

Addendum to the policy paper: Strengthening Act 852: A pragmatic approach to nicotine regulation in Malaysia

Addressing the impact of the narcotics trade within harm reduction commerce: Bans of legal technologies will make our illicit drug problem even worse.

The following is an addendum to the policy paper, specifically addressing recent incidents of narcotics trade found to be associated with commercial operations in the field of e-cigarettes. It serves as a necessary addition underlining that repression against alternative nicotine delivery systems will not put an end to the trafficking of narcotics, but has instead the potential of exacerbating the problem.

The [recent discovery](#) of illicit synthetic substances within the retail vaping ecosystem has understandably raised alarms regarding public safety, yet the proposal to implement a blanket ban on either [open-tank](#) and closed-pod systems is a diagnostic error that mistakes the delivery vehicle for the contagion. It is a fundamental principle of forensic and regulatory logic that any consumer product can be co-opted as a vessel for misuse, yet we do not move to prohibit the sale of household chemicals or medical nebulizers simply because they possess the potential for illicit modification. For instance, the sale of acetone or toluene is commonly regulated in a way that prevents bad actors from buying them in bulk, because [they serve as precursor chemicals](#) for the production of benzoylmethylecgonine, commonly known as cocaine. The sale of acetone to consumers for the removal of nail polish does not contradict nor prevent pinpointed enforcement of narcotics laws.

By focusing on the hardware rather than the chemical adulterants, the government would risk enacting a policy that addresses the symptom while inadvertently nourishing the spread of the illicit market.

The existence of a compliant, registered marketplace is the most potent tool the state possesses for monitoring and controlling the supply chain. When products are brought within a legal framework, they are subject to rigorous traceability requirements, licensing standards, and the constant threat of administrative sanctions. This creates a transparent environment where authorities maintain significant enforcement leverage over participants. In contrast, a total prohibition of nicotine delivery devices dismantles this infrastructure entirely, pushing the trade into the shadows of the illicit market. In such an environment, the government loses all visibility into what is being sold, to whom, and by what means, effectively surrendering the marketplace to the very criminal syndicates that introduce “zombie drugs” into the community.

It is critical to recognize that adulterated and dangerous products are almost exclusively

the output of unregulated black-market entities rather than compliant, established brands. Legitimate manufacturers operate with a vested interest in consumer safety and brand reputation, whereas illicit actors prioritize high-potency, low-cost additives to maximize profit. A ban would not eliminate demand for nicotine products; it would instead force millions of existing users to source their supplies from the same clandestine networks that distribute narcotics. This convergence of the nicotine and drug markets represents a profound escalation of risk, as it forces law-abiding citizens into contact with organized crime, thereby increasing the likelihood of accidental exposure to lethal synthetics.

Prohibition on the nicotine market would not solely create an exposure risk for consumers towards narcotics, it would additionally be subject to the [Iron Law of Prohibition](#), or the potency effect. In essence, the curtailment of the sale of legal nicotine products will increase the sale of illicit substances, but it will also increase the intensity of those products. Smugglers and other bad actors in the illicit products trade prioritise higher density products, because the higher the volume of smuggled merchandise, the higher the likelihood they will be discovered by law enforcement. This is the reason why [illegal vapes in Malaysia routinely exceed](#) the legal 20 mg/ml or the 3,000-puff legal limit : sellers who break the law by selling illicit vapes have an illicit market incentive to sell higher potency merchandise.

The most effective response to the current challenge is not the prohibition of nicotine vaping devices, but a targeted strategy of surgical enforcement and supply chain integrity. This involves shifting the focus of law enforcement to the source of illicit substances and the chemical laboratories producing them, rather than the retail outlets selling nicotine hardware. By mandating advanced traceability technologies and enforcing severe penalties specifically for the sale of adulterated goods, the government can purge the market of criminal elements without sacrificing the harm reduction benefits that regulated vaping provides to smokers. A policy of rigorous oversight ensures that the government remains the ultimate arbiter of the marketplace, whereas prohibition guarantees that control is handed over to criminals.