

## Clarify If Nicotine Vapes Now Illegal After Court Ruling: MMA

By Boo Su-Lyn | 19 May 2026

MMA wants the Health and Finance Ministries to clarify if liquid nicotine remains on the Poisons List, after the High Court struck down its 2023 removal from the list, and if nicotine vapes are now effectively illegal and hence cannot be taxed.



*Malaysian Medical Association president-elect Dr R. Arasu speaks at a press conference at a doctors' rally in Putrajaya on May 6, 2025, to protest the Domestic Trade and Cost of Living Ministry's (KPDN) jurisdiction over mandatory drug price display under the Price Control and Anti-Profitteering Act 2011 (Act 723). Photo by Sam Tham for CodeBlue.*

**KUALA LUMPUR, May 19** — The Malaysian Medical Association (MMA) has urged the government to clarify if liquid nicotine remains on the Poisons List and if nicotine vapes are now banned.

The doctors' group called for explanations from both the Ministry of Health (MOH) and the Ministry of Finance (MOF) about the issue, after the High Court ruled last Friday that then-Health Minister Dr Zaliha Mustafa acted unlawfully in removing liquid nicotine

from the Poisons List under the Poisons Act 1952.

“MMA wants the government to clearly explain if liquid nicotine remains on the Poisons List, since the High Court struck down its 2023 removal, and if this means that nicotine vapes are effectively illegal now,” MMA president Dr R. Arasu, who is also a member of the Poisons Board, told *CodeBlue* today.

“Both MOH and MOF must clarify if vape businesses are immediately prohibited from selling nicotine vapes and that liquid and gel nicotine used for e-cigarettes and vape cannot be taxed because these are illegal products.”

In an analysis, *CodeBlue* wrote previously that the High Court’s decision to nullify the removal of liquid nicotine from the Poisons List created a de facto ban on nicotine vapes because the substance remains on the list of scheduled poisons and can only be dispensed by a pharmacist or medical practitioner.

An immediate prohibition also means that the government can no longer collect excise duties on liquid nicotine because the government cannot tax illegal products.

The reason Dr Zaliha removed liquid nicotine from the Poisons List to begin with, now deemed illegal by the High Court, was to enable taxation.

“Since March 2023, MMA has issued repeated statements opposing this decision. We warned that removing nicotine from the Poisons Act before any tobacco control law was in place was reckless,” said Dr Arasu.

“We called on the government to relist it. We asked the prime minister to reverse the decision. We expressed profound disappointment when our advice was ignored. The record is there for all to see.

“But this moment is bigger than one court ruling.

“This case exposed a pattern that MMA has long been concerned about – health policy being shaped by fiscal considerations rather than medical evidence. The Poisons Board gave unanimous expert advice. It was overruled. The court has confirmed that was wrong.”

Dr Arasu urged the government today not to appeal the court decision.

“Accept it. Learn from it. No future public health decision should be made primarily for fiscal reasons. The health of our children is not a budget line item.”

Health Minister Dzulkefly Ahmad, who is currently attending the World Health Assembly in Geneva, Switzerland, posted on X last Sunday that MOH would discuss with the Attorney-General’s Chambers (AGC) to examine the legal aspects of the High Court verdict.

“It is important for me to emphasise that the regulation and enforcement of vapes/cigarettes continue to proceed as usual under Act 852,” he wrote, referring to the Control of Smoking Products for Public Health Act 2024.

The minister did not say if he, as the first respondent in the case, would appeal the High Court ruling.