

## **Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024**

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**Submitted by:** Australian College of Nursing  
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**Submitter Comments:**

Mr Aaron Harper, MP  
Chair, Health, Environment and Agriculture Committee  
Parliament House  
George Street  
Brisbane Qld 4001

Via email: [HEAC@parliament.qld.gov.au](mailto:HEAC@parliament.qld.gov.au)

Dear Mr Harper

**Re: Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024**

The Australian College of Nursing (ACN) would like to thank Queensland Parliament's Health, Environment and Agriculture Committee for the opportunity to provide feedback on the Tobacco and Other Smoking Products (Vaping) and Other Legislation Amendment Bill 2024 (the Bill).

The amendment will support the Commonwealth's actions designed to protect young people from the harms of vaping products and emerging nicotine products.

The rules around vaping continue to shift. On 24 June 2024, the Commonwealth Government announced they had accepted the Greens negotiated amendments to enable adults to purchase vapes through pharmacies with a prescription.<sup>1 2</sup> From October this year, the requirement for a prescription will end, and adults will be able to purchase vapes from a pharmacy without a prescription.<sup>3</sup>

This decision makes Queensland's Bill even more critical as a means of protecting those under the age of 18 years from the harms inherent in vapes and vaping. In this context, the Bill's inclusion of a new offence for any adult supplying vapes, or any illicit nicotine product, to a person under 18 years old is essential. Any 'adult' in the context of the Bill includes parents and other family members who might procure a vape for their child. ACN urges Queensland to consider how this might be monitored and enacted.

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<sup>1</sup> Evans, J (24 Jun 2024) Government waters down vaping ban to win the support of Greens [Government waters down vaping ban to win support of Greens - ABC News](#)

<sup>2</sup> The Australian Greens (24 Jun 2024) Greens secure amendments to vaping legislation and will support passage through Senate [Greens secure amendments to vaping legislation and will support passage through Senate | Australian Greens](#)

<sup>3</sup> Ibrahim, T (25 Jun 2024) Australia will become the first country to ban sale of vapes outside of pharmacies. Here's what you need to know [Australia will become first country to ban sale of vapes outside of pharmacies. Here's what you need to know - ABC News](#)

ACN also suggests investigating the possibility of better alignment of the enforcement powers contained within the Medicines and Poisons Act with those of the Tobacco and Other Smoking Products Act to enable searching for and removing products that do not contain leaf nicotine, namely pre-filled vapes and nicotine pouches, without having to obtain a warrant.

ACN supports the new powers that will initially enable the closure of a business for up to 72 hours, with the magistrate enabling a more extended shutdown of six months or more. This would help manage the ban on non-pharmaceutical retail outlets selling vapes and other illicit nicotine products.

The Bill should future-proof the legislation. With the availability of vapes declining, new products have entered the market. Young people are now replacing vapes with new products to help alleviate their cravings for vapes and nicotine.<sup>4</sup> Nicotine pouches, small packets of synthetic nicotine sold in attractive packaging in many flavourings, are coming into the country and reportedly are easy to source on the street.<sup>5</sup> A quick search on Google found sites advertising and selling nicotine pouches online.<sup>6 7</sup> Pouches entering the country in quantities beyond what an individual could be expected to buy for personal use are being seized at border controls.<sup>8</sup> The introduction of the term 'illicit nicotine products' will encompass all new nicotine products as they enter the marketplace rather than limit the Bill to vapes. This will also cover nicotine-infused toothpicks, available online, marketed as 'totally satisfying, socially acceptable'.<sup>9</sup>

ACN also welcomes adding changes to the Waste Reduction and Recycling Act 2011.<sup>10</sup> Waste from vapes has been extraordinarily difficult and expensive to manage,<sup>11</sup> with waste contributing to landfills, chemicals and plastics leaching into water supplies.<sup>12</sup> Classified as e-waste and hazardous waste, vapes are highly complex to recycle.<sup>13</sup>

As reported in Nursing Times,<sup>14</sup> nurses play a role in counselling young people and families about the risks inherent in all nicotine products and must work to counteract statements suggesting that

