

Challenges in coherency: Navigating decriminalisation, prison smoking bans and regulations regarding nicotine-containing e-cigarettes in the ACT

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Introduction:

ATOD policymakers and advocates operate in an increasingly complex legislative, regulative and public health system, which is not always internally coherent. In the ACT a practical example of this is the inconsistencies between the decriminalisation of personal possession of specified illicit drugs, a smoking ban at the ACT prison, and regulations around nicotine-containing e-cigarettes.

Abstract body text:

Personal possession of nicotine-containing e-cigarettes without authorisation attracts significant criminal penalties in the ACT. This creates a situation in which legislation around e-cigarettes is inconsistent with recent shifts in the legislative regime around personal possession of illicit drugs, and seemingly contradicts the Government's stated aim of treating drug use as a health issue rather than a criminal issue. Even without active police enforcement of penalties, an upcoming prison smoking ban could see significant harm occur, if prison sentences are extended for those found in possession of e-cigarettes. This paper asks how the ATOD sector can leverage relationships within the sector and between the sector and Government to meaningfully expand the harm reduction agenda in light of new legislative challenges.

Discussions and Conclusions:

Potential means of navigating these challenges include advocacy to responsible Ministers, frank discussions about the relationship between public health and harm reduction, and early engagement on the part of government with the ATOD treatment and harm reduction sector, including the consumer advocacy group.

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