



World Vapers' Alliance public submission to the Australian Senate Inquiry on the Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024

About the World Vapers' Alliance

The World Vapers' Alliance (WVA) amplifies the voices of vapers worldwide and empowers them to make a difference in their communities. Our members are vapers associations and individual vapers from all over the world. More information can be found on www.worldvapersalliance.com

About this consultation and why the World Vapers' Alliance is responding to it

The Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024 aims to prohibit the importation, domestic manufacture, supply, commercial possession and advertisement of non-therapeutic and disposable vaping goods.

In our view, the proposed measures would only reinforce the current prohibitionist regulation, a regulation that has failed in its primary objective of preventing underage vaping. On the contrary, this regulation has allowed the creation of a black market where minors have easier access to vaping products, while making it more difficult for adult smokers to use less harmful nicotine products to quit smoking. Australia therefore needs to take a 180-degree turn and implement a risk-based regulation that facilitates access to products for adult smokers and prevents access for minors.

Below we present our view of the situation in Australia, outlining how current regulation is affecting adults, minors and public health. We present an outline for risk-based regulation of vaping and address the issue of underage vaping.

Vaping and its public health implications

Vaping is [95%](#) less harmful than smoking as well as the most effective smoking cessation method. Although not entirely risk-free, the lack of combustion and the carcinogenic components found in traditional cigarettes make it a preferable method of nicotine consumption compared to smoking.

As a product targeted at nicotine users, its risk should be addressed in comparison to that of traditional cigarettes. According to [King's College London](#), the exposure to toxicants that promote cancer, lung disease and cardiovascular disease in the use of vaping products is substantially lower than that of smoking. This translates into a significantly reduced risk of cancer (a lifetime excess cancer risk of [0.0095%](#), only 0.4% of that from smoking), [substantial improvements](#) in cardiovascular health and even a [higher probability](#) of picking up healthier routines and exercising when switching.

These features of e-cigarettes make them an ideal tobacco harm reduction product, according to the [Royal College of Physicians](#): *"they can in principle deliver a high dose of nicotine, in the absence of the vast majority of the harmful constituents of tobacco smoke."* In this regard, the highly regarded healthcare NGO Cochrane, in a [review](#) of 78 trials with 22,052 participants, concluded that *"there is high-certainty evidence that ECs with nicotine increase quit rates compared to NRT and moderate-certainty evidence that they increase quit rates compared to ECs without nicotine."* Researchers at Queen Mary University's Health and Lifestyle Research Unit, in a [clinical trial](#) of nearly 900 smokers, quantified this difference and concluded that vaping is twice as effective as traditional nicotine replacement therapies in quitting smoking.

These findings - the relatively low risk of vaping and its effectiveness as a smoking cessation tool - should be considered pragmatically by policy makers. In the context of nicotine dependence among smokers, the current quit-or-die approach is bound to fail. However, the implementation of tobacco harm reduction policies that enable smokers who are unable to quit or who do not want to stop using nicotine to do so in a safer way can be of great benefit to public health. This approach is already being implemented in countries like [France](#), the [United Kingdom](#), [Canada](#), and [New Zealand](#) – where vaping is a recommended means of quitting for smokers – with great success.

Vaping has a net positive effect on public health, according to this [review](#) of the scientific literature. This is true even when the impact of an increase in youth vaping is modeled. In conclusion, it is possible to argue that risk-based regulation of vaping in Australia would improve public health by reducing smoking and the impact of smoking-related diseases, while also having a positive effect on health spending.

How the Australian model is failing

For vaping to have a positive effect on public health, it is necessary that adult smokers have easy and safe access to vaping products. This, however, is not the case in the current prescription-only model.

Although it is theoretically possible to access nicotine-containing vapes through a doctor's prescription, this is extremely difficult, as Dr Colin Mendelsohn [explains](#). Only a [small share](#) of doctors are authorised prescribers of nicotine vaping products, and generally, their knowledge of nicotine and vaping is limited and their attitude towards

electronic cigarettes is sceptic, as this [GP survey](#) shows in line with the [international evidence](#). Additionally, only a [few pharmacies](#) are willing to dispense vapes. Accordingly, independent estimates suggest that only [8%](#) of Australian vapers have a nicotine prescription, meaning that the rest of Australian vapers obtain their nicotine-containing e-liquids and vapes on the black market.

As an unintended consequence of this model, thousands of smokers who would like to use vapes to quit smoking are unable to do so, while many others are forced to purchase products of dubious quality on the illicit market.

The emergence of this illicit market, born to satisfy the needs of users who cannot get their products on the legal market, also has other negative implications. The first is that through the illegal market, it is much easier, not harder, for minors to access products. The Australian state's lack of capacity to combat the illicit market means that consumers vape products whose ingredients are unknown, unlike in a regulated market. This uncontrolled sale to minors is the main driver of the [growth](#) of youth vaping in recent years. Finally, prohibition has given control of the market to organised crime groups, who use the sale of vapers to finance themselves and recruit minors for their activity, according to Health Minister [Mark Butler](#).

