

# **DR MARISA PATERSON MLA SPEECH**

**3 August 2021**

## **PMB – Vaping and e-cigarettes**

Thank you, Madame Speaker.

I wish to move the motion appearing in my name on the Notice Paper.

This motion addresses the issue of vaping, or electronic cigarette use, in our community, in particular by children and young adults.

### **BACKGROUND**

E-cigarettes are battery powered devices that deliver an aerosolized solution with or without nicotine.

To date, there are over 7,000 e-liquid flavours available world-wide, and over 400 different e-cigarette brands.

These e-cigarettes heat liquid flavour, or nicotine, to the point it becomes a vapour that is then inhaled.

E-cigarettes do not contain the typical carcinogens present in tobacco smoke, however there are unknown long term health impacts of the solvents, flavours, additives and contaminants that can be found in the vapour that is inhaled through e-cigarettes. At the end of the day - we don't know if vaping causes cancer, we don't know if vaping increases the risk of cardiovascular disease.

Currently in Australia, people buy liquid nicotine from overseas websites. This industry of devices, liquid nicotine and flavours is largely unregulated globally – with international studies evidencing serious concerns around mislabelling, as well as the targeting and marketing of these products to young people.

### **RESEARCH AND DATA**

There is much debate in the community about the potential of e-cigarettes to reduce tobacco related harm. One argument supports the view that e-cigarettes are less

harmful, and those which don't contain nicotine could fulfill the habit and behaviour of smoking, without the harmful effects of nicotine.

However, there is currently insufficient evidence to demonstrate whether e-cigarettes are effective in the cessation of cigarette smoking. A recent study by the ANU Centre for Epidemiology and Population Health, published in September last year, notes that:

“the substantial majority of smokers who quit successfully do so unaided and no e-cigarette products have been approved by the Australian Therapeutic Goods Administration as smoking cessation aids...

The report further notes that:

“Currently, there is insufficient evidence that nicotine-delivering e-cigarettes are a more effective smoking cessation aid than no intervention, non-nicotine e-cigarettes, or standard nicotine replacement therapy. Similar conclusions have been reached by major recent national and international reports reviewing this evidence”.

Before a product can claim that it can help with quitting smoking or managing nicotine withdrawal symptoms, it must be assessed and approved by the Therapeutic Goods Administration for safety and efficacy. Currently, no brand of e-cigarette has been approved by the TGA for this purpose.

### VAPING LEADING TO PATHWAYS TO SMOKING

Counter to the position of e-cigarettes helping people to quit tobacco smoking, e-cigarettes have the potential for the reverse effect: creating pathways and behaviour which can lead to nicotine addiction - particularly in young people. The NHMRC states that there is some evidence from longitudinal studies to suggest that e-cigarette use in non-smokers is associated with future uptake of tobacco cigarette smoking.

The ANU report I referenced earlier, further states that:

among people who have never smoked or are current non-smokers, those who use e-cigarettes are, on average, around three times as likely to take up smoking of conventional cigarettes and transition to regular tobacco smoking, as those who have not used e-cigarettes.

To this point, much of our success in reducing smoking rates across the country has largely been that young people are not taking up cigarette smoking. Our public health

and legislative reforms have worked. However, e-cigarettes and vaping may work to undermine efforts with anecdotal evidence suggesting that young people in our community are vaping.

The National Health and Medical Research Council (the NHMRC) is currently funding Australian research into this matter and, more broadly, into the effects, safety and efficacy of e-cigarettes.

A key report has just this week been released by the World Health Organisation, highlighting the dangers of novel nicotine products. It notes:

“Nicotine is highly addictive. Electronic nicotine delivery systems are harmful, and must be better regulated. Where they are not banned, governments should adopt appropriate policies to protect their populations from the harms of electronic nicotine delivery systems, and to prevent their uptake by children, adolescents and other vulnerable groups.”

Another recent study, this one undertaken by the University of Queensland, has analysed the impacts of the portrayal of vaping on *TikTok*. *TikTok* is a platform primarily used by young people (and one middle aged Liberal member of this Assembly!!). The UQ study noted that:

“TikTok’s community guidelines restrict uploading videos featuring ‘the depiction, promotion, or trade of drugs or other controlled substances’. Advertising of tobacco and alcohol products is also prohibited on the platform”.

However, the findings suggest *TikTok* was not acting to control vaping-promoting video content. We need national regulation and legislation to address situations such as this. The UQ study called for age restrictions to reduce young viewers’ exposure to videos intentionally or inadvertently advertising vaping products and behaviour.

### POSITION STATEMENTS BY MEDICAL ASSOCIATIONS

Prominent medical associations including the World Health Organisation, the Australian Medical Association, the Therapeutic Goods Association, the Public Health Association Australia and the Cancer Council of Australia have all published position papers raising their concern with e-cigarettes and vaping.

The World Health Organisation calls for caution surrounding their use, urges governments to apply precautionary principles and notes the need for further studies and research into various aspects and impacts.

