

Public Health (Single-use Vapes) Bill 2025

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Abstract

The Public Health (Single-use Vapes) Bill 2025 seeks to ban the sale of single-use vapes. This Digest considers the policy background and analyses the provisions of the Bill.

This is a revised edition of this Digest, published on 12 February 2026 (the original publication date was 5 December 2025). Some text has been amended. Previous versions should be disregarded.



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Executive Summary

The [Public Health \(Single-use Vapes\) Bill 2025](#) (the Bill) was published on 27 November 2024.

The Bill aims to ban the sale of disposable or single-use vapes. The term 'sale' includes giving disposable vapes away for free.

The purpose of the Bill is to protect the health of the population, in particular children and young people. A further policy goal is to reduce the environmental impact of vaping.

About 7% of adults vape daily. Most vapers are smokers or ex-smokers. Among children and younger people the rates are higher, with 13% of 12 to 17 year-olds reporting they are current vapers (vaped in the last 30 days) in one study and 16% of 15 to 16 year-olds in another. No Irish data is available on the type of vapes used by different groups.

The Government considers the control of e-cigarettes to be a public health issue. Though evidence is still developing, the HSE points to the negative health impacts of vaping. There are particular concerns about vaping 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 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 evidence in this area, around health risks versus effectiveness and benefits of vaping as a tool for smokers to quit, is debated.

Single-use vapes are a source of litter and considered an environmental hazard in terms of production and waste of plastic and a fire risk in waste streams if not disposed of safely. In 2024, over 25 tonnes of vape devices were collected for recycling which equates to 1.1 million devices. It has been reported that in the same year 31 million vapes were sold.

Currently vapes 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 the 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 vape retailers is due to come into effect in February 2026.

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.

Stakeholder commentary shows that there are a range of views on the regulation of e-cigarettes. Typically, public health lobby groups favour a ban on single-use vapes while some industry representatives warn of its potential to undermine the efforts of smokers to quit and to drive sales to the black market, with no regulation of product safety. The legally binding Framework Convention on Tobacco Control restricts the presentation of stakeholder commentary from the tobacco industry and its associated groups.

Internationally, there is great variation in how different countries have approached the regulation of e-cigarettes. Belgium, France and the UK have banned sales of single-use vapes.

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

Under single market rules the Public Health (Single-Use Vapes) Bill will require notification at EU level for assessment under the Technical Standards Directive (Directive 2015/1535) and the Tobacco Products Directive (Directive 2014/40/EU).

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 anticipated in the forthcoming Public Health (Nicotine Inhaling Products) Bill. This would go towards funding the necessary staffing posts and training (40 whole-time equivalents).

PRS Resources

- **Policy and Legislative Briefing Paper** (revised edition, February 2026) on the **General Scheme** of the Public Health (Nicotine Inhaling Products) Bill. The provisions in the current Bill are similar to those in Part 3 of the General Scheme and are considered in this Briefing Paper.
- **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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Introduction

This *Bill Digest* examines the provisions of and context to the Public Health (Single-use Vapes) Bill 2025 (the ‘Bill’). The Bill was published on 27 November 2025. The Oireachtas Joint Committee on Health waived Pre-legislative Scrutiny of the General Scheme.

The purpose of the Bill is to ban the sale of single-use vapes in Ireland.

On publication of the Bill, the Minister for Health, Jennifer Carroll MacNeill TD, said that the measures in the current Bill would operate in concert with forthcoming proposed legislation to further regulate nicotine inhaling products (commonly known as vapes), nicotine pouches and other nicotine products that may come to the market. 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.”¹

Besides protecting children, a further policy goal of the Bill is environmental protection. Addressing this in September 2024, then Minister of State at the Department of the Environment, Climate and Communications, Ossian Smyth, TD, emphasised:

“Single-use vapes are a challenge in the context of waste management and are a wasteful use of critical raw materials. They are also very damaging to the environment when discarded as litter.”²

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;
- Broader policy context;
- Legislative proposal; and
- Conclusion

In addition to the current Bill, a related Bill is included on the Government’s [Legislation Programme for Autumn 2025](#): The Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Bill. The [General Scheme](#) of this Bill included provisions (in Part 3) that are similar to those now set out in the Public Health (Single-use Vapes) Bill 2025 [and](#) provisions to further regulate e-cigarettes in relation to packaging, display, advertising and flavours.

