



5th May 2023

Health and Environment Committee Queensland
Parliament House, George Street, Brisbane 4000
Via email: HEC@parliament.qld.gov.au

Vaping – an inquiry into reducing rates of e-cigarette use in Queensland

Lung Foundation Australia, Thoracic Society of Australia and New Zealand, Cancer Council Queensland, National Heart Foundation of Australia, Asthma Australia, Australian Medical Association Queensland, Public Health Association Australia and Arthritis Queensland are urging the Queensland Government to protect young people and non-smokers from the harms of vaping. The increasing use of e-cigarettes has created a new public health crisis and current public health and tobacco control measures are failing to protect children and non-smokers from being exposed to toxic chemicals. The use of e-cigarettes is known to have short term, detrimental health impacts; including addiction; intentional and unintentional poisoning; acute nicotine toxicity, including seizures; burns and injuries; lung injury; indoor air pollution; environmental waste and fires; dual use with cigarette smoking; and increased smoking uptake in non-smokers. However, the long-term health impacts remain alarmingly unknown.¹ Young people are becoming the next generation to become dependent on nicotine, with most vaping products widely available containing various amounts of this addictive substance. Many young people who vape do not know they are vaping nicotine and are unaware they are becoming addicted.

Such is the scale of illicit vaping amongst children and young people that schools are struggling to cope and have issued repeated calls for more support. Vaping use is persistent amongst students and becoming a detrimental social norm amongst younger generations. This is despite best efforts from schools to discourage vaping, using methods like installing vape detectors and locking bathrooms, to suspending those who repeatedly vape. Schools and school staff are not equipped to address this issue alone, and all levels of government must work together to safeguard our children and young people while there is still time to reverse this worsening public health crisis. A recent YouGov survey by Lung Foundation Australia found **83% of Queenslanders think the government needs to do more to protect young people from the harms of vapes.**

Whilst we welcome the recent review undertaken by the Therapeutic Goods Association (TGA) regarding nicotine vaping products, the announcements by the Federal Government, and the National Tobacco Strategy 2022-2030, we highlight that these measures will not solve the high prevalence of vaping occurring in the community without further legislative action taken by state and territory governments to support and enforce these changes. We are deeply concerned about the adverse health impacts of vaping products given the

conclusive evidence e-cigarette use causes a range of adverse health impacts, including respiratory and cardiovascular diseases.²

We must ensure all vaping products, including those that do not contain nicotine, are restricted and such products are only accessible for smoking cessation via prescription. Vaping products should not be used by non-smokers or children because of the known short- and mid-term adverse health impacts and risk of development of chronic diseases, including lung disease and cardiovascular disease.³ We will continue to call for a ban of all vaping products excluding those accessed under the prescription model as a smoking cessation tool. Children and non-smokers do not need access to vaping products, and they provide no benefit to the community.

We welcome and strongly support the vaping reforms announced by Federal Health Minister, the Hon Mark Butler MP on the 2nd of May 2023, particularly the ban on non-nicotine vapes. The new reforms highlight the importance of tackling this public health issue and protecting all Australians from the harms of vaping. These federal reforms empower the Queensland Government (and all other state and territory governments) to take clear action that will protect the health of the community and reduce the burden on the health system and economy. It is now more vital than ever that the Queensland Government implements strong measures that support the new reforms made by the Federal Government to protect the health of Queenslanders.

We must ensure vaping products do not end up in the hands of children and non-smokers.

We recommend:

- 1. The Queensland Government to amend relevant Queensland legislation to make it an offence to supply e-cigarette products (regardless of whether they contain nicotine) outside of the existing TGA prescription medical access model. Following the implementation of a ban on retail sale, monitoring and enforcement will need to be bolstered in combination with ongoing community education and support for those wanting to quit.**
- 2. Immediately intensifying the current compliance monitoring and enforcement of Queensland drugs and poisons laws (which prohibit the general retail sale of e-cigarette products containing nicotine), including product seizures.**
- 3. Prohibiting all forms of advertising, marketing, promotion and sponsorship in relation to e-cigarette products, components and liquids, and undertaking cooperative work between governments to take strong action against illegal marketing including online and via social media.**
- 4. Increasing investment in awareness – educational campaigns for target groups such as children and young people, as well as the communities supporting them.**
- 5. The Queensland Government to amend the *Electoral Act 1992* to include the banning of political donations from both the tobacco and vaping industry in line with Article 5.3 of the FCTC and the National Tobacco Strategy 2022-2030.**

We commend the Queensland Government for recent action to amend the Tobacco and Other Smoking Products Act 1998, and for the activities Queensland Health has completed to date. However, we stress more needs to be done and we need to see strong policy action by the Queensland Government now to protect our young people from significant health impacts.

