



New Underground E-Cigarettes Market Will Soon Begin Flourishing In Australia

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Australia plans to turn e-cigarettes into prescription drugs and will ban people from buying them without a doctor's prescription. Vaping retailers publicly vow they will move to the underground. We have seen this prohibition movie before. It doesn't have a happy ending.

Writing in the Australian journal *The Quadrant* a year and a half ago, I criticized the Australian government's plan to prohibit residents from purchasing e-cigarettes without first getting a state-licensed health care practitioner's permission slip (aka, a prescription). I wrote:

It makes no sense to require medical permission slips for consenting adults to ingest nicotine via e-cigarettes when doing so through combustible tobacco requires no such official nod. It makes even less sense when substances of equal or greater addictive potential are legally available without a prescription. Perhaps this is due to an irrational, zero-tolerance stance toward any activity, such as vaping, that resembles tobacco smoking.

Though e-cigarettes are now only legal with a prescription in Australia, an essentially illegal and unregulated market has flourished nationwide in tobacco and vape shops. So now the Australian government will double down on its war on vaping. The Australian parliament is about to pass a ban on importing all non-prescription vaping products, including those that don't contain nicotine. The government will also require makers of all legal vaping products to make their packages resemble other prescription products, and it will reduce the colors, flavors, volumes, and nicotine content of prescription e-cigarettes.

The Australian press reports that wholesale vaping suppliers are urging customers, in social media posts and advertisements, to stock up before the ban goes into effect, warning that prices are likely to increase in response to a surge in demand. Many have made it clear that they are preparing to take the trade underground. Some have made creative online videos critical of the impending ban, frequently on Tik Tok. One innovative video borrows from the film *The Wolf of Wall Street*, with a gif of Leonardo DiCaprio shouting, "I'm not f***ing leaving!" in response to

a caption that states, “When customers ask if we’re gonna stop selling due to the new vape laws...”

Ironically, unlike policymakers in places like San Francisco and New York State, the Australian government recognizes e-cigarettes as an excellent harm reduction tool. Reporting in the Melbourne Herald Sun, Jack Evans writes that Australia’s Health Minister Mark Butler “emphasized that vaping was initially marketed globally as a therapeutic aid to assist long-term smokers in quitting but had transformed into a recreational product.” Policymakers are disturbed because many people vape for pleasure rather than for quitting tobacco. Said Butler, “It was not sold as a recreational product, and in particular, not one for our kids.”

To paraphrase H. L. Mencken, the Australian Health Minister has “the haunting fear that someone, somewhere, may be happy.”

In the U.S., the Food and Drug Administration, states, and municipalities have been prohibiting flavored e-cigarettes based on the theory—now disproven by the evidence—that flavored e-cigarettes are a gateway to teen tobacco smoking. But public policy toward adult behavior should not be based on minors’ tastes and proclivities. Moreover, there is good evidence that adults who are trying to quit tobacco smoking prefer flavored e-cigarettes, and these bans may be causing many adults to abandon vaping and resume smoking.

Unlike Australia, the U.K. government does not require people to get permission from a government-approved health care practitioner if they want to vape. And unlike Australia and the U.S., the U.K. government does not restrict flavors.

Alas, the Australian government is intent on fueling an underground vaping market. And, as with all black markets, consumers will be less sure about the purity and quality of the products they buy or whether they contain deadly compounds. This will make vaping more hazardous. Australians should also expect a surge in prohibition-related crime. And politicians will counter by making taxpayers fund new and expanding law enforcement efforts to crack down on the illegal e-cigarette trade.

We have all seen this movie. We know how it ends. Sadly, prohibitionists never learn.

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