

# Policy Options for the Regulation of Electronic Cigarettes

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## Consultation submission

### Your details

|                                       |                            |  |
|---------------------------------------|----------------------------|--|
| This submission was completed by:     | <i>(name)</i>              | Philip Hope / Assoc Prof Chris Atkinson  |
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|                                       | <i>(town/city)</i>         | Manukau, Auckland <a href="http://www.lungfoundation.org.nz">www.lungfoundation.org.nz</a> |
| Email:                                |                            | <a href="mailto:philip.hope@lungfoundation.org.nz">philip.hope@lungfoundation.org.nz</a>   |
| Organisation <i>(if applicable)</i> : |                            | Lung Foundation New Zealand  |
| Position <i>(if applicable)</i> :     |                            | Chief Executive / Medical Director   |

*(Tick one box only in this section)*

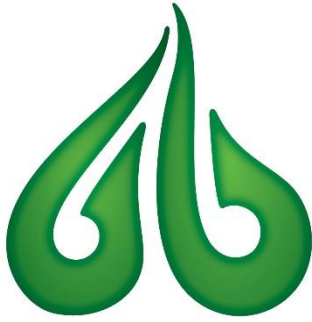
Are you submitting this:

- as an individual or individuals (not on behalf of an organisation)?
- on behalf of a group, organisation(s) - **Lung Foundation New Zealand**

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

- Commercial interests, including e-cigarette manufacturer, importer, distributor and/or retailer
- Tobacco control non-government organisation
- Academic/research
- Cessation support service provider
- Health professional
- Māori provider
- Pacific provider
- Other sector (s) *(please specify)*: See following –



# TUAPAPA PŪKAHUKAHU LUNG FOUNDATION

New Zealand

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**Lung Foundation New Zealand** is an independent non-government organisation dedicated to promoting healthy lungs and early detection of lung disease (including lung cancer, NZ's biggest cancer killer).

The Foundation advocates on a range of issues, including access to more effective funded treatments, an increase in research funding and a commitment to making Aotearoa a Smokefree nation by 2025.

*(You may tick more than one box in this section)*

Please indicate your e-cigarette use status:

- I am using nicotine e-cigarettes.
- I am using nicotine-free e-cigarettes.
- I currently smoke as well as use e-cigarettes.
- I am not an e-cigarette user.
- I have tried e-cigarettes.

## Privacy

We intend to publish all submissions on the Ministry's website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry's website, please tick this box:

- Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

- Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

- This submission contains commercially sensitive information.

## Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

Not applicable

Please return this form by email to:

**ecigarettes@moh.govt.nz by 5 pm, Monday 12 September 2016.**

If you are sending your submission in PDF format, please also send us the Word document.

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# Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

**Q1 Do you agree that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes  No

Reasons/additional comments:

The sale and supply of e cigarettes is already here, so the best we can do is to regulate the e cigarette market, by allowing;

- The restricted sale of e cigarettes containing nicotine and nicotine liquids through pharmacies and licensed specialist shops (which should also provide other smoking cessation options and have knowledge about e cigarettes and smoking cessation)
- Individuals to import a restricted amount for personal use

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

Yes  No

Reasons/additional comments:

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e-cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes  No

Reasons/additional comments:

Studies abroad have documented that e cigarettes contain many harmful chemicals, other than carcinogens and nicotine, which is a highly addictive substance. Examples include formaldehyde and an ingredient used in antifreeze.

Lung Foundation New Zealand is concerned that without regulation, e cigarettes will become a gateway to regular cigarettes for teenagers. Essentially these products have been developed to appear hip and cool and they also offer many flavours which appeal to the younger generation, such as candy and bubble gum etc.

**Q4 Do you think it is important for legislation to control advertising of e-cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes  No

Reasons/additional comments:

Studies abroad have documented that e cigarettes contain many harmful chemicals, other than carcinogens and nicotine, which is a highly addictive substance. Examples include formaldehyde and an ingredient used in antifreeze.

Lung Foundation New Zealand is concerned that without regulation, e cigarettes will become a gateway to regular cigarettes for teenagers, because they are marketed as being hip and cool and they also offer many flavours which appeal to the younger generation, such as candy and bubble gum etc.

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes  No

Reasons/additional comments:

If e cigarettes users are allowed to vape in Smokefree areas, we are concerned this will detract from the years of hard work to de-normalise smoking in New Zealand. In fact, allowing people to vape in Smokefree areas may well promote smoking itself and this will make Smokefree 2025 so much harder and costly to achieve.

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e-cigarettes? For example:**

| Control   | Yes                                 | No                       | Reasons - <u>As stated above</u>                                       |
|---|-------------------------------------|--------------------------|--|
| Requirement for graphic health warnings                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Prohibition on displaying products in sales outlets                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Restriction on use of vending machines                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Requirement to provide annual returns on sales data                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Requirement to disclose product content and composition                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Regulations concerning ingredients (e.g., nicotine content and/or flavours) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Requirement for annual testing of product composition                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Prohibition on free distribution and awards associated with sales           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Prohibition on discounting  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Prohibition on advertising and sponsorship                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Requirement for standardised packaging                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| Other   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Must also provide information about smoking cessation at point of sale |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

Yes  No

Reasons/additional comments:

Not at the moment

However, review this if evidence in New Zealand shows nicotine e-cigarettes and nicotine liquids is recruiting non-smokers and then use this to resource campaigns that outline the possible health risks to users.

**Q8 Do you think quality control of and safety standards for e-cigarettes are needed?**

Yes  No

Additional comments:

| Area of concern  | Yes                                 | No                       | Reasons/additional comments |
|--|-------------------------------------|--------------------------|-----------------------------|
| Childproof containers  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Safe disposal of e-cigarette devices and liquids               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Ability of device to prevent accidents                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Good manufacturing practice                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Purity and grade of nicotine                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Registration of products                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| A testing regime to confirm product safety and contents purity | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Maximum allowable volume of e-liquid in retail sales           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Maximum concentration of nicotine e-liquid                     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Mixing of e-liquids at (or before) point of sale               | <input checked="" type="checkbox"/> | <input type="checkbox"/> |                             |
| Other  | <input type="checkbox"/>            | <input type="checkbox"/> |                             |

**Q9 Are there any other comments you would like to make?**

1. That E cigarettes recommended as a cessation instrument be licensed by way of Medsafe.
2. We ask that the e cigarettes policy feeds into and assists toward the Smokefree 2025 goal
3. Whilst e cigarettes at this stage are considered much safer than tobacco products, we do have concerns, because the use of e cigarettes amongst adolescents is increasing rapidly. This poses the risk that our younger generation of e cigarette users are establishing a smoker's behaviour which could well lead them to switch to tobacco products.
4. We ask for an increased investment in smoking cessation campaigns that will engage and support and assist all people who smoke to quit. Such investment will save healthcare costs downstream.
5. We applaud the government for adopting legislation that requires tobacco companies to have plain packaging this past week, however we also ask that there be continued and ongoing commitment to government led tobacco control policy that puts the health of our nation and our people first.