

Consumer Protection Board Order

No. 9 / 2015

Subject: Prohibition of Sales and Service of “Hookahs, Electronic Hookahs, and Electronic Cigarettes, Smoking Materials for Hookahs, and Liquids for Filling Electronic Hookahs and Electronic Cigarettes”

Whereas, there has developed a market for sales and service of the smoking devices popularly called “hookahs”, “electronic hookahs”, and “electronic cigarettes”, smoking materials for use in hookahs, and liquids for filling hookahs, electronic hookahs, and electronic cigarettes. Use of these products is spreading widely, particularly among adolescent consumers. Some of the products are advertised as possessing harmless, natural fruit fragrances, free of the nicotine present in tobacco, so that they are not addictive. The advertisements claim that some of the products make it easier for a smoker to stop tobacco use. The products are easy to purchase at market fairs and via the internet, and product services are increasingly available at a variety of entertainment establishments. Testing by the Scientific Services Department of the Ministry of Science and Technology and by the Department of Disease Prevention, Ministry of Public Health, has found a number of hazardous chemicals detrimental to the body in these products, including propylene glycol, menthol, cyclohexanol, triacetin, benzene derivatives, lead, and cadmium. Testing has also found that smoking with these devices may cause or contribute to the development and spread of diseases such as tuberculosis, colds, influenza, diphtheria, pertussis, and hepatitis B. Use may also lead to other serious diseases of the mouth, since users tend to share the devices among their peer group; a hazardous practice that may, in turn, lead to use of other addictive substances including ecstasy, ketamine, amphetamines, marijuana, or cocaine. Use of these devices to smoke cigarette or pipe tobacco is even more hazardous than traditional smoking.

The Consumer Protection Board considered this matter in meeting 3/2557 on 10 November 2014, and observed that the results of testing demonstrate that hookahs, electronic hookahs, and electronic cigarettes, smoking materials for use in hookahs, and liquids for filling hookahs, electronic hookahs, and electronic cigarettes may be hazardous to the health of consumers, and that such hazards are not subject to amelioration by labeling requirements as set out in Article 30 or by other laws. The Board therefore resolved to order prohibition of the sales and service of “hookahs, and liquids for filling hookahs, electronic hookahs, and electronic cigarettes”.

Therefore, pursuant to the authority of Article 36 of The Consumer Protection Act of 1979, as amended by the Consumer Protection Act (Vol. 3) of 2013 and [specifically by] Article 38 of the Consumer Protection Act (Vol. 3) of 2013, the Consumer Protection Board establishes and promulgates the following Order:

Article 1. In this order:

“Hookah” shall mean a water-pipe of Arabic or similar design or construction, no matter what materials are used to make the device, when such device or equipment is used for inhalation of smoke drawn through water, and where that smoke is produced by the burning or heating of vegetable matter, fruit, preserved vegetable matter, preserved fruit, chemical element, chemical compound, or other material, whether or not tobacco is an ingredient.

“Electronic hookah or electronic cigarette” shall mean equipment that uses electrical energy to create water vapor having characteristics similar to tobacco smoke, however that vapor may be generated, and inhaled in a manner similar to the inhalation of tobacco smoke.

“Liquid for filling hookahs or electronic hookahs or electronic cigarettes” shall mean any chemical element, chemical compound, or other material of any derivation that is used as a source for smoke, water vapor, or other vapor in a hookah, electronic hookah, or electronic cigarette. This term shall further include vegetable matter, fruit, preserved vegetable matter, or preserved fruit used as a source for smoke, water vapor, or other vapor in a hookah, electronic hookah, or electronic cigarette.

Article 2. The sale of hookahs, electronic hookahs, and electronic cigarettes, smoking materials for use in hookahs, and liquids for filling hookahs, electronic hookahs, and electronic cigarettes is prohibited. This prohibition shall extend to and include the rental, hire-purchase, or other procurement of such devices and materials in return for monetary or other compensation, and to any acts of inducement or persuasion to engage in such activities.

Article 3. The provision of services for hookahs, electronic hookahs, and electronic cigarettes, smoking materials for use in hookahs, and liquids for filling hookahs, electronic hookahs, and electronic cigarettes is prohibited. This prohibition shall extend to and include procurement of any services, privileges, use, or benefit from such devices or activities for monetary or other compensation.

The foregoing shall be effective from this time forward.

Ordered on this, the 28th day of January, 2015

Prince Pannada Khitsakul

Minister Assigned to the Office of the Prime Minister

President, Board of Consumer Protection