An Roinn Sláinte
DEPARTMENT OF HEALTH

Public consultation on legislation in relation to the sale of tobacco products and non-medicinal nicotine delivery systems

Tobacco and NMNDS Consultation Questionnaire

hi Healthy Ireland

Tús Áite do Shábháilteacht Othar
Patient Safety First

Tobacco and NMNDS Consultation Questionnaire

Personal Information	
Title:	
First Name:	
Surname:	
Email Address:	
Postal Address:	

Are you completing this questionnaire:		
In a personal capacity?	☐ Yes ☐ No	
On behalf of organisation/agency?	☐ Yes ☐ No	If yes, please provide details of the organisation/agency.
Name of organisation/agency:		
Address of organisation/agency:		
Classification of organisation/agency: (please tick the one that best applies to your organisation/agency)	Educational/Research Body	☐
	Industrial/Commercial Entity	☐
	Non-Governmental Organisation (NGO)	☐
	Regulatory Body	☐
	Representative Body	☐
	State Sector/Public Body	☐
	Trade Union	☐
	Other (please specify)	☐

On behalf of the tobacco industry?	☐ Yes ☐ No	If yes, please provide details of the tobacco industry
Name:		
Address:		

Declaration of interest	
Do you or your organisation/agency come within the definition of "tobacco industry"[1] as set out in the WHO Framework Convention on Tobacco Control?	☐ Yes ☐ No
Do you or your organisation/agency have any commercial or other interest in the sale of any form of tobacco products?	☐ Yes ☐ No
Do you or your organisation/agency have any relationship or connection with the tobacco industry or any party having a commercial or other interest in the sale of tobacco products?	☐ Yes ☐ No
Have you or your organisation/agency ever received any funding from the tobacco industry or any party having a commercial or other interest in the sale of tobacco products?	☐ Yes ☐ No
Have you or your organisation/agency ever worked for or provided services to the tobacco industry or any party having a commercial or other interest in the sale of tobacco products?	☐ Yes ☐ No
Have you or your organisation/agency ever received any payment from the tobacco industry or any party having a commercial or other interest in the sale of tobacco for work done or for the provision of any services?	☐ Yes ☐ No

[1] WHO FCTC: "tobacco industry" means tobacco manufacturers, wholesale distributors and importers of tobacco products.

	A. Licensing system for the sale of tobacco products	
Q1	In addition to compliance with tobacco control legislation, what criteria should an applicant applying for a licence to sell tobacco products fulfil: - for example, should an applicant:	
a)	be over 18 years of age?	☐ Yes ☐ No ☐ Don't know
b)	provide proof of identity and age?	☐ Yes ☐ No ☐ Don't know
c)	be tax compliant?	☐ Yes ☐ No ☐ Don't know
d)	hold a valid Revenue Commissioner business identifier?	☐ Yes ☐ No ☐ Don't know
e)	be a fit and proper person?	☐ Yes ☐ No ☐ Don't know
f)	other?	☐ Yes ☐ No ☐ Don't know
	If yes, please provide details.	

	A. Licensing system for the sale of tobacco products	
Q2	Do you have any other comments on the licensing system for the sale of tobacco products?	☐ Yes ☐ No

	B. Licensing system for the sale of non-medicinal nicotine delivery systems (including e-cigarettes)	
Q3	In addition to compliance with this legislation and the relevant articles in the *Tobacco Products Directive* (2014/40/EU), what criteria should an applicant applying for a licence to sell non-medicinal nicotine delivery systems (including e-cigarettes) fulfil: - for example, should an applicant:	
a)	be over 18 years of age?	☐ Yes ☐ No ☐ Don't know
b)	provide proof of identity and age?	☐ Yes ☐ No ☐ Don't know
c)	be tax compliant?	☐ Yes ☐ No ☐ Don't know
d)	hold a valid Revenue Commissioner business identifier?	☐ Yes ☐ No ☐ Don't know
e)	be a fit and proper person?	☐ Yes ☐ No ☐ Don't know
f)	other?	☐ Yes ☐ No ☐ Don't know
	If yes, please provide details.	