In short, the current model has not solved the problems it was intended to tackle - namely youth vaping - while preventing adult smokers from switching to safer alternatives, forcing vapers to buy potentially dangerous products and reinforcing organised crime. As a result of such restrictive policies, Australia qualifies for last position in the [2024 Effective Anti-Smoking Policies Global Index](#).

The youth vaping issue

The fact that, despite the sale and delivery of e-cigarettes to those under the age of 18 being illegal, some minors are still accessing them, can only be due to the lack of law enforcement capacity by the Australian authorities and the growth of the illicit market.

As explained above, the growth of the illicit market due to poor regulation is the main driver of youth vaping. Without it, minors would not be able to access products so easily. Therefore, the problem would be largely addressed if the products were sold only in a regulated market through specialised shops - perhaps under a licensing system - where minors would be prohibited from accessing the products and vendors would face severe penalties for supplying them.

Still, to better understand the problem of e-cigarette use by minors, we should first analyse the profile of this age group of users, the prevalence of use among them and the reasons that drive them to use e-cigarettes.

As within adults, three groups of users can be identified among young vapers: current or former smokers, never-smokers who would have been smokers if vaping was not available and never-smokers who would have never consumed nicotine in the absence of vaping. E-cigarette use among young never-smokers is rare. Data shows it is experimental and occasional, and it only happens for a short period of time, rather than becoming a habit.

To illustrate this, a [survey](#) of 721 young people aged 14 to 17 years from NSW found 32% of them reported being an ever vaper, of which 47% reported vaping only a few

puffs and 22% reported vaping in less than 10 occasions. Moreover, almost half of them (46%) reported smoking prior to starting vaping. Of the total 721, only 9% had vaped while having never smoked, and only 2% of them vaped nicotine frequently. This data suggests that underage frequent vaping happens mainly among smokers while vaping alone or starting smoking after vaping is very rare. It also shows that vaping is mainly occasional and it rarely becomes a long-term habit.

Since most underage vaping takes place among smokers, it is, therefore, necessary to tackle the causes of tobacco consumption among minors rather than further restricting access to vape products in a generalised manner. The main explanation for the take up of nicotine by adolescents is low general satisfaction with their lives. Less satisfied minors have been found [more likely](#) to seek risky experiences and have a higher tendency to use illicit substances regularly. Another [study](#) suggests that, during early adolescence, other factors, such as personality traits, are associated with the onset of alternative nicotine product use and conventional smoking. It appears that a combination of these two factors is the main cause of tobacco use by minors, while other factors such as anxiety, parental smoking habits, peer attitudes, and household income also seem to be correlated with young smoking.

Regarding those who started vaping after smoking but do not smoke anymore, it seems that, if anything, vaping allows them to consume nicotine in a safer manner and reduce their exposure to health risks. This may also be true for those young who vape while having never smoked, since it is likely that the factors that led them to vape would have led to smoke if they hadn't had the possibility of vaping. In this sense, vaping is diverting some young people who would have otherwise smoked away from smoking.

A risk-based regulation

To improve public health and reduce underage vaping, Australia should adopt smart, risk-based regulation. Based on both scientific evidence and successful government-backed policies such as those implemented in [Sweden](#) and the United Kingdom, The World Vapers' Alliance suggests the following approaches be implemented on the institutional level:

- **A clear commitment to the concept of harm reduction:** The goal of harm reduction is to reduce adverse consequences among persons who continue to use unhealthy products. Instead of idealized goals, harm reduction puts practical solutions center stage. This approach has proved to be effective and is accepted in many countries. Australia should follow this approach and remove the restrictions preventing smokers from switching to less harmful alternatives.
- **Encourage current smokers to switch to vaping and similar less harmful products:** Like the governments of France, the United Kingdom, Canada, and New Zealand, Australia should assist smokers in their effort to quit by promoting vaping as less harmful alternatives to cigarettes.
- **Guarantee access to vaping products and flavours for adults:** It is essential that affordability and variety are ensured. One-fits-all solutions do not work, so adults need to be provided with a wide variety of options to quit to choose what suits them best. This does not only include vaping products with different levels of nicotine concentration and flavours, but also other safer nicotine products such as heated tobacco products, snus and nicotine pouches.

- **Protect minors adequately:** Putting an end to the illicit market where minors access products is the best way to prevent them from vaping. In the legal market, age verification processes should be implemented and dissuasive penalties established to prevent the sale of products to minors. Additionally, greater control can be achieved via a specialised shops licensing system.
- **Risk-based regulation and taxation:** A modern, open, risk-based regulatory framework focused on tobacco harm reduction should be implemented. Vaping is not smoking and must not be treated the same. Since vaping is less harmful than smoking, it should be less strictly regulated and taxed less than cigarettes.

Concluding remarks

In our submission, we attach the World Vapers' Alliance Harm Reduction & Vaping Factsheet, which includes an extensive review of the literature on e-cigarettes and a guide to an effective, public health-improving regulatory framework. We also attach an extensive evidence review on nicotine vaping by Drs Colin Mendelsohn and Alex Wodak, with information on the state of youth vaping in Australia and a series of public policy recommendations.

For any questions or comments, please contact the submitter of the response.