

1. Banning E-Cigarette

Context:

- ▶▶ Union cabinet has announced a blanket ban on e-cigarettes.

Concerns:

- ▶▶ If e-cigarettes are banned, then why not cigarettes?”
- ▶▶ Why there is global panic among policymakers, health practitioners, tobacco companies and e-cigarette companies.

What is E Cigarette:

- ▶▶ Electronic cigarettes are small battery operated devices that vaporise liquid nicotine to provide the same experience as smoking tobacco.
- ▶▶ These devices do not burn tobacco leaves, but use a heating element to turn a liquid nicotine solution into vapours, which the user inhales.
- ▶▶ Nicotine is used as a direct substance in e-cigarettes and the content ranges up to 36 mg/mL. Although regular cigarettes too have nicotine, it is in the range of 1.2 to 1.4 mg/mL,”

A Global Scenario:

- ▶▶ The US states of New York and Michigan have just banned flavoured e-cigarettes. The US Centers for Disease Control and Prevention recently announced that it was investigating 380 cases of potential vaping related illness.
- ▶▶ In the US, the Food and Drug Administration has been regulating some of these e-cigarettes and vaping devices but the vast majority of them are not cleared by any regulator.
- ▶▶ The sale of e-cigarettes is completely banned in 25 countries, including Brazil, Norway and Singapore, while market authorisation is required in 17 other countries.
- ▶▶ In the United States, ENDS, which is marketed for therapeutic purposes, is currently regulated by the USFDA and the Center for Drug Evaluation and Research, the ICMR white paper stated.

Cigarettes vs E-cigarettes:

- ▶▶ Cigarettes and *bidis* continue to flourish in India without heavy penal taxation or pricing or public health measures.
- ▶▶ Cigarettes are linked to cancer and kill people, but on the other hand, **there is Just Six Deaths alleged related to Vaping.**

- ▶▶ E-cigarette and vape companies have claimed that their products are “less harmful,” have a “reduced risk” and can thus be seen as a “safer alternative” and a “cessation device”.
- ▶▶ These e-cigarettes may have some benefits in comparison to cigarettes, **but may also come with other harmful effects** which are different or similar to the ones from cigarettes.
- ▶▶ There is no single type of e-cigarette or vaping device. A range of companies are making all kinds of products with different levels of nicotine and flavouring agents apart from a host of unknown chemicals.
- ▶▶ Most companies claim their product is safer than cigarettes, there’s no way to really know without rigorous testing and standardisation of every product that is vying for entry.

Issue with Nicotine:

- ▶▶ Nicotine, the primary component of vapes, is itself a known and **listed pesticide in India** and other countries. In very small quantities and in permissible ranges, it has some therapeutic properties and is thus used in nicotine patches to help cigarette smokers quit. But in higher amounts, nicotine intake can kill humans.

What the Indian government has done so far?

- ▶▶ Cigarettes in India are regulated under the COTPA (**Cigarettes and Other Tobacco Products Act**). At the time of passing this law, the text did not envision the rise of e-cigarettes.
 - ❖ But do e-cigarettes need to be regulated under COTPA at all?
 - ❖ Is e-cigarette an entirely different product with its own potential harms and benefits, not comparable with cigarettes?
- ▶▶ Since nicotine is listed as a drug in India, and e-cigarettes operate using nicotine, should e-cigarettes instead be regulated as drugs? Since e-cigarette companies claim that their devices actually help people make healthy choices by decreasing smoking, should it be regulated from the point of view of health instead?

Legality of E cigarette:

- ▶▶ E-cigarettes are **unlicensed products** and have made their way into India illegally.
- ▶▶ Marketed as a product that can help smokers quit, e-cigarettes have also become a fashion statement among young tobacco users.
- ▶▶ However, under the **Cigarettes and Other Tobacco Products Act the government cannot ban these products**, but only regulate their sale. This put the government in a dilemma over the legal provisions it would have to invoke to ban e-cigarettes.

- ▶▶ Experts at a drug consultative committee meeting on 1 June concluded that e-cigarettes and other such devices would fall under the definition of “drug” under **Section 3(b) of the Drugs and Cosmetics Act, 1940 (DCA)**, and therefore should be banned under Section 26 (A) of DCA.

Government Intervention:

- ▶▶ Health ministry issued an advisory to all states in 2018 asking them to try and ensure that nicotine devices are not sold in their states.
- ▶▶ **Ministry of electronics and information technology** had proposed an amendment to the information technology rules that would **ban the advertising of e-cigarettes**.
- ▶▶ The customs department also issued a circular asking that all consignments of e-cigarettes should be cleared by state drug controllers first.
- ▶▶ Indian Council of Medical Research issued a “white paper” and called for a ban on e-cigarettes as well.

States that banned E cigarettes:

- ▶▶ Some states, including Punjab, Karnataka, Kerala, Bihar, Uttar Pradesh, Himachal Pradesh, Tamil Nadu, Maharashtra, Jharkhand, Rajasthan and Mizoram have already banned the use and sale of e-cigarettes, vape and e-hookah.