

**PUBLIC HEALTH (TOBACCO) AMENDMENT (E-CIGARETTES) BILL 2015**

**Bill introduced on motion by Mrs Jillian Skinner, read a first time and printed.**

**Second Reading**

**Mrs JILLIAN SKINNER** (North Shore—Minister for Health) [10.46 a.m.]: I move:

That this bill be now read a second time.

I am pleased to bring before the House the Public Health (Tobacco) Amendment (E-cigarettes) Bill 2015. The bill proposes to amend the Public Health (Tobacco) Act to prohibit the sale of e-cigarettes and e-cigarette accessories to minors. The popularity and use of e-cigarettes are growing rapidly across the world. Regulators everywhere are faced with the challenge of responding in a way that is balanced and proportionate to the potential risks and possible benefits of these products. There is no conclusive evidence to say whether e-cigarettes help people to quit smoking. And there is a lot we still do not know about e-cigarettes. What we do know, and what we can all agree upon, is that these are not products for minors.

The Government is acting now to protect children and young people from the potential risks that e-cigarettes pose by making sure they cannot be purchased by minors. The New South Wales Government has made great strides in reducing smoking rates and preventing the uptake of smoking by young people. The smoking rate among secondary school students in 2012 was at an all-time low of 7.5 per cent. This is an impressive achievement, which demonstrates the effectiveness of our tobacco control efforts in New South Wales. We need to protect these gains at all costs.

What we are seeing in the United States and some other countries across the world is a sharp rise in the use of e-cigarettes by children and young people. Current e-cigarette use tripled among middle and high school students in the United States between 2013 and 2014. Among high school students alone, current use rose from 4.5 per cent to 13.4 per cent in one year, with two million high school students reporting current e-cigarette use in 2014. This figure is of great concern and is a warning to countries like Australia, where e-cigarette use is still low.

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I am aware of concerns that e-cigarettes will re-normalise tobacco smoking given the similarities that often exist between the two products. While evidence is not conclusive in regard to these concerns, I am sure that we all agree that it is vital that both the Government and the community continue to work to reduce the number of people who smoke and to stop young people and children from becoming addicted to nicotine and smoking.

We must move promptly to protect our young people. To that end, the Public Health (Tobacco) Amendment (E- cigarettes) Bill 2015 has been developed. Under the changes it will be an offence to sell an e- cigarette or e-cigarette accessory to a person who is under the age of 18 years. The offence will carry the same maximum penalty as for the sale of a tobacco product to a minor—that is, \$11,000 for an individual or \$55,000 for a corporation, and for repeat offenders \$55,000 for an

individual and \$110,000 for a corporation. The bill includes a broad definition of "e-cigarettes" and "e-cigarette accessories" so as to capture any device that releases or generates an aerosol or vapour by electronic means for inhalation in a manner similar to the inhalation of tobacco from a tobacco product. However, the ban will not apply to legitimate stop-smoking aids that meet the definition of "e-cigarette" provided these are registered therapeutic goods or where there is an approval under the Poisons and Therapeutic Goods Act. The definition of "e-cigarettes" under the bill includes devices and liquids that contain nicotine as well as those that do not contain nicotine.

We know there are legitimate concerns that e-cigarettes could cause harm, particularly to children and young people, and the Ministry of Health is monitoring, and will continue to monitor, the evidence about the harms and potential benefits of e-cigarettes. The Government will, if appropriate, bring forward further legislation to regulate the use and sale of e-cigarettes but it is imperative that we act now to ban sales to minors and to prevent children and young people from buying and using e-cigarettes, which could undermine decades of bipartisanship in anti-smoking efforts in New South Wales. I commend the bill to the House.

**Debate adjourned on motion by Mr Paul Lynch and set down as an order of the day for a future day.**