

Victorian Health Promotion Foundation (VicHealth)

Submission to the Standing Committee on Health, Aged Care and Sport

**Inquiry into the use and marketing of electronic cigarettes
and personal vaporisers in Australia**

July 2017

1. Introduction

1.1 VicHealth's unique role in tobacco control

VicHealth was established under the *Tobacco Act 1987 (Vic)* and has a 30-year history of supporting tobacco control. This includes our ongoing financial support to Quit Victoria to deliver established, whole-of-population tobacco control initiatives that prevents the uptake of smoking and supports people to quit.

VicHealth's [Action Agenda for Health Promotion 2013-2023](#) has an ambition that 400,000 more Victorians will be tobacco-free by 2023.

1.2 VicHealth's background in exploring electronic cigarettes and personal vaporisers (ECPVs)

VicHealth has been considering the role of ECPVs in Australia for a number of years to better understand their potential role in smoking cessation and harm reduction.

In July 2014, VicHealth hosted an international Tobacco Harm Reduction Forum, attended by over 110 people from Australia and New Zealand. A summary of the Forum is available at www.vichealth.vic.gov.au/search/tobacco-harm-reduction-forum-summary-of-proceedings

VicHealth has also commissioned an explorative project to assess the health benefits and healthcare savings if ECPVs were to be made available in Australia. We are also funding two research trials that use ECPVs to support smoking cessation for people experiencing severe and persistent mental illness, and for people receiving treatment in an alcohol and drug treatment residential facility.

1.3 VicHealth's submission

VicHealth welcomes the opportunity to make a submission to the Senate Standing Committee's inquiry into the use and marketing of electronic cigarettes and personal vaporisers in Australia (the Inquiry). Our submission will respond to Terms of Reference 1 and 4. For Terms of Reference 2 and 3, VicHealth recommends that the Committee consider the outcomes of recent Australian and international inquiries and reviews, listed in Appendix 1.

2. The use and marketing of e-cigarettes and personal vaporisers to assist people to quit smoking (Term of Reference 1)

Recommendations:

- ECPVs should only be made available as a smoking cessation aid if they are approved by the Therapeutic Goods Administration (TGA).
- ECPV use should be subject to the same restrictions as tobacco smoking, and therefore should not be permitted in existing smoke-free areas.
- ECPVs should only be marketed as a therapeutic good if approved by the TGA.

2.1 ECPVs should only be made available as a smoking cessation aid if they are approved by the Therapeutic Goods Administration (TGA)

VicHealth recognises that people who are unable to quit smoking are likely to benefit from more targeted and tailored evidence-based strategies that will meet their individual needs.¹

Tailored strategies include having access to and using a variety of evidence-based approaches and mediums for different intensities and durations. These range from using online cessation tools, pharmacotherapies, face-to-face support, Quitline, text message, and/or smart-phone based cessation support.

For ECPVs to be included in the range of strategies available to support smoking cessation, TGA approval is first required.

ECPVs should only be available in Australia for smoking cessation purposes. They should not be made available for recreational use.

2.2 ECPV use should be subject to the same restrictions as tobacco smoking

The use of ECPVs must be regulated so they are in line with tobacco products. This would mean their use should be prohibited in all existing smoke-free areas. This would mitigate the potential risk of ECPV use renormalising smoking, and would protect others from environmental exposure to ECPV vapour.

The Victorian Government has recently introduced legislation to prohibit the use of ECPVs in smoke-free areas. We recommend that this approach is used consistently across all Australian states and territories.

2.3 ECPVs should only be marketed as a therapeutic good

There are no health benefits to promoting nicotine products, including ECPVs, to non-smokers and ex-smokers. Indeed, there is potential for harm to non-smokers and ex-smokers by indirectly encouraging uptake of nicotine products and/or smoking.²

If ECPVs are approved for use as a smoking cessation aid, VicHealth strongly recommends that marketing is restricted for that purpose only.

3. The appropriate regulatory framework for e-cigarettes and personal vaporisers in Australia (Term of Reference 4)

Recommendation:

- ECPVs should be regulated as a therapeutic good and as a tobacco product.

3.1 Regulation as a therapeutic good and a tobacco product

VicHealth recommends that ECPVs are subject to a regulatory framework that provides sufficient protection for the community. The regulatory framework must:

- prohibit tobacco industry and other vested interests from influencing tobacco control policy in Australia, including influencing harm reduction approaches
- prohibit the sale of products containing nicotine unless approved by the TGA
- prevent uptake among young people by ensuring that products containing nicotine, including ECPVs, are not promoted to or designed to be attractive to people under the age of 18
- prohibit advertising, marketing and promotion of nicotine-containing products, including ECPVs, other than as a therapeutic good for current smokers as approved by the TGA
- mitigate the potential risks of ECPVs to individual users and the wider community, including potential harms from environmental exposure to ECPV vapour.

As outlined in section 2 of our submission, regulating ECPVs as a tobacco product through state-based legislation will ensure appropriate safeguards are in place as to where ECPVs can be used. This will mitigate the potential risk that ECPVs may influence the renormalisation of smoking and provide protection from environmental exposure to ECPV vapour.

Regulating ECPVs as a therapeutic good through the TGA will subject these products to comprehensive risk and safety assessments. It will also ensure that certain standards in the quality of ECPV products are met, which is an existing area of concern, particularly in terms of the use of harmful additives that have been detected in products internationally.³

VicHealth also recommends that ECPVs will need to be scheduled appropriately to ensure the required protection from sales to minors and to ensure access is limited to people attempting to quit smoking, thereby avoiding recreational use of ECPVs. We recommend that if approved, ECPVs are scheduled to only be available from behind the counter in pharmacies. This will ensure that people receive advice from a pharmacist at the time of purchasing their ECPV product.

