

An update on Australia's ban on the sale of e-cigarettes

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Disclaimer

- I have not taken any funding from
 - the tobacco industry
 - any group funded by the tobacco industry
 - e-cigarette producers or retailers
 - the pharmaceutical industry
- I am critical of Australia's e-cigarette policies

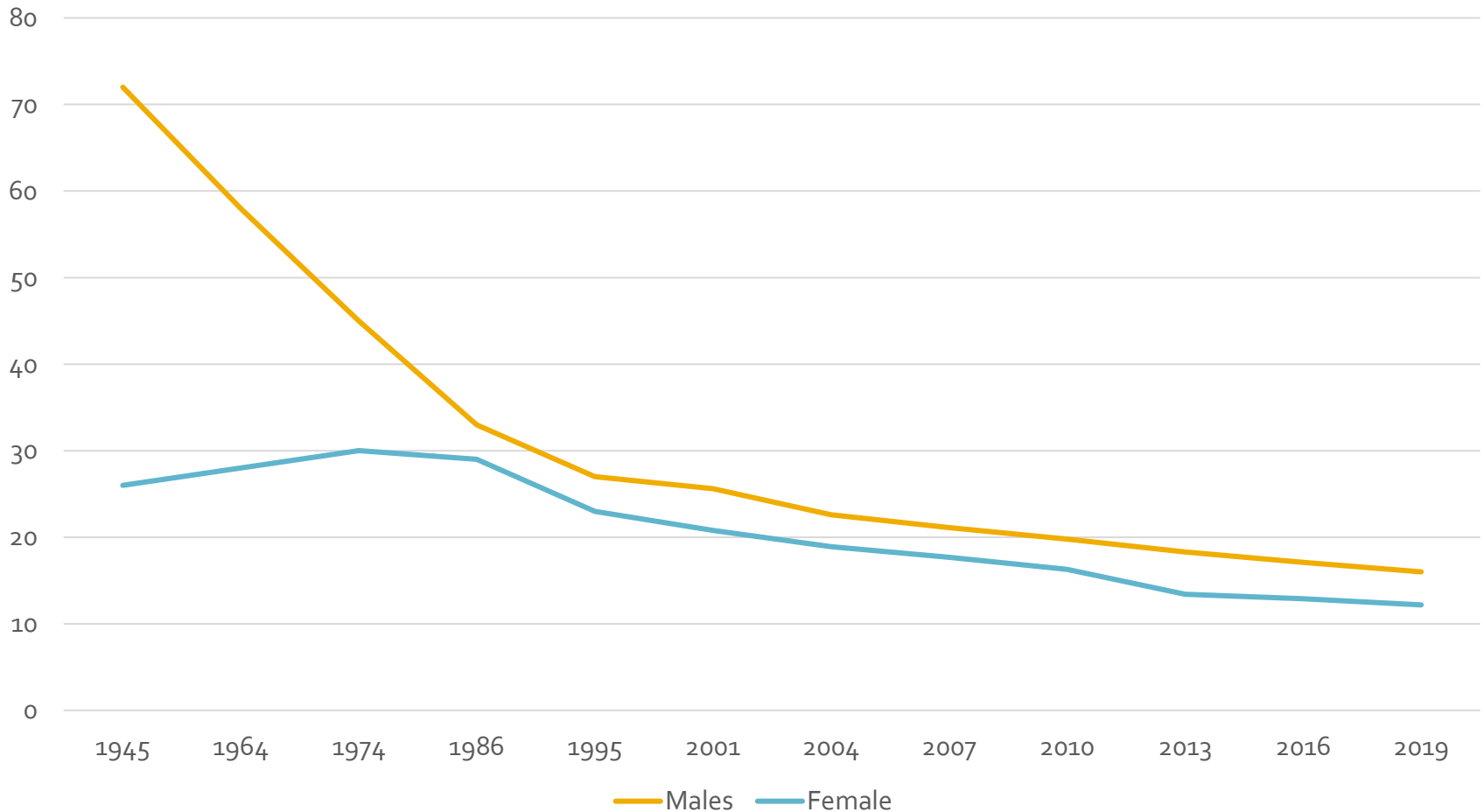
Outline

- Australian policies on e-cigarettes
 - The 'precautionary' rationale
 - Proposals to further tighten policy
- An alternative approach to regulating ENDS in Australia

