of adults currently use nicotine pouches.<sup>28</sup> The highest rate of use, at 3%, is among the cohort aged from 15 to 24.<sup>29</sup> They are used by 3% of current smokers and 2% of former smokers.<sup>30</sup> The results from the [European School Survey Project on Alcohol and Other Drugs \(ESPAD\)](#) study (2024) found that 4% of 15- to 16-year-olds in Ireland were currently using nicotine pouches, with 8% having used them at some point.<sup>31</sup>

### **How big is the market for nicotine pouches?**

Sales of nicotine pouches have been growing rapidly in recent years. Euromonitor International—in its first year estimating global retail volume of nicotine pouches—estimated 292 million units had been sold in 2018.<sup>32</sup> In 2021, Euromonitor International estimated 6.8 billion units of nicotine pouches had been sold, globally, representing a more than 2000% increase in nicotine pouch sales since 2018.<sup>33</sup>

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<sup>25</sup> HSE webpage: [Smokeless nicotine and tobacco products](#).

<sup>26</sup> HSE webpage: [Smokeless nicotine and tobacco products](#).

<sup>27</sup> [HSE Information Booklet – Vaping and E-cigarettes](#).

<sup>28</sup> Dáil Éireann debate, [Use of Vapes and Nicotine Products by Young People and Adolescents: Statements](#), 24 September 2025.

<sup>29</sup> Dáil Éireann debate, [as before](#), 24 September 2025.

<sup>30</sup> Dáil Éireann debate, [as before](#), 24 September 2025.

<sup>31</sup> Dáil Éireann debate, [as before](#), 24 September 2025. [European School Survey Project on Alcohol and Other Drugs \(ESPAD\)](#) study was conducted in a nationally representative sample of Irish post-primary schools, with 5,587 students taking part.

<sup>32</sup> Duren M, Atella L, Welding K, *et al* (2024) [Nicotine pouches: a summary of regulatory approaches across 67 countries](#), *Tobacco Control* 2024;33:e32-e40.

<sup>33</sup> Duren M, *et al* (2024) [as before](#).

Global tobacco companies such as British America Tobacco, Japan Tobacco International and Phillip Morris International, are involved in making and marketing nicotine pouches.<sup>34</sup>

The *Irish Times* has reported that PJ Carroll & Co Ltd, the Irish arm of British American Tobacco, is the market leader in Ireland for nicotine pouch sales. The company reported that sales of its 'Velo' brand pouches increased from 6 million in 2023 to 29 million in 2024.<sup>35</sup> This represents an almost five-fold (480%) increase in unit sales in one year. It was reported that, the company directors said sales of Velo "delivered exceptional growth in 2024" and revenues from Velo increased by 442 per cent in 2024 on 2023 figures.<sup>36</sup>

Sales of nicotine pouches by PJ Carroll & Co grew by **480%** between 2023 and 2024.

## Current regulation

### Current regulation of e-cigarettes

Currently e-cigarettes are regulated at EU level, under the Tobacco Products Directive, in relation to safety and quality, and packaging and labelling rules, among other things. At a national level, restrictions include a ban on sales of vapes to under 18-year-olds and restrictions on advertising. A licensing regime for tobacco and e-cigarette retailers **came into effect in February 2026**. By introducing a charge to hold a license to sell vapes (with one required for each retail premises), this policy aims to reduce the number of outlets selling e-cigarettes.<sup>37</sup>

Beyond regulation, a new tax, the E-liquids Product Tax (EPT), came into effect on 1 November 2025. This aims to increase the price of vapes, with a view to making them less affordable - in particular for children.<sup>38</sup>

Internationally, there is great variation in how different countries have approached the regulation of e-cigarettes. Some other jurisdictions have put in place measures similar to those proposed in the current Bill, for example, the **Netherlands** has banned flavoured vapes and it has been reported that the **Belgian Government** also plans to do so. Australia permits the sale of e-cigarettes on prescription only, and does not allow flavours other than tobacco, mint and menthol. Australia also allows only plain, pharmaceutical style, packaging.<sup>39</sup> In the UK, there is a Bill before the Westminster Parliament, seeking to ban advertising and promotion of vapes

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<sup>34</sup> Duren, M, *et al* (2024) *as before*, see also Robichaud MO, Seidenberg AB, Byron MJ. (2020) **Tobacco companies introduce 'tobacco-free' nicotine pouches**. *Tob Control*. 2020 Dec;29(e1):e145-e146.

<sup>35</sup> Deegan, G (2025) **Nicotine pouch sales soar for Carroll's**, *The Irish Times*, 28 November 2025.

