

# Freedom of choice has been cancelled and will cost lives from tomorrow

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Policymakers have impinged on the freedoms of the most disadvantaged members of society – smokers. From 1 October 2021, it will be next to impossible for smokers to legally access Australia's most popular quitting aid, nicotine vaping.

Smoking rates will most certainly increase, with legal access to nicotine for vaping harder than ever.

Authorities have imposed fines up to \$222,000 for attempting to import nicotine liquid for vaping without a doctor's prescription. With a public health system already reeling from COVID-19 Australia's 600,000 vapers are set to push it to its limit from 1 October.

Currently, only about 15 GPs are listed publicly as willing to write nicotine prescriptions and many vapers and smokers will be unable to get one, especially in regional Australia. Doctors have had little or no training in vaping and have been exposed to unjustified negative messaging about it for years.

The consequences for our public health system are worrying. Many vapers will go back to smoking. Others will import nicotine without a prescription, risking huge fines, and the black market will flourish. Many vapers have been stockpiling large volumes of toxic concentrated nicotine, which is a poisoning risk.

But the real losers will be Australia's three million smokers. Smoking is increasingly concentrated in people with low income, mental illness and substance use, Indigenous communities and the homeless who are already under huge financial stress due to the eye-watering cost of smoking in Australia. Vaping nicotine is about ninety per cent less than smoking.

Many will not have the means or be willing to jump through the numerous hoops to comply with the new regulations. Many resent having to go to a doctor for a prescription when they do not see themselves as sick. It will be far easier just to go to the local servo and buy a packet of smokes.

Vaping is the most popular aid for quitting and reducing smoking in Australia, according to the 2019 National Drug Strategy Household Survey. It is also the most effective stop-smoking aid on the market and is more successful than nicotine replacement products.

Vaping policy in Australia has prioritised minimising the risk of harm to young people over the potential for helping adult smokers to quit. Australian health authorities are right to be concerned about the uptake of vaping by teens. There is a small risk that some will become dependent on nicotine and a very small number will go on to smoking. However, the potentially harmful effects of vaping and the uncertain long-term risks must be balanced against the known and substantial harms caused by smoking.

The research indicates that fears about youth vaping are exaggerated. Most vaping by young people is short-lived and experimental. Less than two per cent of 14-17-year old Australians vaped once or more in 2019, and more than 90% had never tried vaping. Of Australian teens who try vaping, one in three do it only once or twice.

Importantly, most teens who try vaping are already smokers and frequent use is confined almost exclusively to smokers and ex-smokers. For many of these young people, vaping may be beneficial.

Finding a sensible balance between protecting young people and allowing access for adult smokers to these safer products is not difficult. On 10 August 2021, the four major parties in the New Zealand Parliament passed legislation to legalise and regulate nicotine for vaping as a consumer product. Nicotine e-liquid is available for adults from vape shops and general retail stores and control over sale to youth is highly restricted. Australia should follow this model.

Similar regulations apply in Britain. Adult smoking rates in the UK have fallen three times faster than in Australia since vaping became widely available in 2013. During this time, some young people have experimented with vaping but regular use remains low.

We can have our cake and eat it too. Youth vaping can be restricted in the same way we manage other adult products, with strict age verification for retail and online sales, severe penalties for underage sales, licensing of vape shops and public messaging to frame vaping as a smoking cessation tool for adults.

When these new regulations fail, as they almost certainly will, nicotine liquids should be made consumer products as they are in all other western democracies. They will then be able to compete fairly with the other consumer product they are designed to replace, deadly tobacco cigarettes.

*Dr Colin Mendelsohn is the Founding Chairman of the Australian Tobacco Harm Reduction Association. He stepped down from the Board in January 2021. He is a member of the expert advisory group that develops the RACGP national smoking cessation guidelines.*

*Author's conflict of interest statement: I have never received any payments from tobacco or e-cigarette companies and have no commercial connections with either. ATHRA is funded by public donations and does not accept donations from tobacco companies or their subsidiaries. ATHRA*

accepted financial support from the small vape retail sector to establish the charity in 2017 but has not accepted industry funding since March 2019. ATHRA's funding policy is outlined [here](#).

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