

The legislation to regulate electronic cigarettes does not wait

Although, in Colombia, two bills address this problem, there is still a long way to go to stop this high-prevalence phenomenon. Two professors from the Faculty of Economics of Universidad del Rosario follow up the discussions that occur in Colombia and the world. The bottom line is that the framework that exists for the consumption and sale of tobacco must be considered.

By Alejandro Ramírez Peña
Pictures shutterstock, 123RF, Leonardo Parra

The urgency to advance in the legislation that regulates imitations of tobacco products, including those that have nicotine and those that do not, as well as those that heat tobacco, has been increasingly gaining voices in favor. The reason for this is simple: Even if it is a relatively recent phenomenon, it is already beginning to have very significant prevalence, and in some cases, it causes death, which is a call for attention. In fact, in mid-November last year, the then-Minister of Health in Colombia, Juan Pablo Uribe, made the formal request in a public hearing at the Seventh Commission of the House of Representatives, where he emphasized that in this situation, not only pedagogy or self-regulation should be relied upon.

His intervention was considered a good starting point to regulate in Colombia the Electronic Nicotine Delivery Systems (ENDS), Similar Systems Without Nicotine (SSSN, in Spanish) and the tobacco heaters, known as vapers or electronic cigarettes.

The concern of the former minister and other scholars has been shared for some years by Paul Andrés Rodríguez Lesmes and Juan Miguel Gallego Acevedo, professors of the Faculty of Economics from Universidad del Rosario, who have been working on a project funded by the International Develop-

ment Research Center (IDRC) of Canada, together with the Global Alliance for Chronic Diseases (GACD). In addition, professors are part of a consortium wherein Universidad del Rosario and other universities from Ecuador, Chile, Canada, South Africa, and Thailand are part.

“In essence, we are analyzing various issues associated with tobacco and its consumption in the various existing ways. One of the natural themes around which this research has been moving toward is other devices like electronic cigarettes,” Rodríguez explains, who also reveals that this problem was raised in the meeting entitled Electronic Cigarettes: How to regulate them in Colombia? at the Jockey Auditorium of Universidad del Rosario, together with the Centro de Estudios en Protección Social y Economía de la Salud, Proesa (Center of Studies in Social Protection and Economy of Health), Universidad de los Andes, and the Pontificia Universidad Javeriana.



Diagram of electronic cigarette functioning

Functioning:
The user inhales or presses a button to activate the heater, which atomizes the cartridge fluid. Steam is produced, and the light turns on.



The device mimics the sensation of smoking a regular cigarette, without tobacco, carbon monoxide, tar, or ash.

Despite the claims of the manufacturers, the WHO has warned against its use, arguing that there is no evidence that proves they are safe.

To address matters regarding electronic cigarettes, the researchers had, as a starting point, the existing legislation, which, in the global sphere (Colombia included), is very scarce. This is partly because electronic systems emerged in a somewhat traditional way, based as they were on traditional methods in places such as Asia (with hookah and others), where it is common to use some type of steam to take in nicotine. Early production of a significant number of new devices and flavors at relatively low prices were added to that. In the beginning, these did not represent a concern for health regulators around the world; however, the situation went out of control as it happened in China, where growth progressed without control.

It is thus that after being little known, since about two years ago, electronic cigarettes became fashionable among young people because data show that they have a 20 to 30 percent prevalence in that population. Chile registered a similar figure in prevalence in the young, of approximately 40 percent, which sparked anxiety among health authorities because the increase was driven by the