<sup>36</sup> Deegan, G (2025) *as before*.

<sup>37</sup> Department of Health (2025) Press release: **Ministers for Health introduce licensing system for tobacco and vapes**, 20 January 2025.

<sup>38</sup> Department of Finance (2025) Press release: **Minister Donohoe signs commencement order for the E-liquid Products Tax**. 25 September 2025.

<sup>39</sup> Australian Government webpage, **About vaping and e-cigarettes**.

and to provide for Ministerial powers to regulate for flavours.<sup>40</sup> This Bill also seeks to create a “smoke-free generation” by ensuring children born on or after 1 January 2009 can never be legally sold tobacco.<sup>41</sup>

Due to its potential for an impact on the operation of the single market, the [Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026](#) will require notification at EU level under the Tobacco Products Directive ([Directive 2014/40/EU](#)).

### **Current regulation of nicotine pouches**

Nicotine pouches are currently not covered by domestic legislation or EU legislation. Nor are they subject to excise duty.

In September 2025, the Minister for Health, Jennifer Carroll MacNeill, TD, stated that she was:

*“... considering possible approaches to the regulation of nicotine pouches. The regulation of these products has already been discussed at EU level in the context of a revised Tobacco Products Directive. Recognizing that EU wide measures would be the most effective, I have on behalf of Ireland and several other Member States, recently called on the European Commission to bring forward the revised Tobacco Products Directive as soon as possible.”<sup>42</sup>*

The current Bill seeks to regulate the sale and display of nicotine pouches and any future nicotine containing products intended for human consumption.

### **Regulation of nicotine pouches in other jurisdictions**

In Europe, EU tobacco control legislation does not apply to nicotine pouches, so regulation is up to individual Member States. Some Member States classify nicotine pouches as a foodstuff and some as a medicine (see more below).

Several countries are seeking to adopt or have adopted measures to control the sale of nicotine pouches. These policies cover a range of options, from regulating packaging, labelling, ingredients, flavours, advertising and public use of the products to prohibiting their sale entirely.

In 2025, research looking at oversight of nicotine pouches in 45 countries identified regulatory measures in place (as of August 2025), categorising them as follows (in order of frequency):<sup>43</sup>

- in 21 countries (47%) nicotine pouches are regulated as tobacco or related products;
- in ten countries (22%) their sale is prohibited by law;

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<sup>40</sup> <https://www.gov.uk/government/publications/the-tobacco-and-vapes-bill-creating-a-smoke-free-uk-and-tackling-youth-vaping/tobacco-and-vapes-bill-creating-a-smoke-free-uk-and-tackling-youth-vaping#timeline-for-implementation>.

<sup>41</sup> House of Commons Library (2025) [Research Briefing: Tobacco and Vapes Bill 2024-25: Progress of the Bill](#).

<sup>42</sup> Dáil Éireann debate, PQ response, [Health Strategies](#), 8 September 2025.

<sup>43</sup> Grilo, G., *et al* (2025) [as before](#).

- in six countries (13%) they are regulated as medicinal/pharmaceutical products (non-approved products);
- in three countries (7%) they are regulated as ‘medicinal and tobacco products’;
- in three countries (7%) they are regulated using other measures;
- in one country (2%) they are regulated as natural health products (approved products); and
- in one country (2%) they are provisionally prohibited for sale by law (pending additional action).

The European countries with bans on sales include Belgium and Netherlands.<sup>44</sup> Since the study cited above was undertaken, France has also legislated for a ban on the sale of nicotine pouches, effective from 1 April 2026.<sup>45</sup>

In relation to taxation on nicotine pouches, in July 2025, the EU Commission adopted a proposal for a recast Tobacco Tax Directive. The revision proposes the expansion of the Directive to include new products such as e-liquids (used in vapes) and nicotine pouches.<sup>46</sup>

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<sup>44</sup> Grilo, G., *et al* (2025) as before. See also: <https://www.euronews.com/health/2025/02/28/france-has-just-banned-nicotine-pouch-sales-where-else-in-europe-are-they-restricted>

<sup>45</sup> <https://www.bmj.com/content/390/bmj.r1895>

<sup>46</sup> Dáil Éireann debate, PQ response, Tobacco Control Measures, 8 October 2025.

## Principal Provisions of the Bill

The Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill 2026 contains 29 Sections laid out in four Parts, together with a Schedule. The stated purpose of the Bill is to protect public health by further regulating e-cigarettes and regulating ‘nicotine consumption products’ such as pouches for the first time.

