

**Submission
No 30**

E-CIGARETTE REGULATION AND COMPLIANCE IN NEW SOUTH WALES

Name: Mr Andrew Mark

Date Received: 3 November 2023

Thank you for the opportunity to provide input into the inquiry into e-cigarette regulation and compliance.

I have working in Health Promotion for over 25 years, much of this time for a health NGO on smoking cessation and tobacco control. In recent years I have observed the increase in vaping use by adolescents and young adults. I have also had requests from Schools, youth and community mental health services and other organisations asking for support and information on how to address the rise of vaping.

In my roles I have assisted individuals quit vaping and spoken to others about their vaping use, including where they get their vapes. Both students and members of the public indicate that it is extremely easy to purchase nicotine containing vapes without a valid GP prescription, often from numerous businesses within a suburb. In addition nicotine vapes can be purchased on social media. By typing in "Fruit" into Facebook Marketplace you can see the vapes available near where you live. People selling vapes in this manner dont even try to hide their identity - they know they wont be prosecuted or even warned.

Recommendations:

Greater efforts need to be made by NSW Health and Local Health Districts Public Health Units to ensure compliance with the legislation and if not complied with enforce the laws on nicotine e-cigarettes.

Introduce Penalty Infringement Notices - Issue On the spot fines and increase the fines for individuals and businesses who are selling nicotine e-cigarettes illegally.

Provide a scorecard of the number of seizures conducted in each LHD to allow comparison.

Publicise the name of businesses and individuals found selling e-cigarettes and tobacco cigarettes to minors.

Increase funding to LHDs to increase enforcement and compliance of the legislation.

Require commitment in return from LHDs, by setting District wide KPIs and Targets for compliance and enforcement.

NSW Health work closely with NSW and Federal Police to address illegal imports, distribution and sales.

Increase public awareness of the smoke-free environment legislation and that vaping is included.

Work with NSW Dept Education to provide support to students who vape to quit or prevent others from starting. This includes syllabus content, training and resourcing Student Support Officers and WHIN Nurses.

In the event that federal laws do not ban the sale of non-nicotine e-cigarettes by businesses, introduce a positive licensing scheme with a significant annual fee for businesses that sell tobacco and electronic cigarettes, with real financial penalties for breaches.