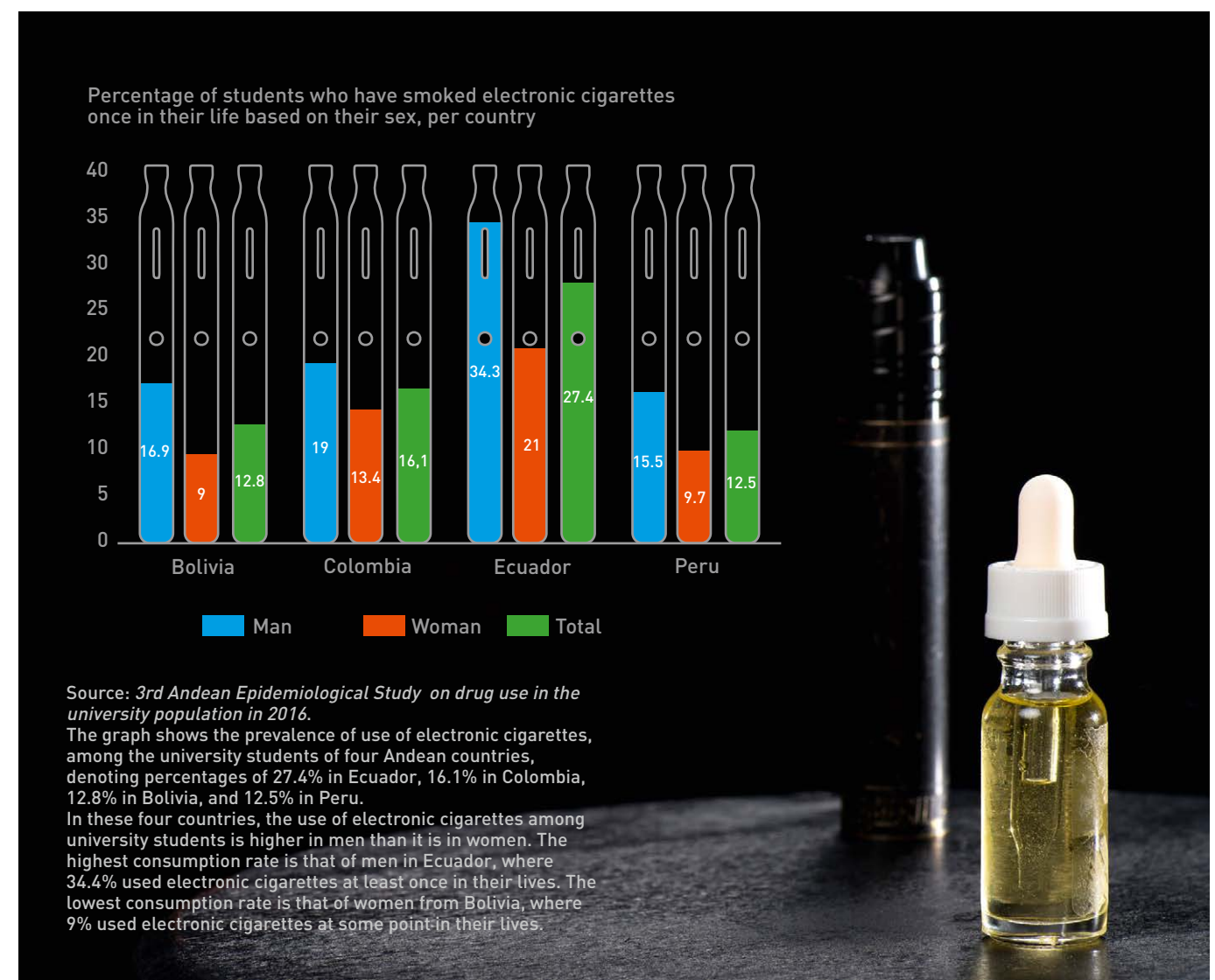
lack of a clear definition in any country on how to control them until now. There are plans to ban them, as is the case in Chile; however, for the moment, they are just that: Projects.

Colombia, also a part of the debate

The country is no stranger to the debate that is being encouraged in the world about this topic. Today there are two bills with which they seek to regulate sale and consumption: 174 of 2018, of the Senate, and 057 of 2019, of the House of Representatives.

Senator José David Name Cardozo is the author of Project 174, which has been criticized for not being strong enough because it contemplates fewer restrictions than those that should ideally be imposed regarding the prohibition of its use by minors, advertising bans, and banning in smoke-free spaces.

Project 057, on the other hand, has greater support among civil society organizations, such as the Fundación Anáas and Red Papaz, for being a bit more forceful in its prohibitions. However, Professor Rodríguez



guez maintains that “the general objective of the two is almost to take the existing regulation of tobacco and apply it to electronic cigarettes.”

At the end of 2019, representatives of the Work Units (UTL in Spanish) from the House of Representatives and Senate that are promoting the projects participated in the aforementioned meeting “Electronic Cigarettes: How to regulate them in Colombia?”, where discrepancies between the points of view were evident.

For example, in Project 174, it was not so clear what could happen in matters of taxation, nor whether they would include electronic cigarettes in general, only those containing nicotine, or products that have to do with tobacco; that is to say, there was a door left ajar. In that space, where consumer associations of electronic cigarettes, tobacco companies, and representatives of other players in the sector participated, it was sought to generate knowledge about the status of the situation and discuss the projects that, unfortunately, were affected in the legislative

course because of the onset of the COVID-19 pandemic in Colombia.

For professors, unlike what happens in other countries, national projects, in general, have points of interest for regulation as they go beyond regulating specific products, as is the case in initiatives outside Colombia. “The examples of legislative projects in the world are aimed at regulating products that are eaten and not those that become a spray. These were the ones that caused most of the deaths last year. Very fast deaths in young people were the consequence of strange flavors, which, when combined and heated, turned out to be highly toxic,” explains Rodríguez.

