



## **ABSTRACT**

Tobacco Control – Ban on E-Cigarettes (Electronic Nicotine Delivery Systems) in Tamil Nadu – Orders issued.

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### **Health and Family Welfare (EAP II-2) Department**

G.O(Ms) No. 384

Dated :03.09.2018  
Vilambi, Avani - 18  
Thiruvalluvar Aandu 2049

Read:

From the Director of Public Health and Preventive Medicine, Chennai letter Ref. No. 053411/STCC/2018, dated 15.06.2018.

### **ORDER:**

The Hon'ble Minister for Health and Family Welfare has announced on the floor of the Assembly on 14.06.2018 that "Electronic Cigarettes are being sold with advertisement that it will not cause any harm. Government of Tamil Nadu has already banned Chewable tobacco products in Tamil Nadu. So, Electronic Cigarettes will also be banned in the State".

2. Tobacco is the only legally available consumer product, which kills people, when it is used entirely as intended.

3. Even before the implementation of National Tobacco Control Programme (NTCP), Tamil Nadu has initiated tobacco control measures from the year 2002 through the Tamil Nadu Prohibition of Smoking and Spitting Act, 2002 (Tamil Nadu Act 4 of 2003). State Tobacco Control Cell (STCC) had been established under the National Tobacco Control Programme (NTCP) at the Directorate of Public Health and Preventive Medicine, Chennai and had started implementing the provisions contained in the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act 34 of 2003) since 2008.

4. Tamil Nadu has formed enforcement squads in all the 42 Health Unit Districts (HUDs), Chennai Corporation Area and all the 385 blocks and monitoring the violations under sections 4, 5, 6 and 7 of the said Central Act 34 of 2003. Under the National Tobacco Control programme, awareness campaigns are conducted in school and colleges and so far 13,080 schools and 1,340 colleges have been declared as 'smoke free institutions and 68,885 persons from Health, Education, Police and other law enforcing departments were trained on tobacco control measures.

5. It has been observed that Electronic Nicotine Delivery Systems (ENDS), known as E-cigarettes or available in whatever names sold and used illegally in India including the State of Tamil Nadu. The ill effects of e-cigarettes are as follows:-

- (1) **Health effects of using e-cigarettes:** The e-cigarette aerosol that users breathe from the device and exhale contain harmful and potentially harmful substances including – nicotine, ultrafine particles that can be inhaled deep into the lungs, flavouring such as diacetyl, a chemical linked to a serious lung disease, volatile organic compounds, cancer causing chemicals and heavy metals such as nickel, tin and lead. Nicotine is an addiction producing substance. Nicotine is dangerous to pregnant women and toxic to developing foetuses. Nicotine can harm adolescent brain development.
- (2) **Myth:** E-cigarettes are claimed as an alternative aid in quitting tobacco among smokers and other tobacco users and also claimed as less harmful than beedis and cigarettes. In reality, nicotine is the addiction producing substance in tobacco. Nicotine extract used in e-cigarettes produce the same or more harmful effects on the blood vessels, heart, lungs, brain and other organs. The capacity of Electronic Nicotine Delivery Systems to deliver nicotine to the user varies widely, ranging from very low to similar levels or to higher levels to that of cigarettes, depending on the product characteristics, user puffing behaviour and nicotine solution concentration. Exposure to higher nicotine concentrations will have more deteriorating effect on all organs.
- (3) **Unintended injuries:** E-cigarettes were reported to have caused unintended injuries – defective e-cigarettes have caused fires and explosions, some of which have resulted in serious injuries. E-cigarettes like any other electronic product is not allowed in checked-in baggage in airlines for the fear of unintended injuries. In addition, children and adults were reported to have poisoned by swallowing, breathing, or absorbing e-cigarette liquid due to acute nicotine exposure through their skin or eyes.
- (4) **Health effects due to second hand exposure to aerosol from e-cigarettes:** Though e-cigarettes do not contain smoke, they do expose others to second hand emissions. The levels of some metals such as nickel and chromium are higher in Second Hand Aerosol (SHA) from Electronic Nicotine Delivery Systems than in Second Hand Smoke (SHS) and certainly background air. Also, particulate matter (PM), acetaldehyde and formaldehyde are found higher in Second Hand Aerosol (SHA) than the background air. Thus, it increases the exposure of non-smokers and by standers to nicotine and a number of toxicants.
- (5) **Impact on children and adolescents:** There is a potential concern about the possibility that children and generally non-smokers will initiate nicotine use with Electronic Nicotine Delivery Systems at a rate greater than expected. And also the possibility that once addicted to nicotine through Electronic Nicotine Delivery Systems, children will switch to cigarette smoking. E-cigarettes can also be used to deliver marijuana and other drugs. It is easier for adolescents to hide smoking from parents/ teachers when, e-cigarettes are used.

- (6) The sale and distribution of e-cigarettes will also cause **interference with the existing tobacco control measures** and implementation of World Health Organisation – Framework Convention on Tobacco Control (FCTC) and Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act 34 of 2003).

6. It is established that Nicotine is a poisonous drug and the sale, supply, import, manufacturing and trade of Nicotine can be done through a proper licence obtained under the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940).

7. The Cigarettes and Other Tobacco Products Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution Act, 2003 regulates tobacco products specified in the Schedule of the Act. Liquid Nicotine or apparatus used for consuming or inhaling Liquid Nicotine or any other admixture of chemicals do not find place in that schedule.

8. The Directorate of Public Health and Preventive Medicine has therefore proposed for the prohibition of the manufacture, sale (including online sale), distribution, trade, display, marketing, advertisement, use, import and possession of Electronic Nicotine Delivery Systems (ENDS), known as E-cigarettes or by any other name or component thereof with immediate effect in the State of Tamil Nadu with the following objectives:

- (1) To minimize the potential health risks to Electronic Nicotine Delivery Systems users and protect non-users from exposure to their emissions
- (2) To prevent the initiation of Electronic Nicotine Delivery Systems by non-smokers and youth with special attention to vulnerable groups like pregnant women.
- (3) Protect tobacco control activities from all commercial and other vested interests related to Electronic Nicotine Delivery Systems, including interests of the tobacco industry.

9. The use of nicotine in any food product is prohibited in para 2.3.4 of the Food Safety and standards (Prohibition and Restrictions on Sales) Regulations, 2011, as it is injurious to health.

10. The Government after careful examination in Public interest hereby prohibits the manufacture, sale (including online sale), distribution, trade, display, marketing, advertisement, use, import and possession of Electronic Nicotine Delivery Systems (ENDS), known as E-cigarettes or by any other name or component with immediate effect in the State of Tamil Nadu.

11. The Director of Public Health and Preventive Medicine is instructed to strictly implement the above order all over the State.

**(BY ORDER OF THE GOVERNOR)**

**J.RADHAKRISHNAN  
PRINCIPAL SECRETARY TO GOVERNMENT**

**To**

The Mission Director, National Health Mission, Chennai -600 006

The Director of Public Health and Preventive Medicine, Chennai – 600 006  
All Head of Department in Health and Family Welfare  
All Departments in Secretariat

**Copy to:**

The Special Personal Assistant to Hon'ble Minister for Health and Family Welfare, Chennai-9  
The Health and Family Welfare (Data Cell) Department, Chennai -600 009.  
SF/Sc

**//Forwarded by Order//**

*[Handwritten Signature]*  
**SECTION OFFICER**  
*[Handwritten Initials]*