

NON-NICOTINE VAPING

Grievance

MS M.M. QUIRK (Landsdale) [9.25 am]: I grieve to the Minister for Health. I request that in the interests of timely harm minimisation, he raises with the Ministerial Drug and Alcohol Forum the need for more research and investigation on the impact of vaping of non-nicotine substances targeted to the young, including the extent of usage; the need for greater transparency in the composition of non-nicotine liquids and their potential harms; and the need for a national approach, given the ease of purchase of these devices and liquids online rendering ineffectual any state controls on sales. It is invariably the case that laws relating to the control of substances likely to cause harm tend to lag behind what is actually happening in the community. A good example is the misuse of cream charger nitrous oxide bulbs, also known as nangs. The cynical will note that several 24/7 delivery businesses have existed in Perth for a number of years. Who legitimately would need 600 bulbs at 3.00 am? That is a lot of cream! Whilst nitrous oxide is not considered a prohibited drug, under the Criminal Code it is against the law in WA for someone to supply an intoxicant in circumstances in which it is reasonable to suspect that person will use it to become intoxicated. A person found guilty of that offence is liable to imprisonment for 12 months or a fine of \$12 000. I doubt that anyone is ever prosecuted under these laws. They are simply grey, imprecise and difficult to prove to a criminal standard and they certainly fail to act as a deterrent.

On this issue, the minister responded to a grievance from the member for Kingsley last year. I understand Minister Dawson, in his mental health portfolio, is investigating ways to address this concerning situation. I use this as an example of how the law sadly lags behind the pressing need to take both preventive and legislative action to minimise harm, especially to minors. And so it is with vaping. Insufficient research has been done into non-nicotine vaping. Not enough is known about the extent of harm from ingesting heated liquids into young lungs. It is dangerous to infer that such exposure is harmless.

A serious respiratory condition has been diagnosed as EVALI: e-cigarette or vaping associated lung injury. Symptoms include problems with respiratory function, with shortness of breath, cough or chest pain; gastrointestinal effects, with nausea, vomiting or diarrhoea; and non-specific manifestations of fatigue, fever or weight loss. We must ascertain what harm ensues from sustained use of non-nicotine vaping, and whether particular flavours are more harmful than others and should be banned altogether. Anecdotally, vaping is already becoming endemic amongst the young in schools. Parents and teachers are concerned about the use of vapes on school property. Although they are aware of students storing e-cigarettes in their backpacks and lockers, it is difficult to police. I am told that it is not unusual to find students vaping in classrooms, toilet cubicles and change rooms. Although teachers can confiscate the e-cigarettes and discourage the behaviour, they are working against an addictive product and a culture of peer pressure. The feedback from parents is clear: high school students incorrectly assume that vaping is a cool, healthy alternative to traditional cigarettes. They are either unaware or naive about the addictive properties of vapes.

Despite the banning of nicotine e-liquids without prescription from 1 October 2021, it still remains relatively easy to acquire nicotine vaping devices. Just last week, we were able to easily purchase a vaping device at a local specialist store. I have one here. I wonder whether there will be a transitional grace period for retailers. I have also bought several devices online, some of which would fall outside the definition in the Tobacco Products Control Act 2006 because they do not resemble a tobacco product and are designed to skirt the law by being disguised as a USB memory stick, a backpack buckle, a pen or a highlighter. Thankfully, that act is currently the subject of a statutory review, and this gap must be closed.

The liquids in e-cigarettes are very much targeted towards the young, with an array of flavours like peach ice, watermelon, strawberry, bubblegum, mint and menthol. Since I have taken these out of the pack, a really nauseating smell of strawberry is emanating around me! I certainly would not ingest it. We simply do not know what is in some of these products. They lack quality control and transparency. Some dispensers claim to be nicotine-free but actually contain that substance.

The other concern is that substances that are ordinarily benign are toxic once heated through the vaping device. Curtin University respiratory physiologist Associate Professor Alexander Larcombe has studied 65 common liquids used in vapes from local suppliers, and recently published his findings. He found that many contained carcinogenic and other harmful ingredients. The research discovered a suite of chemicals, many of which are known to have negative impacts on lung health. The researchers found evidence of a group of chemicals known as polycyclic aromatic hydrocarbons, which have been linked to lung, bladder and gastrointestinal cancers. They also found that high levels of the lung irritant benzaldehyde—thank God for Hansard, that is all I can say—had been added to 61 of the 65 e-liquids that they sampled to give them an almond flavour. That substance changes how the lungs work by impairing cells that are normally responsible for cleaning up pathogens. One of the main flavour enhancers in vapes is benzyl alcohol. It was found in 42 of the samples, in some cases at very high levels. Benzyl alcohol, as a skin sensitising substance, can cause severe allergic reactions. Another finding was that the metal heating coil in vaping devices degrades over time with use. The coil is made up of chromium, nickel and iron. Researchers

found that low levels of those heavy metals are ingested. These findings have prompted the Minderoo Foundation to call for sweeping reforms to the production of e-liquids in Australia. Steve Burnell, the chief executive of the Minderoo Foundation's Collaborate Against Cancer initiative, has said that restrictions on non-nicotine vaping products, changes to the Tobacco Advertising Prohibition Act, and much stricter monitoring and compliance are all required to protect our young people from these toxic products.

