



NNA Briefing on the Proposed Ban of Vaping in Public Places

Why a Public Vaping Ban Is disproportionate, unscientific, and counterproductive

1. There is no evidence of material harm to bystanders

Successive UK government-commissioned evidence reviews have found no meaningful health risk from second-hand vaping exposure:

- In 2015, **Public Health England** concluded that e-cigarettes release “*negligible levels of nicotine into ambient air with no identified health risks to bystanders.*”¹
- Its 2018 update again found “*no identified health risks of passive vaping.*”²
- In 2022, **the Office for Health Improvement and Disparities** reported that vaping produces little or no side-stream emissions and that acute second-hand exposure does not result in detectable levels of nicotine or toxicant biomarkers in non-users.³

The consistent conclusion: if any effect exists, it is too small to detect and not sufficient to justify prohibition.

2. The proposal contradicts previous government guidance

Public Health England explicitly warned against treating vaping the same as smoking, noting that such an approach risks undermining harm reduction and may deter smokers from switching.⁴

A key recommendation of the report was that “*it is never acceptable to require vapers to share the same outdoor space with smokers.*” A blanket public ban does exactly that.

3. It undermines the government’s own smoke-free ambitions

The 2022 independent review by **Javed Khan** urged government to actively promote vaping as a tool to make smoking obsolete, recognising that while not risk-free, it is far safer than combustible tobacco.⁵

Treating vaping identically to smoking directly contradicts that recommendation and sends a misleading public signal that the risks are equivalent.

4. It risks perpetuating smoking

The **Royal College of Physicians** warned in 2016 that over-precautionary regulation that makes vaping less accessible or acceptable “*causes harm by perpetuating smoking.*”⁶

A public vaping ban reinforces the false perception that vaping is as harmful as smoking, reduces the relative advantage of switching, and discourages smokers from moving to lower-risk alternatives. The predictable consequence is continued combustible tobacco use.

5. It conflicts with existing government policy

The UK government's "**Swap to Stop**" programme provides free vapes through stop-smoking services to encourage switching.⁷ Simultaneously banning vaping in public spaces creates a contradictory and confusing message.

One arm of government promotes switching, another signals that vaping is socially unacceptable.

6. It fails the test of proportionality

In a liberal democracy, restrictions on personal behaviour must be proportionate to demonstrable harm.

There is:

- No clear evidence of measurable bystander risk
- No scientific justification for equating vaping with smoking
- No public-health emergency requiring sweeping prohibition

7. Regulations which place restrictions on vaping cause harm

Epidemiological science consistently shows that restrictions placed on vaping products cause harm due to compensatory smoking behaviour.

- Research into e-cigarette indoor vaping restrictions, as proposed by the UK government, found a consequential increase in infant mortality of between 12.9% and 34.1%.⁸
- Journal of Risk and Uncertainty research estimated that a US-wide e-cigarette tax would result in 2.7 million more adult daily smokers and over half a million more teen smokers.⁹
- A Yale School of Medicine study found that bans on vape flavours caused a 2.2 percentage point increase in daily smoking among youth.¹⁰

8. It will further exacerbate public misperceptions of harm

The latest survey by **Action on Smoking and Health** found that 56% of the public incorrectly believe vaping is as or more harmful than smoking and that misperceptions are highest among smokers who have never vaped.¹¹ These misconceptions have "risen sharply each year" since 2022. Policymakers should recognise that public understanding of the relative risks of vaping compared with smoking is already significantly flawed, especially among smokers who do not use vapes. Introducing further restrictions, particularly measures that treat vaping in the same way as combustible tobacco, risks reinforcing the mistaken belief that the two carry similar levels of harm. If smokers conclude there is little or no health advantage to switching, they are less likely to attempt it which will deter cessation and perpetuate smoking.

9. It damages the UK's global leadership in harm reduction

The UK has long been recognised internationally for adopting evidence-based tobacco harm reduction. Reversing course now, without significant evidence, risks reputational harm and policy incoherence.

10. Impact on property rights and the hospitality sector

A statutory ban on vaping in public places, absent evidence of material harm to bystanders, would represent an unjustified intrusion into the rights of private business owners, particularly in the hospitality sector.

Pubs, restaurants and cafés are privately owned premises that already operate under extensive regulation. At present, proprietors can decide whether to permit or restrict vaping, allowing them to respond to customer preferences and local circumstances. Many venues have voluntarily adopted their own policies. A blanket national prohibition would remove that discretion without clear justification.

Unlike smoking, which was banned indoors due to risks from second-hand smoke, government-commissioned reviews have found no identified material health risk to bystanders from vaping aerosol.

In these circumstances, extending smoke-free laws to vaping amounts to unnecessary state overreach into lawful business operations.

Conclusion

A public vaping ban would not protect bystanders from demonstrable harm. It would:

- Confuse public understanding of relative risk
- Discourage smoking cessation
- Reinforce misinformation
- Potentially increase smoking-related disease and death
- Remove property rights for no justifiable reason

This proposal is not evidence-based public health policy. It is disproportionate and counterproductive.

Policymakers should rethink and instead reaffirm a commitment to risk-proportionate regulation that supports smokers to move away from combustible tobacco.

¹ E-cigarettes: an evidence update A report commissioned by Public Health England
https://assets.publishing.service.gov.uk/media/5b6c3f57ed915d30f140f822/E-cigarettes_an_evidence_update_A_report_commissioned_by_Public_Health_England_FINAL.pdf

² Evidence review of e-cigarettes and heated tobacco products 2018 A report commissioned by Public Health England
https://assets.publishing.service.gov.uk/media/5a981c6740f0b67aa27253cc/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf

³ Office of Health Improvement and Disparities: Nicotine vaping in England: 2022 evidence update.
<https://www.gov.uk/government/publications/nicotine-vaping-in-england-2022-evidence-update>

⁴ Public Health England: Use of e-cigarettes in public places and workplaces
<https://assets.publishing.service.gov.uk/media/5c2f5412e5274a6599225de8/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF>

- ⁵ Javed Khan: Making smoking obsolete: summary. 25 August 2022. <https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete/making-smoking-obsolete-summary>
- ⁶ Royal College of Physicians: Nicotine without smoke Tobacco harm reduction, April 2016. https://www.rcp.ac.uk/media/xcfa14ed/nicotine-without-smoke_0.pdf
- ⁷ Smokers urged to swap cigarettes for vapes in world first scheme, April 2023. <https://www.gov.uk/government/news/smokers-urged-to-swap-cigarettes-for-vapes-in-world-first-scheme>
- ⁸ The effect of E-cigarette indoor vaping restrictions on infant mortality - Cooper - 2024 - Southern Economic Journal - Wiley Online Library. <https://onlinelibrary.wiley.com/doi/abs/10.1002/soej.12564>
- ⁹ The effects of traditional cigarette and e-cigarette tax rates on adult tobacco product use, July 2020. <https://link.springer.com/article/10.1007/s11166-020-09330-9>
- ¹⁰ Flavored E-Cigarette Sales Restrictions and Young Adult Tobacco Use, December 2024. <https://jamanetwork.com/journals/jama-health-forum/fullarticle/2828404>
- ¹¹ Use of vapes (e-cigarettes) among adults in Great Britain, ASH UK, July 2025. <https://ash.org.uk/resources/view/use-of-e-cigarettes-among-adults-in-great-britain>