

# POSITION PAPER POLICY

## ELECTRONIC CIGARETTES AND VAPING

### DRUG ARM POLICY POSITION PAPER ON ELECTRONIC CIGARETTES IN AUSTRALIA

This policy position paper outlines Drug ARM's position on electronic-cigarettes and vaping in Australia. E-cigarettes are a rising problem in Australia which threaten to undo the significant efforts made by government and communities in reducing tobacco use of younger generations. This paper looks at electronic cigarettes and vaping in Australia and seeks to:

1. Dismiss misconception that electronic cigarette use (nicotine and non-nicotine) is safe
2. Dismiss misconception that electronic cigarette use (nicotine and non-nicotine) is a safe and approved nicotine replacement therapy.
3. Promote an appropriate regulatory and legislative framework for electronic cigarette (nicotine and non-nicotine) use, sales, promotion and regulation.

### ELECTRONIC CIGARETTES

Electronic cigarettes, also known as e-cigarettes, e-cigars, vape pens or personal vapours, work by heating liquid that often contains nicotine into a vapour for inhalation to the lungs. The street name for the use of these devices is 'vaping'.

There are significant safety concerns associated with electronic cigarettes<sup>1</sup>. These products do not operate within regulated safety standards and:

- may deliver unreliable doses of nicotine
- may leak their contents
- may be a poisoning risk, particularly for children
- do not list the presence and/or actual strength of nicotine on the product label

- contain unknown and possibly toxic chemicals
- have incorrect and/or inconsistent labelling
- may have unsafe packaging
- have no child safety measures
- may encourage the uptake of smoking
- may be unsafe for use during pregnancy

### EXISTING REGULATION

In Australia, the current regulatory framework draws on existing regulation of tobacco products, poisons, therapeutic goods and consumer goods, however there remains significant variation between states and territories in their regulatory approaches to E-cigarettes<sup>2</sup>.

In Queensland, Electronic cigarettes (nicotine and non-nicotine) are considered to be smoking products under the Tobacco and Other Smoking Products Act 1998 (Qld) and cannot be used in non-smoking indoor and outdoor areas, sold to minors, or advertised, promoted or displayed at retail outlets<sup>3</sup>.

Under the Commonwealth Therapeutic Goods Regulations 1990, from 1 October, 2021, electronic cigarettes and e-liquids containing nicotine are a prescription only medicine<sup>4</sup>.

Under state and territory laws, it is illegal to possess, supply or sell electronic cigarettes containing nicotine except when they are being supplied under a prescription<sup>5</sup>.

It is illegal for retailers (other than pharmacies) to sell e-cigarettes or e-liquids that contain nicotine, including online sales<sup>6</sup>.

## INTERNATIONAL APPROACHES

A variety of regulatory approaches have been used internationally to address the harms of electronic cigarettes. A summary of these approaches is provided in the report from the Standing Committee on Health, Aged Care and Sport's inquiry in to the use and marketing of electronic cigarettes (E-cigarettes) and vaporisers<sup>7</sup>.

## RECOMMENDATIONS

POLICY AREA	RECOMMENDATIONS	SUPPORTING EVIDENCE
SALES	1. <b>Ban all retail sale of electronic cigarettes (nicotine and non-nicotine) and novel products to people under the age of 18 years.</b>	<ul style="list-style-type: none"><li>• E-cigarette use has risen among smokers in Australia between 2016-2019<sup>8</sup>:<ul style="list-style-type: none"><li>» daily use - 1.5% to 3.2%,</li><li>» monthly use - 3.4% to 7.8%.</li></ul></li><li>• Longitudinal evidence of E-cigarette use being a precursor or gateway to tobacco use in young people and non-smokers<sup>9,10</sup>.</li><li>• Evidence of health harms (cardiovascular disease, respiratory disease, cancer)<sup>11,12</sup>.</li></ul>
PUBLIC SPACES	2. <b>Ensure electronic cigarette use (nicotine and non-nicotine) in public spaces aligns to tobacco legislation and regulation.</b>	<ul style="list-style-type: none"><li>• Evidence of harm from secondary smoke inhalation from e-cigarettes<sup>13</sup>.</li></ul>

<b>ADVERTISING</b>	<p><b>3. Regulate advertising and promotion of electronic cigarettes in line with tobacco advertising legislation.</b></p>	<ul style="list-style-type: none"> <li>• Tobacco industry marketing designed to attract smokers to the product as a safer alternative<sup>14</sup>.</li> </ul>
<b>PRODUCT SAFETY</b>	<p><b>4. Introduce a nationally consistent electronic cigarette policy and framework.</b></p> <p><b>5. Classify electronic cigarettes (nicotine and non-nicotine) and novel products under a national consumer regulatory framework that can:</b></p> <ul style="list-style-type: none"> <li>• <b>Mandate warning labels on all electronic cigarette and novel products.</b></li> <li>• <b>Mandate consumer information to accompany electronic cigarettes and novel products, including instructions for use, information on toxicity and a list of ingredients including nicotine content.</b></li> <li>• <b>Develop electronic cigarette safety standards, including childproof fastening and opening, for e-liquid containers, cartridges and tanks.</b></li> </ul>	<ul style="list-style-type: none"> <li>• In Australia, the current regulatory framework is a shared state and federal responsibility that draws on existing regulation of tobacco products, poisons, therapeutic goods and consumer goods. There remains significant variation between states and territories in their regulatory approaches to Electronic cigarettes<sup>15</sup>.</li> <li>• Evidence of product safety risks to respiratory health<sup>16</sup>: <ul style="list-style-type: none"> <li>» 100% of e-liquids were inaccurately labelled,</li> <li>» 100% contained chemicals with unknown respiratory health effects,</li> <li>» 62% contained chemicals likely to be toxic if vaped repeatedly,</li> <li>» 21% contained nicotine despite this being illegal in Australia.</li> </ul> </li> <li>• Detected harmful compounds in vaping aerosols: <ul style="list-style-type: none"> <li>» Formaldehyde and acrolein (risk of irreversible lung damage),</li> <li>» Propylene glycol (toxic to human cells),</li> <li>» Nicotine.</li> </ul> </li> </ul>
<b>AWARENESS</b>	<p><b>6. Implement a public health campaign to raise awareness and address misconceptions about (i) the harms associated with electronic (nicotine and non-nicotine) cigarettes; and (ii) the efficacy of electronic cigarettes as a supported nicotine replacement therapy.</b></p>	<ul style="list-style-type: none"> <li>• The Therapeutic Goods Administration has not undertaken assessment of the efficacy and safety of electronic cigarettes as a Nicotine replacement Therapy product and the quality and safety of electronic cigarettes is not known<sup>17</sup>.</li> </ul>

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