Health (Tobacco, Nicotine etc. and Care)(Scotland) Bill

Centre for Drug Misuse Research

Introduction
The proposed legislation covering the use, sale, advertising and promotion of nicotine vaping products on hospital grounds within Scotland is part of a wider consideration as to the ways in which nicotine vaping products, as distinct from combustible tobacco based products, should be appropriately regulated.

In considering the type of regulation for these products it is important to recognise the difference between combustible tobacco based products (which have been shown to be associated with massively increased rates of mortality and morbidity) amongst smokers, and nicotine containing vaping products (which have been shown to be an effective means of smoking cessation and associated with substantially reduced risk of health harm (compared to combustible tobacco based products). The requirement of limiting consultation submissions to four pages means that it is not possible to provide an extensive review of the evidence of the beneficial impact of nicotine vaping products. As a result this submission will only summarise the current evidence base. Should the committee wish to be provided with a more extensive and referenced summation of the evidence this can be provided by the Centre for Drug Misuse Research.

We believe that the primary goal of public policy in relation to the nicotine vaping products should be to maximise the capacity of these products to reduce the adverse health impact of combustible tobacco. To this end there is a need to develop regulation that is appropriate to the nicotine vaping products rather than to regulate these products as if they were no different to tobacco based, combustible products. In the event that nicotine vaping products come to be regulated on the same basis as tobacco based combustible products (severely reducing their availability and use) there is a real danger that the beneficial impact of these products with regard to reducing the adverse health impact of combustible tobacco products will fail to be maximised.

Recent evidence in a number of areas has documented the harm reduction role of electronic cigarettes with the results of the various studies providing the strongest argument for avoiding regulating nicotine vaping products as if they were the same as tobacco based combustibles.

Harm Reduction Potential of E-Cigarettes
Regular e-cigarette use is likely to be substantially less harmful to the user compared with smoking combustible tobacco cigarettes, and no more harmful to the user than would be associated with regular use of approved stop smoking medications and nicotine replacement therapies. The toxins found in studies of e-cigarettes are consistently at levels much lower than are found in combustible cigarettes and fall substantially below the levels that would give cause for concern.

There is little evidence that repeated exposure to propylene glycol causes any harm to health in the short to medium term. Smokers who switch completely
from cigarettes to an e-cigarette experience improvements in bronchial health, including reduced cough and sputum production, improved breathing, stamina and ability to exercise.

There is emerging evidence that switching completely from combustible cigarettes to e-cigarettes may reverse some of the harm caused by tobacco smoking.

**Risk to Bystanders**
There is little evidence that any significant harm is caused to bystanders by the inhalation of second-hand nicotine-containing vapour, and growing evidence that emitted vapours are relatively harmless compared to inhalation of tobacco smoke, even in compact enclosed spaces.

**Smoking Cessation & Addiction**
E-cigarettes are more attractive as a product to support attempts to stop smoking than other nicotine-containing products. There is growing evidence that e-cigarettes have comparable or superior efficacy for helping smokers to reduce the number of cigarettes they smoke daily or stop smoking completely, compared to approved medications and other products indicated for smoking cessation. Using an e-cigarette increases smokers' confidence that they will be able to quit smoking for good, and increases their motivation to persist with smoking abstinence in the face of a distressing withdrawal experience.

There is good evidence that e-cigarette use can rapidly and efficiently suppress the symptoms of nicotine withdrawal brought on by smoking abstinence, thereby reducing the likelihood of a relapse to smoking. There is good evidence that e-cigarettes are effective for suppressing symptoms of negative affect that typically accompany smoking cessation, as well as symptoms of negative affect occasioned by environmental stimuli.

E-cigarettes have a significantly lower abuse liability and evoke a withdrawal experience that is significantly milder and more tolerable than the withdrawal experience evoked by smoking abstinence.

**Use by Non-Smokers**
There is little evidence that e-cigarettes are being used by non-smokers, and little evidence that non-smokers who do start using an e-cigarette use nicotine-containing e-liquid or later progress to smoking cigarettes. There is little evidence that the increasing popularity of e-cigarettes use among current and former smokers is increasing the attractiveness and acceptability of e-cigarettes among non-smokers or young people.

There is no evidence to suggest that non-smokers who use an e-cigarette are any more likely to progress to cigarette smoking than are non-smokers who do not use e-cigarettes. There is growing evidence that the marketing and advertising of e-cigarettes do not appeal to young people's intentions to use e-cigarettes.
The Case for Regulation – But What Kind of Regulation?
There is a clear division emerging in relation to the case for regulating e-cigarettes and nicotine vaping products. On the one hand there are advocates of tobacco control and public health who are arguing that electronic cigarettes pose a danger in terms of the “renormalisation of smoking” and that these products should be subjected to the same order or regulatory control as combustible tobacco based products. On the other hand there are those, including within the tobacco control paradigm e.g. ASH, which have recognised the huge potential of electronic cigarettes and nicotine vaping products to reduce the harm associated with the use of combustible tobacco. With regard to the regulations concerning the use and availability of these products within hospital grounds in Scotland we urge the committee to develop legislation which is congruent with the harm reduction potential of these products rather than to treat these products as if they were the same as combustible tobacco based products.

Whilst there is an important need to ensure that nicotine vaping products are not being sold to those under 18 years of age restricting the use of these products from any areas within hospital grounds may well have the perverse and adverse health effect of failing to benefit from the harm reduction potential of these products in reducing the harm associated with continued smoking within Scotland.

Outlawing the sale of electronic cigarettes on hospital grounds to those under age 18 is appropriate given the clear importance of restricting young people’s access to nicotine vaping products. Banning the advertisement of nicotine vaping products seems excessive since there is a strong case for promoting the smoking cessation capability of these products in circumstances where that advertising is likely to be seen by smokers. It will be important however to ensure that the advertising and promotion of e-cigarettes is in no way targeted at young people. Banning the use of nicotine vaping products within enclosed public spaces (in much the same way as has been done with tobacco) seems excessive given the lack of evidence of passive vaping. A further adverse outcome of such a ban is that it may well result in vapers having to occupy the same smoking cabins often provided to smokers thereby exposing them to passive smoking and potentially undermining the smoking cessation effect of e-cigarettes.

Declaration of Interest
The Centre for Drug Misuse Research has received funding from the tobacco industry (British American Tobacco, Philip Morris) and the nicotine industry (Nicoventures) to support research into the development of products aimed at reducing the harm associated with the use of combustible tobacco. None of the tobacco/nicotine industry research undertaken by the Centre is focussed on increasing the consumption of combustible products. This submission to the Scottish parliament was prepared without any funding from the tobacco or nicotine industry.

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