Explain liquid nicotine U-turn, MMA urges health minister

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Malaysian Medical Association also asks if Dzulkefly Ahmad has changed his stance on banning vapes nationwide.



In May, the Kuala Lumpur High Court struck down a ministerial order exempting liquid and gel nicotine from the poisons list, ruling that it was unlawful as it was made without proper consultation with the Poisons Board.

PETALING JAYA: The Malaysian Medical Association (MMA) has urged health minister Dzulkefly Ahmad to explain reports that the government is moving to exempt liquid nicotine from the poisons list again.

MMA president Dr L Sivanaesan said the association was deeply troubled by reports that Dzulkefly had made the proposal, and that it had been endorsed by the Poisons Board.

If true, the reports raised serious concerns about the government's commitment to protecting public health, Sivanaesan added.

"We call on the health minister to urgently clarify the matter and explain the public health justification for the proposed exemption.

"The experience of 2023 must not be forgotten. The Poisons Board opposed the exemption of liquid nicotine, but the government proceeded anyway. In May this year, the High Court struck down the exemption, ruling that the decision was irrational and driven primarily by economic considerations.

"Are we now heading down the same path again?" he asked in a statement.

In 2023, then health minister Dr Zaliha Mustafa signed an exemption order for liquid and gel nicotine from the poisons list, drawing opposition from public health groups.

The government said the move was necessary to bring the vape industry out of the black market so it could be monitored and taxed.

In May, the Kuala Lumpur High Court struck down a ministerial order exempting liquid and gel nicotine from the poisons list, ruling that it was unlawful as it was made without proper consultation with the Poisons Board.
The court found that the exemption was driven primarily by economic considerations linked to the government's plan to tax vape liquids containing nicotine.

It also said the exemption created a legal gap in regulating nicotine vape products before the Control of Smoking Products for Public Health Act 2024 came into force on Oct 1, 2024.

Sivanaesan said regulating vapes was not enough, and that the government must move towards banning them as a whole, particularly given the growing threat of drug-laced vapes.

He urged Dzulkefly to state his stand on vaping, pointing out that last year, the minister essentially said it was a matter of time before vapes were banned in Malaysia.

"What has changed? Why is the government reportedly considering a move that could facilitate the continued sale of nicotine-containing vape products when it previously committed to banning them?

"Is the government still committed to a nationwide vape ban, or has that commitment been abandoned?

"We must also question the government's priorities. Are we putting the health of Malaysians first, or are commercial interests and tax revenue taking precedence?" he said.

He said MMA's position was that vapes posed a serious threat to public health, especially among young Malaysians, and should be banned across the country.