

# Public Health (Tobacco) Amendment (E-cigarettes) Act 2015 No 16

[2015-16]



New South Wales

## Status Information

### Currency of version

Repealed version for 2 September 2015 to 1 December 2015 (accessed 28 December 2024 at 19:38)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

This Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.12.2015.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 2 December 2015

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# Public Health (Tobacco) Amendment (E-cigarettes) Act 2015 No 16



New South Wales

An Act to amend the *Public Health (Tobacco) Act 2008* to regulate the sale, packaging, advertising and display of e-cigarettes and to prohibit the sale of e-cigarettes and e-cigarette accessories to persons who are under the age of 18 years; and for related purposes.

## 1 Name of Act

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

## 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of *Public Health (Tobacco) Act 2008 No 94*

### [1] Section 3 Objects of Act

Omit “and non-tobacco smoking products” from section 3 (2) (a).

Insert instead “, non-tobacco smoking products and e-cigarettes”.

### [2]-[4] (Repealed)

### [5] Section 8A

Insert before section 9:

#### **8A Application of Division to e-cigarettes and e-cigarette accessories**

- (1) This Division applies in relation to e-cigarettes and e-cigarette accessories in the same way as it applies in relation to tobacco products and smoking accessories, respectively.
- (2) For this purpose:
  - (a) each reference in this Division to a tobacco product is to be read as including a reference to an e-cigarette, and

- (b) each reference in this Division to a smoking accessory is to be read as including a reference to an e-cigarette accessory.

**[6]-[11] (Repealed)**

**[12] Part 3, heading**

Insert “**and e-cigarettes**” after “**tobacco products**”.

**[13] Section 15A**

Insert before section 16:

**15A Application of Part to e-cigarettes and e-cigarette accessories**

- (1) This Part applies in relation to e-cigarette advertisements and e-cigarettes in the same way as it applies in relation to tobacco advertisements and tobacco products, respectively.
- (2) For this purpose:
  - (a) each reference in this Part to a tobacco advertisement is to be read as including a reference to an e-cigarette advertisement, and
  - (b) each reference in this Part to a tobacco product is to be read as including a reference to an e-cigarette, and
  - (c) the reference to otherwise than by smoking in section 21 (1), in its application to e-cigarettes, is to be read as including a reference to otherwise than by inhalation of an aerosol or vapour.
- (3) In this section, an **e-cigarette advertisement** means writing, or any still or moving picture, sign, symbol or other visual image or message or audible message, or a combination of two or more of them, that gives publicity to, or otherwise promotes or is intended to promote:
  - (a) the purchase or use of an e-cigarette, or
  - (b) the trademark or brand name, or part of a trademark or brand name, of an e-cigarette,but does not include anything of a kind excluded by the regulations.

**[14]-[23] (Repealed)**

**[24] Section 30 Smoking in motor vehicle prohibited if juvenile present**

Insert in alphabetical order in section 30 (8):

***smoke*** includes using an e-cigarette to generate or release an aerosol or vapour.

**[25] (Repealed)**