



15 APR, 2021

Govt urged to regulate nicotine vapes

The Malaysian Reserve, Malaysia



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Expert says no regulations could result in product tampering such as microbes contamination, among others

by RAHIMI YUNUS

THE electronic cigarette (e-cigarette) industry wants the government to regulate vape products and make way for nicotine-based products to become legal.

Malaysia Retail Electronic Cigarette Association president Datuk Adzwan Ab Manas said Malaysia needs to catch up with how vape products, especially those containing nicotine, are regulated so they can be safely consumed.

He said nicotine vape liquid should also be part of the effort to encourage Malaysians to give up tobacco.

At the moment, vape juice containing nicotine is not legal for sale in Malaysia pending change in health laws.

Adzwan said consuming nicotine through vaping is an alternative that does not contain cancer-causing tar produced by combustible cigarettes.

He said it is also advantageous for the government to legislate vaping as soon as possible so that it can collect tax on vape sales that generate billions of ringgit in sales.

He said the association is asking the government to develop a reasonable framework to regulate the import, manufacturing and retail of nicotine vape liquid and vaping devices before it introduces an excise tax.

"Towards this, we urge the government to establish a committee with the participation of industry players to legalise nicotine vape liquids for sale to Malay-

sian consumers," Adzwan told *The Malaysian Reserve (TMR)*.

Malaysia has introduced an excise duty for e-cigarette devices, non-e-cigarette devices, juices and gels, including the non-nicotine type, during importation with exceptions given to local manufacturers.

Devices will be charged with an excise duty at an ad valorem rate of 10%, while liquids and gels will be charged a rate of 40 sen for each millilitre (ml).

Regardless, Adzwan said there is hardly any demand for non-nicotine vape liquids, particularly among smokers who wish to quit or switch to a lower risk option, while the availability of tax paid non-nicotine vape liquids is potentially double-edged in encouraging youths and non-smokers to try vaping.

He said it is estimated that over 90% of vape liquids purchased by consumers in Malaysia contain nicotine.

Universiti Kebangsaan Malaysia's community medicine department expert Prof Dr Sharifa Ezat Wan Puteh said vape, also called electronic nicotine delivery systems, or ENDS, has long been a contentious area in the tobacco industry.

Filled with different nicotine concentration (highly addictive), she said ENDS offer a different experience compared to a traditional cigarette, and hence perceived as "safer" than smoking.

Nicotine vape devices are under the purview of the Poison Act 1952, hence selling and use must be monitored by trained health personnel.

Under the Poisons Act 1952 (Revised 1989) and Regulations, nicotine is classified as a Category C poison, which means products containing it should only be dispensed by licensed personnel.

"Unfortunately, online purchases and highly accessible vape products to the mass population are used most negligently.

"Youths are tricked into vaping and smoking at the same, causing exposure from two nicotine sources which leads to many health effects and no end to smoking," Sharifa Ezat told *TMR*.

She further said no regulations could result in product tampering, including microbes contamination, drug-laced liquids such as cannabis oil and unknown nicotine concentrations.

The expert said the regulations in dealing with vaping in Malaysia are very much different than in Europe and the UK.

Since 2018, Public Health England's stand is to advise on developing vaping policies that maximise the potential of e-cigarettes in supporting smokers quit while managing risks.

Under the European Union's Tobacco Products Directive in 2014, which came into effect in 2017, the maximum nicotine of an e-liquid allowed in the UK is 20mg/ml; bottles may not contain more than 10ml of liquid and must be child- and tamper-proof; and the liquid must be registered with the Medicines and Healthcare Products Regulatory Agency.

Meanwhile, the US Food and Drug Administration (FDA) deems e-cigarettes as a drug delivery device, hence are subject to the Federal Food, Drug and Cosmetic Act before being imported into the US.

In April 2014, the FDA proposed new regulations for tobacco products, including e-cigarettes, which require proper disclosure of ingredients in e-liquids, proof of the safety of ingredients and banning

the sales to people under 18 years old, as well as regulations for devices that deliver e-liquids.

"Obtaining income tax is of course beneficial to the country. But at what cost? If we cannot properly regulate and enforce vape control, the next best option is a total ban policy.

"Hence, vape must be properly regulated and only 'prescribed' to the most at risk, which is for heavy smokers to switch to a safer alternative compared to the traditional cigarette," Sharifa Ezat said.

Previously, investment and economic analyst Pankaj Kumar said it is critical for comprehensive regulations and practical taxation policies that cover the entire vape sector to be put in place quickly to allow the vape sector to contribute to tax revenue, bolster employment and potentially spur foreign direct investments.

Pankaj said an excellent case in point is China's leading vaping firm, RLK Technology Inc, which reportedly raised US\$1.4 billion (RM5.78 billion) in its IPO in the New York Stock Exchange in January this year.

A new study conducted by Grand View Research Inc projected the global vape market size to reach US\$67.31 billion by 2027, registering a revenue-based compound annual growth rate of 23.8% from 2020 to 2027.

The Malaysian vape industry has grown to RM2.27 billion in value, with some 3,300 related businesses that employ some 15,000 personnel, with a potential RM300 million revenue gain for the government if the taxation is broadened to include nicotine e-liquids, according to a report published by the Malaysian Vape Chamber of Commerce in February.



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SUMMARIES

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