	B. Licensing system for the sale of non-medicinal nicotine delivery systems (including e-cigarettes)	
Q4	Do you have any other comments on the licensing system for the sale of non-medicinal nicotine delivery systems (including e-cigarettes)?	☐ Yes ☐ No
	If yes, please provide details.	

	C. Prohibition of the sale of tobacco products from self-service vending machines	
Q5	What impacts, if any, would the prohibition of the sale of tobacco products from self-service vending machines have?	

	C. Prohibition of the sale of tobacco products from self-service vending machines	
Q6	Do you have any other comments on the prohibition of the sale of tobacco products from self-service vending machines?	☐ Yes ☐ No
	If yes, please provide details.	

	D. Prohibition of the sale of tobacco products from temporary or mobile units/containers	
Q7	What impacts, if any, would the prohibition of the sale of tobacco products from temporary or mobile units/containers have?	

	D. Prohibition of the sale of tobacco products from temporary or mobile units/containers	
Q8	Do you have any views on the types of temporary or mobile units/containers which should be included in this provision?	☐ Yes ☐ No ☐ Don't know
	If yes, please provide details.	

	D. Prohibition of the sale of tobacco products from temporary or mobile units/containers	
Q9	Do you have any other comments on the prohibition of the sale of tobacco products from temporary or mobile unit/containers?	☐ Yes ☐ No
	If yes, please provide details.	

	E. Prohibition of the sale of tobacco products at events/locations primarily intended for persons under 18 years of age	
Q10	What impacts, if any, would the prohibition of the sale of tobacco products at events/locations primarily intended for persons under 18 years of age have?	

	E. Prohibition of the sale of tobacco products at events/locations primarily intended for persons under 18 years of age	
Q11	Do you have any views on the types of events/locations which should be included in this provision?	☐ Yes ☐ No ☐ Don't know
	If yes, please provide details.	

	F. Prohibition of the sale of tobacco products at events/locations primarily intended for persons under 18 years of age	
Q12	Do you have any other comments on the prohibition of the sale of tobacco products at events/locations primarily intended for persons under 18 years of age?	☐ Yes ☐ No
	If yes, please provide details.	

	F. Prohibition of the sale of tobacco products by persons under 18 years of age	
Q13	What impacts, if any, would the prohibition of the sale of tobacco products by persons under 18 years of age have?	

	F. Prohibition of the sale of tobacco products by persons under 18 years of age	
Q14	Do you have any other comments on the prohibition of the sale of tobacco products by persons under 18 years of age?	☐ Yes ☐ No
	If yes, please provide details.	

	G. Prohibition of the sale of non-medicinal nicotine delivery systems (NMNDS), including e-cigarettes by persons under 18 years of age	
Q15	What impacts, if any, would the prohibition of the sale of NMNDS by persons under 18 years of age have?	

	G. Prohibition of the sale of NMNDS by persons under 18 years of age	
Q16	Do you have any other comments on the prohibition of the sale of NMNDS by persons under 18 years of age?	☐ Yes ☐ No
	If yes, please provide details.	

	G. Prohibition of the sale of NMNDS to persons under 18 years of age	
Q17	What impacts, if any, would the prohibition of the sale of NMNDS to persons under 18 years of age have?	

	G. Prohibition of the sale of NMNDS <u>to</u> persons under 18 years of age	
Q18	Do you have any other comments on the prohibition of the sale of NMNDS <u>to</u> persons under 18 years of age?	☐ Yes ☐ No
	If yes, please provide details.	

	H. Minimum suspension periods for retailers convicted of certain offences under tobacco control legislation	
Q19	What impacts, if any, would the introduction of minimum suspension periods for retailers convicted of certain offences have?	

