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7<sup>th</sup> June 2024

Mr Bernard J. Durkan TD  
Dàil Eireann  
Leinster House  
Kildare Street  
Dublin 2

**Re: PQ ref 22795/24**

**Question:**

**“To ask the Minister for Health to provide an update on plans to increase the number of test purchase inspections for vapes, as set out in the Public Health (Tobacco and Nicotine Inhaling Products) Act 2023, from the planned number of 340 set by the HSE (to cover both vapes and cigarettes); and if he will make a statement on the matter.”**

**Response:**

On 22nd December 2023 and 29th March 2024, the Minister for Health commenced sections of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023. The Health Service Executive (HSE) National Environmental Health Service (NEHS) is responsible for enforcing this legislation.

Section 33 of this Act provides for authorised officers to carry out test purchases. The purpose of test purchase inspections is to check compliance of retailers with Section 28 of the 2023 Act, to ensure that retailers of tobacco products and nicotine inhaling products are not selling these products to children.

THE NEHS Environmental Health Officers (EHOs) are responsible for carrying out test purchase inspections in premises selling by retail tobacco products and nicotine inhaling products. The HSE National Service Plan 2024 contains a key performance indicator of 384 test purchase inspections in premises retailing tobacco products and/or nicotine inhaling products; however this is considered a minimum baseline and forms part of a much wider proactive implementation programme nationally of surveillance, monitoring, sampling, and enforcement across this sector from import level to final consumer.

Particular emphasis at present is on building compliance with the new provisions of this legislation amongst businesses retailing nicotine inhaling products. This involves additional inspections of retail premises across the country and provision of guidance materials reminding retailers, importers and manufacturers of their legal obligation.

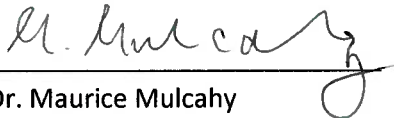
More information can be found by visiting these links:

<https://www.hse.ie/eng/about/who/tobaccocontrol/tobaccoproductdirective/tobaccodirective.html>

And

<https://www.hse.ie/eng/services/list/1/environ/tobacco-and-related-products/>

Yours Sincerely,



Dr. Maurice Mulcahy  
Regional Chief Environmental Health Officer  
Health Service Executive  
National Environmental Health Service