Response to Inquiry Terms of Reference

1. The current status in Queensland relating to the:

a. prevalence of e-cigarette use, particularly amongst children and young people

Recent data has indicated that the prevalence of vaping in Australia continues to rise, with its uptake by children and young people of significant concern. In Australia, the proportion of people who had ever used e-cigarettes increased from 8.8% to 11.3% between 2016 and 2019 with a notable rise among young people.⁴ Nearly 2 in 3 (64%) current smokers and 1 in 5 (20%) people who had never smoked aged 18–24 reported having tried e-cigarettes.⁵ The Generation Vape study conducted by Cancer Council NSW found almost one-third of the sample (32%, n=233) reported being an ever-vaper, of which more than half (54%) had never smoked prior to starting vaping. More than half of ever-vapers had used a vape that they knew contained nicotine (53%, n=123). Flavours and taste were rated as the most important characteristic of vapes by respondents.⁶

Research from 2021 found that the current use prevalence for Australians aged 15–30 years was 14%, which was significantly higher than the results of the 2019 National Drug Study Household Survey which found 4.5% for 15–24-year-olds and 4.8% for 25–29-year-olds.^{7,8} The research further found that those under 18 years believed it was somewhat easy to get e-cigarettes online and in stores, affirming findings from other Australian studies and demonstrating youth are readily accessing e-cigarettes.⁹

We do not have current data for Queensland regarding the prevalence of vaping for those aged 18 years or younger. The most recent data captured in 2017 identifies 15.6% of Queensland school children aged 12 to 17 years had ever used an e-cigarette.¹⁰ The Health of Queenslanders 2023, Report of the Chief Health Officer Queensland, highlighted ongoing vaping use with 19.7% of Queensland adults having ever used an e-cigarette.¹¹ Concerningly, 14.5% of adults aged 18 to 29 years currently vape and based on the trends from 2018 to 2022, e-cigarette use has increased 40% over the time period.¹² Extrapolating from the recent rate of growth and figures for Queensland compared to the rest of Australia, it is estimated that as of March 2023, about 300,000 Queenslanders aged 18+ (6.5%) would currently be vaping at least occasionally.¹ We are witnessing a significant rise of vaping products in Queensland, and newer products that contain high concentrations of nicotine salt are increasing in popularity.¹³ Most vaping products available contain nicotine, driving increasing vaping use and leaving many users addicted and unable to stop vaping.

b. risks of vaping harmful chemicals, including nicotine, to individuals, communities, and the health system

Health impacts

A global systematic review on the health impacts of e-cigarettes by the Australian National University in 2022 identified health risks of e-cigarettes including: addiction; intentional and

¹ This compares to approximately 539,700 Queensland adults reporting current smoking in the ABS National Health Survey in 2020-21 (494,300 of whom smoked daily) representing 14% and 12.8% respectively of Queenslanders 18 years and over.

unintentional poisoning; acute nicotine toxicity, including seizures; burns and injuries; lung injury; indoor air pollution; environmental waste and fires; dual use with cigarette smoking; and increased smoking uptake in non-smokers.¹⁴ Less direct evidence indicates adverse effects of e-cigarettes on cardiovascular health markers, including blood pressure and heart rate, lung function and adolescent brain development and function.¹⁵

In June 2022, the National Health and Medical Research Council (NHMRC) CEO statement on e-cigarettes outlined the national advice on e-cigarettes based on the most up to date scientific evidence.¹⁶ The statement included:

- All e-cigarette users are exposed to chemicals and toxins that have the potential to cause harm. In addition to nicotine, more than 200 chemicals have been associated with e-liquids.
- E-cigarettes containing nicotine are addictive and people who have never smoked are more likely to take up tobacco smoking following their use.
- E-cigarettes have not been proven to be a safe and effective smoking cessation tool. There are, however, proven safe, evidence-based treatments available to help smokers quit such as nicotine replacement therapy (NRT), pharmacotherapy and behavioural interventions.
- For former smokers, using an e-cigarette may increase the chance of smoking relapse.¹⁷

There is some evidence that vaping can cause inflammation of the mouth, which can lead to gum disease and other oral health problems.¹⁸ A study published in December 2022 demonstrated that those who were vaping had a higher risk of developing caries.¹⁹ Evidence also suggests the potential for nicotine e-cigarettes to lead to oral cavity cancer creating a heightened awareness on the short- and long-term health risks of vaping.²⁰

The escalating cases of EVALI (e-cigarette or vaping product use associated lung injury) in 2019, brought serious attention to the dangers of e-cigarette use.²¹ The inflammatory response in the lungs caused by inhaling substances was strongly associated with Vitamin E acetate and Tetrahydrocannabinol (THC).²² By mid-February 2020, the Centers for Disease Control in the US reported more than 2,800 cases of lung injuries requiring hospitalisation and 68 deaths in the US.²³ Evidence has concluded that e-cigarettes can have short-term health effects, and that people should only be breathing clean air - particularly those at risk of, or who have, respiratory conditions.

Poisonings in children

E-liquids contain a cocktail of chemicals including nicotine, which can cause potential lethal side effects in small quantities. The Queensland Poisons Information Centre noted a 486% increase in calls for children exposed to e-cigarettes and vaping products since 2020.²⁴ The Victorian Poisons Information Centre reported a 232% increase in calls about poisoning from e-cigarettes in the past four years, with more than 100 of the calls in 2022 relating to children under the age of four.²⁵ Additionally, other Australian states are experiencing similar increases, with 171 calls to the NSW Poisons Information Centre regarding children aged 15 and under regarding vapes and e-cigarettes in 2021.²⁶

Nicotine

Vaping products often contain the addictive drug nicotine, which when used by adolescents can harm the parts of the brain that control attention, learning, mood, and

impulse control.²⁷ Nicotine is harmful to the developing brain (development occurs until around 25 years of age) and may increase risk for future addiction to other drugs.²⁸ Nicotine dependence can quickly occur and when a person discontinues use, they may experience nicotine withdrawal symptoms including irritability, restlessness, feeling anxious or depressed, trouble sleeping, problems concentrating and cravings for nicotine.²⁹

Vaping is becoming increasingly common in Australia with the Generation Vape study by Cancer Council NSW finding more than half of ever-vapers had used a vape that they knew contained nicotine and a further 27% did not know whether they had used a vape containing nicotine or not.³⁰ The flavoured and affordable disposable devices often contain nicotine salts that have a lower pH, allowing higher levels of nicotine to be inhaled with less throat irritation than free-base nicotine.³¹

The use of nicotine salts in vapes resulted in higher ratings of appeal, sweetness, and smoothness, whilst having lower reports of bitterness and harshness compared to free base nicotine.³² These effects were more prominent among never-smokers and such research demonstrates that nicotine salt formulations can enhance appeal and sensory experience of vaping.³³

Gateway to Smoking

Tobacco use remains the leading preventable cause of morbidity and mortality in Australia, responsible for 8.6% of the total burden of disease and injury in 2018.³⁴ Recent studies have demonstrated a link between vaping and smoking, with those who vape more likely to go on to smoke regular cigarettes.³⁵ There is evidence that non-smokers who use e-cigarettes are three times more likely to go on to smoke combustible tobacco cigarettes.³⁶ Whilst ever-vapers were 18 times more likely to be ever-smokers than those who had never vaped, and ever-smokers were seven times more likely to be ever-vapers than those who had never smoked.³⁷ Public health measures have resulted in significant declines in smoking rates over the past two decades, with the smoking rate decreasing to 11.2% in Australians aged 15 and over.³⁸ Vaping use has been increasing significantly in recent years and has the potential to increase smoking rates in Australia, impacting the years of hard work that has been done to reduce smoking and protect public health.

c. approaches being taken in Queensland schools and other settings relevant to children and young people to discourage uptake and use of e-cigarettes.