¹ 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.

² Department of Health (2024a) [Press release: Minister for Health secures Government approval to introduce greater restrictions on vapes](#). 10 September 2024.

The Parliamentary Research Service has published a **Policy and Legislative Briefing Paper** (November 2025) on this General Scheme. It looks in 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](#).

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

This *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 a legally binding treaty (the **WHO Framework Convention on Tobacco Control** (FCTC)), which Ireland has ratified. 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 Health³ 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.⁴ The influence of tobacco companies has been recognised as having the potential to be detrimental to public health measures aiming to control tobacco.⁵

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."*⁶

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

³ Department of Health (undated) *Guidance for Public Representatives and Officials on Interaction with the Tobacco Industry*.

⁴ Saloojee, Y and Degli, E (2000) *Tobacco industry tactics for resisting public policy on health*, *Bulletin of the World Health Organization*, 78(7).

⁵ WHO Framework Convention on Tobacco Control – Guidelines for implementation (2011), p.5.

⁶ World Health Organization (2024) *Tobacco: E-cigarettes: Questions and Answers webpage*.

Context to the Bill

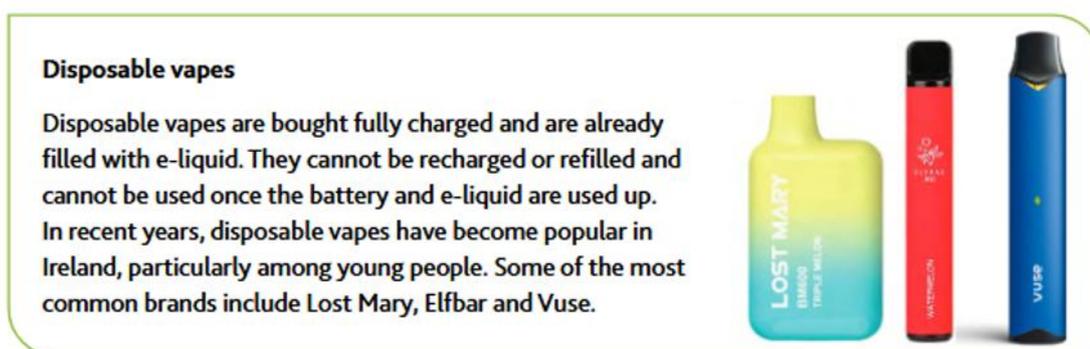
This section gives an overview of the policy and legislative background to the Bill. The analysis here is supported by the Parliamentary Research Service's **Policy and Legislative Briefing Paper** (November 2025) on the relevant General Scheme. It is recommended to read the Policy and Legislative Briefing Paper in conjunction with this Bill Digest where the reader is seeking more substantive policy and legislative context.

What are vapes?

An e-cigarette is a device which vaporises and delivers a chemical mixture known as an 'e-liquid' to the lungs in the form of an aerosol.⁷ They are commonly known as vapes. They may or may not contain nicotine. Some e-cigarettes are made to look like regular cigarettes, cigars or pipes. Some look like pens, USB sticks and other everyday items, while others have a tank-style shape with a mouthpiece.

Disposable vaping devices are e-cigarettes that are not rechargeable or refillable. They are commonly known as single-use vapes.⁸ Users dispose of them after a short period of use. Some examples are shown in Figure 1 below.

Figure 1: Image and description of disposable vapes



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

⁷ Health Research Board (2025) [Fact Sheet – Smoking and Vaping: The Irish Situation](#).

⁸ A consultation on the regulation of single-use vapes was undertaken by the Department of the Environment, Climate and Communications (published October 2023).

