



New South Wales

# Public Health (Tobacco) Amendment (E-cigarettes) Regulation 2015

under the

Public Health (Tobacco) Act 2008

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health (Tobacco) Act 2008*.

JILLIAN SKINNER, MP  
Minister for Health

## Explanatory note

The objects of this Regulation are as follows:

- (a) to exclude certain products from the application of requirements of the *Public Health (Tobacco) Act 2008* (*the Act*) relating to advertising and promotion of e-cigarettes, being therapeutic goods that are regulated under the *Therapeutic Goods Act 1989* of the Commonwealth or the *Poisons and Therapeutic Goods Act 1966*,
- (b) to exempt the display of authorised products from certain display requirements of the Act,
- (c) to exclude a trademark or brand name of an e-cigarette where it appears on an e-cigarette or a package in which an e-cigarette is to be sold from the definition of *e-cigarette advertisement* for the purposes of the Act.

This Regulation is made under the *Public Health (Tobacco) Act 2008*, including sections 4 (1) (definition of *e-cigarette*), 9 (2) (c), 15A (3) (definition of *e-cigarette advertisement*) and 58 (the general regulation-making power).

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### **1 Name of Regulation**

This Regulation is the *Public Health (Tobacco) Amendment (E-cigarettes) Regulation 2015*.

### **2 Commencement**

This Regulation commences on 1 December 2015 and is required to be published on the NSW legislation website.

## **Schedule 1      Amendment of Public Health (Tobacco) Regulation 2009**

**[1]    Clause 3A**

Insert after clause 3:

**3A    Exclusion from definition of “e-cigarette” in Part 3 of Act**

For the purposes of paragraph (a) of the definition of *e-cigarette* in section 4 (1) of the Act, a device that is an authorised product (within the meaning of section 22 (4) of the Act) is excluded from the definition for the purposes of its application to Part 3 of the Act.

**[2]    Clause 12A**

Insert before clause 13:

**12A   Exemption from section 9**

For the purposes of section 9 (2) (c) of the Act, the display of products or accessories that are authorised products (within the meaning of section 22 (4) of the Act) is exempt from section 9 of the Act.

**[3]    Clause 13A**

Insert after clause 13:

**13A   Exclusion from definition of “e-cigarette advertisement”**

For the purposes of the definition of *e-cigarette advertisement* in section 15A (3) of the Act, a trademark or brand name of an e-cigarette where it appears on an e-cigarette or a package in which an e-cigarette is to be sold is excluded from the definition.