	H. Minimum suspension periods for retailers convicted of certain offences under tobacco control legislation	
Q20	Do you have any views on the length of minimum suspension periods which should be imposed on conviction?	☐ Yes ☐ No
	If yes, please provide details.	

	H. Minimum suspension periods for retailers convicted of certain offences under tobacco control legislation	
Q21	Should different offences under tobacco control legislation carry different periods of suspension?	☐ Yes ☐ No
	If yes, please provide details.	

	H. Minimum suspension periods for retailers convicted of certain offences under tobacco control legislation	
Q22	Do you have any other comments on the introduction of minimum suspension periods for retailers convicted of certain offences?	☐ Yes ☐ No
	If yes, please provide details.	

In addition to the legislative measures outlined in sections A to H in the consultation paper, the Department is also seeking views on the following questions.

	(i) Fixed penalty notices (on the spot fines) for certain offences under tobacco control legislation	
Q23	What impacts, if any, would the introduction of fixed penalty notices (on the spot fines) for certain offences have?	

	(i) Fixed penalty notices (on the spot fines) for certain offences under tobacco control legislation	
Q24	Do you have any views on the fixed penalty amounts which should be imposed?	☐ Yes ☐ No
	If yes, please provide details.	

	(i) Fixed penalty notices (on the spot fines) for certain offences under tobacco control legislation	
Q25	Should different offences under tobacco control legislation carry different fixed penalty amounts?	☐ Yes ☐ No
	If yes, please provide details.	

	(i) Fixed penalty notices (on the spot fines) for certain offences under tobacco control legislation	
Q26	Do you have any other comments on the introduction of fixed penalty notices (on the spot fines) for certain offences?	☐ Yes ☐ No
	If yes, please provide details.	

	(ii) Publication of information in respect of any person on whom a fine, other penalty or conviction is imposed by a court or pursuant to fixed penalty notices ('name and shame')	
Q27	What impacts, if any, would the publication of information in respect of any person on whom a fine, other penalty or conviction is imposed by a court or pursuant to fixed penalty notices ('name and shame') have?	

	(ii) Publication of information in respect of any person on whom a fine, other penalty or conviction is imposed by a court or pursuant to fixed penalty notices ('name and shame')	
Q28	What information should be published?	

	(ii) Publication of information in respect of any person on whom a fine, other penalty or conviction is imposed by a court or pursuant to fixed penalty notices ('name and shame')	
Q29	Do you have any other comments on the publication of information in respect of any person on whom a fine, other penalty or conviction is imposed by a court or pursuant to fixed penalty notices ('name and shame')?	☐ Yes ☐ No
	If yes, please provide details.	

How to respond

Responses should be posted to:

Tobacco & NMNDS Consultation
Tobacco and Alcohol Control Unit
Department of Health
Hawkins House
Hawkins Street
Dublin 2

The closing date for views is Friday, 16th January 2015. Responses postmarked the closing date will be accepted. Hand-delivered responses can be accepted up to the close of business on that day. **Late or anonymous submissions will not be accepted.**

How your response will be used

The information collected through online or hard copy questionnaires will inform the drafting of legislation in relation to sale of tobacco products and non-medicinal nicotine delivery systems, including e-cigarettes. A consultation report will be prepared and published this on the Department's website.

Freedom of Information

All submissions received by the Department are subject to the Freedom of Information (FOI) Act and may be released in response to an FOI request. The Department publishes responses to FOI requests online. More information on FOI is available on www.health.gov.ie.

Data Protection

Personally identifiable information supplied by a respondent to the Department will be held in accordance with Data Protection Act 1988, and the Data Protection Amendment Act, 2003. We will keep it only for explicit and legitimate purposes, process it only in ways compatible with the purposes for which it was given to us initially, keep it safe and secure, and retain it no longer than is necessary. More information on Data Protection is available on www.health.gov.ie.

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