Policy and Legislative background

Rates of vaping

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

No. of vapes sold and volume recycled

There are no official data available on the volume of sales on disposable vapes.

However, in 2024 over 25 tonnes of e-cigarette and vape devices were collected for recycling, which equates to over 1.1 million devices.⁹ This is the total – no breakdown on disposable versus re-usable devices is available.

RTÉ has reported that 31 million vapes were sold in Ireland in 2024.¹⁰

In 2023 data published in the *Irish Times* showed that sales of vapes more than quadrupled between 2021 and 2023. The newspaper reported Nielsen IQ¹¹ data showing an increase in sales from 5.6 million units in the year to May 2021 to 26.3 million in the year to May 2023.¹²

The same newspaper reported that the value of vapes sold in Ireland in the year to May 2023 was more than €200 million (again citing Nielsen IQ data).¹³

In 2024 over 25 tonnes of e-cigarette and vape devices were collected for recycling, which equates to over 1.1 million devices.

Health impact of vaping

The Government considers the control of e-cigarettes to be a public health issue. Though evidence is still developing, the HSE points to the negative health impacts of vaping. There are particular concerns about vaping by children and young people, especially those who have never smoked cigarettes. The HSE advises against both vaping and smoking.¹⁴ According to the HSE, the risks and negative health effects linked with vaping include:

- nicotine dependence

⁹ <https://www.weeeireland.ie/wp-content/uploads/pdfs/WEEE-Ireland-environmental-report-2024-v4.pdf>

¹⁰ <https://www.rte.ie/news/2025/0616/1518661-weee-recycling-report/>

¹¹ Nielsen IQ is a consumer and market research company.

¹² Irish Times (2023) 'It's the biggest spread of addiction this country has ever seen': Regulatory noose tightens on vaping. 30 June 2023.

¹³ Irish Times (2023) *as before*. 30 June 2023.

¹⁴ HSE webpage, *Vaping (using e-cigarettes)*.

- sleep problems
- mental health difficulties, such as anxiety
- damage to your heart, lungs and blood vessels
- exposure to toxins
- injuries from batteries or nicotine poisoning - though this is less common¹⁵

However, available evidence indicates that vaping is safer than smoking¹⁶, albeit that the long-term impacts of vaping are not yet understood.

Harm-reduction

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 evidence in this area, around health risks versus benefits of vaping as a tool for smokers to quit, is debated.¹⁷ Different perspectives on this evidence impacts views of the appropriate type and level of regulation for vapes.¹⁸

Current regulation and policy

Currently vapes are regulated at EU level, under the Tobacco Products Directive, in relation to safety and quality, and packaging and labelling rules, amongst other things.¹⁹ At 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 vape retailers is due to come into effect in February 2026.²⁰ 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.²¹

Due to its potential to interfere with the operation of the single market, the Public Health (Single-Use Vapes) Bill will require notification at EU level for assessment under the Technical

¹⁵ HSE webpage, Vaping (using e-cigarettes). <https://www2.hse.ie/living-well/quit-smoking/vaping/>.

¹⁶ Lindson N, *et al.* *Electronic cigarettes for smoking cessation*. Cochrane Database of Systematic Reviews 2025, Issue 1.

¹⁷ Joint Committee on Health (2022) *Report on Pre-Legislative Scrutiny of the General Scheme of the Public Health (Tobacco and Nicotine Inhaling Products) Bill 2019*. p.29-31. Also: Royal College of Physicians (UK) (2024) *E-cigarettes and harm reduction: An evidence review*. Beaglehole, R and Bonita, R (2024) *Harnessing Tobacco Harm Reduction*. *The Lancet*. Volume 403, Issue 10426, 10–16 February 2024, pages 512-514.

¹⁸ See: Brooke Campus, Patrick Fafard, Jessica St. Pierre, Steven J. Hoffman (2021) *Comparing the regulation and incentivization of e-cigarettes across 97 countries*, *Social Science & Medicine*, Volume 291, 114187.

