

E-cigarettes and NCPs: Resource update

Alcohol and Drug Prevention Briefing Paper

December 2015

This briefing paper is **part of a series** produced by **Mentor ADEPIS** on alcohol and drug education and prevention, for teachers and practitioners.

Questions for schools

1. How will new regulations impact on the way we deal with E-cigarettes and Nicotine Containing Products (NCPs)?
2. What else do we need to know?

Recent trends of EC use in Britain

Over the recent years the UK witnessed a considerable rise in use and availability of e-cigarettes. Usage of electronic cigarettes has more than tripled in the past three years. Currently 2.6 million adults are using e-cigarettes in Great Britain while there were about 700,000 in 2010. According to the British government one every twenty individuals in the UK uses EC. The most common reason people give for using electronic cigarettes are to try to quit smoking or to cut down cigarettes consumption (Ash/You Gov Smokefree GB Survey, 2015). Indeed a great proportion of EC users are ex-smokers - 1.1 million- (Ash, 2015).

Are EC helping those who want to stop smoking?

An evidence review published by PHE in August 2015 on e-cigarettes and implications for public health in England

reported that EC are 95% less harmful than tobacco cigarettes and could be dispensed as licensed medicine to traditional anti-smoking products (PHE, 2015). Although EC are not free from risks, PHE states that they can make significant contribution in helping people to stop smoking. PHE reports however acknowledge that no reliable evidence has yet been produced on harms and impact of long term use.

New regulations for EC

Until recently, electronic cigarettes have only been regulated by general product safety regulation. Manufacturers have been able to apply for obtaining a medical license through the Medicine and Healthcare products Regulation Agency (MHRA). However, things have quite changed with new UK regulations introduced since 1st October 2015 and will further change from May 2016. On 20th May 2016 the new European **Tobacco Products Directive (TPD)** will regulate EC production, distribution and use in all EU member states including the UK.

Although criticised by those who claim that EC have potential benefits for smoking reduction, the new regulations are introducing more stringent guidelines on these nicotine products. New directives can be grouped into two areas: age of sale and regulatory framework.



Age of sales

Both new UK regulations on smoking and the TDP introduce new regulations on age of sales for E-cigarettes. For those nicotine products and electronic cigarettes that are not licensed by MHRA it has become illegal:

- To sell electronic cigarettes or liquids to someone under 18
- For adults to buy e-cigarettes products for anyone under 18 (*Department of Health, 2015*)

Regulatory framework

The TPD will introduce a different regulatory framework for EC or refill containers not regulated by the MHRA, leading to a significant change in the production and distribution of EC and refill for all EU member states.

1. Improved safety and quality of the

products and a maximum allowed nicotine concentration for e-liquids as well as a maximum size for e-refill:

- EC must not contain more than 20mg/ml of nicotine; nicotine-containing liquids must be in apposite containers not exceeding 10mg/ml and cartridges or tanks not exceeding 2mg/ml; E-cigarettes must be made from high purity ingredients; ingredients and flavouring must not pose any health risk; Products also need to be protected against breakage and leakage and be child and temper proof

- Following TPD EC must deliver nicotine at consistent levels under normal use, which will prevent people from accidentally consuming a high dose of nicotine and poor quality products that give an inconsistent nicotine hit

2. Better product information

- Reporting obligations will have to be addressed: manufacturers and importers

	Products regulated under the EU TPD	Products regulated as medicines by MHRA
Availability	<ul style="list-style-type: none"> • Products widely available in all current locations • Products will not be prescribed 	<ul style="list-style-type: none"> • Products available on general sale in the same way as paracetamol or NRT • Products could be prescribed
Tax	<ul style="list-style-type: none"> • 20% VAT 	<ul style="list-style-type: none"> • 5% VAT
Advertising	<ul style="list-style-type: none"> • Cross border advertising banned (e.g. print and broadcast) • Member States can decide to regulate domestic advertising (billboards, buses etc.) Scotland is currently considering this • Can't make health claims 	<ul style="list-style-type: none"> • Advertising allowed – under 'over the counter' medicine rules. No celebrity endorsement or free samples and must be targeted at adult smokers etc. • Can make health claims
Nicotine	<ul style="list-style-type: none"> • No higher than 20mg/ml 	<ul style="list-style-type: none"> • MHRA regulation is flexible; there are no upper limits.
Packaging	<ul style="list-style-type: none"> • 30% health warning on packs about nicotine on front and back of packs 	<ul style="list-style-type: none"> • No health warnings on packs
Flavours	<ul style="list-style-type: none"> • No EU regulation on provisions • Member States could choose to regulate further 	<ul style="list-style-type: none"> • Flavours will be determined as part of the authorisation process
Age of sale	<ul style="list-style-type: none"> • Cannot sell to someone under the age of 18 	<ul style="list-style-type: none"> • MHRA has power to determine age of sale for products
Type of device	<ul style="list-style-type: none"> • Will need to meet standards including being child proof and protected from leakage 	<ul style="list-style-type: none"> • Will need to meet standards for medical devices
Liquids	<ul style="list-style-type: none"> • Will have to notify the ingredients of liquids and provide quality assurances 	<ul style="list-style-type: none"> • Will have to meet medicinal standards for ingredients and production

Regulations for Electronic Cigarettes products. Source: ASH, 2015

will have to give information to member states authorities on ingredients contained in the products, toxicological data on ingredients and emission, description on the production process etc.

- Packaging will also change as each product will need to include a leaflet with instructions and warnings information and the outside packaging must list all ingredients and nicotine content as well as health warning messages.

Member states also commit to take any corrective action whenever products are proved not to be safe or following TPD regulations. Advertising and cross-border sale and marketing will also be restricted (EU, 2014).

Implications for schools

Schools will have to take into account the new regulations when formulating their new policies with regards to cigarettes, e-cigarettes and other nicotine products. Particularly schools should be aware of the new directives for diffusion and use of e-cigarettes among students under 18s. These will have to be included and followed in the schools' policies. For further information on how to deal with e-cigarettes in schools settings, refer to ADEPIS Briefing Paper "***E-cigarettes and Nicotine Containing Products (NCPs)***" available at <http://mentor-adepis.org/e-cigarettes-nicotine-containing-products-ncps/>

References:

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About ADEPIS

The Alcohol and Drug Education and Prevention Information Service is run by Mentor, the drug and alcohol prevention charity and is funded by Public Health England, Home Office, and Department for Education.



More resources and advice are available from mentor-adepis.org. For further information, contact:

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