Perceptions of school principals and teachers

The University of Melbourne surveyed over 200 secondary school principals and teachers across Australia regarding e-cigarettes.³⁹ The study found that nearly half of all school staff members surveyed have found an e-cigarette on school grounds at least monthly.⁴⁰ One-third of principals reported suspending or expelling students at least monthly for e-cigarette possession or use.⁴¹ E-cigarette use was identified as an increasing problem in secondary schools by 93% and concern is high with 94% stating they are concerned about e-cigarette use by students.⁴² School policies around vaping were uncommon with only 51% reporting that their school had a policy in place.⁴³ Barriers around enforcing policies included the discreet appearance of e-cigarettes (83%) and difficulties in pinpointing from where the vapor or scent is coming (73%).⁴⁴ The results demonstrate the increasing problems e-cigarettes are causing in school environments and the urgent need to develop policies in schools and at the government level to reduce young people vaping.⁴⁵

In March 2023, the Queensland Teachers' Union expressed high levels of concern reporting that vaping has become an issue across the state over the last three years, despite attempts to educate students and parents about the dangers of vaping.⁴⁶

What are schools doing to combat vaping use?

Schools have resorted to new measures to reduce vaping at schools as a desperate bid to reduce vaping by students. Schools have implemented new vaping policies, smoke detectors, locked school bathrooms, removed bathroom doors and often suspend students due to vaping.

Many schools have implemented vape detectors, particularly within school bathrooms. The South Australian education Minister Blair Boyer stated the government supports schools installing vape detection systems as vaping use continues to increase.⁴⁷ Schools are now needing to find between \$15,000 to \$20,000 to install vape detectors in a bid to combat vaping use at school.⁴⁸

However, stronger measures have been taken in many schools with some resorting to locking bathrooms to eliminate vaping during school hours.⁴⁹ A school in Melbourne required students to request an access card to use bathrooms following complaints of vaping at recess and lunchtime.⁵⁰ Schools are clearly struggling with how to manage the ongoing use of vapes by students. Earlier this year, a central Queensland Catholic College suspended more than 30 students following a video emerging of students vaping in a toilet block.⁵¹

Vaping is causing a significant burden on schools and interfering with the quality of education that is being delivered. We must address this issue outside of the school grounds and the problem needs to stop before it gets through the school gates. Schools should not be required to implement such drastic measures to protect the health of young people and the government must do more as the actions taken by schools alone are not enough to address the root of the issue.

2. Opportunities to increase:

a. awareness of the harmful effects of e-cigarette use (with and without nicotine) to an individual's health, and the effectiveness of preventative activities; and

E-cigarettes have grown quickly in popularity, particularly among young people, and awareness of the health impacts of e-cigarettes is growing in the community. Results of surveys of adults in Australia suggest high levels of awareness of harms caused by e-cigarettes. In September 2022, 79% of Queensland adults and 81% of Australian adults taking part in an online survey conducted by the Centre for Behavioural Research in Cancer agreed that nicotine vaping products are highly addictive.⁵² This was significantly higher than the proportion of Australian adults agreeing with this statement in the same month in 2021 (70%).⁵³ Additionally, an internet survey conducted in October to November in 2021 showed that fewer than half of young people aged 15 to 30 were aware that an e-cigarette could explode and cause injury.⁵⁴ However, while there are some gaps in knowledge, levels of awareness about addictiveness and health effects are high among young people (the group most likely to use e-cigarettes); 80% agree that they are bad for your health.⁵⁵

Research on the toxicity of e-cigarette products is relatively new and more research is needed to understand the health harms, especially long-term harms, associated with vaping. We note the work being done by states and territories in developing and implementing health campaigns on the harmful effects of e-cigarette use. E-cigarettes have been marketed and advertised to be less harmful than traditional cigarettes, however these products are used widely even by those who do not smoke. Whilst there is public perception that they are less harmful than cigarettes, we truly do not understand the full health impacts of e-cigarettes yet due to a lag in research data. What we do know is that people should not be breathing anything but clean air in their lungs, especially if they have, or are at risk of having, respiratory conditions.

b. accessibility and effectiveness of services and programs to prevent uptake and continuing use of e-cigarettes.

