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27 October 2020

Parliament of Australia
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

SUBMISSION TO THE SELECT COMMITTEE ON TOBACCO HARM REDUCTION

Dear Committee Members

I am writing to provide this submission regarding the important issue of tobacco harm reduction and submit the video at <https://youtu.be/47icS9j27wk> outlining my personal experience with vaping for the Committee's review.

As Member for Upper Hunter in the New South Wales Parliament, I am currently drafting an amendment to the *NSW Poisons and Therapeutic Goods (Poisons List) Proclamation 2016* (made under the *Poisons and Therapeutic Goods Act 1966*) proposing to exclude nicotine from the Poisons List when used in the preparation of vaping and e-cigarette products. I have also initiated a related electronic petition via <https://vapethestate.com.au> which, to date, has collected over 10,000 signatures in support of:

1. Recognising the overwhelming evidence that vaping is a proven method for smoking cessation, and is a far safer alternative to smoking cigarettes.
2. Amending the *NSW Poisons and Therapeutic Goods (Poisons List) Proclamation 2016* to exclude nicotine from the Poisons List when used in the preparation of vaping and e-cigarette products.
3. Supporting a domestic vaping manufacturing industry in New South Wales ensuring products are produced and sold at the highest possible safety standards.
4. Directing revenue generated by the legislation of vaping be directed to a new Regional Health Fund.

Further information is at <https://vapethestate.com.au/health-facts>. Of significant note is the link to a 2016 report by the *Tobacco Advisory Group of the Royal College of Physicians* entitled *Nicotine without smoke: Tobacco harm reduction* which concludes that the "large-scale substitution of e-cigarettes, or other non-tobacco nicotine products, for tobacco smoking has the potential to prevent almost all the harm from smoking in society. Promoting e-cigarettes, NRT and other non-tobacco nicotine products as widely as possible, as a substitute for smoking, is therefore likely to generate significant health gains..." (p.189).

In light of this medical recommendation, it is reasonable to make public access to these products simpler, not harder through the requirement for a doctor's prescription. I therefore request that the Select Committee consider this report, found at the link below, when formulating its responses to the TERMS OF REFERENCE:

- www.rcplondon.ac.uk/sites/default/files/media/Documents/Nicotine%20without%20smoke.pdf

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I have noted much research over the years regarding the use of vaping and its health improvements and/or affects and noted, as time goes by, the scientific evidence being used by jurisdictions around the world is more and more, proving that vaping is an effective tool in reducing tobacco consumption. Additionally, the fears of many regarding vaping being an introduction to smoking, are being allayed by direct surveys of global populations. The latest evidence summary in the UK, dated May 2020 can be found in the link below.

<https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020/vaping-in-england-2020-evidence-update-summary>

As a result of ongoing research, countries like the UK and New Zealand, with whom we share great cultural similarities, have legalised and regulated nicotine vaping.

I also provide the information at **TAB A** and **TAB B** for the Select Committee's consideration.

I respectfully request the Committee recommend enabling Australian citizens and residents to more easily and cheaply access vaping and e-cigarette products under the Australia Government's regulatory frameworks. And support for new domestic vaping manufacturing industry with controls for: ensuring the nicotine industry disrupter cannot be exploited by tobacco companies; product standards; banning marketing to children; requiring retailers to have sufficient knowledge and training to advise consumers; safe storage; and any other necessary controls.

In addition, I request that the Committee consider that, should my proposed amendment pass, the Australian Government's intention to require a prescription from a doctor to import or purchase vaporiser nicotine (nicotine liquids and salts) and nicotine-containing refills may conflict with New South Wales. Further, address legal enforcement differences between Australian jurisdictions in TERM OF REFERENCE H – ANY OTHER RELATED MATTER.

Countries in the United Kingdom, European Union and across the globe have already legalised vaping and e-cigarette products as a tobacco harm reduction strategy using a range of regulatory approaches, including tobacco legislation not written specifically for vaping and e-cigarettes. It would be sensible for Australia to do the same by excluding nicotine from the Poisons List when used in the preparation of vaping and e-cigarette products. And making these products as widely available as tobacco products – and without prescription.

I look forward to reviewing the Select Committee's recommendations.

Yours faithfully 


Michael Johnsen MP
Member for Upper Hunter
Parliamentary Secretary for Agriculture and Resources

TAB A

HEALTH FACTS ON VAPING

Australia is one of only two developed countries that has not legalised vaping, Turkey being the other. More than 430,000 Australians now vape, with over 50 million globally. Countries that have legalised e-cigarettes or heat-not-burn products include the US, UK, Japan and NZ.

More than 3 million Australians still smoke, sadly resulting in over 21,000 people dying each year due to smoking related illness.

Public Health England, in its latest evidence review regarding smoke-free products, outlines the case for the use of smoke-free products as a means of achieving tobacco harm reduction: 'Despite reductions in smoking prevalence, **smoking remains the biggest single cause of preventable death** and disease and a leading cause of health inequalities. So, alternative nicotine delivery devices which are less harmful **could play a crucial role in reducing this health burden**.

Since at least 2015, **Public Health England has maintained that 'vaping is around 95% less harmful than smoking.'** Cancer Research UK also recommends vaping over smoking, stating 'The evidence so far indicates e-cigarettes are less harmful than tobacco smoking and can be an effective quitting tool.'

Professor Tony Blakely from the University of Melbourne and Associate Professor Coral Gartner from the University of Queensland have stated that **"Australia should now commence a process of developing a regulatory framework that balances the risks and benefits offered by these products, as is happening in Canada and New Zealand."**

E-liquids that are sold in your local or online vape store typically contain non-oil grade food flavourings, Propylene Glycol (PG) and Vegetable Glycerin (VG). E-liquids purchased overseas containing nicotine are pre-mixed with safe levels of nicotine, or nicotine is added by the vape user in line with clear instructions. **These well-known e-liquid ingredients pose no health risk to vape users when vaped and have not caused any deaths to date.**

According to the UK Royal College of Physicians **'if nicotine could be delivered effectively and acceptably to smokers without smoke, most if not all of the harm of smoking could probably be avoided.'**

Professor Blakely and Professor Gartner have also stated **"for existing smokers, swapping tobacco cigarettes for e-cigarettes with nicotine will improve their health. But the shift could also mean a net health gain for Australia."**

Many smokers find it difficult to switch to well known patches or chewing gum, and find that electronic cigarettes or Heat-not-burn products have the added advantage of replicating familiar hand-to-mouth ritual and sensations of smoking which smokers can find very hard to stop. While not risk-free, the overwhelming scientific consensus is that these products deliver far lower levels of toxic and harmful compounds than combustible cigarettes. If a smoker switches completely from smoking he/she is likely to have substantial improvements in health.

Links

<https://pursuit.unimelb.edu.au/articles/access-to-e-cigarettes-will-improve-australia-s-health>
www.rcplondon.ac.uk/sites/default/files/media/Documents/Nicotine%20without%20smoke.pdf

TAB B

<https://pursuit.unimelb.edu.au/articles/access-to-e-cigarettes-will-improve-australia-s-health>