# Regulating E-cigarettes: Exploring policy options around retailing

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### **Background: E-cigarettes internationally**

- Diverse range of products continuing to evolve
- Global growth in e-cig market share
- Various estimates for lower level of harm relative to smoked tobacco eg, 5%, 10% as harmful
- Role in assisting smoking cessation still unclear
- Concerns around youth uptake, normalisation of smoking/drug use & erosion of smokefree laws



#### **Background: E-cigarettes in NZ**

- Not legal to retail with nicotine but a Ministry of Health review process underway
- Self-importation of nicotine is legal
- Nicotine containing e-juice seems readily available (illegally sold) – probably very low risk of prosecution

"Amsterdam Coffee Shop" in Wellington



# Options for regulation of e-cigarette retailing (building on: Wilson et al 2015 NZMJ)

- Any retailer (eg, as per tobacco in NZ)
- Any retailer but with a licence (as per tobacco in some countries)
- Specialist vape shops only (with a licence)
- Pharmacists only "pharmacy only"
- Pharmacists only "prescription only"
- Public hospital pharmacies only (no private sector)
- No retail permitted (as per NZ for nicotinecontaining; but not devices)

# **Arguments for wide retail availability**

- More available and visible to smokers ->
  enhanced uptake of vaping?
- More competition → lower prices (better to compete with tobacco)

Also: Any licence fees would deter retailers & would not be a level playing field relative to tobacco retailing

# Arguments for constrained and regulated retail availability

- Better customer support (vape shops, pharmacists) to assist transition to vaping
- Easier for government to monitor any controls eg, on: purchase age, marketing, product labelling, product quality etc
- Easier for government to enforce compliance (eg, the threat of licence withdrawal)
- Easier for government to roll-back e-cig availability in the future (eg, if future knowledge highlights problems)
- Fees from licences could fund monitoring, enforcement and research

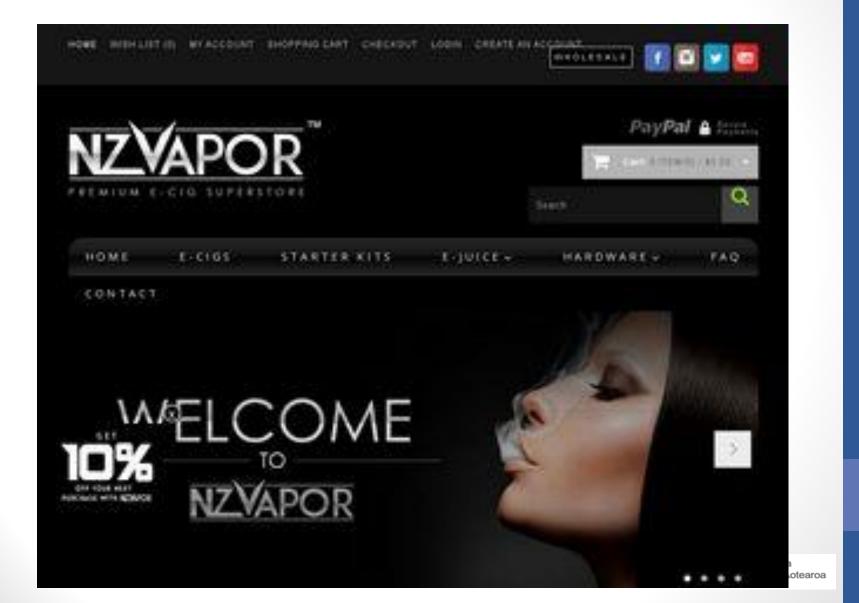
# Tightly regulated retail – continued

- Could combine with tighter regulation of retail availability of tobacco – eg, licensing (as per Hungary), a sinking lid on retail outlets (Pearson et al 2016 *Tob Control*)
- If NZ followed international trends around cannabis – licensed vape shops/pharmacies could be a model for controlled sale



Cannabis vaporiser

# Problematic marketing – glamour vs quitting aid?



### NZ data & experience

- Some NZ pharmacists used to sell ecigarettes
- Survey of NZ pharmacists high support for smoking cessation activities & for sales if made "pharmacy only" [van der Deen, PhD thesis manuscript]
- Psychoactive Substances Act 2013 licensing provisions for retail (Wilson et al NZMJ April 1, 2016) – but not utilised yet

### Selected international experience

- Australian survey: Vapers had strong opposition to prescription only or pharmacy only sales. (Fraser et al 2015 *Int J Drug Policy*)
- UK survey: The majority of pharmacists (73%) sell e-cigs (Gomes et al 2016, *BMJ Open*)
  - Most (97%) supportive of e-cigarettes being regulated
- E-cig sales ban to minors common in the USA, 14 states require licenses/permits for sales eg, California (Public Health Law Centre 2016) (Tremblay et al 2015 BMC Med)

### Options for what NZ health workers can do:

- 1. Wait until the evidence around options is clearer?
- 2. **Engage** with the ongoing policy process in NZ eg, any future Select Committee on new e-cig regulations?
- **3. Advocate** for tighter retail controls on *tobacco* (which may make regulations for e-cigarette retail more useful & viable)?

#### **Summary**

- Many plausible options for regulating retailing of e-cigs: from nil to very tight (eg, hospital pharmacies) / banning
- Limited evidence to inform the best option so some will use philosophical approaches: unfettered market vs precautionary approach
- NZ health workers have various options to engage – including an integrated approach of also reduce tobacco retail availability