To date, there has been limited research on services and programs to prevent uptake and continuing use of e-cigarettes as they are an emerging public health problem. Despite the need for such services as a supplementary action, including the need for specific support programs to help children, young people and adults quit vaping, the Government needs to immediately implement policy reform to effectively protect children and non-smokers from the harms of vaping.

Minister for Health and Aged Care, Mark Butler, announced a ban of all vaping products outside of the prescription model, highlighting that this is the most effective reform to tackle ongoing use and increasing use of vaping, particularly by children and young people. Queensland must now support these reforms and implement complementary legislation to enforce a ban on the supply and sale of e-cigarettes. This will ultimately reduce access to vaping products and thus, use by all Queenslanders.

3. Consideration of waste management and environmental impacts of e-cigarette products.

By banning e-cigarettes outside of the TGA model for smoking cessation, we can greatly reduce and prevent more waste from harming the environment. Novel products such as e-cigarettes are a new and different environmental concern with disposable e-cigarettes presenting the biggest problem.⁵⁶ E-cigarette waste appears to be even more damaging to the environment than cigarette butts, presenting a challenge due to the plastic waste, electronic waste, and other hazardous waste following their disposal.⁵⁷ Additionally, the lithium-ion batteries can pose fire risks in recycling and waste facilities, whilst chemicals from the vapes can leach into water supplies and the environment.⁵⁸ Nicotine is considered a hazardous substance and as such many plastic pods cannot be recycled.⁵⁹ Disposable e-cigarettes and pods are becoming increasingly popular and even more waste is being produced that cannot be disposed of safely or recycled.⁶⁰

Disposal of nicotine vaping products from prescription:

The Pharmaceutical Society of Australia (PSA) provides the following advice to pharmacists about how they should advise patients who are dispensed nicotine vaping products from their pharmacies. Nicotine vaping products and vaping devices are hazardous waste and must be disposed of carefully.

Safe disposal of open systems: Advise patients to return any unused nicotine vaping products (and empty nicotine vaping product containers that may contain residual nicotine) to the pharmacy for appropriate disposal through the return of unwanted medicines (RUM) program. Advise patients to switch vaping devices 'off' and remove rechargeable batteries prior to disposing in the household rubbish. Rechargeable batteries can be disposed of according to local council recommendations.

Safe disposal of closed systems: Contact your local council for information about disposal of household quantities of closed system [single use] 'disposable' vaping devices. If the waste must be stored prior to disposal, advise patients to store it securely and out of reach of children.⁶¹

Since the publication of the PSA's guidelines, it was reported that the Battery Stewardship Council has advised that its battery collection points are not able to accept single-use e-cigarettes with an encapsulated battery. If the e-cigarette contains a battery that can be safely removed from the device, the separated battery can be disposed of at a battery collection point.⁶² Consequently, there is currently no safe way to dispose of single-use e-cigarettes. It seems unlikely that most people would take their e-cigarette components to council recycling/waste management centres. In addition, many e-cigarette users in Australia obtain their e-cigarettes from sources other than pharmacies; non-nicotine e-cigarettes can be sold to adults aged 18+ in retail stores in most states/territories.⁶³ These products also create considerable litter, e-waste and hazardous chemical waste in Australia.

4. A jurisdictional analysis of other e-cigarette use inquiries, legislative frameworks, policies and preventative activities (including their effectiveness in reducing e-cigarette use).

It is well documented that all Australian jurisdictions have been struggling to address the growing crisis that is youth vaping. This is well documented and the shared challenges around local monitoring, enforcement, awareness, etc. are now able to be addressed as a result of the reforms announced by the Australian Health Minister, Minister Butler, this week. South Australian Minister for Health and Wellbeing, Chris Picton MP has stated that South Australia fully supports the strong action on vaping and will work on reforming their laws to have similarly tough approach in the state.