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<sup>4</sup> Freeman, B (26 Feb 2024) Nicotine pouches are being marketed to young people on social media, But are they safe, or even legal? The Conversation [Nicotine pouches are being marketed to young people on social media. But are they safe, or even legal? \(theconversation.com\)](https://theconversation.com/nicotine-pouches-are-being-marketed-to-young-people-on-social-media-but-are-they-safe-or-even-legal/)

<sup>5</sup> Perpich, N (14 Jun 2024 updated 17 Jun 2024) Nicotine pouch use by young people on the rise amid massive surge in imports to Australia following vaping crackdown [Nicotine pouch use by young people on the rise amid massive surge in imports to Australia following vaping crackdown - ABC News](https://www.abc.net.au/news/2024-06-14/nicotine-pouch-use-by-young-people-on-the-rise-amid-massive-surge-in-imports-to-australia-following-vaping-crackdown/102104946)

<sup>6</sup> whitepouches. (2024) whitepouches [Whitepouches Australia | Buy Nicotine Pouches — Tobacco Free.](https://whitepouches.com.au/)

<sup>7</sup> NZVapor (2024) Full strength nicotine pouches, without the tobacco! [Buy Nicotine Pouches in Australia Online - NZVAPOR AU](https://nzvapor.co.uk/)

<sup>8</sup> Perpich, N (14 Jun 2024 updated 17 Jun 2024) Nicotine pouch use by young people on the rise amid massive surge in imports to Australia following vaping crackdown [Nicotine pouch use by young people on the rise amid massive surge in imports to Australia following vaping crackdown - ABC News](https://www.abc.net.au/news/2024-06-14/nicotine-pouch-use-by-young-people-on-the-rise-amid-massive-surge-in-imports-to-australia-following-vaping-crackdown/102104946)

<sup>9</sup> Zippix Toothpicks (2024) Zip More. Smoke Less <https://zippixtoothpicks.com/>

<sup>10</sup> Australian College of Nursing (ACN) (2022) 'Position Statement: Reimagining the role of nursing in emissions reduction' - A Position Statement by ACN, ACN, Canberra

<sup>11</sup> Leaver, Kate (2023). Growing volume of vape waste a challenge with recycling costly and dangerous. ABC Radio Perth. <https://www.abc.net.au/news/2023-03-19/vape-disposal-waste-environment/102104946>

<sup>12</sup> Woodrow, L (20 Jun 2024) Vapes are a 'triple-threat', but not the Gene Kelly kind The Medical Republic <https://www.medicalrepublic.com.au/vapes-are-a-triple-threat-but-not-the-gene-kelly-kind/108507>

<sup>13</sup> Aitchison, J (n.d.) E-cigarettes are an environmental triple threat <https://www.cleanup.org.au/e-cigarettes>

<sup>14</sup> Brown, S (8 Mar 2023) 'The legal loophole letting nicotine pouches be sold to children needs addressing' Nursing Times [The legal loophole letting nicotine pouches be sold to children needs addressing' | Nursing Times](https://www.nursingtimes.net/legal-loophole-letting-nicotine-pouches-be-sold-to-children-needs-addressing/)

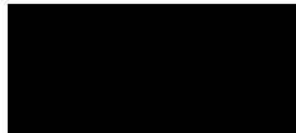
tobacco-free products such as nicotine pouches are safe.

ACN has recently completed a position statement<sup>15</sup> to be published by the end of August 2024, which advocates for nurses to have access to contemporary education in preventative health strategies specific to vaping and smoking cessation to deliver support to individuals, including young people, struggling with nicotine addiction or vaping addiction, using evidence-based addiction behaviour modification interventions.

ACN supports this Bill amendment but recommends a review of the Bill within 12 to 18 months to ensure that Queensland's legislation addresses current and future changes to accessibility or provision of vapes as the Commonwealth makes them.

If you have further enquiries about this matter, please do not hesitate to contact Dr Carolyn Stapleton, Director of Policy and Advocacy, at [REDACTED]

Yours sincerely



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Australian College of Nursing

28 June 2024

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<sup>15</sup> Australian College of Nursing (ACN) (to be published) 'Vaping – a position statement', ACN, Canberra