¹⁹ EU Tobacco Products Directive regulates some aspects of e-cigarettes, including minimum standards of safety and packaging and labelling. See: https://health.ec.europa.eu/tobacco/product-regulation/electronic-cigarettes_en.

²⁰ Under the *Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023*.

²¹ Department of Health (2025) *Press release: Ministers for Health introduce licensing system for tobacco and vapes*.

Standards Directive (Directive 2015/1535) and the Tobacco Products Directive (Directive 2014/40/EU).

Beyond regulation, a new tax, the E-liquids Product Tax (EPT), came into effect on 1 November 2025.²² This aims to increase the price of vapes, with a view to making them less affordable - in particular for children.²³

Specific policy concerns with single-use vapes

The Bill provides for a ban on the sale of disposable or 'single-use' vapes. The use of single-use vapes raises two specific policy concerns – their use by young people and their environmental impact.

In terms of use, Irish data do not break down sale or usage by product type/group of users.²⁴ Nonetheless, the relatively low price of some disposable vapes is a concern of policy-makers.²⁵

Single-use vapes are a source of litter and are considered an environmental hazard in terms of the production and disposal of plastic, and a fire risk in waste streams if not disposed of safely. Particular issues are the use of lithium-ion batteries in the devices, as these can be a risk to the health and safety of waste collection workers and others. When damaged, short-circuited, or overheated, these batteries can catch fire.²⁶ The Department of Environment, Climate and Communications²⁷ has also highlighted that the use of critical raw materials and plastic in a disposable product is wasteful.²⁸

Like any used electronic item, vape devices can and should be recycled at the end of their life cycle. Retailers are obligated to take vape devices back on a one-for-one, like-for-like basis in-store or on delivery.²⁹ However, there is some indication that many vapers do not know how to dispose of them safely.³⁰

According to HSE a resource:

- Disposable e-cigarettes typically cost €8 each.
- Tank style e-cigarettes can cost from around €30 to €100 or more.

Source: **HSE**, prices from 2024, prior to the introduction of the **E-liquid Product Tax** in November 2025.

²² Department of Finance (2025) [Press release: Minister Donohue signs commencement order for the e-liquids product tax](#). 25 September 2025.

²³ Department of Finance (2025) [as before](#).

²⁴ Royal College of Physicians Ireland (2023) [Position Paper on Disposable Vapes and Young People](#).

²⁵ Department of Finance (2025) [as before](#).

²⁶ Department of Environment, Climate and Communications (2023) [Public Consultation Summary: Public consultation on Disposable Vaping Devices](#). p.2-3.

²⁷ Now the [Department of Climate, Energy and Environment](#).

²⁸ Department of Environment, Climate and Communications (2023) [as before](#).

²⁹ WEEE Ireland (2025) [Annual Environmental Report 2024](#). See also: <https://www.weeireland.ie/vape-e-cigarette-device-recycling/>.

³⁰ See: Landbell Group (2023) [ERP Research shows majority of vapers unclear on recycling options](#). See also appendix to Department of the Environment, Climate and Communication's report on the Public consultation on Disposable Vaping Devices.

Stakeholder commentary

Stakeholder commentary indicates that there are a range of views on the regulation of e-cigarettes in general, and specific to disposable vapes.

A particular issue is protecting children and young people from vaping harms and concern that vaping leads to nicotine addiction and tobacco-use. The introduction of a ban on disposable vapes is supported by organisations such as the Irish Heart Foundation,³¹ the Royal College of Physicians, Ireland,³² and Engineers Ireland³³.

A consultation by the Department of Environment, Climate and Communications received 3,243 responses/submissions. Of these, 86% of participants agreed that single-use vapes were an environmental concern and 85% supported a ban.³⁴ However, some caution should be applied to interpreting these data as they are not nationally representative. Indeed, the consultation had a very high concentration of responses (47% of the total) from one county (Mayo).³⁵

Arguments against a similar 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).³⁶ It argued that banning single-use vapes in the UK could result in:³⁷

- Higher smoking rates as fewer smokers would take up vaping instead of smoking. Also, some current vapers may return to smoking.
- Growth in the 'black market' for vapes with unregulated products, illegally sold, taking the place of the banned products.