Banning of Political Donations

An important jurisdictional comparison is regarding the influence of the tobacco and vaping industry on policy decisions. Australia signed the World Health Organization Framework Convention on Tobacco Control (FCTC) in 2003 and since then has achieved milestones in reducing tobacco use by strengthening regulatory control, creating awareness through health campaigns, and enhancing smoking cessation services. Despite this, we must do more to meet the articles outlined in the FCTC and protect the health of Queenslanders. Article 5.3 of the WHO FCTC relates to protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry this extends to new and emerging products, such as e-cigarettes and heated tobacco products, due to the increasing integration between their manufacturers and the tobacco industry.⁶⁴

Akin to other jurisdictions, the Queensland Government should amend the *Electoral Act 1992* to include the banning of political donations from both the tobacco and vaping industry. Tobacco companies now own many of the leading e-cigarette brands with major international tobacco companies heavily investing in e-cigarettes in recent years.⁶⁵

In the recent review of the *Electoral Act 1992*, we recommended amendments that would eliminate this detrimental loophole for unhealthy industry interference, but unfortunately these were not adopted. We note that Tasmania and NSW have particularly positive regulations for restricting this influence, and we would be happy to reshare our proposed changes to the *Electoral Act 1992*, as this can ensure that Queensland aligns with article 5.3 and protects public health policies from commercial and other vested interests of the tobacco industry.

Recommended Policy Action

We welcome the introduction of restrictions relating to the importation of vaping announced by the Federal Government on the 2nd of May 2023. The new reforms, including nicotine vapes only being sold in pharmacies as part of the smoking cessation model, highlight the importance of tackling this public health issue and protecting children and non-smokers from the harms of vaping. The Queensland Government must implement strong complementary reforms and we reiterate that we recommend:

- 1. The Queensland Government to amend relevant Queensland legislation to make it an offence to supply e-cigarette products (regardless of whether they contain nicotine) outside of the existing TGA prescription medical access model. Following the implementation of a ban on retail sale, monitoring and enforcement will need to be bolstered in combination with ongoing community education and support for those wanting to quit.**
- 2. Immediately intensifying the current compliance monitoring and enforcement of Queensland drugs and poisons laws (which prohibit the general retail sale of e-cigarette products containing nicotine), including product seizures.**
- 3. Prohibiting all forms of advertising, marketing, promotion and sponsorship in relation to e-cigarette products, components and liquids, and undertaking cooperative work between governments to take strong action against illegal marketing including online and via social media.**
- 4. Increasing investment in awareness – educational campaigns for target groups such as children and young people, as well as the communities supporting them.**
- 5. The Queensland Government to amend the *Electoral Act 1992* to include the banning of political donations from both the tobacco and vaping industry in line with Article 5.3 of the FCTC and the National Tobacco Strategy 2022-2030.**

Summary

Lung Foundation Australia, Thoracic Society of Australia and New Zealand, Cancer Council Queensland, National Heart Foundation of Australia, Asthma Australia, Australian Medical Association Queensland, Public Health Association Australia and Arthritis Queensland are urging the Queensland Government to protect young people and non-smokers from the harms of vaping and address the increasing use of e-cigarettes. This escalating public health crisis cannot be controlled by current public health measures, and we continue to fail to protect children and non-smokers from being exposed to toxic chemicals. The use of e-cigarettes is known to have short term, detrimental health impacts, and the potential long-term health impacts are highly concerning. Young people are rapidly becoming the next generation to be dependent on nicotine, with most widely available vaping products containing various, often alarming, amounts of this addictive substance.

We will continue to call for an immediate ban on the supply of all vaping products, excluding those which are accessed under the prescription model as a smoking cessation tool, and we note that this aligns with the federal announcements made in May 2023. Children and non-smokers should not be able to access vaping products. They provide no benefit to the general community, and we stress that the use of vaping as a cessation tool is not within the scope of this Inquiry, which remains an important distinction which we applaud.

We remain committed to supporting and working with the Queensland Government to implement our recommendations as we share the concern and commitment to protecting our community and health system. If you would like to discuss this submission further, please contact Mark Brooke, CEO of Lung Foundation Australia, at markb@lungfoundation.com.au, or alternatively:

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Sincerely,



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