

NORTH COAST YOUTH VAPING TASKFORCE

KNOW THE FACTS ABOUT E-CIGARETTE REGULATIONS



Updated January, 2023

Regulation of e-cigarettes (Vapes) in NSW

Since 1 October 2021 e-cigarettes and e-liquids containing nicotine have been a **prescription-only medicine**. This means pharmacists in community pharmacies can supply e-liquids and e-cigarettes (containing nicotine) to their customers (18 years and over) if they have a valid prescription from a doctor.

For retailers other than pharmacies it will continue to be illegal to sell e-liquids and e-cigarettes that contain nicotine. This includes online sales.

E-cigarettes that *do not* contain nicotine are legal in NSW for adults to buy and use.

Under the Public Health (Tobacco) Act 2008

It is illegal to sell e-cigarettes and accessories to, or buy these products on behalf of, a person under 18 years of age.

E-cigarettes and accessories cannot be seen by the public, displayed or advertised anywhere inside or outside a retail shop.

E-cigarettes and accessories cannot be sold from temporary and mobile premises such as a market stall or stand, a tent or a car, and cannot be given out as a free sample.

Retailers can only sell e-cigarettes and accessories from a single point of sale in each retail outlet and cannot promote or include these products in a shopper loyalty program.

Smoking vapes in public areas

- The Smoke-free Environment Act 2000 **prohibits people from using e-cigarettes in smoke-free areas.**
- People can use e-cigarettes where smoking is not banned.
- Under the Smoke-free Environment Amendment Act 2018, use of e-cigarettes is 'smoking' for the purposes of the relevant Acts.

Smoke-free areas where people cannot smoke or use e-cigarettes are:

- Within 10 metres of children's play equipment in outdoor public places
- Public swimming pools
- Spectator areas at sports grounds or other recreational areas used for organised sporting events
- Public transport stops and platforms, including ferry wharves and taxi ranks
- Within 4 metres of a pedestrian access point to a public building
- Commercial outdoor dining areas
- In a car with a child under 16 years of age in the vehicle
- Using e-cigarettes on public transport vehicles such as trains, buses, light rail, ferries is also banned under the Passenger Transport (General) Regulation 2017.

For more information: www.health.nsw.gov.au/tobacco/Pages/e-cigarettes.aspx
To report breach e-cigarette retailing laws: [Tobacco Complaints \(nsw.gov.au\)](http://Tobacco.Complaints(nsw.gov.au)).
[MNCLHD for more information on Taskforce.](#)

You can't vape here!

Where you are served food



At the entrance to public buildings



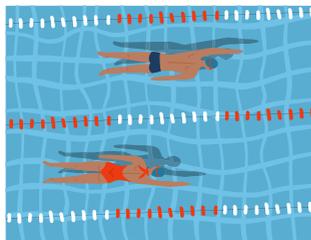
At public playgrounds



At public transport stations



At public swimming pools



At sporting venues



In a car with children



At health buildings



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Find out more at [Mid North Coast Local Health District \(nsw.gov.au\)](http://MidNorthCoastLocalHealthDistrict.nsw.gov.au).

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For retailers other than pharmacies it will continue to be illegal to sell e-liquids and e-cigarettes that contain nicotine. This includes online sales.

Under the Public Health (Tobacco) Act 2008:

- It is illegal to sell e-cigarettes and accessories to or buy these products on behalf of a person under 18 years of age
- E-cigarettes and accessories cannot be seen by the public, displayed or advertised anywhere inside or outside a retail shop
- E-cigarettes and accessories cannot be sold from temporary and mobile premises such as a market stall or stand, a tent or a car, and cannot be given out as a free sample
- Retailers can only sell e-cigarettes and accessories from a single point of sale in each retail outlet and cannot promote or include these products in a shopper loyalty program.

E-cigarettes that do not contain nicotine are legal in NSW. Adults can buy and use e-cigarettes that do not contain nicotine.

Smoking vapes in public areas

The Smoke-free Environment Act 2000 prohibits people from using e-cigarettes in smoke-free areas. They can use e-cigarettes where smoking is not banned.

Under the Smoke-free Environment Amendment Act 2018, use of e-cigarettes is 'smoking' for the purposes of the relevant Acts.

Smoke-free areas where people cannot smoke or use e-cigarettes are:

- All indoor public places
- Outdoor public places:
 - within 10 metres of children's play equipment in outdoor public places
 - Public swimming pools
 - Spectator areas at sports grounds or other recreational areas used for organised sporting events
 - Public transport stops and platforms, including ferry wharves and taxi ranks
 - Within 4 metres of a pedestrian access point to a public building
 - Commercial outdoor dining areas
 - In a car with a child under 16 years of age in the vehicle.

Using e-cigarettes on public transport vehicles such as trains, buses, light rail, ferries is also banned under the Passenger Transport (General) Regulation 2017.

Individual establishments and workplaces such as businesses, councils and other organisations may develop their own smoke-free policies to ban the use of e-cigarettes within the premises.

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