

Electronic cigarettes—new law from 1 January 2015

Information for retailers

From 1 January 2015, electronic cigarettes (e-cigarettes)—defined under Queensland law as personal vapourisers—and their related components, will be subject to the same laws as regular cigarettes.

E-cigarettes are devices that offer an alternative way to consume nicotine and other substances. They heat liquid into a fine vapour for inhalation into the lungs. Products vary widely in design and operation, but typically consist of a battery, heating element, and a cartridge or container to store liquid, vapour or gas.

Existing law

E-cigarettes containing nicotine are illegal in Queensland

Under the Health (Drugs and Poisons) Regulation 1996, it is an offence for a person to manufacture, obtain, possess, prescribe, dispense, sell, advertise, use or destroy nicotine, unless the person is specifically authorised, or holds an approval under the Regulation.

The maximum penalty for breaches of the Regulation is currently \$9108.

E-cigarettes containing liquid nicotine can be safely disposed of at a community pharmacy or a local public health unit.

New law

From 1 January 2015, all e-cigarettes will be subject to the same laws as regular cigarettes

Under the *Tobacco and Other Smoking Products Act 1998*, e-cigarettes **cannot** be:

- used in existing no-smoking indoor and outdoor places
- sold to children under 18 years of age

- advertised, promoted or displayed at retail outlets.

Read about the amendments to the Act at:

www.legislation.qld.gov.au/Bills/54PDF/2014/HealthLAB14.pdf

Enforcement and penalties

The laws are enforced by Queensland Health environmental health officers, who can:

- issue individuals with warnings and on-the-spot fines
- issue businesses with infringement notices, warnings and on-the-spot fines
- initiate legal proceedings for breaches of the tobacco laws
- respond to complaints
- provide advice about the tobacco laws.

For more information, visit:

www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/penalties/default.asp#retail

Retailer obligations

Comply with restrictions on product display, promotion and advertising

- Have only one point-of-sale per retail outlet.
- Do not display smoking products—keep them out of sight.
- Do not advertise or promote smoking products.
- Retail price tickets must comply with the law.

More details are available at:

www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TobaccoOSmPrA98.pdf

Do not sell smoking products to children under 18 years of age

Retailers must not sell smoking products to children and must ensure their employees do not sell smoking products to children.

Employee training must:

- instruct staff not to sell smoking products to children in any circumstances, and to sight acceptable evidence of age for a person before selling a smoking product to them, unless staff are satisfied the person is an adult
- warn staff that if they sell smoking products to children, in disregard of instruction, they may face a fine
- obtain written acknowledgement from each employee that they have received the instructions and warning—an employee training form can be downloaded at:
www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/retail/default.asp

Display the mandatory sign

A legislative amendment has been made to change the wording of the mandatory sign that must be displayed by all smoking product retailers.

The words '**maximum penalty \$42,000**' are being replaced with the words '**penalties apply**'.

Retailers are permitted to display the mandatory sign with either wording until 30 June 2015, after which the sign with the new wording must be displayed.

Free mandatory signs are available for order by calling 13 QGOV (13 74 68).

More information

Visit www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/default.asp or call 13 QGOV (13 74 68).