

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Vaping and Tobacco Controls

Melbourne – Monday 15 July 2024

A/Prof Becky Freeman – Questions on notice

26 July 2024

- 1) The sales of tobacco in Tasmania prior to and post the licensing system coming in, I would be interested to understand what the volume being sold was before and after and also your reflections on what that actually meant. For example, it might be a minimisation or an expansion of the black market, because the sales only reflect those ones that are legitimate sales, so I am keen to understand that and happy if you take that one on notice.
- 2) Have you got examples of – and again, happy on notice – where this has been effectively deployed for harm minimisation and community health after the fact? There is always that risk of collecting data just for no particular purpose, but I am really keen to understand those places where it has been deployed, examples of places where they do it well and where they do it poorly and what lessons we might be able to learn from that.

Response to questions on notice:

- 1) I highly recommend getting in touch with the Tasmania Department of Health for detailed answers to any questions on the scheme, and the sales data that are captured as part of the scheme. I would be happy to provide direct contact to staff in the Department as I have worked on a tobacco licensing project with the Department through my PhD student.

The latest report on Tobacco Control progress in Tasmania can be found here:

https://www.health.tas.gov.au/sites/default/files/2021-11/Tobacco_Control_Plan_2017-2021_Progress_Report_DoHTasmania2019.pdf

And the Tobacco Action plan can be found here:

<https://www.health.tas.gov.au/sites/default/files/2022-08/DOH-Tobacco-%20Action%20Plan2022-2026.pdf>

- 2) I have provided some links to useful sources/case examples below

San Francisco case study:

<https://www.sf.gov/sites/default/files/2022-01/DPH-EHB%20Tobacco%20Permit%20Program%20Overview%284%29%281%29.pdf>

New York case study:

https://www.health.ny.gov/prevention/tobacco_control/reports/docs/2023-05_policy_to_practice.pdf

A succinct summary and links examples of international license schemes can be found:

Scollo, M. 11.B Licensing of tobacco sellers. In Greenhalgh, EM, Scollo, MM and Winstanley, MH [editors]. *Tobacco in Australia: Facts and issues*. Melbourne: Cancer Council Victoria; 2024.

<https://www.tobaccoinaustralia.org.au/chapter-11-advertising/indepth-11b-licensing-of-tobacco-sellers>

Copied below for ease of access

11B.3.4 Licensing to reduce illicit tobacco sales

The World Bank and the International Monetary Fund also endorse licensing as a means of reducing evasion of excise duty on tobacco.^{25, 26} Licensing is a major component of the International Protocol to Eliminate Illicit Trade in Tobacco Products which has been developed by Parties to the WHO Framework Convention on Tobacco Control.²⁷

11B.4 International precedents for licensing provisions

Many sub-national jurisdictions internationally require some form of tobacco retailer licensing. This includes the majority of states in the United States, most Canadian provinces, Scotland and Ireland, and many jurisdictions in India and Pakistan.²⁸ The nations of France, Finland, Iceland and Hungary also require tobacco retailers to be licensed.²⁸

As of June 30, 2021, 29 US states as well as the District of Columbia, the Northern Mariana Islands, Palau, and the US Virgin Islands require retailers to have a license to sell either conventional tobacco products or e-cigarettes over the counter.⁵ A further nine states and three US territories require retailers to have a license to sell cigarettes and other non-cigarette tobacco products but not e-cigarettes.⁵ All but four states that require retailers to have a license require them to pay a fee. License fees range from \$5 in Montana to \$800 in Connecticut.⁵

Thirty states, American Samoa, the District of Columbia, the Northern Mariana Islands and Puerto Rico allow licenses to either be suspended or revoked if a retailer violates the tobacco retailer licensing requirements; 23 states, the District of Columbia, and the Northern Mariana Islands allow licenses to be either suspended or revoked for violating the e-cigarette retailer licensing requirements; and 18 states, American Samoa, the District of Columbia, Guam, the Northern Mariana Islands, and the US Virgin Islands allow these penalties if retailers sell conventional tobacco products or e-cigarettes to youth.⁵

In January 2015, Newburgh, New York adopted a new law mandating that stores selling tobacco products will need a permit and will not be allowed to sell those items if they are within 1000 feet of a school.²⁹ The Californian city of El Cerrito also enacted a licensing program in 2015 that bans sales of flavoured tobaccos, and limits new tobacco retailers at locations within 1000 feet of existing retailers and 500 feet from schools, recreation centres, libraries and parks.^{30, 31} After six years of public advocacy by the Youth Leadership Institute to reduce disparities in tobacco retail outlet density, in 2014, San Francisco debated a proposal to cap the number of tobacco permits to 45 permits per legislative district, which would include retailers of e-cigarettes.³² San Francisco's *Tobacco Retail Density Policy* came into effect on January 18, 2015.³³

Several European countries have also implemented tobacco retailer licensing schemes, with a range of objectives in mind. In Finland, changes in tobacco regulations in 2010 aimed primarily to end the use of tobacco, where less than 5% of the population use tobacco or nicotine products daily by 2030.³⁴ In Norway, points of sale tobacco products must be recorded in a national registry, in order to facilitate official oversight.³⁵

In Islamabad, the capital of Pakistan, tobacco retailers must obtain tobacco selling licences. Licensed retailers are prohibited from selling tobacco products to people under 18, from selling loose cigarettes, from advertising tobacco products, and from setting up a tobacco selling point within 50 yards of an educational institution.³⁶

References

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