Chartered Trading Standards Institute

Department of Health & Social Care

TOBACCO AND VAPES ACT 2026 - GUIDANCE FOR RETAILERS

Selling Vapes and Nicotine Products

Key Changes from 29 October 2026

It will be illegal to sell any vaping or nicotine product to anyone under the age of 18.

This includes:

- Vapes and vape pens
- E-liquids
- Vape pods and coils
- Nicotine pouches
- Nicotine strips
- Nicotine pearls

It will also be illegal for an adult (18+) to buy or try to buy these products for someone under 18. This is called **proxy purchasing.**

Products Covered

Vaping Products, even if they include no nicotine

Examples include:

- Vape devices
- Disposable vapes
- E-liquids
- Vape pods
- Coils

Nicotine Products

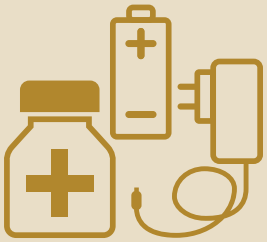
Examples include:

- Nicotine pouches
- Nicotine strips
- Nicotine pearls
- Products containing natural or synthetic nicotine

Products Not Covered

The rules do not apply to:

- Batteries
- Chargers
- Electrical cables
- Medical devices
- Licensed medicines



Age of Sale

From **29 October 2026,** retailers must not sell vaping or nicotine products to anyone under 18.

Before making a sale, retailers must be satisfied that the customer is aged 18 or over.

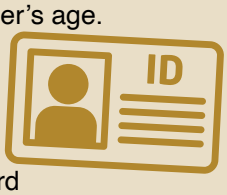
If unsure, they should ask for identification.

Age Verification

Retailers should check ID if there is any doubt about a customer's age.

A valid proof of age may include:

- Passport
- Photocard driving licence
- PASS-approved proof of age card



Following age-verification procedures can help retailers defend themselves if accused of making an underage sale.

Penalties for Selling to Under-18s

Anyone who sells vaping or nicotine products to a person under 18 may receive:

Fixed Penalty Notice (FPN)

- **£200** in England, Wales and Scotland
- **£250** in Northern Ireland (subject to approval)

Court Penalties

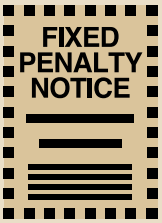
Retailers may also face prosecution and larger fines:

- Up to £2,500 in England, Wales and Scotland
- Up to £5,000 in Northern Ireland

Proxy Purchasing

From **29 October 2026,** it will be illegal for anyone aged 18 or over to:

- Buy vaping or nicotine products for someone under 18
- Attempt to buy them for someone under 18



Retail staff should:

- Watch for signs of proxy purchasing
- Refuse the sale if they suspect it

Penalties

- **£200** FPN in England, Wales and Scotland
- **£250** FPN in Northern Ireland (subject to approval)
- Larger court fines may also apply

Free Samples and Giveaways

From **29 October 2026,** businesses must not:

- Give away free vapes or nicotine products
- Give away coupons for these products
- Offer free samples to encourage sales

Examples of illegal activities:

- Free vape pods with a purchase
- Free samples of e-liquid
- Promotional giveaways of nicotine pouches

The ban also applies to items used to promote vaping products, such as branded accessories.

Large Promotional Discounts

From **29 October 2026,** businesses must not sell vaping or nicotine products at very large discounts if the aim is to promote them.

For example:

- Selling a vape device for 10p as a promotion could be illegal

What Is Still Allowed?

Normal business discounts can continue, such as:

- Clearance sales
- Reduced-price stock
- Bulk-buy and trade discounts

Penalties for Free Giveaways and Large Discounts

A person committing these offences may receive:

Fixed Penalty Notice

- £200 in England, Wales and Scotland
- £250 in Northern Ireland (subject to approval)

More Serious Penalties

Depending on the circumstances, courts may impose:

- Large fines
- Up to 12 months' imprisonment on summary conviction
- Up to 2 years' imprisonment for more serious cases

Stop Smoking Services

The rules do **not** stop NHS or local authority stop-smoking schemes from providing free vapes or nicotine products when these are supplied as part of an approved smoking cessation programme.

For example:

- A council-funded quit-smoking scheme can still provide free vapes
- A stop-smoking service can still issue vape vouchers if this is part of an agreement with a public authority

Who Can Sell These Products?

England, Wales and Northern Ireland

There are no special age restrictions for staff selling vaping or nicotine products beyond normal child employment rules.

Scotland

Anyone under 18 must have written permission from the business owner or responsible person before selling vaping or nicotine products.

Business-to-Business Sales

The age restriction applies only to retail sales.

It does **not** apply to:

- Wholesale purchases
- Business-to-business sales
- Research organisations buying products for scientific purposes

Persistent Offenders

Retailers who repeatedly break the law may face further action.

This can include:

- Temporary bans on selling vaping and nicotine products
- Restrictions on specific premises
- Banning orders lasting up to 2 years (or longer in some parts of the UK)

Quick Guide for Retailers

- ✔ Only sell vaping and nicotine products to customers aged 18 or over
- ✔ Ask for ID if unsure of a customer's age
- ✔ Refuse suspected proxy purchases
- ✔ Stop free product giveaways from **29 October 2026**
- ✔ Avoid promotional deep-discount sales from **29 October 2026**
- ✘ Do not sell to anyone under 18
- ✘ Do not buy products for someone under 18
- ✘ Do not offer free samples or promotional giveaways
- ✘ Do not use very low-price promotions to encourage sales