

# REGULATING VAPING IN NSW



## A PLAN TO END THE VAPING BLACK MARKET AND KEEP VAPES OUT OF THE HANDS OF CHILDREN

Vaping has exploded in popularity in the last decade. Governments across Australia have reacted by banning vapes containing nicotine, but instead of fixing the problem this has just made it worse. NSW now has a thriving black market for nicotine vapes leading to products with unknown ingredients and incredibly high levels of nicotine. Even worse, black market retailers don't ask for ID, so it's easier than ever for people under 18 to access nicotine products.

Nicotine vaping is legal and widely available in the UK, US, Canada, New Zealand and the European Union, where it has resulted in the reduction of adults smoking tobacco. **Australia remains the only country in the world<sup>1</sup> that requires a prescription to access nicotine vaping products.**

Like any drug, nicotine vaping poses a risk of harm. Those harms are best dealt with through regulation, just like alcohol and cigarettes, not prohibition. That's why the Greens have a plan to regulate nicotine vaping in NSW to prohibit harmful chemicals in vapes, limit nicotine content and, most importantly, to keep vapes out of the hands of young people.

### THE GREENS WILL:

- ▲ Regulate vaping and legalise nicotine vapes to reduce harms and provide a pathway to quitting smoking.
- ▲ Place limits on nicotine levels and prohibit the use of harmful chemicals.
- ▲ Require health warnings on all vaping products.
- ▲ Regulate vaping products so that vaping products are only available to over 18s.
- ▲ Fund education programs targeted at teenagers to warn them of the dangers of vaping.
- ▲ Reduce the waste caused by vaping by placing requirements on producers to minimise waste and recycle used nicotine vapourisers.

<sup>1</sup> <https://www1.racgp.org.au/newsq/clinical/have-gps-been-supported-for-vaping-to-go-prescript>

## REGULATE VAPING IN NSW TO REDUCE HARM

Nicotine vaping should be regulated just like alcohol and tobacco, not kept illegal so that a thriving black market can continue to grow.

Vapes sold on the black market contain unknown chemicals. Two thirds of black market nicotine vapes seized by the TGA were found to contain chemicals illegal banned in vaping products because of their risk to human health<sup>2</sup>. They can also contain levels of nicotine much greater than a normal pack of cigarettes.

### **It's time to regulate vaping and stop the out-of-control vaping black market.**

By regulating nicotine and non-nicotine vaping products we can reduce access to black market vapes with unknown quantities of nicotine and hazardous chemicals and ensure people who do choose to vape actually know what they're buying.

While nicotine vaping is not completely harmless it can be a powerful tool for smokers who are trying to quit. The UK National Health System states that smokers are twice as likely to quit<sup>3</sup> and a 2019 survey found that those smokers

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<sup>2</sup><https://www.tga.gov.au/news/media-releases/large-numbers-illegal-nicotine-vaping-products-seized-joint-tga-act-health-operation>  
<sup>3</sup><https://www.nhs.uk/better-health/quit-smoking/vaping-to-quit-smoking/#how-vaping-can-help>

used vaping to quit were more likely to succeed<sup>4</sup>.

### **The Greens plan to regulate nicotine vaping will:**

- ▲ Remove nicotine for vaping from the NSW poisons schedule and legalise and regulate nicotine vaping under the *NSW Public Health (Tobacco) Act 2008*.
- ▲ Limit all vaping products to people over 18.
- ▲ Apply plain packaging laws to vaping products.
- ▲ Ban advertising of vaping products.
- ▲ Require health warnings on all vaping products.
- ▲ Limit the amount of nicotine contained in vaping products.
- ▲ Prohibit the use of harmful chemicals in vaping products such as vitamin E, acetate and diacetyl.
- ▲ Introduce heavy penalties for retailers that sell unauthorised vaping products.

## KEEPING VAPES OUT OF THE HANDS OF CHILDREN

Prohibition has not kept nicotine vapes out of the hands of minors - in fact it's made it easier for them to access nicotine than

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<sup>4</sup><https://pubmed.ncbi.nlm.nih.gov/35403757/>

ever. Black market vapes are available over the counter and mean teenagers can purchase without having to go through an ID check.

By regulating nicotine and non-nicotine vaporisers and reducing the black market, we will reduce underage access to vaping products.

#### **The Greens will:**

- ▲ Regulate vaping products so that all vaping products are only available to over 18s.
- ▲ Fund education programs targeted at teenagers to warn them of the dangers of vaping.

## **REDUCE VAPING WASTE**

Vaping products, especially disposable vapes, create massive amounts of electronic waste. Vapes contain computer circuits, hard plastics, heavy metals like lead or mercury, and lithium-ion batteries.

The discarded plastic waste from vapes breaks down into microplastics in the environment. While reusable vapes can be dropped off with regular e-waste, disposable vapes cannot because the nicotine liquids make recycling them more difficult. Most single use vapes end up going to landfill where the batteries degrade and leak dangerous chemicals such as lead, cadmium and lithium into soils and waterways.

Because nicotine vapes are sold illegally there are no requirements for vape producers to reduce the amount of waste

their products produce. By regulating vaping products we can set requirements for producers of vaping products to take responsibility for the waste they create.

#### **The Greens will reduce vape-waste by:**

- ▲ Requiring producers of vaping products to enter into Product Stewardship Schemes to design vaping products to minimise waste, use more biodegradable materials and develop an end-of-life disposal scheme for their products.
- ▲ Requiring all retailers selling vaping products to have vape-waste disposal bins.
- ▲ Require retailers to provide discounts for customers who return their vape-waste to encourage recycling.
- ▲ Require vape products to have labelling with instructions for proper disposal.
- ▲ Place a levy on disposable vapes to encourage users towards reusable vapes.

### **FIND ALL OUR POLICIES:**

<https://greens.org.au/nsw/policyplatform2023>