

CONCEPT
NOTE



2024

3rd
TOBACCO
TAXATION
CONFERENCE

*Safeguarding Public Health through
Progressive Regulatory Policies*

Date: 3rd October 2024

Venue: Radisson Blu - Upper Hill

Increased use of
ENDS/ENNDS by
youth & women

Conference on
regulatory gaps

Focus on policy
reforms.



Background

The consumption of new-generation tobacco and nicotine products, Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS), is increasing globally¹, especially in the youth population groups. Since the launch of these products in the global markets in 2006², their global market have been on the increase attaining a value of US\$11.5 billion in 2018 and gained US\$26.84 billion in 2023³. This increasing consumption level provides grounds for concern, especially if one considers the evidence that links ENDS/ENNDS to rising addiction levels, and in young population groups⁴ and initiation to consumption of traditional tobacco products⁵.

Additionally, the tobacco industry has promoted these products as effective for smoking cessation, a misleading narrative that has been embraced by many countries⁶. This tactic has caused both confusion and limited the scrutiny of these products on African countries' public health outcomes. However, some countries have rejected the claims that ENDS/ENNDS consumption is harmless and have imposed restrictive policy measures⁷ as recommended by the World Health Organization⁸.

It is against this backdrop that the National Taxpayers Association⁹ together with partners who advocate for tobacco and nicotine products control have planned to host a conference themed '*Novel Nicotine and Tobacco Products: Examining the regulatory policies for safeguarding Public Health*'.

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9. NTA Website, <https://www.nta.or.ke>

Conference focus

The conference, under the theme ‘*Novel Nicotine and Tobacco Products: Examining the regulatory policies for safeguarding Public Health*’ offers a platform for engagement on how to leverage progressive reforms in tobacco and nicotine products control policies to support the health sector and socio-economic wellbeing of the public.

Despite the existing challenges, there is a general consensus that instead of supporting smoking cessation, ENDS/ENNDS encourage continued use of conventional cigarettes, resulting in the dual use of both products, consequently undermining smoking cessation¹⁰. In Africa, these consumption realities have not been established thus stirring heated debates on their role in assisting smokers to quit smoking¹¹. Such a gap and ideological contestation calls for more assessment to be conducted in the continent to improve public health policy reforms of these products.

Secondly, the ENDS/ENNDS products consumption and trading pattern have depicted element of illicit due to insignificant variance depicted between its tax rates and the retail prices¹². To confront this growing illicit ENDS/ENNDS consumption requires a greater political will to increase investment in tax administration, including developing greater capacity for law enforcement and deploying appropriate technology-supported strategy as well as capacity building of the public health officers to understanding the ever-evolving nature and effects of the new generation tobacco and nicotine products¹³.

Lastly, the momentum for reviewing the Tobacco Control Act, 2007 and Tobacco Control Regulation, 2014 is picking up with key focus being on how to regulate the new generation tobacco and nicotine products. Therefore, the conference aims at addressing the policy shortfall and available options based on best practices from other countries.

Thematic Overview

With the above considerations in mind, the Conference proposes to address the following thematic streams through three identified sub-themes:

Sub-theme 1: Case for Effective Regulation with the changing Consumption Trends of New Generation Nicotine and Tobacco Products

The new generation tobacco products fall under two main categories, tobacco-based products, i.e. heated tobacco products, or nicotine-based products, i.e. vapour products (electronic cigarettes) and nicotine pouches¹⁴. The use of these products is growing in Kenya and Africa at large, with preliminary findings of a study conducted by the Kenya Tobacco Board in 2022 on the use of tobacco and its products in four counties showed that consumption of e-cigarette and nicotine pouches was increasing among young people in Kenya.¹⁵ Further, a study by NTA on the landscape of New Generation Tobacco and Nicotine products found

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12. *The Landscape of New-Generation Tobacco and Nicotine Products Consumption in Kenya*
<https://www.nta.or.ke/wp-content/uploads/2024/07/21072024-NGP-paper.pdf>

13. *The Landscape of New-Generation Tobacco and Nicotine Products Consumption in Kenya*
<https://www.nta.or.ke/wp-content/uploads/2024/07/21072024-NGP-paper.pdf>

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15. *Tobacco use among the Kenyan youth alarmingly high*. Nairobi: Ministry of Health Kenya; 2022. Available at: <https://tcg.go.ke/2022/06/09/tobacco-use-among-the-kenyan-youth-alarmingly-high/> [cited 2024 Jun 19]

