SANDAS Position Paper

Vaping and E-cigarettes

SANDAS acknowledges the growing concern surrounding vaping and e-cigarettes. While cigarettes are known to be a major cause of the burden disease, the long-term effects of vaping are still unclear due to insufficient research. Vaping deliver liquids in the form of an aerosol into the lungs and are not safe. Vaping is considered less hazardous than smoking, but it is not entirely safe as inhaling any substance can have negative health effects.

Currently, the inhalation of non-nicotine aerosols (vaping) is legal, while nicotine vapes (NVPs) require a prescription for purchase. There is a need for clarity in vaping regulations, specifically whether the method of delivery or the content is being regulated.

Penalties for individuals violating vaping regulations could have unintended consequences, leading to criminalization, burdening law enforcement and the courts, and affecting employment and education, and engaging young people in the child protection and juvenile justice systems.

Vaping can be an effective smoking cessation aid for nicotine-dependent individuals, and access to nicotine-containing vapes should be maintained for this purpose.

Many vaping products claim to be nicotine-free but actually contain nicotine, which can reinforce dependence and hinder informed decision-making for consumers. E-cigarettes and vapes may expose people to chemicals and toxins at levels that have the potential to cause serious health effects, including increased risk of depression and anxiety and it has been linked to lung disease. An effective regulation system that addresses content and quality is essential. Quality control issues make it difficult to determine the ingredients and potential harms of vapes.

Prohibiting vapes would create an illicit market and enable profiteering. An unregulated illicit market makes quality control and ensuring safe supply more difficult. Managing access through licensed premises, similar to but stricter than tobacco sales regulations, is recommended. This would include the removal of all vape sales from vending machines, non-specialist retail outlets and the restriction of sales to specialist licenced premises. These premises should be restricted to access by persons over the age of 18.

Legislation in relation to the sale of vapes should focus on managing safe supply, quality control, and truth in promotion. False advertising such as claiming that products containing nicotine are nicotine-free should be dealt with harshly. Regulating online vaping markets presents challenges, requiring collaborative efforts between state and federal governments.

Vapes should not be accessible to individuals under 18, except under medical supervision for smoking cessation and as a last line of intervention. However, possession of vapes by young people should not be considered a civil or criminal offense. Targeted marketing towards young individuals should be addressed. This may include restrictions on the sale of flavoured NVPs and those marketed in packaging and advertising that would appeal to children.

Early intervention and prevention strategies should address vaping among the community, with a particular focus on young people. It is clear that vaping manufacturers and retailers are specifically tartgetting young people and this needs to be addressed as a matter of urgency through regulation and enforcement on the supply side.

Further consultation with the community, vape users, researchers, public health professionals, and smoking cessation services is necessary. It is critical to exclude those with financial interests in the vape market (e.g., retailers, wholesalers, manufacturers).

Conclusion

SANDAS supports the development of a comprehensive range of strategies to meet the needs of vape users, manage the sales and uptake of vaping and mitigate any harms and recommends learning from tobacco and alcohol regulation.

SANDAS consistent with the Australian Alcohol and Drug Council[1] (the national peak for the alcohol and drug sector) believes the experiences of illicit drug prohibition and criminalisation in Australia, along with evidence in relation to related public health measures, provide some key principles which can inform a future model of vaping regulation. These principles are:

- Possession and/or use of an NVP should not be a criminal offence. Assessment, education, referral, and diversion strategies should be developed that ensure that vaping does not become a gateway to the justice system.
- There should be a complete ban on the advertising of vaping and the plain packaging and 'no display' rules adopted for tobacco should be immediately brought in to force for vapes.
- Regulation of vaping should be implemented based on best evidence, and consultation with a range of health and treatment providers. Nicotine vapes should be maintained a s a smoking cessation option only.
- Relevant government departments should be adequately resourced to address vaping in the community, implementing licencing, compliance, quality assurance and advertising controls.
- The non-government sector should be adequately resourced to develop and deliver early intervention, prevention and education programs targeted at vulnerable groups (young people
- Utilising the knowledge of people currently using NVPs will be integral to the development of effective regulatory frameworks.
- Delaying uptake of NVPs by people under 18 years of age is a desirable public health outcome.
- Young people should not be excluded from school as a consequence of vaping any product as once disengaged there is significantly more likelihood of other issues arising for them.
- People who have become dependent on nicotine as a consequence of vaping require access to cessation support services similar to smoking cessation services.

We know there is a significant black market for tobacco, that there is an issue with sales to minors, issues relating to the sale of poorly regulated illegal imports of tobacco either by direct importation or organised crime. There is limited and insufficient compliance work done to control the black or grey market for tobacco, and it would be unfortunate to end up in the same situation with vaping products.

For further information contact SANDAS on 82318818 or at sandasinfo@sandas.org.au

[1] https://aadc.org.au/wp-content/uploads/2023/01/AADC-Submission-to-TGA-NVP-consultation.pdf