However, not all industry stakeholders oppose the ban. The Irish Vape Vendors Association has argued in its favour.³⁸

As noted above, in order to comply with the FCTC, this *Digest* does not represent the views or inputs of the tobacco industry or any person/business acting on its behalf.

³¹ <https://irishheart.ie/news/new-research-reveals-support-for-a-ban-on-the-sale-of-disposable-electronic-cigarettes/>

³² Royal College of Physicians, Ireland. (2023) [Position paper on Disposable vapes and young people.](#)

³³ https://www.engineersireland.ie/LinkClick.aspx?fileticket=FU3xQYDgY_4%3D&portalid=0&resourceView=1

³⁴ Department of Environment, Climate and Communications (2023) as before.

³⁵ Department of Environment, Climate and Communications (2023) as before.

³⁶ NOTE: This is a UK based organisation, the UK Vaping Industry Association (UKVIA). Its original membership 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/>).

³⁷ UKVIA (undated online statement, c. January 2024) [UKVIA Response to the Government's Disposable Vape Ban & Other Measures.](#)

³⁸ See [Opening Statement to the Joint Committee on Health](#), February 2022.

The **Policy and Legislative Briefing Paper on the General Scheme** of this Bill looks at the issue of the tobacco industry's record of resisting regulation.

International comparison

Internationally, there is great variation in how different countries have approached the regulation of e-cigarettes. Some countries, such as India, Brazil and Thailand, ban all e-cigarettes, while in Australia³⁹ only pharmacies can legally sell vapes.⁴⁰

Some other jurisdictions have put in place measures similar to those proposed in the current Bill. In 2025, Belgium and France introduced bans on single-use vapes.⁴¹

Potential implementation issues

The literature in this area flags some notable implementation issues that may arise in relation to the proposed ban on single-use vapes. The Institute of Public Health (IPH) has made the case that there is poor compliance with current regulations, and there are constraints on enforcement, as follows:

“The HSE has, on several occasions, needed to take...action on disposable e-cigarettes due to products exceeding the permitted amount of nicotine (20mg/ml or 2%), with levels up to 50.4mg/ml detected. Current regulatory measures do not provide for, and are not resourced to, adequately monitor the contents of all e-cigarette products on the Irish market.”⁴²

Further to this, literature from other jurisdictions highlights specific implementation issues. These include arguments, noted above, that a ban would result in an increase in a black market in vapes.⁴³ It follows that this could undermine a ban and may have negative health consequences as devices would not be subject to any oversight.

A further issue reported in the media in England has involved concerns that vape waste has not reduced after the single-use ban was introduced there in June 2025.⁴⁴ In fact, the industry has

³⁹ <https://www.health.gov.au/topics/smoking-vaping-and-tobacco/about-vaping?language=en>. In Australia, a prescription is needed for those aged under 18 years of age (subject to state and territory laws) and for anyone seeking a higher concentration of nicotine than 20 mg/mL.

⁴⁰ See: Brooke Campus, Patrick Fafard, Jessica St. Pierre, Steven J. Hoffman (2021) [Comparing the regulation and incentivization of e-cigarettes across 97 countries](#), *Social Science & Medicine*, Volume 291, 114187.

⁴¹ UK Government Press Release, 24 October 2024, [Government crackdown on single-use vapes](#). And https://www.lemonde.fr/en/france/article/2025/02/13/french-parliament-votes-to-ban-disposable-e-cigarettes_6738129_7.html

⁴² Institute of Public Health (2023) [Correspondence to the Department of Environment Consultation on Single-use Vapes](#).

⁴³ UKVIA (undated online statement, c. January 2024) [UKVIA Response to the Government's Disposable Vape Ban & Other Measures](#).

