



# Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

2016 asp 14

## PART 1

### TOBACCO, NICOTINE VAPOUR PRODUCTS AND SMOKING

#### CHAPTER 1

##### SALE AND PURCHASE OF TOBACCO AND NICOTINE VAPOUR PRODUCTS

###### *Nicotine vapour products*

### 1 Nicotine vapour products

After section 35 of the 2010 Act insert—

#### **“35A Meaning of “nicotine vapour product”**

- (1) In this Part, a “nicotine vapour product” is—
- (a) a device which is intended to enable the inhalation of nicotine-containing vapour by an individual,
  - (b) a device which is intended to enable the inhalation of other vapour by an individual but is intended to resemble and be operated in a similar way to a device within paragraph (a),
  - (c) an item which is intended to form part of a device within paragraph (a) or (b),
  - (d) a substance which is intended to be vaporised by a device within paragraph (a) or (b) (and any item containing such a substance).
- (2) But the following are not nicotine vapour products—
- (a) a tobacco product,
  - (b) a smoking related product,

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**Changes to legislation:** *There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Cross Heading: Nicotine vapour products. (See end of Document for details)*

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- (c) a medicinal product (within the meaning of the Human Medicines Regulations 2012 (S.I. 2012/1916)),
- (d) a medical device (within the meaning of the Medical Devices Regulations 2002 (S.I. 2002/618)).”.

**Annotations:**

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**Commencement Information**

**II** [S. 1](#) in force at 6.2.2017 by [S.S.I. 2017/12](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016, Cross Heading: Nicotine vapour products.