MR R.H. COOK (Kwinana — Minister for Health) [9.32 am]: I thank the member for her grievance today. This grievance is very timely and very important, because this is an area of increasing concern in our community.

Member, I remember that when vaping was initially raised and becoming more prominent, people were looking to vaping as something that would enable them to consume tobacco products in a safe way. Indeed, in many parts of the world, vaping was characterised or marketed as a way of getting off cigarettes. That was consistent with the fact that big tobacco was investing heavily in vaping companies. It is very clear that vaping is not a ramp off; it is a ramp on. That is why the marketing of e-cigarettes has been so focused on young people. They are trying to create a new generation of tobacco addicts, and are doing that in the United States with a great deal of success.

The comments that the member made about vaping, and particularly nicotine, are an incredibly important observation. I hope that we will be in a position to legislate further on that issue shortly. The Department of Health is completing its regular five-year review of the Tobacco Products Control Act. I hope that will come forward with recommendations about how we can further legislate to tighten our tobacco product laws, and in particular meet these new challenges to the public health of the community by clamping down further on these insidious products.

Member, I remember that when I went to the United Kingdom a couple of years ago, I was struck with how endemic the use of vaping products was in the London community that I was circulating in. It struck me at that point how important it is that we fight against this. As the member observed, it is not always the nicotine content that is doing the harm in creating the new generation of tobacco smokers. We need to continue to do further research into both the short-term and long-term effects, as well as the consumption of these products, to make sure that we can stay on top of this issue. The Department of Health contributes to the funding of population-based surveys that measure the use of e-cigarettes by young people and adults in Western Australia. This includes the WA Health and Wellbeing Surveillance System survey, and the Australian Secondary Students Alcohol and other Drug survey. The Department of Health continues to monitor research and international evidence to establish the composition of nicotine and non-nicotine liquids and their potential harms. The Department of Health is aware of ongoing research at the Telethon Kids Institute in this area, which is providing further insights.

The national regulatory changes that were implemented by the Therapeutic Goods Administration from 1 October this year clarified that all consumers will require a doctor's prescription to legally access nicotine and liquid nicotine for use in e-cigarettes. The TGA is working with Australian Border Force and has a plan for education and compliance activities that will be undertaken to support the regulatory requirements for importation and supply of nicotine vaping products from 1 October. Under the personal importation scheme administered by the TGA, both before and after 1 October, Australians are able to purchase e-cigarettes containing nicotine from overseas websites provided they have a valid doctor's prescription. That TGA decision is consistent with the ban that has been in place in all states and territories since 1 October on the sale of e-cigarettes containing nicotine without a valid medical prescription. There is ongoing dialogue between the state, territory and national governments to monitor the implementation and enforcement of this ban.

The member talked about the Ministerial Drug and Alcohol Forum. I sometimes wonder whether Food Standards Australia should also be engaged in the issue of e-cigarettes, given that although it is the consumption of a non-nicotine or non-drug-based product, there is, as the member has said, increasing evidence to suggest that it does a great deal of harm. We know that vaping liquids and aerosols produced by e-cigarettes, both nicotine and non-nicotine, have been found to contain substances that are harmful to human cells and DNA, and that in the short term they may cause vomiting, nausea and irritation to the throat and lungs. Certain flavouring agents have also been linked to health harm when inhaled, such as irreversible lung damage and respiratory failure. The national regulatory changes from 1 October clarified that consumers across Australia will require a doctor's prescription for the supply of e-cigarettes. The member will be pleased to know that members of the public can report any concerns about the sale of nicotine in Western Australia to the Department of Health's medicines and poisons regulation branch via the email address MPRB@health.wa.gov.au.

The use of e-cigarettes is an emerging public health concern for all Western Australians. I am startled by the anecdotes that the member revealed in her grievance about how e-cigarettes are being consumed in schools. I am also aware that some schools are now installing detection devices in the toilets; I cannot tell members where, and I am not sure of the extent to which that program is rolling out. Clearly, if we do not get on top of this, we will lose another generation of young people and other Western Australians to the insidious effects of the addictive nature of nicotine and nicotine-like products.

Member, I look forward to the recommendations for changes to the Tobacco Products Control Act, and to the support of all members as we further tighten those arrangements. The member's observation about the non-nicotine-based products in e-cigarettes is an important warning to heed. I look forward to continuing to work with the member to understand how we can further regulate this market, because, if we do not regulate it tightly, it will do untold damage to our community. Thank you.