

### 3. Public Health (Tobacco) (Amendment) Bill 2015 – First Reading approved

Mr Coleman to move:

*That the Public Health (Tobacco) (Amendment) Bill 2015 be read a first time.*

**The President:** We proceed then to what should be Item 3 in that case, the Public Health (Tobacco) (Amendment) Bill for First Reading.

I call on the Hon. Member, Mr Coleman.

**Mr Coleman:** Thank you, Madam President.

I am pleased to move the First Reading of the Public Health (Tobacco) (Amendment) Bill for the Department of Health and Social Care.

The Isle of Man Tobacco Strategy states that everything possible should be done to prevent young people from easily accessing cigarettes, and one of the key policy drivers of the Public Health (Tobacco) Act 2006 was to reduce the visibility of tobacco products.

The Department of Health and Social Care has recognised the success of the 2006 Act in reducing the use of tobacco products on the Island and protecting people from second-hand smoke and, as a consequence, in reducing the burden of ill health. However, more needs to be done to shield people, and particularly young people, from the influence of tobacco product promotion in order to achieve a further reduction in the numbers taking up smoking, and to provide a public health incentive to existing consumers to further reduce their consumption.

The aim of this Bill therefore, is primarily to extend the provisions of part 1 of the 2006 Act to introduce further controls to ban tobacco advertising, tobacco displays and the sale of tobacco products from vending machines.

There is good evidence that tobacco advertisements and cool, fun and attractive displays do influence young people to take up smoking, and studies have shown that impulse buying of tobacco products as a result of seeing a display remains high, especially amongst young people.

There is also international concern that underage sales of tobacco products are increasingly being made from self-service vending machines, which are often not directly supervised, with no routine age checks prior to purchase.

Additional controls have already been established in the United Kingdom legislation to further restrict tobacco advertising, and this includes online advertising and displays, and to ban tobacco vending machines. The Department felt that similar controls were appropriate for the Isle of Man.

A comprehensive public consultation exercise was undertaken in 2012 and the majority of respondents supported these further controls, so the Department obtained Council of Ministers' approval for a Bill to be drafted.

As part of the same consultation exercise, the Department also asked the public for their views on introducing legislation to ban smoking in cars when children were present. This was also supported and the Council of Ministers subsequently supported proposals for new regulations to be introduced by the Department of the Environment, Food and Agriculture, to this effect.

Following discussions with the Department of Home Affairs, it was proposed and subsequently agreed with the Council of Ministers that, in order to reduce the cost of enforcement and to increase the likelihood of enforcement action, provision should be made and included in part 2 of the Act for fixed penalties to be imposed for smoking offences, where appropriate, as an alternative to court action.

Madam President, I beg to move that the Public Health (Tobacco) (Amendment) Bill be read for the first time.

**The President:** The Hon. Member, Mr Henderson.

**Mr Henderson:** Gura mie eu, Eaghtyrane.  
I beg to second and reserve my remarks.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President.

I think this is the latest in the journey on this subject, I think there are some very good provisions in there and the Member touched on regulations to do with smoking in cars when children are present – I think that is long overdue, really.

I had the opportunity to chat briefly to the Member before, who clarified a couple of minor technical bits, so I will not go over that again because I do not really think it is relevant to the debate.

I would just like to comment that policing the internet, of course, is a *very* difficult task and I understand – maybe the Member can confirm – that what this does is it enables Isle of Man-based entities to come under the EU legislation to prevent them from advertising the products in other EU states; but it does not obviously catch worldwide, because of issues basically surrounding the internet and the fact that this is assisting in European law.

I just wondered though whether he was aware through wider discussions while putting this Bill together, whether the likes of Google who do the Google ads, for example, have been co-operating with the EU in ensuring that these products are not targeted? Unlike the old days, adverts can now be personalised down to the individual so in enforcement it might not be as easy to find out who is advertising to who, because I am sure we have all used the Internet where we have been searching for something and in the next minute, or a day later, adverts appear for similar products that you have been looking for. So it is a very personalised experience and probably a near-impossible task to police – but there again I still support that we should have the provisions in here to make sure there are no loopholes.

Other than that, there are quite a few technical amendments in in this. I thought it was interesting that there are three Departments involved in this particular piece of legislation: promoted by the Department of Health and Social Care, for obvious reasons, and then enforcement provisions by DEFA, and also the discussions with Home Affairs – and I think it is good to see Departments working together in bringing the likes of this legislation through.

The First Reading is not the easiest to understand, so I hope there will be sufficient guidance to the industry because, with all due respect, this has to be technical to make the law but if anybody is to pick this up and really understand what the provisions are, I think it is difficult.

So, again, I think it has important provisions, but I think we have a duty to ensure that we have the need-to-know factsheet going out so that businesses and consumers understand what their rights and responsibilities are. But I support this First Reading.

**The President:** The Hon. Member, Mr Cretney.

**Mr Cretney:** Yes, just briefly to put on the record my support for the proposals, in particular the suggestions about smoking in cars. I remember as a boy, vividly, my father being a heavy smoker and me asking him to stop and open the door of the car because I felt sick in it. I also remember latterly him dying of cancer of the lung, and so I think that this is well overdue measure – given my age – and I welcome it.

**The President:** Mr Coleman to reply.

**Mr Coleman:** Thank you, Madam President.

Firstly, can I thank my seconder, the Hon. Member of Council, Mr Henderson.

Reverting to Mr Turner's comments and I thank him for his support for the Bill overall. It *is* a technical Bill and when the regulations and the detail come into play, then I am certain that the

amount of information provided to those who are directly affected – shopkeepers and people like that – and also internet people on the Island, will be provided with the information about the detail of this particular part of the Act.

I am not aware – and I do not think we are aware – whether the major online companies have been contacted from the Isle of Man, but much of this legislation comes from the UK. Similar legislation has been passed in Wales and Scotland and England – which is the UK, I suppose – but we will find that information out and we will let you know at Second Reading, if that is okay?

I thank Mr Cretney for his comments and support – and I too had to suffer in the same way that you did. You felt a bit like a kipper in a smoke box, which is essentially what it is.

So, thanking the speakers for their support, I would like to move the Public Health (Tobacco) (Amendment) Bill.

**The President:** Hon. Members, the motion is that the Bill be read a first time. Those in favour, please say aye; against no. The ayes have it. The ayes have it.

Hon. Members, that concludes our business for this morning. Council will now adjourn, the adjournment will be until next week.

The Clerk has asked if you would just briefly stay for a few minutes after the sitting, just to discuss the Tynwald Day procession.

So, I will not formally leave the room, but the Council is now adjourned.