

What is the vaping law in your state!

The vaping laws for each state.

There's a lot of conflicting information around Australian vaping laws. It can be quite difficult to navigate these laws as they differ from one state to the next. There have also been several new laws that have passed over the last few years that directly impact the e-cigarette market.

The vaping laws for each state is as follows;

NEW SOUTH WALES (NSW) VAPING LAWS In New South Wales, e-cigarette laws were passed in June and December of 2015 that made amendments to the Public Health (Tobacco) Act. Another set of laws were also passed in 2017 that have effected the way e-cigarettes can be displayed and sold in NSW. These laws restrict the sale of e-cigarettes and e-cigarette accessories to people under the age of 18 and it is also an offence to use e-cigarettes in cars with children under the age of 16. You cannot display an e-cigarette or e-cigarette accessory advertisement that can be seen or heard from a public place whether that be inside or outside a business premises, you cannot give out free samples of e-cigarettes and accessories and you cannot have e-cigarette products as a part of shopper loyalty programs, sponsorships or in vending machines. Retailers are allowed to display price tickets and single price boards only. Some retailers have been exempt from the display laws and you will find a few vape stores, mainly in Sydney that can openly display their products in store. Retailers have also found a way around the free samples regulation by charging a small fee of 50c or less to allow you to try e-liquids at their tasting tables. You can purchase e-liquids without nicotine in NSW and you can import nicotine from overseas. It is legal to use e-cigarettes with e-liquid containing nicotine and you can vape in indoor and outdoor smoke free zones.

VICTORIA (VIC) VAPING LAWS Victoria passed e-cigarette specific changes to the Tobacco Act on August 1 2017. These laws regulate the sale, advertising and use of e-cigarettes. The sale, use and possession of products containing nicotine are banned under the Victorian Drugs and Poisons Legislation. E-cigarettes cannot be used in smoke-free areas, it is illegal to sell an e-cigarette product to a person under the age of 18 and advertising or promotional materials relating to e-cigarette products cannot be visible. Stores are only allowed to display a sign letting customers know e-cigarette products are available for purchase at the shop and a price board similar to the price boards we see for cigarettes. The new laws also prohibit retailers from providing samples of e-cigarette products and you can no longer vape in enclosed workplaces such as a retail shop. You can however still import nicotine from overseas and purchase e-liquids without nicotine.

SOUTH AUSTRALIA (SA) VAPING LAWS South Australia has been the leading state in Australia's vape scene. For now, vaping laws in South Australia have been very liberal. E-cigarette products are un-classified which means that they do not come under the same regulations as cigarettes. This means you can sell and advertise e-cigarettes and e-liquids in stores and can also vape in smoke-free zones, however, you still can't buy e-liquids with nicotine in SA. Unfortunately government are considering going ahead with proposed e-cigarette regulations in 2018 which will restrict the selling of e-cigarette products. The proposed restrictions will restrict the sale of e-cigarette products to people under the age of 18 and at retail outlets without a license. There will be restrictions around advertising and promoting e-cigarette products, the use of e-cigarettes in smoke-free zones and in a motor vehicle with children under the age of 16. On March 18 2018 Liberal premier Steven Marshall was voted in, these laws would have been passed if labour won the election. However, with Liberal holding the majority, the new laws are uncertain if they will be passed.

NORTHERN TERRITORY (NT) VAPING LAWS Congratulations Northern Territory, you are the most liberal state when it comes to the law and vaping. E-cigarette products are currently unclassified in Northern Territory which means the only laws that apply to the Northern Territory are at the federal level. This means you cannot buy e-cigarettes or e-liquids in Australia that contain nicotine. You can legally vape wherever you like in NT unless there are signs saying you can't and you can display vape products in stores without any restrictions. The Northern Territory is considering regulations around e-cigarettes, but no proposals have been made, so if they do regulate e-cigarettes in future, it could still be a while away.

AUSTRALIAN CAPITAL TERRITORY (ACT) VAPING LAWS ACT passed regulations in 2017 that now apply the same restrictions on e-cigarette products as tobacco products. The laws state that you cannot sell e-cigarette products to children under the age of 18, you cannot advertise e-cigarettes in stores and must keep them out of view. You also cannot vape in smoke-free zones. The sale and supply of e-cigarettes is legal, using vaporisers that contain nicotine is legal and you can still import nicotine from overseas.

TASMANIA (TAS) VAPING LAWS Tasmania passed new laws on 29 November 2017 that treat e-cigarette products similar to tobacco products. You can not vape in smoke-free zones or in vape stores or stores that stock vape products. Stores need to carry a license to sell e-cigarette products and can not advertise e-cigarettes in stores. Stores need to display certain notices and there is a ban on displaying and advertising products in stores as well as a ban on shopper loyalty programs. The laws also prohibit the selling of e-cigarette products to children under the age of 18.

WESTERN AUSTRALIA (WA) VAPING LAWS Western Australia is one of the strictest states with laws around vaping in Australia. In Western Australia provisions that relate to e-cigarettes come under the Tobacco Products Control Act 2006 and the Medicines And Poisons Act 2014. Under the act, you are not allowed to sell any product that is not a tobacco product, but designed to resemble a tobacco product or package. Unfortunately, due to this act, e-cigarettes with or without nicotine cannot be sold in Western Australia. You can still buy e-cigarettes and e-liquids online from vendors in other states and have it shipped to WA. The use of vapes and e-liquids is legal to use with or without nicotine in WA and there are no

controls around vaping in no-smoking zones, so you are legally free to vape wherever you like unless the owner of the premises prohibits vaping. QUEENSLAND (QLD) VAPING LAWS Queensland has some of Australia's strictest laws around vaping. e-cigarettes are considered smoking products under the Tobacco And Other Smoking Products Act 1998. Due to it being classed under the same laws as cigarettes, e-cigarettes and e-liquid cannot be sold to children under 18 years of age or be advertised, promoted or displayed at retail outlets. You cannot vape in smoke-free zones and Queensland is the only state in Australia which you cannot import nicotine for personal use from overseas and it is illegal to use an e-cigarette containing nicotine.

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