⁴⁴ BBC News (2025a) [Vapes still causing rubbish fires despite disposable ban, major waste firm says](#). 1 December 2025.

changed some products to cheap refillable devices that users still treat as disposable.⁴⁵ Following a ban on disposable vapes in the UK, the BBC reports:

“Some manufacturers offer products which look very similar to the most popular disposable vape models, come in similar packets, and sell for similar prices.

But because they have a recharging port and a replaceable tank for nicotine-containing liquid, they count as reusable and can still be legally sold.”⁴⁶

⁴⁵ BBC News (2025b) [Vape ban isn't working says waste firm boss](#), 9 September 2025.

⁴⁶ BBC News (2025a) [as before](#).

Legislative proposal

The Public Health (Single-use Vapes) Bill 2025 comprises 20 Sections in three Parts.

Purpose of the Bill

As noted above, the purpose of the Bill is to ban the sale of single-use vapes. It would apply to those with and without nicotine.

Principal provisions of the Bill

This section describes and analyses select provisions of the Bill.

Part 1

Section 1 provides for the short title and commencement, which would be by order of the Minister for Health. Different provisions may be commenced on different dates.

Section 2 provides definitions applicable in the Bill. These include the following definitions:

- **‘Sell’** means, in relation to single-use vapes, to sell by retail (including online), and includes to offer or expose for sale, inviting someone to an offer to purchase, distributing free of charge and supplying single-use vapes for any of these purposes. These would apply whether or not a person was seeking a profit.
- **‘Single-use vape’** means a vape that is not designed or intended to be re-used, and includes any vape that is not refillable or not rechargeable.
- **A vape is not refillable** unless it can be refilled in the normal course of use or can use a container (e.g. a pod) that can be replaced with new container when empty. This pod/container can itself be designed as single-use or disposable.
- **A vape is not rechargeable** if the battery cannot be recharged or the coil is not intended to be replaced, or the item includes a coil as part of a container that cannot be reused and is not separately available for sale.

This means a vape will only be considered reusable, and therefore legal to sell, if it is both rechargeable and refillable (not just one or the other). The explanatory notes to the [General Scheme of the Bill](#), state that for ease of enforcement, the provisions were drafted in a similar way to existing provisions in UK law.

Section 3 provides that the proposed legislation would apply to sales of single-use vapes in the State. It would not apply to medical devices or products, and related accessories.

Section 5 seeks to give the Minister (for Health) power to make regulations in relation to the proposed legislation.

Section 7 provides for a transition period of six months, that is from the time of commencement of s.7. This period is likely to allow for the sale of existing stock of single use vapes.

Part 2

Prohibition on sale of vapes

Section 9 provides that a person shall not sell single-use vapes in the State. And Section 10 would make it an offence to do so. Given the definitions provided in earlier sections, this ban on sales would mean it would be illegal to sell or give away single-use vapes (after the transition period).

This provision differs from that set out in the [General Scheme](#), which provides that in addition to not selling a person shall not “manufacture or import a single-use vape that is intended for sale by retail in the State...” (Head 11 (1)(b)).

The Bill does not seek to ban cross-border sales of single-use vapes. This means that users could make purchases abroad, including online, and bring or arrange to have the vapes brought into the State. The Regulatory Impact Analysis to the Bill sets out this issue, as follows:

“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.”⁴⁷

Authorised officers and their powers

Enforcement is dealt with in section 10 which provides that the HSE shall appoint authorised officers to ensure compliance with the legislation. The authorised officers will be part of the National Environmental Health Service (NEHS).⁴⁸

Section 11 provides for the indemnification of authorised officers. The intention of this section is to provide legal protection to HSE staff when carrying out their duties, and it is in line with provisions found in other similar public health legislation.⁴⁹

Section 12 sets out the powers that would be available to authorised officers.

These include powers to enter premises, to secure premises for later inspection to require certain persons (i.e. a person in charge or employed in certain premises) to give the officer

⁴⁷ Department of Health (2024b) [Regulatory Impact Analysis of the Public Health \(Nicotine Inhaling Products\) Bill](#). This General Scheme includes the provisions in the current bill along with provisions to further regulate nicotine products.

