Global Approaches to E-cigarette Regulation

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Outline

• Explain the state of global e-cigarette regulation by describing:
  • The policy domains addressed by nations
  • How nations have classified the product
  • The various regulatory mechanisms taken by nations
  • Country case studies
Global Policy Scan: Approach

Reviewed policies for 123 countries included in WHO 2014 report, OECD, web searches

Communicated with health ministries and/or in-country tobacco control experts, reviewed government websites & WHO/EU reports

Obtained polices from government websites and in-country experts: 61 countries with active e-cigarette policies
Policy Scan: Identification Schema

- **90 countries**: WHO report
- **12 high-income countries**: OECD
- **21 countries**: web searches

123 countries reviewed for e-cigarette policies

- **61 countries** with active e-cigarette policies
- **62 countries** excluded
Which policy domains have been addressed?
Regulatory Domains

• **Sale:** minimum age for purchase; medical authorization

• **Use:** restrictions or bans in enclosed public spaces/transportation

• **Tax**

• **Advertising, promotion and sponsorship:** nicotine content may be relevant, classification as medicines
• 17 countries have a minimum age for purchase
  18 years: Costa Rica, Czech Republic, Ecuador, Fiji, France, Italy, Malaysia, Malta, New Zealand, Norway, Slovakia, Spain, Togo, United Kingdom and Viet Nam; 19 years: the Republic of Korea; 21 years: in Honduras

• 21 countries restrict the sale of e-cigarettes with nicotine
  Australia, Austria, Belgium, Canada, Costa Rica, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Hungary, Jamaica, Japan, Malaysia, New Zealand, Norway, Philippines, Portugal, Sweden and Switzerland

• Sale of all types of e-cigarettes is banned in 26 countries
  Argentina, Bahrain, Brazil, Brunei Darussalam, Cambodia, Colombia, Greece, Jordan, Kuwait, Lebanon, Lithuania, Mauritius, Mexico, Nicaragua, Oman, Panama, Qatar, Saudi Arabia, Seychelles, Singapore, Suriname, Thailand, Turkey, United Arab Emirates, Uruguay and Venezuela
Use

- 3 countries ban the use of e-cigarettes
  Cambodia, Jordan and the United Arab Emirates

- 14 countries ban the use of e-cigarettes in enclosed public spaces (bars, restaurants & other workplaces)
  Bahrain, Belgium, Colombia, Croatia, Ecuador, Greece, Honduras, Malta, Nepal, Nicaragua, Panama, Philippines, Republic of Korea and Turkey

- 8 countries restrict the use of e-cigarettes in certain enclosed public spaces
  Brunei Darussalam, Costa Rica, Fiji, Slovakia, Spain, Togo, Ukraine and Viet Nam

- 18 countries prohibit use on public transportation
  Bahrain, Belgium, Colombia, Ecuador, Fiji, Greece, Honduras, Malta, Nepal, Nicaragua, Panama, Republic of Korea, Slovakia, Spain, Togo, Turkey, Ukraine and Viet Nam
Tax

- Togo taxes e-cigarettes to a maximum of 45 percent
- Republic of Korea applies a special health tax to e-cigarettes proportional to USD 1.65 per mL nicotine liquid
Advertising, Promotion, Sponsorship

• Of the 47 countries that ban or restrict sale, 33 prohibit or restrict the advertising, promotion or sponsorship of e-cigarettes in their policies

Argentina, Australia, Austria, Bahrain, Belgium, Brazil, Canada, Colombia, Costa Rica, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Greece, Hungary, Japan, Jordan, Kuwait, Mexico, New Zealand, Norway, Oman, Panama, Portugal, Qatar, Saudi Arabia, Seychelles, Turkey, United Arab Emirates, Uruguay, Venezuela

• Some countries contend that TAPS bans are inherent within their bans on sale

Argentina, Australia

• 12 countries have explicit bans or restrictions on e-cigarette advertising, promotion or sponsorship

Croatia, Ecuador, Honduras, Malta, Nepal, Netherlands, Republic of Korea, Slovakia, Spain, Togo, United Kingdom, Viet Nam
How are e-cigarettes being regulated?
Regulatory Mechanisms

61 countries with regulations:

- Interpretation of existing legislation
- Amendments to existing legislation
- New law, decree, resolution, circular, notification
- Multiple approaches

Most countries are using existing laws to regulate e-cigarettes
Many countries have outright banned e-cigarettes through decrees or decisions
Product Classification

- Tobacco products – imitation, derivative, and substitute
- Medicinal/pharmaceutical products
- Consumer products
- E-cigarettes/Electronic nicotine delivery systems (ENDS)
- Poisons

Classification of the product relates to regulatory approach
E-cigarette regulation across countries varies with regard to regulatory mechanism, approach, and policy domains covered.
Australia

• A law classifies nicotine as a restricted poison if it is not used for therapeutic purposes

• Non-nicotine e-cigarettes are classified as legal consumer products

• Sale and marketing are prohibited, though according to a statement import for personal reasons may be permitted under certain instances; advertising, promotion and sponsorship are inherently prohibited