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The Hon Trevor Ruthenberg MP
Chair
Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000

By email - hcsc@parliament.qld.gov.au

3 October 2014

Dear Mr Ruthenberg

Consultation on the *Health Legislation Amendment Bill 2014 (Qld)*

We write to provide comments on the aspects of this Bill relevant to tobacco control and electronic cigarettes.

We support the extension of the smoking ban on and around health facilities, school grounds, and in prisons and endorse the submission of Cancer Council Queensland calling for a statewide approach to the creation of uniform designated smokefree spaces in Queensland.

We also support the extension of existing tobacco control laws to electronic cigarettes, including by prohibiting sales and supply to children, restricting advertising and display at retail outlets and prohibiting use in smokefree places. We applaud Queensland for taking leadership on these issues.

We understand that the changes regarding electronic cigarette regulation are intended to cover all electronic cigarette devices, including those that do not contain nicotine. We support this approach and believe it is important that non-nicotine products be covered because:

- from our experience in Victoria, non-nicotine electronic cigarette products are easily accessible in supermarkets and petrol stations and come in a variety of flavours that appeal to children;
- the health impacts of using nicotine and non-nicotine electronic cigarettes remain largely unknown, as do the potential health impacts of secondhand exposure; and
- the use of any electronic cigarette product in public places potentially models smoking behavior to children and young adults.

We have two key recommendations regarding the application of the Bill to electronic cigarettes:

Recommendation 1: the Bill should go further by prohibiting the retail sale of all non-nicotine electronic cigarettes in the absence of approval by the Therapeutic Goods Administration. This is appropriate for products that involve delivery of substances to the lung and would bring the regulation of such products into line with electronic cigarettes that contain nicotine. See the National Heart Foundation and Cancer Council Australia's position statement on electronic cigarettes here: http://wiki.cancer.org.au/policy/Position_statement_-_Electronic_cigarettes . Quit Victoria endorses this position statement.

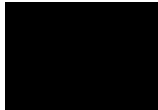
Recommendation 2: the definition of "personal vaporiser" should be reconsidered to ensure that it covers the types of products that it intends to cover. The definition is currently limited to products that are (among other features) "*capable of being used to deliver nicotine into an individual's body when the individual inhales through the device*". We note that there

are many disposable non-nicotine electronic cigarette products for sale in Victoria that do not contain nicotine and that, in their final design, cannot be taken apart for the purpose of adding any other liquid (including nicotine). Therefore, such disposable devices are not capable of delivering nicotine at the point in time that they are being used by consumers to inhale through the device and may not be covered by the current definition.

Please contact Jacqui Bell, Legal Policy Adviser on [REDACTED] or [REDACTED] if you would like to discuss this submission further.

Thank you for the opportunity to comment on this Bill.

Yours sincerely

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Kylie Lindorff
Manager, Tobacco Control Policy