This section analyses the principal provisions of the Bill, selected based on their centrality to the primary policy changes the Bill proposes.

### Part 1

Section 5 would require the Minister to undertake a review of the operation of the provisions introduced in the proposed legislation no later than three years after commencement of this section. A report containing the findings of this review would need to be laid before both Houses of the Oireachtas.

### Part 2 – Amendment of the Act of 2002

Part 2 of the Bill seeks to amend certain sections of the [Public Health \(Tobacco\) Act 2002](#).

Section 6 seeks to amend section 2 of the 2002 Act by adding:

- A definition of the ‘General Product Safety Regulation’ meaning the [EU Regulation 2023/988](#). This Regulation lays down rules to ensure the safety of non-food products placed on the European market. A definition of ‘herbal product for smoking’ to be same as that in the [EU Directive 2014/40/EU](#) which is on the laws, regulations and administrative provisions of EU Member States concerning the manufacture, presentation and sale of tobacco and related products. Under this definition, such a herbal product is “a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process”.<sup>47</sup>
- A definition of ‘nicotine consumption product’ to mean:
  - A product for human consumption containing nicotine and which is designed or intended for the intake of nicotine in the human body, or
  - **Nicotine pouches** which are products containing nicotine intended for oral intake which:
    - Are mixed with vegetable fibres or an equivalent substrate;
    - Are presented in sachet portions or porous sachets or in an equivalent format, and
    - Do not contain tobacco.

The following are specifically excluded from the definition of nicotine pouches:

- Tobacco products,
- herbal products for smoking,
- nicotine inhaling products (e-cigarettes), and

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<sup>47</sup> [EU Directive 2014/40/EU](#).

- any device designed or intended to be used for consuming tobacco or herbal products for smoking.

### Part 3 – Amendment of the Act of 2023

This Part of the Bill seeks to amend the [Public Health \(Tobacco Products and Nicotine Inhaling Products\) Act 2023](#) (the Act of 2023).

#### Certain definitions

Section 14 seeks to amend Section 2 of the Act which sets out definitions.

Section 14 (a) seeks to add nicotine consumption products, to tobacco and e-cigarettes, in the definition of ‘sell’ under the 2023 Act. The Act defines selling in terms of offering or exposing goods for sale, inviting a person to make an offer to purchase, to give away free of charge and to supply for any of these purposes (whether or not for profit).

Section 14 (b) seeks to insert definitions to the 2003 Act in a similar way to the insertion proposed for the 2002 Act set out above.

#### Exemptions for medical devices and products

Section 15 sets out exemptions to the Act of 2023 (to be set out in section 3 of the Act), seeking to ensure that medical devices, accessories to medical devices and medicinal products would be exempt from the provisions of the Act.

This exemption would apply to nicotine replacement therapy (NRT) products, which are licensed medicines, such as nicotine gum, mouth sprays and patches. These are regulated and checked for safety by the Health Products Regulatory Authority (HPRA).<sup>48</sup> They are available for sale to adults (from age 18) from pharmacies and general retail shops.<sup>49</sup> They are also available free of charge from the HSE, when the user has signed up to a HSE stop smoking support programme.<sup>50</sup>

#### Remote sales (e.g. online sales)

Section 16 seeks to replace section 8 of the Act of 2023. It provides that sales of tobacco, e-cigarettes and nicotine consumption products are deemed to take place at the premises where an agreement for sale is made. In the case that the agreement for sale is made outside the State and the product is despatched from within the State, the sale will be deemed to have taken place at the despatch premises.

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<sup>48</sup> HSE (2023) Press release: HSE announces free Nicotine Replacement Therapies (NRT) for anyone who wants to quit smoking. Accessed via Health Research Board: <https://www.drugsandalcohol.ie/38242/>.

<sup>49</sup> Irish Medical Times (2014) [ASH welcomes move on nicotine replacement therapy](#). 4 July 2014.

<sup>50</sup> [HSE Nicotine Replacement Therapy webpage](#).

Although the term ‘sell’ has been defined and the term ‘premises’ is defined (for the Act of 2002), the term ‘the premises where the agreement is made’ is not defined. This might be an issue where the seller is based outside the State. If this refers to the premises of the purchaser (the place where the offer is accepted and consideration paid), then all online purchases of tobacco, e-cigarettes and nicotine consumption products made from a computer situated in Ireland would be deemed to be made in the State, irrespective of whether the seller is outside the State. However, if the premises is that of the seller (the place where the offer is made), the place of purchase would be outside the State and, consequentially, would fall outside the regulatory scope of the proposed legislation.