## CURRENT REGULATORY AND LEGISLATIVE ENVIRONMENT

The ACT's legislation and regulation around the use of e-cigarettes and vaping is among some of the most progressive in the country, and well ahead of national regulation and legislation.

In the ACT, under the *Tobacco and Other Smoking Products 1927* it is an offence to:

- supply vaping products to people aged under 18;
- be reckless about whether the person to whom the vaping product is sold is under 18 years old (including failing to check identification);
- purchase a vaping product for use by someone aged under 18 years old; and
- display advertisement for e-cigarettes and vaping products.

Under other ACT legislation – the *Medicines, Poisons and Therapeutic Goods Act 2008* – it is an offence to commercially sell or supply liquid nicotine for use in e-cigarettes.

These measures – particularly those around the advertising, packaging and marketing of e-cigarettes and vaping products – are intended to prevent non-smokers, including children and young people, from the uptake of smoking.

Nationally, the advertising of vaping products, including packaging, is not regulated.

In 2020, the ACT Government made a submission to the Federal Government's 'Australian Senate Select Committee on Tobacco Harm Reduction' calling for:

- effective internet safeguards to prevent children purchasing vaping products;
- national regulations, or nationally recognised approach to flavoured nicotine vaping products;
- regulation of e-cigarette packaging and product names to ensure their use is not marketed to appeal to young people;
- display of health warnings or advisories consistent with evidence, as validated by the National Health and Medical Research Council; and
- requirement for child-proof packaging for nicotine liquid and nicotine salts.

These reforms have not yet occurred or come into effect.

One of aspects of these recommendations is asserting the importance of child proof packaging for nicotine substances. Nicotine is a poison. It is a highly toxic substance. I would like to point the assembly to the Victorian Coroners report – July 2019. The report outlines the devastating circumstances of the death of an 18 month old,

referred to as Baby J, as the result of the accidental ingestion of liquid nicotine that was being mixed for e-cigarette use. The coroner stressed that not enough had been done to educate the community about the risks associated with e-cigarettes and the toxicity of liquid nicotine.

### PERSONAL EXPERIENCE AND COMMUNITY CONCERNS

Despite ACT legislation effectively making it illegal for people under 18 to 'vape', this is something that is occurring in our community.

I originally received a couple of emails from concerned parents that their children had obtained e-cigarettes at school. I investigated this further by posting widely on Canberra's Facebook noticeboards, encouraging parents to contact me if they felt this was an issue among teenagers in the ACT. I received many emails from concerned parents, who report wide spread vaping amongst our teenagers, our children, in the ACT.

It is imperative that we act on this now. Kids will always be kids, and want to push boundaries and try new things. We cannot let another generation be sucked down the path that those of previous generations – smoking is still the biggest cause of preventable death around the world.

It is important to acknowledge the Commonwealth moves to further regulate e-cigarettes. From 1 October 2021 you will no longer be able to legally buy these products from overseas websites without first talking with a GP and getting a prescription.

I commend everyone involved in this work, including my colleagues, Ms Rachel Stephen-Smith as Minister for Health and Ms Yvette Berry as Minister for Education, as well as the staff of the relevant Government Directorates.

### OBJECTIVE OF THE MOTION

I move this motion today, on behalf of my constituents and the ACT community, to protect our children from this potential harmful product, that threatens to normalise smoking behaviour to another generation – undoing all the progress that we have achieved.

We must support those in our community with nicotine addiction to quit smoking. We already have many effective programs in place for this, such as the great work

being undertaken by organisations such as the national Quitline support service, the Lung Foundation Australia and the Cancer Council.

We must ensure that other people in our community do not form smoking habits.

While we await the outcomes of NHMRC studies, and others, there is more we can do right now, based on what is known about vaping and e-cigarettes.

The effects of my motion will ensure that commentary about e-cigarettes and vaping are made by governments and health authorities, and not by those with a commercial interest in the promotion, advertising and marketing of these products.

### CALL ON ASSEMBLY AND ACT GOVT TO...

I move that this Assembly call on the ACT Government to continue to develop programs that educate and inform Canberrans, particularly younger Canberrans, about the risks of e-cigarettes, to prevent their uptake and use.

I move that this Assembly call on the ACT Government to review relevant ACT legislation to ensure that current arrangements are contributing to minimise the harm being caused by e-cigarettes and vaping – across our community, and particularly for young people.

I further move that this Assembly call on the ACT Government to advocate – again – to federal ministers for amendments to Commonwealth legislation to regulate e-cigarettes by:

- amending the national tobacco control legislation to expand the scope of the plain packaging and advertising legislation to include non-tobacco smoking products;
- restricting the type of e-liquid flavours and vaping devices permitted to be sold in Australia to those that are less likely to appeal to children and young people; and
- requiring child-safe packaging.

I also move that this Assembly call on the ACT Government to seek consideration by the Health Minister's Meeting on stronger national measures for vaping products including e-cigarettes.

Lastly, I move that the Assembly call on the ACT Government to report back on these matters to the Assembly no later than the first sitting week in December 2022.

Thank you.

Ends