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Promulgation of the Prohibition of Electronic Cigarettes Ordinance

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Recently, the Union Cabinet has approved the **Promulgation of the Prohibition of Electronic Cigarettes (production, manufacture, import, export, transport, sale, distribution, storage and advertisement) Ordinance, 2019.**

- The prohibition of e-cigarettes **includes all forms of** Electronic Nicotine Delivery Systems [ENDS), Heat Not Burn Products, e-Hookah, and the like devices.
- Any production, manufacturing, import, export, transport, sale (**including online sale**), distribution or **advertisement (including online advertisement)** of e-cigarettes shall be a **cognizable offence**.
- The above-mentioned activities are punishable with an imprisonment of up to one year or fine up to Rs. 1 lakh or both for the **first offence**; and imprisonment of up to three years and fine up to Rs. 5 lakh for a **subsequent offence**.
- **Storage of electronic-cigarettes** shall also be **punishable** with imprisonment up to 6 months or fine up to Rs 50,000 or both.
- The **owners of existing stocks of e-cigarettes** on the date of commencement of the Ordinance **will have to suo moto declare and deposit these stocks with the nearest police station**.
- The **Sub-Inspector of Police** has been designated as the **Authorized Officer to take action under the Ordinance**.
- The **Central or State Governments may also designate** any other equivalent officer(s) as Authorized Officer for enforcement of the provisions of the Ordinance.
- It enforces **Article 47 of the Indian Constitution** which mentions about State's responsibility to promote Public Health.
- It also enforces **Sustainable Development Goals**, National Monitoring Framework for Prevention and Control of Non-communicable Diseases and National Health Policy, 2017.

Background

- The Government had issued an **advisory in 2018 to all States** to consider banning e-cigarettes.
- Punjab, Karnataka, Kerala, Bihar, Uttar Pradesh, Himachal Pradesh, Tamil Nadu, Maharashtra, Jharkhand, Rajasthan, and Mizoram have **already banned** e-cigarettes in their jurisdictions.
- **The World Health Organisation (WHO)** has urged member countries to take appropriate steps including prohibiting e-cigarettes and related products.
- **The Indian Council of Medical Research (ICMR)** has also recommended a complete ban on e-cigarettes as it adversely affects almost all the human body systems with impact across the life course.
- These products are usually **marketed as being safer alternatives** for conventional cigarettes but these products **may act as gateway products to induce non-smokers**, especially youth and adolescents, **to nicotine-use**, leading to **addiction** and subsequent use of conventional tobacco products.
- E-cigarettes are usually **promoted by the industry as smoking cessation aids** but their efficacy and **safety as a quitting aid have not yet been established**.
- Apart from nicotine, e-cigarettes may also be used for the **delivery of other psychoactive substances**.

Electronic Nicotine Delivery Systems (ENDS)

- ENDS heat a solution (**e-liquid**) to create an aerosol which frequently contains flavourings, usually dissolved into **Propylene Glycol or/and Glycerin**.
- Electronic cigarettes, the most common prototype, are devices that do not burn or use tobacco leaves but instead vaporize a solution so that a user can inhale.
- The main constituents of the solution, in addition to nicotine, are propylene glycol, with or without glycerol and flavouring agents.
- ENDS solutions and emissions also contain some other toxicant chemicals.

Concerns related to ENDS

- These products are **not registered as nicotine replacement therapy products** in India.
- E-cigarettes usually **contain nicotine** which makes product addictive.
- E-cigarettes cause **health hazards for youth, young adults, and pregnant women**.
- A number of **metals, including lead, chromium, and nickel, and chemicals like formaldehyde** have been found in aerosols of some ENDS, with concentrations equal to or greater than traditional cigarettes.
- Lack of knowledge about negative effects of nicotine and the easy accessibility of these products make the youth prone to addiction.

Impact of Prohibition of E-Cigarettes

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- The decision to prohibit e-cigarettes **will help protect** the population, especially the **youth and children**, from the **risk of addiction** through E-cigarettes.
 - Enforcement of the Ordinance will **complement the government's efforts for tobacco control** and will **help in the reduction of tobacco use** and **reduction in associated economic and disease burden**.

National Health Policy, 2017

- It aims to achieve **universal access to good quality health care services without anyone having to face financial hardship** as a consequence.
- It intends to gradually **increase public health expenditure to 2.5% of the GDP**.
- It proposes **free drugs, free diagnostics, and free emergency** and essential healthcare services in public hospitals.
- The policy advocates **allocating two-thirds of resources to primary care**.

Source:PIB