Under [Article 4 of Regulation \(EC\) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations \(Rome I\)](#), unless agreed otherwise, a contract for the sale of goods shall be governed by the law of the country where the seller has their habitual residence. This could lead to the implication that ‘the premises where the agreement is made’ refers to the premises of the seller. The Regulatory Impact Analysis (RIA) of the Bill indicated that the drafting was not expected to achieve a complete ban on international sales. It states that:

*“Although the EU Tobacco Products Directive permits a ban on cross-border distance sales, it has been difficult to achieve in practice in those countries who have implemented it, and legal advice was received that it would be challenging to introduce under Irish law. The Minister for Health has called for a complete ban on cross-border distance sales in Europe as part of a revised Tobacco Products Directive.”<sup>51</sup>*

The RIA also highlighted that there is a risk that further regulation of nicotine inhaling products could lead to:

*“Increased cross-border distance sales from other EU Member States or third countries.”<sup>52</sup>*

Related to this, the Minister for Health has indicated that she is advocating for greater EU regulation to ensure harmony across EU jurisdictions in this area, as set out in this PQ response (March 2026):

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<sup>51</sup> Department of Health (2024) Summary of the [Regulatory Impact Analysis \(RIA\) of the Public Health Tobacco and Nicotine Inhaling Bill](#), p. 21

<sup>52</sup> Department of Health (2024) [as before](#), p. 21.

*“Nicotine pouches are not currently subject to regulation under European Union tobacco control legislation. A harmonised EU-wide framework for regulating novel nicotine products would be the most effective approach, as it prevents regulatory circumvention through cross-border purchases. In this context and representing the views of Ireland and several other Member States, I have urged the European Commission to introduce new legislation at the earliest opportunity. Furthermore, I also have advocated for the inclusion of all novel nicotine products—such as nicotine pouches—within the scope of this proposal. I have also called for a prohibition on cross-border distance sales to ensure the integrity of national regulatory measures.”<sup>53</sup>*

### **Display of e-cigarettes and nicotine consumption products in retail settings**

Section 17 provides for restrictions on the placement and promotion of vapes in retail settings, by seeking to insert a new section 26A into the Act of 2023. Section 21 provides for the insertion of a new part 3B which would apply (in section 32G) the same restrictions to the display of nicotine consumption products.

Essentially, the Bill proposes that e-cigarettes and nicotine consumption products would be treated in the same way as tobacco in mixed retail settings. In most shops, tobacco must be kept in a closed container behind shop counters and directly accessible only to retailers/their staff.<sup>54</sup>

Specifically, the proposed new sections 26A and 32G provide for:

- In retail outlets, e-cigarettes and nicotine consumption products, respectively, to be kept in closed containers or dispensers that are not visible or accessible other than to the licensee (retailer) or their staff.
- Retailers would not be permitted to display notices, signs or give out leaflets or similar literature indicating that these products are for sale. The exception would be a sign which would inform the public that these products are for sale only to people aged 18 and over.
- A retailer would be permitted to provide certain prescribed information to an intending customer. Regulations may allow a retailer to show a customer one unit of a product, a reproduction of that product or a ‘pictorial list’ of available products, subject to certain restrictions.
- A person who contravenes these provisions would be guilty of an offence.

The new sections 26A(7) and 32G(7) provide for exemptions from these restrictions for specialised shops, both physical and online, which only or primarily sell vapes, nicotine consumption products, vaping substances and related accessories. This is like the exemptions in place for specialist retailers of tobacco and alcohol from rules on display that apply to mixed retailers such as supermarkets, newsagents and garages.

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<sup>53</sup> Minister for Health, Jennifer Carroll MacNeill, TD, in PQ response, [Dáil debate, Written Answers, Tobacco Control Measures](#), 5 March 2026. (Question 581).

<sup>54</sup> [Public Health \(Tobacco\) Act 2002](#), as amended

According to the notes to the General Scheme of the Bill, the intention of these provisions is to reduce the visibility and appeal of vapes and nicotine consumption products to children and young people, without reducing access to these products or disproportionately impacting retailers who only or primarily sell these products.<sup>55</sup>

The Regulatory Impact Analysis (RIA) of this element of the Bill recognises that there “may be costs to retailers to implement point of sale restrictions”.<sup>56</sup>

In relation to tobacco control, there is some evidence of a positive association between point of sale display/promotions and smoking.<sup>57</sup> Point of sale marketing restrictions on tobacco, similar to those proposed for vapes and nicotine consumption products, as above, are thought to affect smoking behaviour by cutting off an important communication channel with potential customers and providing a supportive environment for smokers to quit.<sup>58</sup> Irish research, carried out after the introduction of controls on point of sale tobacco displays, found that, after restrictions were put in place, recall of displays dropped significantly among adults and teenagers. This led the authors to conclude that there were signs that the law had helped to de-normalise smoking.<sup>59</sup>

### **Ban on sale of nicotine consumption products to children**

Section 18 seeks to prohibit the sale of nicotine consumption products to children. It would make it an offence to do so. It also provides that it can be a defence in legal proceedings to prove that the child involved produced a valid age card, passport or driving licence.

