

台灣電子煙管理

- 「菸害防制法」第2條及「菸酒管理法」第3條規定，菸品係指全部或部分以菸草或其代用品為原料加工之製品。故電子煙若不含菸草，即非屬菸害防制法及菸酒管理法所稱「菸品」。
- 衛生福利部自98年3月起，將含尼古丁成分之電子煙產品納入藥品管理。為加強電子煙管理，又於2013年1月14日召開會議決議：電子煙涉及含尼古丁，由藥政單位啟動查核作業，包含網路監測、查核、約談、檢驗；若產品不含尼古丁成分，也未宣稱具有戒菸療效，但因外形類似菸品，則違反菸害防制法。

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- 電子煙依藥品列管，按藥品之製造或輸入，應依藥事法第39條規定，向衛生福利部食品藥物管理署申請查驗登記，並經發給藥品許可證後，始得為之。是以含尼古丁電子煙須取得藥品許可證後，始得製造或輸入。目前食品藥物管理署尚未有核准電子煙之產品。
- 如將電子煙納入菸品管理，是開放電子煙，美國因廠商訴願，將電子煙由藥物改為菸品管理，造成使用氾濫。國內電子煙管理與國外趨勢一致，是以藥物管理。與西方國家近來的作法相同，我國電子煙以藥品管理不僅符合世界潮流，也是最嚴格、最高等級之管理方法。



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- 2014年監測與電子煙相關之疑似違規廣告，透過電視媒體監控600小時、廣播電台監控300小時，均未發現違規廣告。惟透過網際網路監控共1,320次以上，疑似違規廣告共198件。
- 2014年完成電子煙236件（衛生局送驗109件、警察單位送驗110件、關務署送驗17件）檢體之檢驗，檢體含有尼古丁之檢出率為88.1%。
- 2015年持續辦理電子煙廣告監控、加速電子煙檢測及完備電子煙法規管理制度等，並督導各縣市衛生局加強查處及持續關注國際電子煙管理趨勢。

Regulating the e-cigarettes in Taiwan

- Article 2 of Tobacco Hazards Prevention Act (THPCA) and Article 3 of Tobacco and Alcohol Administration Act regulates that "Tobacco products" refer to products entirely or partly made of the tobacco leaf or its substitute as raw material. If the e-cigarettes does not contain tobacco leaf, e-cigarettes would not be regulated as "Tobacco products".
- Since March, 2009, the e-cigarettes contained nicotine is regulated as a medical device by Ministry of Health and Welfare. For regulating e-cigarettes, Ministry of Health and Welfare in January 14th, 2013, decide that if the e-cigarettes contains nicotine, it will be monitored by the department of medicines administration in the methods such as network-supervising, inspection, arranging appointments, and experimental. If the e-cigarettes neither contains nicotine nor claims the effect of quit-smoking, but is in form of tobacco products, it should be punished with THPCA.



Regulating the e-cigarettes in Taiwan

- E-cigarettes contained nicotine is regulated as a medical device. Any one who want to manufacture or import e-cigarettes, should apply to the Food and Drug Administration (FDA), Ministry of Health and Welfare for registration and market approval pursuant to Article 39 of Pharmaceutical Affairs Act . Until now, Taiwan FDA does not approve any e-cigarettes.
- If we regulate e-cigarettes as "Tobacco products" , it means we take a policy to allow the use of e-cigarettes. In United States, due to the court judgment, U.S changes the regulation of e-cigarettes from medical device to tobacco products, and then the use of e-cigarettes is raising. In Taiwan, we still regulate e-cigarettes as a kind of medicine as other major countries. It is the most restricted and effect regulate method.

Regulating the e-cigarettes in Taiwan

- In 2014, we do not find out any illegal television and radio commercial after a 600-hours TV-supervising and 300-hours Radio-supervising, but find out 198 illegal internet commercial after supervising 1,320 cases in internet.
- The results of testing 236 e-cigarettes (109 from the local health department, 110 from police department, and 17 from customs) in 2014 shows that 88.1% of e-cigarettes contains nicotine.
- In 2015, BHP will continue supervising commercial message, promoting the effect of experimental, amending proper regulations towards regulating e-cigarettes, supervising local health departments, and following the international development regarding e-cigarettes.

