

ADF vaping position.

Amendment to current position – April 2023

Existing ADF position

1. Vaping of nicotine and other substances is associated with harms and should be discouraged.
2. While vaping likely has lower associated risks and harms in contrast to combustible tobacco, both are associated with a range of harms. The ADF recommends the focus should be on prevention and cessation of their use.
3. Vaping may be effective at assisting some people to reduce their tobacco consumption. In those that would not otherwise cease smoking, due to the lower overall associated harms, e-cigarettes could be considered, as a last line option.
4. Further research is warranted around the effectiveness of vaping as a smoking cessation tool, the unique harms and the unintended consequences, prior to its broad promotion as a harm reduction tool.
5. The ADF recognises the need for greater data collection to ascertain accurate usage rates, in particular uptake among non-smoking adolescents and young people and further, understanding use based on substance – nicotine, non-nicotine and/or other substances including illicit drugs.
6. The ADF supports a ban on all marketing and promotions of vaping devices and a ban on the sale of devices to people under the age of 18.
7. The ADF supports the NHMRC position that notes the need for health departments and policy-makers to act to minimise harm to users and bystanders, and to protect vulnerable groups such as young people, until evidence of safety, quality and efficacy can be produced.

Context for amendment to ADF position

The ADF's initial vaping position was approved by the ADF Board in June 2021.

Since this time, there has been a rapid increase in concern about nicotine vaping products (NVPs) and non-nicotine vaping products (non-NVPs), particularly with regards to rates of use among young people.

The previous ADF position responded to emerging evidence about the health harms of vaping products and considered the evidence for their use as smoking cessation aids. The position did not, however, address the policy and regulation around vaping products in Australia. There is significant movement within governments to address increasing rates of vaping product use, particularly by young people.

This amendment addresses the current policy context.



Amendment to ADF position

The amendment supports the current model for regulating NVPs as therapeutic products and supports a strengthening of regulation around this model.

This will aim to disrupt the current supply of illicit NVPs and reinforce the position of NVPs as therapeutic smoking cessation aids. However, the ADF also has concerns about the impacts of overregulation of NVPs, and the unintended harms that may be caused by this model.

In detail:

• Nicotine vaping products (NVPs)

1. The ADF supports a precautionary approach to NVPs, as long-term effects of NVP use are unknown.
2. The ADF supports regulating NVPs as therapeutic products, available as a smoking cessation aid.
3. The Personal Importation Scheme for NVPs should be ended. This scheme is another vehicle through which the existing therapeutic model for NVPs is being undermined, as NVPs are able to be imported and diverted to the illicit market.
4. Product standards for NVPs available through pharmacies should be updated to include plain packaging, warning labels, limits on flavours, and further limits on nicotine levels.
5. Changes that address access to illicit nicotine supply should be accompanied by increased support for people who may be dependent on nicotine. Approaches should be tailored for each age group.
6. If the strengthened therapeutic model does not result in changes to access to vaping products or rates of vaping product use, or causes an increase in harms, it may be more appropriate to regulate NVPs through a tobacco control model of a highly regulated consumer market.

• Non-nicotine vaping products

7. Non-NVPs should be prohibited for import and sale nationally. Non-NVPs have no health benefit, are being targeted at children with packaging and flavours, have unregulated contents, and are a key loophole through which illicit NVPs are being imported and accessed.

• Both nicotine and non-nicotine vaping products

8. Personal possession of NVPs and non-NVPs should be decriminalised. Currently individuals in possession of NVPs without a prescription are committing offences by possessing a scheduled substance without authorisation. These penalties can be quite significant.
9. Prohibition of marketing and promotion of NVPs and non-NVPs through licit and illicit channels (e.g. via social media) should be effectively enforced.
10. Penalties for businesses illicitly supplying NVPs and non-NVPs should be increased.
11. Investment into enforcement to ensure compliance with new restrictions will be necessary to prevent ongoing access to an illicit supply.
12. Outcomes of changes in policy and regulation around non-NVPs and NVPs should be closely monitored, as additional harms may occur because of this model. These include:
 - a. continuation and growth of illicit markets for NVPs, meaning ongoing access to unregulated products
 - b. criminalisation of individual NVP users and the harms associated with criminalisation, particularly for young people
 - c. further stigmatisation and reduced help-seeking by those who are dependent, which may drive further alcohol and other drug-related harm
 - d. challenges in enforcing importation bans for non-NVPS and NVPs.