



**AUSTRALIAN MEDICAL ASSOCIATION
(SOUTH AUSTRALIA) INC.**

ABN 91 028 693 268

6 February 2023

Ms Penny Pratt MP
Member for Frome
44 Main St
Kapunda SA 5373

E: frome@parliament.sa.gov.au

Dear Ms Pratt

Re: Controlled Substances (Nicotine) Amendment Bill

On behalf of the Australian Medical Association in South Australia (AMA(SA)) and our Council, thank you for the opportunity to comment on the Controlled Substances (Nicotine) Amendment Bill as proposed by One Nation MLC Ms Sarah Game.

As background, I have heard Ms Game outline in radio interviews – including with David Bevan on 891 Adelaide on 2 November and Leon Byner on 5AA on 23 November 2022 – her reasons for introducing the Bill. We understand from her public statements that Ms Game hopes the Bill will ‘save the lives of smokers who are dying’. More broadly, Ms Game told radio listeners that the Bill intends to ‘allow regulated vaping products to be sold at licensed outlets’ and to ‘make it just as easy to buy a regulated nicotine vape ... as it is to buy cigarettes’.

We do not believe increased access to vaping products will save lives but will contribute to the rapidly spreading plague of nicotine addiction among Australians, including school-aged children and young adults. However, there is strong evidence that never-smokers who use e-cigarettes are about three times more likely to take up cigarette smoking than those who do not use e-cigarettes,¹ and AMA President Professor Steve Robson said last month that the TGA is reporting that the amount of nicotine consumed by Australians is increasing for the first time since the 1970s.

AMA opposition to vaping products

The AMA, nationally and in South Australia, opposes any move to increase access to vaping products in retail outlets in Australia. Rather, across Australia, we are supporting Commonwealth moves to restrict access to vaping products as much as possible due to increasing evidence that they are harmful.

E-cigarettes have only been readily available for about six years. Initially, e-cigarettes were perceived as a means of stopping people smoking, preventing them from becoming addicted to nicotine, or helping them stop smoking. However, as noted above, the Australian National University reported in April 2022 that there is strong evidence that non-smokers who use e-cigarettes are three times as likely to go on to smoke cigarettes.

¹ https://nceph.anu.edu.au/research/projects/health-impacts-electronic-cigarettes#health_outcomes. Australian National University, April 2022

Over that six-year period, there has been mounting evidence that e-cigarettes can cause significant health problems, including acute lung disease, severe burns, nicotine poisoning, seizures and tooth decay.

We are also seeing increased use of 'recreational vapes'. Many of these products that have labels suggesting they do not contain nicotine have been found to contain large amounts of nicotine. Like other vaping products, they also contain potentially dangerous and even toxic levels of other chemicals. They are causing young people to become addicted and may be a gateway to tobacco use and smoking.

As a result, and as noted in the federal AMA submission² to the Therapeutic Goods Administration (TGA) last month, the AMA supports strong, strictly enforced regulation of vaping products that contain nicotine.

We believe the aim of regulating vaping products must be to limit their use so they are only available for smoking cessation, and only available as a 'last resort', through a doctor's prescription, to those who have not succeeded in breaking their addiction with other treatments.

Our concerns include:

- Vaping products have been found to contain nicotine levels of up to 59 mg/mL, and a single e-liquid cartridge for some devices can contain the same amount of nicotine as in a pack of 20 cigarettes. The TGA has also found 'very significant evidence that companies and individuals are concealing the presence of nicotine in their products'.³ Some packaging has been found to provide incorrect details about nicotine content. More than 30 countries have banned their sale.
- While regulations require tobacco to be sold in bland packaging that includes information about health risks of nicotine, e-cigarettes are packaged in bright colours and with no health warnings. They are available in thousands of attractive flavours. They also contain poisons and other substances with known or possible health effects.
- Ms Game's Bill intends to make 'regulated' vaping products available from licensed outlets, in the same way as cigarettes are made available. However, as can be seen from the incidence of youth smoking over past decades, regulating the sale of tobacco has not been effective in blocking access to tobacco.
- While Ms Game mentioned in her interviews that 'only' 13 doctors in South Australia prescribe e-cigarettes to patients trying to stop smoking, our general practitioner members suggest the number is small because doctors do not want to prescribe a harmful product that may snare their patients in another cycle of addiction.
- The Cancer Council Victoria released a report in October 2022 that summarised findings from two surveys of e-cigarette use in Victorian adults in 2018-19 and 2022. Key findings include that of the estimated 308,827 current users in 2022, more than half were under 30 years old and more than 30% were aged 18-24 years.⁴ The proportion of never smokers who currently use e-cigarettes increased 4.5-fold from

² <https://www.ama.com.au/articles/ama-submission-potential-reforms-regulation-nicotine-vaping-products>

³ https://consultations.tga.gov.au/medicines-regulation-division/proposed-reforms-to-the-regulation-of-nicotine-vap/user_uploads/tga-consultation-paper---nicotine-vaping-products---nov-22-1.pdf

⁴ https://consultations.tga.gov.au/medicines-regulation-division/proposed-reforms-to-the-regulation-of-nicotine-vap/user_uploads/tga-consultation-paper---nicotine-vaping-products---nov-22-1.pdf

2018-19 to 2022. This represents approximately 77,200 never smokers who reported currently vaping, of which 44,534 (more than half; 57.7%) were under the age of 25 years.⁵

The AMA has repeatedly advocated for the following policy changes:

1. Reduce the concentration limit allowed under Therapeutic Goods Order 110 from 100mg/ml to 20mg/ml, and introduce limits on the flavours and volume of nicotine that can be prescribed or ordered
2. Ban the importation of vaping products through the Personal Importation Scheme
3. Work with state and territory governments to add vaping products to Real Time Prescription Monitoring programs (which have been very successful in reducing codeine use in Australia) to reduce the risk of 'doctor shopping'
4. Amend MBS telehealth smoking cessation items so that only a patient's usual doctor may prescribe vaping products as a smoking cessation tool
5. Work with state and territory governments to deal with this issue more consistently and strategically, including through better enforcement of vaping product laws to prevent the illegal sale of these products, especially to young people.

We support introducing controls on the importation of all vaping products through Customs Regulations, and the introduction of appropriate penalties and seizure mechanisms to regulate vaping products that contain nicotine but are not labelled as such.

In conclusion, Australia is losing the public health battle on vaping and improving safety and removing loopholes in their regulation is essential to reversing this. The AMA is one of many public health voices calling for stronger action on limiting access to vaping products in Australia, and we are advocating for this action at all levels of government.

I thank you for your interest in this very important matter. Should you wish us to provide more information or clarify any issue, please contact me via my Executive Assistant, Mrs Claudia Baccanello, on 8361 0109 or at president@amasa.org.au at any time.

Yours sincerely



Dr Michelle Atchison
BM, BS, FRANZCP, GDipArtHist

President
Australian Medical Association (SA)

⁵ The proportion of never smokers who currently use e-cigarettes increased 4.5-fold from 2018-19 to 2022. This represents approximately 77,200 never smokers who reported currently vaping, of which 44,534 (more than half; 57.7%) were under the age of 25 years.