Professors also point out that between the things to be considered regarding this problem lies the fact that it is a market that moves mainly online, which makes it much more



← The economist Juan Miguel Gallego, vice provost of research and innovation of the Universidad del Rosario, assures: "This normative analysis and the policy discussions advanced with the actors of the sector that have been involved make it clear that these regulations need to be urgently introduced in the country. And mainly what they want is to extend the laws that already exist on tobacco, taxes, smoke-free spaces, prohibition to young people, and from advertising to vaping in general."



← "The examples of legislative projects in the world are aimed at regulating products that are eaten and not those that become a spray. These were the ones that caused most of the deaths last year. Very fast deaths in young people were the consequence of strange flavors, which, when combined and heated, turned out to be highly toxic," explains Paul Rodríguez, professor of the Faculty of Economics.

difficult to know the size of the phenomenon in each zone.

For Rodríguez and Gallego, what must come now is a convergence of the two projects, that is, when they enter plenary sessions. It would be expected that the tendency be toward Project 057 2019 because it represents a complete expansion to electronic cigarettes and other similar devices in the tobacco control framework existing in the country, while Project 174 leaves the door open to put together new legislation, which should not happen because electronic cigarettes are already covered in the existing tobacco legislation.

"The concern is that, for example, tobacco companies may take advantage of these new regulations to allow the promotion of their products openly if they manage to knock down some article of that law, while what the other proposal does is stating, 'we are going to ban electronic systems with and without nicotine within the current tobacco law,' which somehow guarantees that it will not be changed easily during the legislative process," explains Juan Miguel Gallego, who is also vice provost of research and innovation at Universidad del Rosario.

Entrance doors to smoking

Professors also indicate that the initiative to have as the framework the existing legislation for tobacco consumption and

After being little known, since about 2 years ago, electronic cigarettes became fashionable among young people because data show that they have 20–30 percent prevalence in that population.



sale follows the guidelines of the World Health Organization (WHO). This organization and other global institutions are sponsoring discussions wherein it is recommended that all legislation on tobacco be moved toward vaping.

They initially made the suggestion not because it was proven that vaping was bad for health but because the main problem was that this became an entrance door for smoking. It was identified that in several countries, many people started vaping, and from there, they moved on to cigarettes. Consequently, it was a device for the regulation to evade all instruments that were designed to obviate consumption from an early age.

Somehow, vaping got fancy, a matter of status for young people, and they wanted to counteract that situation; however, with the latest results observed, mainly those of last year, regarding deaths associated with electronic cigarettes, that recommendation began to become stricter.

Furthermore, an additional element is added to this, which is related to the supposed low impact of electronic cigarettes on the body, which is something similar to what happened at the time with filter cigarettes as a solution to normal tobacco. Twenty years later it was possible to prove that they were as harmful to the health as those without filter, and then, the rules got tougher.

"Thus, the general recommendation of the WHO is influenced by the reasoning that this gives enough information for us to think that it will not pan out very well and that it is better to start boosting adjustments to the laws of all countries," Rodríguez emphasizes.

In the case of Colombia, although there are not many sources of information to determine it, the professors of Universidad del Rosario highlight two of them. The first, a study of students from Universidad de los Andes (*3rd Andean Epidemiological Study on drug use in the university population, in 2016*), which showed a prevalence of e-cigarettes of 19 percent in men and 13.4 percent in women, higher than tobacco, which, in turn, reached 12 and 7 percent, respectively.

The second one is the National Tobacco Survey in Youth, 2017, which evidenced a greater and rapid increase in prevalence of the "epidemic" of vaping within that population.

"This normative analysis and the policy discussions advanced with the actors of the sector that have been involved make it clear that it is necessary that these regulations are urgently introduced in the country. And mainly what they want is to extend the laws that already exist on tobacco, taxes, smoke-free spaces, prohibition to young people and from advertising to vaping in general," says Gallego.

In this sense, the objectives of professors are, in the first place, to achieve the implementation of these legislative changes and to introduce specific regulations on the issue. In second place, the objective is to have a stronger statistical relevance because it is a young phenomenon, and therefore, it is important to measure it.

"With everything that happened to us with the coronavirus, it is evident that in public health matters, it is relevant to have very clear information and that it is essential that recurring surveys used by the country, such as the National Survey of Quality of Life, ask young people about electronic cigarettes. Not only for research purposes but to avoid, control, and mitigate this issue before it goes out of control"—this is based on the conclusions drawn by researchers of Universidad del Rosario. ■

← No country has so far clear definitions on how to control electronic cigarettes.