

# E-cigarette reforms

## Factsheet for the community

**This fact sheet provides a summary of the new laws applicable to the retail sale, advertising and restricted places of use of electronic cigarettes (e-cigarettes).**

### Changes to the law

Laws are changing from 1 August 2017 to regulate the sale, advertising and restricted places of use of e-cigarette products.

The new laws cover all e-cigarette products, including e-cigarettes themselves and e-cigarette accessories such as refill cartridges and e-liquids.

**The sale, use and possession of e-cigarette products containing nicotine remains banned under Victorian drugs and poisons legislation.**

**Adults can continue to purchase non-nicotine e-cigarettes. They can be used in areas where smoking is not banned.**

### E-cigarettes

Broadly, e-cigarettes are devices that heat and vaporise a liquid that is then inhaled, simulating the act of smoking. E-cigarettes can also be known as e-shisha, e-cigar, e-pipes, e-hookahs, vape pens, hookah pens and vape pipes.

The liquid ingredients vary, however typically contain chemicals, including solvents and flavouring agents, and may or may not contain nicotine. E-cigarettes are marketed as quit aids or a 'safe alternative' to smoking tobacco, however they have not been proven to be safe or an effective smoking cessation aid.

### Reason for the regulations

E-cigarettes are a relatively new product, and much remains unknown about the potential harms they may cause.

The new laws are a precautionary measure and are consistent with other Australian states and territories.

The reforms will:

- protect children and young people from accessing and using e-cigarettes, and limit their exposure to associated marketing
- minimise the potential health risks associated with electronic cigarettes.

### Places e-cigarettes cannot be used

E-cigarettes cannot be used in smoke-free areas under the *Tobacco Act 1987* including:

- enclosed workplaces
- outdoor dining areas
- within 10 metres of outdoor children's playground equipment, skate parts and underage sporting events
- within 4 metres of entrances to, and within the grounds of, childcare centres, preschools and schools
- within 4 metres of entrances to public hospitals and Victorian Government buildings such as Victorian Government departments and courts.

### Purchasing e-cigarettes

Adults can still purchase e-cigarette products that do not contain nicotine.

It is illegal to sell an e-cigarette product to a person under 18 years of age.

E-cigarette products will not be visible from anywhere inside or outside a retail shop. An exemption will apply only to certified specialist tobacconists, on airport duty-free shops and certified specialist e-cigarette retailing premises.

Additionally, advertising or promotional materials relating to e-cigarette products will not be visible.

Retailers will be permitted to display:

- one sign letting customers know e-cigarette products are available for purchase at the shop
- a price board at point of sale to inform customers about the brands and prices of e-cigarette products.

Retailers and their employees are encouraged to ask young people for identification to ensure they do not sell e-cigarette products to people under 18 years of age.

## Sampling e-cigarettes in a shop

The law prohibits retailers from providing free samples of e-cigarette products.

Additionally, the use of an e-cigarette product in enclosed workplaces such as a retail shop is also prohibited.

## Compliance with the restrictions

Most people will voluntarily comply with the ban on using e-cigarette products in smoke-free areas and expect others to do so.

Inspectors, authorised under the *Tobacco Act 1987*, may provide information about the ban and enforce it when necessary. The first priority of the inspector is to make sure an e-cigarette user understands the ban.

Inspectors may not be able to respond to every complaint but, where circumstances allow, may attend in response.

## Will the laws apply if a brand of e-cigarette is approved as a smoking cessation device by the Therapeutic Goods Administration?

The approach to regulating e-cigarette products is flexible and can accommodate changes in evidence and safety.

An e-cigarette product approved as a smoking cessation aid by the Therapeutic Goods Administration may be excluded from restrictions if it is prescribed in the Tobacco Regulations 2017.

## Penalties for people using e-cigarettes in smoke-free areas

The penalties are the same as for equivalent tobacco product related offences. For example, a person who uses an e-cigarette in a smoke-free area such as an enclosed workplace or outdoor dining area may receive a fine of one penalty unit.<sup>1</sup>

## More information

This fact sheet provides a summary of the new laws applicable to the retail sale, advertising and restricted places of use of e-cigarettes. It does not cover every law.

For more information:

- call the Tobacco Information Line on 1300 136 775
- visit the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>.

To view the exact wording of the law from 1 August 2017, visit the Victorian Government's [legislation website](http://www.legislation.vic.gov.au) <www.legislation.vic.gov.au> and search *Tobacco Act 1987*.

To receive this publication in an accessible format phone 136 775 using the National Relay Service 13 36 77 if required, or email [tobaccopolicy@health.vic.gov.au](mailto:tobaccopolicy@health.vic.gov.au)

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Available at [www.health.vic.gov.au/tobaccoreforms](http://www.health.vic.gov.au/tobaccoreforms)

<sup>1</sup> Penalty units are indexed each year. One penalty unit in 2017–18 is \$158.57.