

# Tobacco experts praise Australian vaping law loophole closure

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Leading Australian tobacco control experts have praised the Federal Government's plans to close vaping law loopholes, calling for the proposed reforms to be introduced urgently to grasp the opportunity to

end the youth vaping epidemic.

Associate Professor Becky Freeman from the University of Sydney, Professor Tanya Buchanan, CEO, Cancer Council Australia, and Anita Dessaix, Chair of Cancer Council's Public Health Committee, outline the pressing need for [vaping](#) reform in a [new commentary](#) in the *Australian and New Zealand Journal of Public Health*.

Reforms to tighten vaping regulation were announced by Health Minister the Hon Mark Butler in November 2023.

Ending the importation of disposable, single-use vapes came into effect from 1 January. Further legislation planned for this year will strengthen and support enforcement of this change, including preventing the advertising, supply, or commercial possession of non-therapeutic and disposable vapes; tightening legal loopholes to end personal importation; and regulating nicotine levels and flavors in prescription vapes.

The expert authors of the academic commentary commend the proposed changes to vaping regulations, stating that "comprehensively addressing access and supply of vaping products is crucial if Australia hopes to roll back the alarming rise in [young people](#) vaping, who are vulnerable to lifelong nicotine addiction."

Lead author Professor Becky Freeman says that although it's illegal to sell nicotine vapes since 2021, purchasing e-cigarettes remains alarmingly common and easy for young people.

"Currently, non-nicotine vapes are exempt from regulation that restricts vape access to those with a doctor's prescription. It's a [legal loophole](#) that allows retailers such as tobacconists, [convenience stores](#), chicken shops and petrol stations to get away with selling vapes under the guise that they don't contain or aren't labeled as containing nicotine. The reality is

that most of these e-cigarettes do contain nicotine, and even non-nicotine vapes are harmful.

"The alarming increase in youth vaping has gone hand-in-hand with the increasing retail availability of these products. The proposed reforms will be welcomed by schools, parents and teens struggling with the vaping epidemic."

The academic commentary also takes aim at retailers who the authors say are "knowingly selling nicotine-containing vapes to young people."

"Vapes are sold in [local shops](#) near schools, with enticing displays of lollies lining the entrance, attracting the attention of young people. The vapes come in the same candy-scented flavors and are sold illegally to teens and children.

"Those advocating for more open access to vapes say that responsible retailers should be allowed to sell vapes like any other consumer good. These groups happen to have a commercially vested interest in selling these products. Many of these so-called 'responsible retailers' are also currently knowingly selling nicotine vapes to minors," says co-author Professor Tanya Buchanan.

Co-author Anita Dessaix says it's important to remember that the reforms do not "ban" vaping, nor will the new laws criminalize people who vape.

"A cornerstone of the government's policy is ensuring that people who smoke who have decided they need vapes to help them quit smoking can still access them with the personalized advice of a health professional. The new reforms strike the balance between protecting young people from a notoriously predatory industry and providing controlled access to a highly addictive and harmful product."

Adjunct Professor Terry Slevin, CEO of Public Health Association of Australia, says that the latest evidence-based commentary should send a strong message to politicians in all national, state and territory parliaments about the need to support a strengthened and enforced prescription pathway.

"We urgently need these reforms in place to protect the next generation from reckless retailers and the destructive nicotine industry. The proposed reforms are sound, necessary, and backed by evidence. We are calling on all members of Parliament to get the job done and support these legislative changes, to close loopholes and protect the health of Australians, particularly young people."

**More information:** Becky Freeman et al, Closing loopholes in Australian vaping laws: Why Australia's proposed vaping reforms are sound public health policy, *Australian and New Zealand Journal of Public Health* (2024). [DOI: 10.1016/j.anzjph.2023.100114](https://doi.org/10.1016/j.anzjph.2023.100114)

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