This prohibition would match that in place in relation to tobacco and e-cigarettes. It would make it illegal to sell nicotine pouches and any other nicotine consumption products on the market or introduced in the future to under 18s.

This provision seeks to respond to concerns that nicotine pouches and related products are marketed at children and young people and could result in negative health outcomes and nicotine addiction.

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<sup>55</sup> [General Scheme of the Public Health \(Nicotine Inhaling Products\) Bill 2024](#). p.7.

<sup>56</sup> Summary of addendum to the [Regulatory Impact Analysis \(RIA\) of the Public Health Tobacco and Nicotine Inhaling Bill](#).

<sup>57</sup> Robertson, L, et al (2015) [A systematic review on the impact of point-of-sale tobacco promotion on smoking](#). *Nicotine Tob Res.* 2015 Jan;17(1):2-17. See also: He Y, Shang C, Huang J, et al (2018) [Global evidence on the effect of point-of-sale display bans on smoking prevalence](#). *Tobacco Control* 2018;27:e98-e104.

<sup>58</sup> Robertson L, et al (2015) as before.

<sup>59</sup> McNeill, A, et al (2010) [Economic evaluation of the removal of tobacco promotional displays in Ireland](#) *Tobacco Control* 2010; 20 151-155.

### **Ban on advertising of e-cigarettes and nicotine consumption products in retail settings or from websites**

There are bans in place on online advertising of vapes (EU Tobacco Products Directive<sup>60</sup>), and on advertising in certain places, including within 200 metres of the perimeter of a school and at bus stops or train stations (under the [Public Health \(Tobacco and Nicotine Inhaling Products\) Act 2023](#)). However, there is an exemption from this ban for premises that are selling these products.

Section 20 of the Bill seeks to introduce a ban on the advertising of vapes and nicotine consumption products in or at retail premises and from websites that sell these products. Contravention of the ban would amount to an offence. Advertising in this section would include the display, whether intended to be permanent or temporary, of items aiming to promote nicotine inhaling or consumption products, including:

- posters,
- digital screens,
- banners,
- billboards,
- hoardings,
- placards, or
- other signage.

The section further provides exemptions for signage of the business name and factual information on the products provided for in other sections of the Bill.

This advertising ban would apply in all retail settings, with no exemption for specialist shops or websites.

### **Appearance, packaging and flavour of e-cigarettes**

Section 21 of the Bill seeks to insert new Parts 3A and 3B into the Act of 2023.

Part 3A would introduce restrictions on the appearance, packaging and flavour names of vapes. Part 3B would provide for new rules around the signage and retail display of nicotine consumption products (as described above).

The Bill provides that the proposed Part 3A would not apply to the retail sale of vapes until one year after the commencement of the proposed section. This grace period is proposed to support industry compliance, for example, so that retailers would have sufficient time to sell existing stock that does not conform to the new rules on design, packaging, and composition (e.g. flavour).<sup>61</sup>

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<sup>60</sup> Transposed in: [S.I. No. 271/2016 - European Union \(Manufacture, Presentation and Sale of Tobacco and Related Products\) Regulations 2016](#) (see section 31). See also: <https://www.oireachtas.ie/en/debates/question/2025-11-06/416/>

<sup>61</sup> Department of Health (2024) [as before](#), p. 21.

Specifically, a new Section 32C seeks to regulate for the appearance of nicotine inhaling products. The proposed subsection 32C (1) would provide that the surface of the device and any components must:

- Be a prescribed colour, unless visible components cannot have colour added for function or safety reasons,
- Not have any cartoons or graphics, other than illustrated instructions on safety or use.
- Have the text of safety, usage instructions or trade marks in a prescribed colour only.
- If all or part of the outer surface is transparent, any visible inner parts or liquid must be a prescribed colour only (in line with section 32D(1)(f)).

Proposed subsection 32C(2) would provide that a nicotine inhaling product must not:

- Depict, resemble or function as a toy or any product that is not a nicotine inhaling product, or
- Have any functionality beyond what is needed to operate as a nicotine inhaling product. For example, they could not function as toys, stationery products or video games.