⁴⁸ Department of Health (2024b) [Regulatory Impact Analysis](#).

⁴⁹ See for example: [S.I. No. 271/2016 - European Union \(Manufacture, Presentation and Sale of Tobacco and Related Products\) Regulations 2016](#).

information, to inspect and copy documents or records, to make measurements, photograph or record as necessary.

Authorised officers would, where there is reasonable cause to suspect that there has been a contravention of the legislation, be given the power to remove and keep any vape, article or device or part thereof or books or documents. They would be permitted to keep these for a reasonable period or until any legal proceedings arising were concluded.

These powers are similar to those conferred on environmental health officers to carry out their enforcement roles in relation to other public health legislation, e.g. in the areas of [food safety](#), [sunbeds](#) and [alcohol](#).

Environmental health officers work as part of the HSE's National Environmental Health Service (NEHS), which enforces Irish and EU regulation of tobacco and nicotine inhaling products (vapes). The NEHS already inspects manufacturers, importers, distributors and retailers of vapes and refill containers. Premises are selected for inspection based on intelligence information and complaints received.⁵⁰

It has been reported that the HSE carried out 249 vape-related inspections in 2024. These checks found that 55 of the inspected retailers were selling vapes that breached EU regulations (*Irish Examiner* reporting on data obtained under a Freedom on Information request).⁵¹

Enforcement issues identified by the HSE include products that are mislabelled as containing no nicotine but do contain nicotine⁵² and products on sale that have been found to contain illegal levels of nicotine.⁵³ For more on enforcement see the '*Potential implementation issues*' section above.

The Regulatory Impact Analysis of the Bill indicates that 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 anticipated in the forthcoming Public Health (Nicotine Inhaling Products) Bill.⁵⁴ This would meet the costs of funding 40 whole-time equivalent posts and related training costs.

Enforcement costs are estimated to be €3.1m per year.

This would meet the costs of enforcing the single-use vapes ban and other regulatory measures to be provided for in the forthcoming Public Health (Nicotine Inhaling Products) Bill.

⁵⁰ [HSE correspondence](#) in response to PQ 5485-24. 26 February 2024.

⁵¹ [Irish Examiner \(2025\) Non-compliant vapes sold by over 20% of retailers inspected by HSE](#). 22 April 2025.

⁵² [HSE \(2025\) Press release: HSE warns people to stop using three e-cigarette products containing nicotine but labelled as having no nicotine](#). 12 May 2025.

⁵³ [HSE \(2024\) Press release: HSE warns people to stop using e-cigarette products containing illegal levels of nicotine](#). 5 June 2024.

⁵⁴ [Department of Health \(2024b\) Regulatory Impact Analysis](#).

Prohibition notices

Section 13 provides for the key enforcement tool that would be available to authorised officers under this legislation.

Authorised officers, where they have formed the opinion that a person has is selling or offering for sale single-use vapes, would be able to issue a prohibition notice (s.13(1)).

A prohibition notice would need to specify the relevant contravention (s.13(2)(b)).

It would also direct the person on which it is served to (s.13(2)(c)):

- Cease the contravening action immediately,
- Withdraw the single-use vape from sale within a specified period of time,
- Destroy or otherwise dispose of the single-use vape, or
- Keep the single-use vape and give it to an authorised officer for disposal.

