

**Submission  
No 25**

## **E-CIGARETTE REGULATION AND COMPLIANCE IN NEW SOUTH WALES**

**Organisation:** South Eastern Sydney Local Health District

**Date Received:** 2 November 2023



Committee Chair  
Parliamentary Committee Inquiry  
E-cigarette regulation and compliance in New South Wales  
By online submission

Dear Committee Chair

Thank you for the opportunity to provide a submission to the Inquiry into 'E-cigarette regulation and compliance in New South Wales'. Our submission is in relation to e-shisha and shisha smoking, based on our knowledge and experience in South Eastern Sydney Local Health District (SESLHD) coordinating the Shisha No Thanks project (<https://shishanothanks.org.au/>), in collaboration with the University of New South Wales (UNSW), Cancer Institute NSW (CINSW) and the Lebanese Muslim Association.

Shisha and related shisha products such as e-shisha are often not explicitly addressed in legislation and policy despite a rapid increase in popularity in Australia. Among Arabic speaking communities in Australia, studies have found that the prevalence of shisha smoking ranges from 11.4% to 38%, with between 1% and 4% smoking shisha daily (Perusco et al., 2007; Gregov, Baker & Hayes, 2011). Shisha smoking behaviours are distinct from other forms of tobacco smoking, in that there are considerable social and cultural components to the practice (Akl et al., 2013). Addressing shisha smoking also has its own unique challenges, with shisha currently widely available through distinct channels such as highly visible shisha bars and lounges, and home-delivery shisha. The high visibility of these avenues of sale has led to confusion in the community about whether these products are harmful.

Furthermore, the commonplace use of flavourings in shisha products and online marketing are attracting younger people to the practice. Studies have found that shisha smoking among young people is associated with more than double the risk of subsequent cigarette smoking initiation (Al-Oweini, Jawad & Akl, 2019).

E-shisha, otherwise known as shisha pens, are similar to e-cigarettes in shape, size, and technology, but are typically longer in length. They have a larger battery capacity, which enables users to create more vapour and retain flavour for longer. Retailers often classify e-shisha as being different to e-cigarettes, or vapes, often by stating that e-shisha is nicotine free. This, however, cannot be determined without specific laboratory analysis, and research shows that nicotine free shisha products are still harmful due to multiple other toxins inhaled by the user.

#### *Health Risks:*

There is a dangerous misconception that shisha and e-shisha smoking is less harmful than cigarette smoking. There is a strong evidence base to demonstrate that shisha smoking carries similar health risks as cigarette smoking (emphysema, coronary artery disease, and oesophageal, gastric and lung cancer) (El-Zaatari, Chami & Zaatari, 2015).

Feedback from Arabic speaking communities, collected through focus groups, indicates that community members believe that shisha smoking and vaping is safer than cigarette smoking, and that community members often use e-shisha pens or vapes alongside shisha waterpipe smoking. A recent forum, co-hosted by SESLHD, UNSW and CINSW, examined the local and international research on shisha and vaping. The keynote speaker, Dr Najat Saliba, Member of Lebanese Parliament and Adjunct Professor of Chemistry at the American University of Beirut, clearly outlined the health risks of shisha smoking and vaping. Dr Saliba indicated that a single session of shisha smoking (waterpipe) is equivalent to smoking seven packs of cigarettes (Katurji et al., 2010)

based on the assessment of total particulate matter in mainstream smoke using The Beirut Method (Shihadeh, 2003; Shihadeh et al. 2004). Second hand smokers, that is, people near the shisha smoker who are not themselves smoking, also run the risk of inhaling the equivalent of four cigarettes during one session of smoking shisha (Daher et al., 2010). Dr Saliba also noted an increase in e-cigarette, or vaping, product use-associated lung injury (EVALI). The myriad of combinations of designs, power input, liquid composition and differences in puffing behaviour was identified by Dr Saliba as providing consumers with an unprecedented degree of control over nicotine dosage. The clever engineering, design, and consistently changing marketing strategies make it difficult to regulate and enforce.

*Challenges to enforcement and compliance:*

Shisha advertising is currently widespread, for example on social media and outside shisha cafes. Community members are accustomed to this and rarely report concerns about advertising.

Shisha bars/cafes/lounges actively promote the normalisation of tobacco smoking and often expose other people to second hand smoke. Greater enforcement of smoking legislation is challenging, given the operating hours of the venues and security risks for enforcement officers.

*Possible ways to overcome enforcement and compliance challenges:*

- Increased value of penalty infringement notices (PINs) for e-shisha pens and shisha products, enabling substantive PINs against the venue/corporation as well as the smoker.
- Require health warnings on shisha menus.
- Regulation of online sale platforms and marketing of all tobacco and tobacco-related products, particularly towards young people and children.
- Ensure that all forms of e-cigarettes (including e-shisha) is included in the regulation and compliance legislation.
- Inclusion of graphic health warnings and prohibition of the sale of flavoured tobacco, including e-shisha and shisha products. A recent study conducted by UNSW, as part of the Shisha No Thanks Project, found that there was a positive response towards the messages about the health effects of shisha smoking. This provides additional support for labelling, messaging, and providing images that clearly indicate health risks and harms. Many research participants supported the display of graphic images depicting the explicit health harms on shisha products, similar to cigarette packaging health warning images.
- Regulation of “home delivery” methods of distribution. This channel of distribution is currently unregulated.

For clarification or further information, you are welcome to contact me at

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Yours sincerely

[REDACTED]

Lisa Woodland  
**Director**  
**Health Equity, Promotion and Prevention Service and NSW Multicultural Health**  
**Communication Service**  
**Population and Community Health**

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