The details of the restrictions such as the specific colours may be prescribed by the Minister through Regulations. This is in line with the format of the *Public Health (Standardised Packaging of Tobacco) Act 2015* and related Regulations.

The Bill provides that it would be an offence to sell nicotine inhaling products that do not comply with these rules.

These provisions seek to restrict the design of e-cigarettes in ways that would restrict their appeal to children and young people.<sup>62</sup> E-cigarettes with toy-like characteristics and designed to look like mini soft drink cans have been found in other jurisdictions.<sup>63</sup> In the USA, vapes have been observed with integrated video games, such as Pac-man, fighter jet games and virtual pets, in some cases, rewarding users for every puff.<sup>64</sup>

Public health bodies and advocates including World Health Organization representatives have expressed concern about the targeting of children with toy-related vaping products.<sup>65</sup> Authors from the Population and Public Health Sciences Department at the University of Southern California, USA have argued that device designs that resemble toys, confectionary or other consumables have the potential to entice younger people into taking up vaping.<sup>66</sup>

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<sup>62</sup> *General Scheme of the Public Health (Nicotine Inhaling Products) Bill 2024*. p.7.

<sup>63</sup> See media reporting: <https://www.bbc.com/news/articles/c16332x52y9o> ; <https://www.itv.com/news/tyne-tees/2023-06-06/oversized-vapes-made-to-look-like-childrens-toys-seized>

<sup>64</sup> Unger, J. B., Vassey, J., Soto, D. W., & Galimov, A. (2024) Vaping Devices with Video Games. *Substance Use & Misuse*, 59(14), 2149–2150. <https://doi.org/10.1080/10826084.2024.2392547>

<sup>65</sup> Health Policy Watch (2024) *Tobacco Industry Targeting Youth with Vaping Products, WHO and Watchdog Say*. 01/06/2024.

<sup>66</sup> Tatum Z, Leventhal A, Wipfli HL (2024) *Playtime: vaping devices designed as cartoons and toys may appeal to kids*. *Tobacco Control*, 2024;33:693-694.

### Appearance of refill container

A proposed new section 32D seeks to restrict the design of e-cigarette **refill containers**. It appears that this restriction follows the same policy intent as the provisions above, that is, to reduce the appeal of these products to children and young people.<sup>67</sup> This section provides that the:

- Container, cap and label must be a prescribed colour.
- Surface or label may not have any imagery, like cartoons or graphics, other than safety or usage instructions.
- Any text, safety instructions, trade mark must be a prescribed colour.
- A bar code, where used, must be a prescribed colour.

There would be an exemption from these provisions for any warning or identification marks, such as health warnings, as provided for by law.

It would be an offence to sell non-compliant products.

### Retail packaging of e-cigarettes

A proposed new section 32E seeks to introduce plain packaging rules for e-cigarettes, similar to that applying to tobacco products under the *Public Health (Standardised Packaging of Tobacco) Act 2015*.

The proposed rules would be subject to *European Union (Manufacture, Presentation and Sale of Tobacco and Related Products) Regulations 2016* (S.I. No 271/2016). Subsections 32E(1) and (2) would provide that each unit packet of e-cigarettes would have to have:

- The outer surface in a prescribed colour.
- The inner surface in a prescribed colour.
- No decorative ridges, embossing or embellishments.
- No adhesive that is coloured or non-transparent.
- No imagery, like cartoons or graphics (except a single “realistic depiction” of the product inside and any illustrated instructions on product safety or use).
- Where its visible, the trade mark, usage and safety instructions in a prescribed colour.
- No affixed items or inserts other than the product itself and legally acceptable inner packaging.

These conditions would not apply to any warnings or identification marks provided for by law (e.g. health warnings).

Further restrictions include that any bar code or identification be in a prescribed colour.

Subsection 32E(4) would provide for restrictions on any wrapper used for nicotine inhaling devices. The wrapper must be transparent and not coloured, not decorated with ridges, embossed or have other embellishments or affixed items. If there is a tear-strip, this must be a prescribed colour.

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<sup>67</sup> *General Scheme of the Public Health (Nicotine Inhaling Products) Bill 2024*. p.7.

Subsection 32E(5) would require that the lining or inner packaging be of a prescribed colour and material.

Subsection 32E(7) would make it an offence to sell a nicotine inhaling device that does not comply with these provision.

