

GOVERNMENT OF PUDUCHERRY

ABSTRACT

Health – Ban on sale (including online sale), manufacture, distribution, trade, import, advertisement, display, marketing and possession of Electronic Nicotine Delivery System (ENDS) including e-Cigarettes, Heat- not- Burn devices, Vape, e-Sheesha, e-Nicotine flavoured Hookah and the like devices, its parts and components in any shape or size of cartridge containing nicotine in the Union Territory of Puducherry – Orders – Issued.

HEALTH SECRETARIAT

G.O. Ms. No.05

Puducherry, dated 23.01.2019

READ: I.D. No.PSHM/NTCP/ENDS/GO/2018-19/820, dt. 09.10.2018 of the Mission Director, Puducherry State Health Mission, Puducherry.

ORDER:

The following notification shall be published in the Extraordinary Official Gazette of Government of Puducherry.

NOTIFICATION

It has been observed that Electronic Nicotine Delivery Systems [ENDS] commonly known as e-cigarettes and other similar formulate / product mainly containing chemicals/drugs like nicotine ($C_{10}H_{14}N_2$) with propylene glycol ($C_3H_8O_2$) as the main ingredients, which cause severe adverse effect on health are being sold in the Union Territory of Puducherry.

Nicotine is a Cholinergic Nicotinic Agonist and a highly toxic alkaloid. It dramatically stimulates neurons and ultimately blocks synaptic transmission. The intake of nicotine results in peripheral vasoconstriction, tachycardia and elevated blood pressure. It also stimulates the chemoreceptor trigger zone, thereby inducing nausea and vomiting. Nicotine is a plant alkaloid, found in the tobacco plant. Use of it may lead to cause of Heart Disease, Respiratory Diseases and once if it is consumed may lead to addiction. Sometimes, continuous intake of it may result death of human beings.

Electronic cigarette is a cigarette shaped device containing a nicotine based liquid that is vaporized and inhaled and is used to stimulate the experience of smoking tobacco and the ill effects of e-Cigarettes are detailed as follows:

(1)Health effects of using e-cigarettes: The e-Cigarette is an aerosol and that the users inhale from the device and exhale which will contain harmful and potentially harmful substances including – nicotine, ultrafine particles that are being inhaled deep into the lungs including flavoring agent such as diacetyl, a chemical which will cause a serious-lung disease, volatile organic compounds, cancer causing chemicals and heavy metals such as nickel, tin and lead. Nicotine is an addiction causing substance. Nicotine is dangerous to pregnant women and a very toxic to developing fetuses. Nicotine can also harm adolescent human 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 cigars / beedis and cigarettes. In reality, nicotine is the addiction causing substance found in tobacco. Nicotine extract is being used in e-cigarettes and the same is more harmful and the continuous intake will affect the blood vessels, heart, lungs, brain, and various organs. The capacity of delivery of nicotine by the Electronic Nicotine Delivery Systems 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 of the human body.

(3)Accidental injuries: E-cigarettes were reported to have caused accidental injuries. Defective e-cigarettes have caused fires and explosions, some of which have resulted in serious injuries. E-cigarettes like any other electronic product are not allowed in checked-in baggage in airlines for the fear of accidental 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)Evil effects due to second hand smoking / passive smoking of aerosol from e-cigarettes: Though e-cigarettes do not contain smoke but vapours, they do expose others to second hand smoking / passive smoking. The levels of some metals such as nickel and chromium are higher in Second Hand Aerosol (SHA) emitted from Electronic Nicotine Delivery Systems. Also, particulate matter (PM), acetaldehyde and formaldehyde are found in higher level in Second Hand Aerosol (SHA) emitted from E-Cigarette than the atmospheric air. Thus, it increases the exposure of non-smokers/passive smokers and bystanders 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 also initiate nicotine use with Electronic Nicotine Delivery System 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 by the World Health Organisation – Framework Convention on Tobacco Control (FCTC) and the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act No.34 of 2003)

It is established that nicotine is a poisonous drug and the safe, supply, import, manufacturing and trade of nicotine can only be done through a proper licence obtained under the Drugs and Cosmetics Act, 1940 (Central Act No.23 of 1940).

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.

The use of nicotine as ingredient in any food product is prohibited vide para 2.3.4 of the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011, as it is injurious to health. Nicotine is also allowed as an aid for de-addiction in nicotine replacement therapy, under Drugs and Cosmetics Act, 1940. Nicotine gums and lozenges of strength 2mg and Nicotine transdermal therapeutic patches are the only nicotine containing drugs approved by the Drugs Controller General of India as an aid for de-addiction in nicotine replacement therapy as per item No.33 under Schedule K of the Drugs and Cosmetics Rules, 1945.

Now, it has come to the notice of Government that the Electronic Nicotine Delivery Systems [ENDS] or E-cigarette and other similar technologies by whatever name called products are being sold, illegally [including online sale], without obtaining valid license from the Appropriate Authority as specified by law.

Therefore, the Government of Puducherry hereby ban the sale [including online sale], manufacture, distribution, trade, display, marketing, advertisement, use, import and possession of Electronic Nicotine Delivery Systems [ENDS] including e-Cigarettes, Heat-not-Burn devices, Vape, e- Sheesha, e- Nicotine flavoured Hookah and the like devices, its parts and components in any shape or size of cartridges containing nicotine in the whole Union Territory of Puducherry with immediate effect in the interest of public at large.

// BY ORDER OF THE LIEUTENANT- GOVERNOR//

(M.SARATHI)
DEPUTY SECRETARY TO GOVT. (HEALTH)

To
The Director of Stationery and Printing,
Puducherry – with a request to publish the notification and send 10 copies for
record / reference.

Copy to:-

1. The Mission Director, PSHM, Puducherry.
2. The District Collector, Puducherry / Karaikal.
3. The Regional Administrator, Mahe / Yanam.
4. The Director, JIPMER, Puducherry.
5. The Director of Health and Family Welfare Services, Puducherry.
6. The Director, Indira Gandhi Medical College and Research Institute, Puducherry.
7. The Deputy Director, GH, Mahe.
8. The Deputy Director, GH, Yanam.

9. The Deputy Director (Public Health), Health Dept. Puducherry.
10. The Medical Superintendent, IGGGH&PGI, Puducherry.
11. The Medical Superintendent, RGGW&CH, Puducherry.
12. The Medical Superintendent, Govt. Hospital, Karaikal.
13. The Director of Accounts and Treasuries, Puducherry.
14. The Director (LAD), Puducherry.
15. All the Private Medical Colleges, Puducherry / Karaikal.
16. The Central Record Branch
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Copy for information:-

1. The Private Secretary to Lieutenant Governor, Puducherry.
2. The P.S. to Hon'ble Chief Minister, Puducherry.
3. The P.S. to Hon'ble Health Minister, Puducherry.
4. The P.S. to Chief Secretary.
5. The P.A. to Commissioner-cum-Secretary (Health)