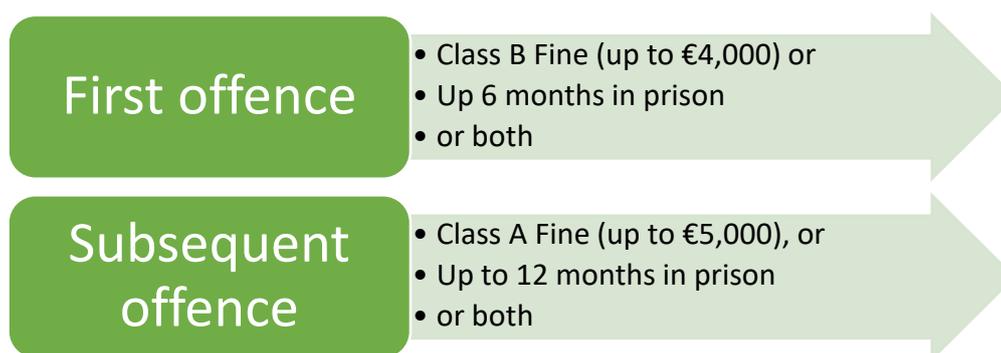
Prohibition orders would be subject to an appeal to the District Court, within seven days of service (s.13(7)). The Court can confirm the notice or cancel it.

Environmental health officers have powers to issue prohibition orders in relation to other public health legislation, such as food safety and under the *Public Health (Tobacco) Act 2002*.

Part 3 – Penalties and Miscellaneous Provisions

Section 14 provides for penalties for offences as set out in the Bill. The penalties, upon summary conviction, are set out in Figure 2 below.

Figure 2: Penalties on summary conviction under s.14 of the Public Health (Single-use Vapes) Bill 2025



Source: PRS using Section 14 of the Bill and Citizens Information webpage: [Fines for Criminal Convictions](#).

In the UK, enforcement of the ban on selling single-use vapes varies by jurisdiction. In England, for instance, for a first offence any or all of the following civil sanctions may apply: a

stop notice, compliance notice and £200 fine.⁵⁵ If a seller continues to sell after this, the maximum penalty, on criminal indictment, is an unlimited fine and up to two years in prison.⁵⁶

Section 15 provides that a person accused of selling single-use vapes can use the defence that he or she ‘made all reasonable efforts’ to ensure they were complying with the legislation.

Section 16 provides that directors, managers, secretaries or other officers of corporate bodies will be liable to proceedings where the offence is committed by a ‘body corporate’ (e.g. a company). This would also apply to members where a body is directed by its members.

Section 17(1) provides that the HSE can bring summary prosecutions under the proposed legislation. Section 17(2) provides that the court can order people who are found guilty of an offence under this legislation to pay the HSE for the costs of investigation and prosecution.

Section 18 provides that summary proceedings under the legislation may only be instituted within 12 months of the date on which the alleged offence was committed.

Section 19 would create an offence for intentionally providing false or misleading information to the HSE.

Section 20 seeks to protect legal professional privilege. This means that a person will not be compelled to disclose any information or documentation that the person has given to or received from their legal representatives, acting in their professional capacity.

⁵⁵ <https://www.gov.uk/guidance/single-use-vapes-ban>

⁵⁶ <https://www.gov.uk/guidance/single-use-vapes-ban>

Conclusion

The Public Health (Single-use Vapes) Bill 2025 seeks to ban the sale and supply of disposable (single-use) vapes.

The policy goals are both health-related, in particular to protect the health of children and young people, and environmental, that is, to reduce waste of valuable or single-use materials, and litter.

The potential implications, some of which are indicated in the Regulatory Impact Analysis of the Bill, include:⁵⁷

- If the legislation results in a reduction in youth vaping, and no resulting increase in youth smoking, it may result in public health and exchequer benefits.
- For vapers or potential vapers, a reduction in choice of product available.
- Refillable and rechargeable vaping systems will remain available.
- Enforcement costs for the measures in the Bill and for anticipated further legislation on e-cigarettes is estimated at €3.1 million per year.
- For industry, the impact is likely to depend on consumer behaviour. If sales of vapes overall fall as a result of the ban, then it would have a negative impact on retail businesses. The achievement of the policy goal of reducing youth vaping would reduce profits in the industry. However, if current users transfer to legal, non-disposable products, the impact would be offset by these sales.
- A reduction in waste and litter.

⁵⁷ Department of Health (2024b) [Regulatory Impact Analysis](#).