### Flavour names of e-cigarettes

Flavoured tobacco has been banned in the EU since 2020.<sup>68</sup> In 2022, the Joint Committee for Health called for all e-cigarette flavours, except tobacco, to be banned “so as not to entice minors”.<sup>69</sup>

The Bill seeks to regulate for **flavour names** for e-cigarette products.

Section 32F, of the proposed new Part 3A of the Act of 2023, provides that the Minister may regulate in relation to flavour names of nicotine inhaling products. Through this section, the Bill seeks to address flavour names rather than flavours, *per se* (this is discussed below).

It provides that it would be an offence to sell an e-cigarette with a flavour name other than prescribed by the Minister. The Minister may add (or remove) flavour names to the Schedule to the Act, by Regulation. The Schedule to the Bill provides for the flavour names than ‘Tobacco’ (‘Tabac’ in Irish) or ‘Unflavoured’ (‘Ghan Bhlas’ in Irish).

Under subsection 32F(4), when making regulations the Minister must have regard to public health and to the objectives of reducing harm from tobacco products and nicotine inhaling products, prioritising the protection of health of children by taking into account:

- The need to limit flavours that may be particularly attractive to children;
- Evidence on flavours for nicotine inhaling products and smoking cessation, initiation and continuation of nicotine inhaling product use, or harm to health relating to nicotine inhaling products;
- The prevalence of smoking of tobacco and use of nicotine inhaling products in both children and adults, and the demographics of children and adults who smoke tobacco or use nicotine inhaling products; and
- evidence of the effectiveness, and other impacts, of the restrictions concerning flavour names for nicotine inhaling products contained in the Act of 2023.

Subsection 32F(5) would provide that a person may not sell an e-cigarette with a variant name that implies the product has particular sensory characteristics or references to temperatures, textures or oral sensations or a flavour other than that described in the flavour name.

The notes to the General Scheme of the Bill explain that the two policy intentions behind this provision are:

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<sup>68</sup> WHO webpage: [European Union: Ban on flavoured tobacco products](#)

<sup>69</sup> Oireachtas Joint Health Committee (2022) as before.

- To restrict and simplify how nicotine inhaling products are described and named, in order to reduce the use of names and sensory descriptions being used as marketing tools; and
- To greatly reduce the range of flavours available.

These notes also suggest that this approach to restrict the name of the flavour would be easier to implement than banning certain ingredients or sensory attributes. The enforcement of restrictions on ingredients or sensory attributes would require laboratory testing and be slower and more resource intensive.

There is some debate about the role of flavoured vapes and the case for restricting them. The World Health Organization (WHO) says flavours are the reason why young people try vapes, “fuelling a new wave of addiction”.<sup>70</sup> The WHO has highlighted a range of concerns with flavours, as follows:

*“Flavours in tobacco, nicotine and related products enhance attractiveness and appeal, especially to young people, contributing to experimentation, initiation and sustained tobacco and nicotine use. Flavours are present in all tobacco, nicotine and related product categories and are marketed aggressively, especially to children and young people. Flavours in these products also make it more difficult for users to quit. Further, flavours in tobacco, nicotine and related products have not been shown to be safe when inhaled and can have direct toxic effects and indirect adverse effects.”<sup>71</sup>*

Arguments against a vape flavour ban in the UK were put forward by industry lobby group, the UK Vaping Industry Association (this is a group with former links to the tobacco industry, including four leading tobacco companies).<sup>72</sup> They argued that banning all non-tobacco flavours would hurt smokers by discouraging them from using e-cigarettes as an alternative to smoking and also be detrimental to vapers who may return to smoking or turn to the black market for their preferred products.<sup>73</sup> They further contended that a flavour ban would be bad for compliant retailers who would lose out to black market operators willing to sell targeted products regardless of a ban.<sup>74</sup>

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<sup>70</sup> <https://www.who.int/news/item/30-05-2025-who-calls-for-urgent-action-to-ban-flavoured-tobacco-and-nicotine-products>.

<sup>71</sup> <https://www.who.int/publications/m/item/information-sheet--the-role-of-flavours-in-increasing-the-appeal-of-tobacco--nicotine-and-related-products>

<sup>72</sup> NOTE: The original membership of this UK based organisation, the UK Vaping Industry Association (UKVIA), included tobacco companies (from establishment in 2016 up to 2023). In light of restrictions on tobacco companies and their representative groups lobbying policy-makers, the organisation stated in September 2023 that it had divested itself of tobacco company members. UKVIA continues to engage with policy-makers to promote its interests. (See: University of Bath’s Tobacco Tactics website: <https://www.tobaccotactics.org/article/uk-vaping-industry-association-ukvia/> ).