16. <https://www.nta.or.ke/wp-content/uploads/2024/07/21072024-NGP-paper.pdf>

17. <https://shorturl.at/IRDCg>

18. <https://shorturl.at/tldlg>

that prevalence is higher in the resourced setting than in the less resourced setting, the cohorts between 26 and 35 years have the highest prevalence of ENDS/ENDS consumption and males have a higher prevalence of ENDS/ENDS consumption than females while individuals with more than high school qualifications drive the consumption of ENDS/ENNDS in both resourced and less-resourced regions.¹⁶

The World Health Organization already highlighted the potential effect that new generation tobacco and nicotine products can have which is increasing the chance for non-smokers to smoke cigarettes. These developments underscore the need for reforming consumption control policies including tax policies which directly affect affordability to protect the public from nicotine and tobacco related harms.

Sub-theme 2: Policy Countermeasures in consumption of novel tobacco and nicotine products

Generally, flavours have been used to make nicotine and tobacco products more appealing and attractive, reduce harm perception and are linked to increased initiation and consumption of tobacco products. Though it is claimed that they are intended to help smokers quit, the marketing clearly targets young people and women. Besides, these products often do not replace cigarettes, as a large proportion of users also smoke cigarettes (dual use or triple use)¹⁷. The market for new generation tobacco and nicotine products is rapidly evolving, via new products, rebranding of existing products and new technologies. The results from health risk assessments cannot be generalised per product type, in view of the importance of the specific characteristics of the products and of the usage conditions. The evolution of product characteristics makes long-term risk assessments more difficult. Therefore, better tobacco and nicotine control regulations are effective, have an impact, and can be successful in saving millions of lives (as proven by the regulation of tobacco cigarettes).

The consumption of these products is also highly affected by regional trade agreements, for instance Kenya is bound by the East Africa Community (EAC) tax policies. Therefore, using data and information from select country laws and decrees, noting the evolution and market structure of ENDS and ENNDS, the conference will aim at answering, what policies can be borrowed in such context to safeguard the public health gains made in tobacco and nicotine consumption.

Sub-theme 3: Industry Interference in the regulation of new generation tobacco and nicotine products.

According to 2022 data, worldwide, at least 37 million young people aged 13–15 years use some form of tobacco¹⁸. This has since set the discussion among young people, policy-makers and tobacco control advocates on how to urge governments to adopt policies that shield young people from the manipulative practices of the tobacco and related industries. To maintain its billion-dollar earnings, the tobacco industry has to replace the millions of users who pass away and those who give up on nicotine usage

each year. It strives to establish an atmosphere that encourages the next generation to use its goods, including loose regulations to guarantee that the items are accessible and reasonably priced, in order to accomplish this aim. The sector also creates children-friendly goods and marketing strategies that target teenagers and young adults using social media and streaming services.

Organization and Structure

The conference will be very interactive in nature and held in the form of plenary sessions and panel discussions. It will be moderated by specialists in the field and aimed at maximizing the involvement of the participants. The conference will last for a day, specifically involving the below activities:

- **Opening ceremony**
- **Remarks by government representatives; CSOs and policymakers in the field;**
- **Research paper presentations;**
- **Best Practice in Development and Enforcement of Health Tax Policies;**
- **Dynamic Plenary sessions to encourage broad participation; and**
- **Networking opportunities**

Conference Output

The conference is expected to yield the following outputs that will be developed further in cooperation with the stakeholders that will attend the conference:

1. Develop actionable policy recommendations that CSOs can advocate for in tobacco and nicotine consumption control policy;
2. Develop actionable policy recommendations for better health taxes and countering industry interference tactics; and
3. Knowledge sharing and experience exchange amongst the tobacco control advocates and government policy makers present.

Audience and Venue

The conference aims at bringing together representatives of government ministries, departments and agencies, regional partners, civil societies, policy consultants, academicians, media practitioners, representatives of professional associations and students. Though the conference will be a hybrid one, the in-person attendees will be selected from those who advocate for tobacco control.

The conference will be held in Nairobi, Kenya at Radisson Blu - Upper Hill hotel on 3rd October 2024..

About the Conference Organizer

The National Taxpayers Association

National Taxpayers Association¹⁹ (NTA) is an independent, non-partisan organization focused on promoting good governance in Kenya Since 2006, NTA has been implementing programmes focused on enhancing public accountability through monitoring the quality of public service delivery and the management of both the national government and devolved funds. It has achieved this through the development of social accountability tools (Citizen Report Cards (CRCs)), civic awareness, citizen capacity-building, and partnerships with government agencies, service providers, the private sector, civil society and community action groups.

19. <https://www.nta.or.ke>



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