Australian tobacco control policies

- Bans on cigarette advertising
 - Radio and Television in 1976 and print in 1990
 - 2011 ban on point of sale advertising
- Increased taxation of cigarettes
 - 25% increase in 2010 and annual 12.5% increase since 2013
- Regulation of cigarette packaging
 - Health warnings 1987 onwards and national warnings 1995
 - Graphic health warnings in 2006
 - Plain packaging of cigarettes in 2011;
- Smoke free policies in workplaces and public places
 - Beginning in 1990s; now universal and enjoys strong public support
- Smoking cessation programs
 - On line programs run by state cancer NGOs
 - Subsidised pharmaceuticals: NRT, bupropion, and varenicline

Smoking prevalence in males and females: daily and occasional smokers



ENDS Policies in Australia

- Federal and State governments have used:
 - Poisons regulations to ban the sale of ENDS that contain nicotine
 - Unless they have been approved as cessation aids by the TGA
- Justified as “precautionary”
 - Reluctant to acknowledge that it is de facto prohibition
 - Described as “evidence-based” public health regulation
- Has majority support in Australian public health community
 - Cancer Councils, AMA, Colleges of Physicians and General Practice
 - Tobacco control advocates e.g. Simon Chapman, Mike Daube
 - Public Health Association and National Health and MRC
- Allowing ENDS to be sold as tobacco products a minority view
 - Seen as pro-tobacco industry position

Rationale for an ENDS sales ban

- Tobacco smoking is disappearing so THR is unnecessary
 - we should not ease up on tough policies
- ENDS will not reduce harm:
 - Light and low tar cigarettes experience
 - They will be used by Big Tobacco to subvert TC policies
 - By discouraging smokers from quitting
 - Recruiting youth to smoking: the gateway hypothesis
 - ENDS contains harmful chemicals e.g. formaldehyde
 - Effects of long-term ENDS use are unknown
- ENDS perpetuate nicotine addiction
 - unacceptable even if smoking-related harms are reduced
 - nicotine is a cancer promoter and damages adolescent brains

