

**PROPOSED AMENDMENT TO EXEMPT 'TOBACCO PREPARED AND PACKED FOR HEATING' FROM SCHEDULE 7 OF THE POISONS STANDARD**

Submission to the ACCS  
[Chemicals.scheduling@health.gov.au](mailto:Chemicals.scheduling@health.gov.au)

Dr Alex Wodak AM  
President, Australian Drug Law Reform Foundation  
[alex.wodak@gmail.com](mailto:alex.wodak@gmail.com)

10 February 2020

## The case for exempting “tobacco prepared and packed for heating” from the current nicotine entry in Schedule 7 of the Poisons Standard.

### 1. **Tobacco smoking is a major public health issue in Australia.**

Tobacco smoking is the major cause of preventable death and disease in Australia. This is also true globally. Tobacco smoking is responsible for more than 20,000 deaths per year in Australia, exceeding deaths from alcohol, prescription and illicit drugs combined. About one third of smoking related deaths in Australia occur in people of working age (35 to 69 years). There are more than 7 million smoking related deaths globally every year. Up to two out of every three long-term smokers die from a smoking related condition. An estimated one billion people will die from smoking related causes in the remainder of this century. Smoking tobacco accounts for 9% of the burden of disease in Australia. Smoking is also responsible for substantial economic costs in Australia.

### 2. **Tobacco harm reduction would substantially reduce harm from tobacco in Australia.**

A new and growing range of options to reduce the health costs of smoking is now available. Snus, a moist oral, low nitrosamine form of tobacco, has long been available in Sweden where it has been extensively studied. Adverse health consequences are minimal. Snus is legally available in Australia but the excise imposed is prohibitively expensive. Swedish snus is proof of the concept of tobacco harm reduction. Banned in all other EU countries, Swedish men have the lowest smoking rates, lowest rates of smoking-related diseases and lowest rates of smoking-related deaths.

### 3. **Vaping is a relatively new form of tobacco harm reduction.**

A Chinese pharmacist, Hon Lik, developed a commercial form of vaping in Beijing in 2003. An estimated 40-50 million people vape nicotine in dozens of countries around the world. Vaping is estimated to be less than 5% as risky as smoking. In countries where vaping has become popular, such as UK and US, the decline in smoking rates has accelerated in recent years.

### 4. **Tobacco control policy has previously been successful in Australia but recent results are unimpressive.**

Smoking rates have been virtually flat in Australia since 2013. Australia has much more vigorous tobacco control policies than the UK or US. For example, Australia has the most expensive cigarettes in the world. Yet for the first time, smoking rates in the UK or US are now lower than in Australia. It is hard to believe that the much higher prevalence of vaping in the UK and US is at least partly responsible for this difference in smoking rate trajectories.

### 5. **Australia officially accepts tobacco harm reduction.**

Tobacco harm reduction is a pragmatic strategy to reduce the harm in smokers who are unable or unwilling to quit nicotine with conventional therapies. Australia officially adopted harm minimisation as its official national drug policy on 2 April 1985. Harm

minimisation comprises supply reduction, demand reduction and harm reduction. Tobacco harm reduction complements and does not replace supply reduction or demand reduction. Australia's National Tobacco Strategy endorses tobacco harm reduction. Australia is a signatory to the 2003 Framework Convention on Tobacco control also explicitly endorses tobacco harm reduction.

**6. Some tobacco harm reduction is considered acceptable but not others.**

The substitution of lower-risk nicotine products for higher risk combustible tobacco products (including cigarettes) is consistent with tobacco harm reduction. Lower-risk nicotine products include: Nicotine Replacement Therapy, snus, vaping and heated tobacco products. Australia accepts Nicotine Replacement Therapy but not other forms of tobacco harm reduction.

**7. Heated tobacco products are a new form of tobacco harm reduction.**

Heated tobacco products do not involve tobacco combustion. They are a lower risk substitute for combustible cigarettes for smokers unable or unwilling to quit nicotine. Vaping and heated tobacco products are not just forms of tobacco harm reduction but are also examples of disruptive innovation.

**8. Heated tobacco products are less risky than cigarettes but more risky than vaping.**

Heated tobacco products produce far fewer Harmful and Potentially Harmful Constituents than cigarette smoke and dramatically reduce biomarkers of exposure. Second-hand emissions from heated tobacco products are substantially less harmful than from second-hand cigarette smoke.

**9. Heated tobacco products widely accepted in other western countries.**

Heated tobacco products are approved for use in most western countries and have proven to be an effective and satisfying alternative for smokers wanting to improve their health. A court challenge in New Zealand resulted in heated tobacco products being approved by the court.

**10. US recently approved heated tobacco products.**

The US Food and Drug Administration recently approved the marketing and sale of the leading brand of heated tobacco products as "appropriate for the protection of the public health" after a rigorous review of the science.

**11. Heated tobacco products will probably help to reduce smoking rates in Australia.**

Judging by the international experience, the availability of heated tobacco products will likely help to reduce smoking rates in Australia and improve public health

**12. The tobacco harm reduction debate is difficult and often ideological.**

It is scientifically and ethically wrong to allow the sale of lethal cigarettes and ban the sale of a far safer alternative

**13. Strong human rights arguments for allowing tobacco harm reduction.**

Heated tobacco products should be available to smokers on human rights grounds as it is a fundamental human right to have optimal health

**14. Cigarette smoking is a major cause of health inequality in Australia.**

Heated tobacco products could help reduce the health inequalities due to higher smoking rates in disadvantaged groups who have the highest smoking rates and lowest quit rates. Smoking accounts for a quarter of the life expectancy gap between the Aboriginal and the majority population.

**15. Benefits of heated tobacco products far outweigh risks and risks can be managed.**

The potential risks from introducing heated tobacco products include youth and non-smoker uptake, unknown long-term risks and dual use. These require ongoing monitoring and can be managed with sensible regulation and education rather than a ban

**16. Heated tobacco products and other tobacco harm reduction have helped to reduce cigarette sales and smoking rates.**

Heated tobacco products were introduced to the Japanese market in April 2016. Cigarette sales in Japan had declined 31% by April 2019. Similar results were also seen in South Korea.

**17. Heated tobacco products and other tobacco harm reduction compete against cigarettes which are much more harmful.**

Vaping and heated tobacco products compete with cigarettes for the nicotine market. Whatever the intentions of policy makers, restrictions or public threats of restrictions on vaping and heated tobacco products are followed by an increase in the share price of cigarette companies. Announcements that bans on vaping and heated tobacco products will not proceed are often followed by a decrease in the in the share price of cigarette companies.

**18. Conclusion:**

Accordingly the TGA should accept the application to exempt “tobacco prepared and packed for heating” from the current nicotine entry in Schedule 7 of the Poisons Standard.