<sup>73</sup> <https://ukvia.co.uk/stop-smoking-services-foi-shows-flavoured-vapes-are-helping-adults-kick-the-habit-as-bma-calls-for-an-all-out-ban/>

<sup>74</sup> <https://ukvia.co.uk/stop-smoking-services-foi-shows-flavoured-vapes-are-helping-adults-kick-the-habit-as-bma-calls-for-an-all-out-ban/>

The Regulatory Impact Analysis of the Bill anticipates that there would be costs to manufacturers in complying with the proposed rules on flavour names and packaging.<sup>75</sup>

There is some evidence that enforcement of flavour bans can be challenging. For instance, when the Canadian province of Quebec banned flavoured vapes, retailers started selling liquids that could be combined with vaping fluid to change the flavour of the product consumed.<sup>76</sup> This is similar to the way in which the tobacco industry has acted to get around bans on menthol cigarettes in the EU, by adding menthol flavoured inserts, filters etc, which themselves contain no tobacco or nicotine and, therefore fell outside the scope of regulation.<sup>77</sup> While in the Netherlands, some people continued to use flavoured vapes after they were banned in 2024, with some purchasing them abroad.<sup>78</sup>

### Enforcement

The Bill, in various sections, provides for the National Environmental Health Services of the HSE to have the same powers of investigation and enforcement tools available for the measures contained in the Bill as those that are in place for tobacco control legislation.

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<sup>75</sup> Department of Health (2024) [as before](#).

<sup>76</sup> Doucas, F (2025) [Lessons from Quebec's experience banning characterising flavours in vaping products](#). *Tob. Induc. Dis.* 2025;23(Suppl 1):A465; see also [www.tobaccoinduceddiseases.org](http://www.tobaccoinduceddiseases.org).

<sup>77</sup> See: Brink A, Glahn AS, Kjaer NT (2023) [Tobacco companies' exploitation of loopholes in the EU ban on menthol cigarettes: a case study from Denmark](#), *Tobacco Control* 2023;32:809-812.

<sup>78</sup> <https://nltimes.nl/2025/03/18/one-five-vapers-quit-e-cigarettes-flavor-ban>.

## Conclusion

The [Public Health \(Tobacco Products and Nicotine Inhaling Products\) \(Amendment\) Bill 2026](#) would further regulate the sale of nicotine containing products. It seeks to address public health concerns about the negative impact on health of vaping and use of nicotine products, such as pouches, especially among children and young people.

If enacted, the provisions would greatly alter the presentation and look of vaping products as well as reducing the types of vapes available to consumers (targeting flavour names other than tobacco). As a result, the proposed legislation must be notified to and is subject to the approval of the EU Commission.

The provisions of the Bill would bring ‘nicotine consumption products’ in line with other nicotine containing products, by banning sales to under 18-year-olds. The Bill also seeks to ‘future-proof’ regulation by applying the same restrictions on the sale, display and advertising of existing nicotine consumption products to new products emerging on the market. However, plain packaging rules and restrictions on flavour names would not apply to nicotine consumption products. And the sale of nicotine consumption products does not [require a licence](#) (in contrast to the sale of tobacco and e-cigarettes).

A ban on sales of nicotine pouches to children could be expected to result in a reduction in their use in this age group and in any resulting harm. In terms of impact on consumer behaviour, the proposed restrictions could result in a reduction in the use of e-cigarettes and nicotine consumption products more generally and, as a result, in nicotine-related health impact and addiction.

The [RIA](#) of the Bill acknowledges that there is also a risk that the proposals could lead - at least in the short-term - to increases in smoking if there were a reduction in people switching to e-cigarettes completely, or if people relapse from vaping to smoking.<sup>79</sup> In relation to this, the RIA states that the proposed legislation is intended to give the Minister “powers to make changes quickly in response to new evidence that arises”.

Other jurisdictions have faced implementation and enforcement challenges when seeking to restrict vapes. The Bill provides for a review, two years post-commencement, to include a consideration of implementation.

There would be costs associated with the enactment of the Bill, for retailers (e.g. in changing their displays and potential loss of revenue), for manufacturers (e.g. in redesigning products and packaging and potential loss of revenue) and for the State by way of enforcement by the HSE (estimated at €3.1m each year for the current provisions along with those contained in the [Public Health \(Single-Use Vapes\) Bill 2025](#)).

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<sup>79</sup> Department of Health (2024) [Regulatory Impact Analysis \(RIA\) of the Public Health Tobacco and Nicotine Inhaling Bill](#), p. 21