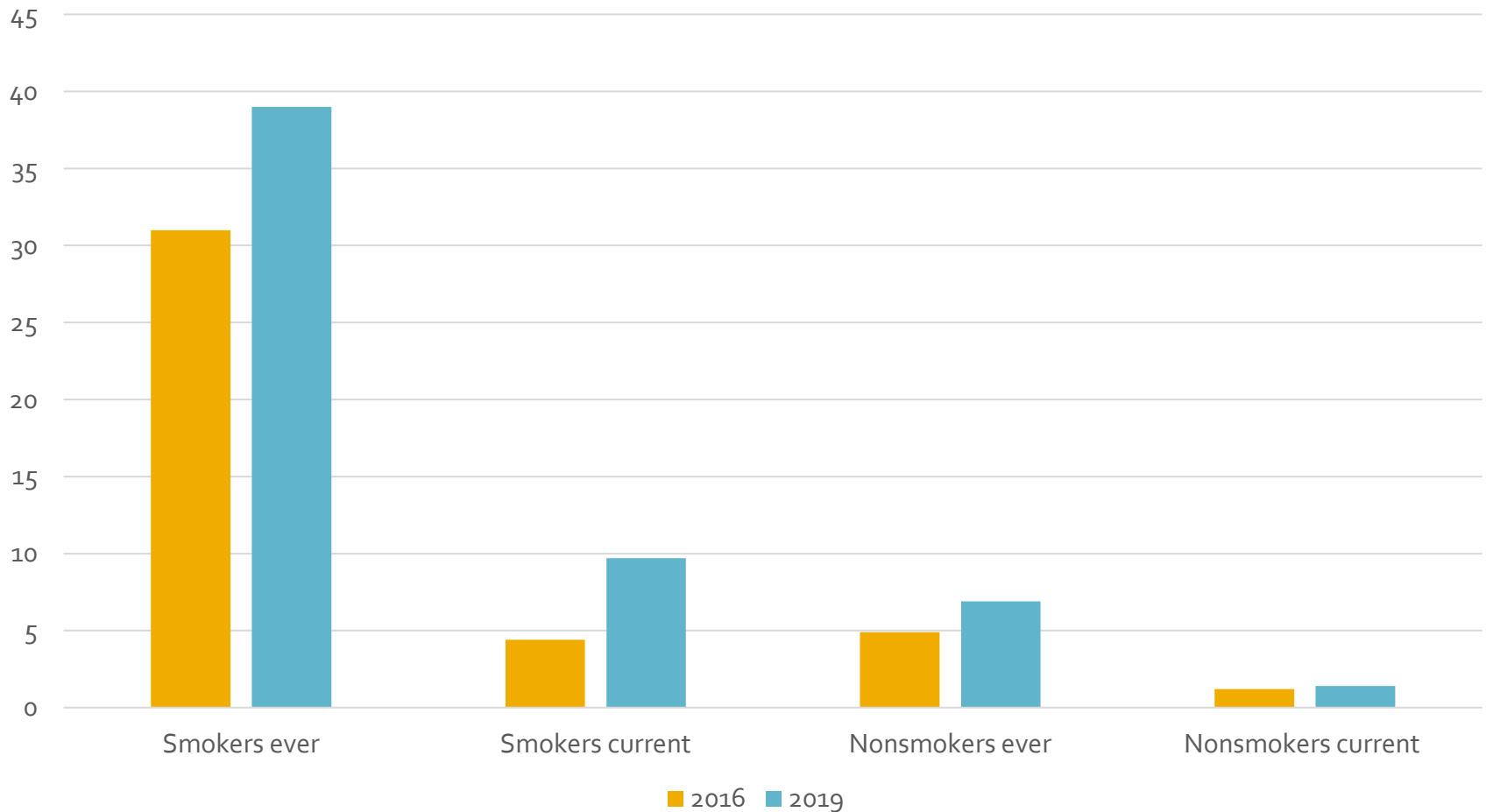
The Role of Big Tobacco

- The fact that some ENDS are owned by Big Tobacco
 - Alarms Australian TC community
 - Claim that vaping advocates accept TI funding
- Big Tobacco in the USA have used ENDS:
 - To encourage dual use among smokers
 - Undermine tobacco smoking bans
 - Renormalise and promote smoking among youth e.g. JUUL

The Power of Framing

- Our only policy options are either to:
 - ban the sale of ENDS or
 - Give Big Tobacco “open slather”
- Very difficult for other policies to get a hearing:
 - Regulation as a consumer good or a tobacco product with
 - Stronger consumer product protections and health warnings
 - Restrictions on:
 - Where ENDS can be sold e.g. vaping stores and tobacconists
 - how they can be promoted and
 - where they can be used

ENDS use in Australia 2016 and 2019: Lifetime and current use in smokers and nonsmokers



ENDS use in Australia

- Smokers can access ENDS with difficulty
 - But do so at lower rate than smokers in the UK, USA and Canada
 - Low rates of prescribing and expensive to import nicotine
 - Illicit sales under the counter and over the internet
- Public health and regulatory alarm about:
 - Increased use of JUUL among youth in the USA
 - EVALI outbreak in USA: quick to blame ENDS
 - Slow to correct misinformation re role of ENDS
- Led to proposals for “tighter regulation”
 - Increased border enforcement of ban on imported nicotine
 - Larger fines for illegal importation and use of nicotine

A proposal for even tighter regulation being examined by a Senate Select Committee

- TGA proposes to move nicotine from schedule 8 to 4 to allow:
 - prescription by doctors
 - suppliers to import approved nicotine products
 - nicotine products to be dispensed by pharmacists
 - increase penalties for use without a prescription: \$200,000
- Rescheduling will reduce smokers' access
 - If doctors are reluctant to prescribe
 - Advised not to by AMA and Cancer Councils
 - If pharmacists are reluctant to dispense
 - If misinformation about vaping continues
 - "No evidence ENDS assist cessation"; "only encourage dual use"
 - Evidence that ENDS are less harmful than cigarettes is tainted by TI
 - US evidence that ENDS are a gateway to smoking

Alternative Policies

- Allow sale of approved ENDS to adult smokers
 - From restricted outlets e.g. tobacconists, adult stores
 - No health claims used for promotion
 - Use lower taxes to encourage switching
 - No use allowed in public places (as per smoke free laws)
- If evidence indicates, allow ENDS to compete with cigarettes
 - ENDS sold anywhere cigarettes can be
 - Restrictions on retail outlets for cigarettes and ENDS
 - Remove from convenience stores and supermarkets
 - No promotions allowed for ENDS or cigarettes

Thanks for your attention