4. Final comments – the need for research on ECPVs and sustained smoking cessation

As outlined in the most recent Cochrane Review on electronic cigarettes for smoking cessation,⁴ ECPVs are an evolving technology and the evidence on the potential effectiveness for smoking cessation will continue to develop in the coming years.

There is a need for continued investment in research to explore the likely effectiveness of ECPVs as a smoking cessation aid, and to target this research at population groups that find it most difficult to quit smoking using current methods. As outlined in the introduction to this submission, VicHealth is funding a range of research studies to assess the benefits and costs of ECPVs. Research is also needed to monitor long-term use of ECPVs to understand the health risks associated with their use and the relative risk compared to smoking tobacco.

VicHealth suggests that ECPV research is closely monitored as it evolves. This will ensure Australia maintains the appropriate regulatory framework to protect the community while also realising the potential to improve smoking cessation outcomes.

References

1. Cheng, T., *Chemical evaluation of electronic cigarettes*. *Tob Control*, 2014. **23 Suppl 2**: p. ii11-ii17.
2. Australian Government, *NHMRC CEO Statement: Electronic Cigarettes (E-Cigarettes)*, National Health and Medical Research Council, 2017, Available from https://www.nhmrc.gov.au/files/nhmrc/file/publications/17072_nhmrc_-_electronic_cigarettes-web_final.pdf.
3. Niaura, R., *Learning from our failures in smoking cessation research*. *Nicotine Tob Res*, 2017.
4. Hartmann-Boyce J, et al., *Electronic cigarettes for smoking cessation*. *Cochrane Database of Systematic Reviews*, 2016(Issue 9): p. Art. No.: CD010216.

Appendix 1 - Recent inquiries and reviews conducted in Australia and internationally

Year	Document	Reference
2015	House of Commons' Standing Committee on Health, Environment and Social Affairs (HESA) report on their review of e-cigarettes in Canada	Parliament of Canada. <i>Vaping: Toward a Regulatory Framework for E-Cigarettes. Committee Report</i> , 2015. Available at www.parl.gc.ca/HousePublications/Publication.aspx?DocId=7862816&Language=E&Mode=1&Parl=41&Sec=2&File=18 (accessed 14 June 2017)
2015	Report by Public Health England (PHE) endorsing the potential of e-cigarettes as a smoking cessation aid	Public Health England. <i>E-cigarettes: A new foundation for evidence-based policy and practice</i> . PHE publications gateway number: 2015260. London: Department of Health, 2015 Aug. Available at: https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update (accessed 14 June 2017)
2016	Royal College of Physicians in the United Kingdom released a report titled, 'Nicotine without smoke: tobacco harm reduction'	Royal College of Physicians. <i>Nicotine without smoke: Tobacco harm reduction</i> . London: RCP, 2016. Available at: https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0 (accessed 14 June 2017)
2016	Senate Economics References Committee inquiry into personal choice and community impacts which looked at e-cigarettes	Parliament of Australia. <i>Interim report: the sale and use of tobacco, tobacco products, nicotine products and e-cigarettes (term of reference a)</i> . Economics References Committee Report 2016. Available at: http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Personal_choice/Interim_Reports (accessed 14 June 2017)
2016	The Commonwealth Government commissioned a review exploring options to minimise the risks associated with the marketing and use of electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS) in Australia	Unpublished

2016	South Australian Select Committee on E-cigarettes	Parliament of South Australia. <i>Final report of the Select committee on e-cigarettes</i> , February 2016. Available at: https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=3&CId=323 (accessed 14 June 2017)
2016	Cabinet Paper exploring the regulatory framework for electronic cigarettes (e-cigarettes) and emerging tobacco and nicotine-delivery products	Government of New Zealand. <i>Improving the regulatory framework for electronic cigarettes (e-cigarettes) and emerging tobacco and nicotine-delivery products. Cabinet Paper</i> . 2016. Available at: http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/e-cigarettes (accessed on 14 June 2017)
2016	Therapeutic Goods Administration's consideration of the proposal to amend the Poison Standard to exempt nicotine from Schedule 7 at concentrations of 3.6 per cent or less of nicotine for self-administration with an electronic nicotine delivery system ('personal vapouriser' or 'electronic cigarette') for the purpose of tobacco harm reduction.	Therapeutic Goods Administration. <i>Final decisions and reasons for decisions by delegates of the Secretary to the Department of Health</i> . 2017. Available at: https://www.tga.gov.au/book-page/21-nicotine-0 (accessed on 14 June 2017)
2017	Regulatory Impact Statement for the regulation of e-cigarettes and emerging tobacco and nicotine-delivery products	Ministry of Health New Zealand. <i>Regulation of e-cigarettes and emerging tobacco and nicotine delivery products</i> . 2017. Available at: http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements/regulation-e-cigarettes-and-emerging-tobacco-and-nicotine-delivery-products (accessed on 14 June 2017)
2017	A review of the regulatory approaches for e-cigarettes across a range of international jurisdictions.	Kennedy, R.D., et al., <i>Global approaches to regulating electronic cigarettes</i> . <i>Tobacco Control</i> , 2017. 26 (4): p. 440-445