



## Nicotine Vaping Products and the Law

On 1 July 2024, revised laws concerning nicotine vaping products came into effect in Australia. The changes aim to address potential health risks posed by vaping, such as increased youth access, while also facilitating access of *therapeutic\** vaping products for the legitimate use of smoking cessation or the management of nicotine dependence.

*\*Nicotine vapes in Australia are now regulated as **therapeutic goods**. This means they are only available at pharmacies to help people quit smoking or manage nicotine dependence. All nicotine vaping e-liquids, devices, and accessories sold in pharmacies must meet the Therapeutic Goods Administration's (TGA) product standards which includes rules relating to product labels, packaging, ingredient, and flavour restrictions, among other things. **Non-therapeutic** vaping products are illegal. They refer to disposable vapes and any other vape e-liquid, device or accessory that is not sold from a pharmacy (therefore do not meet TGA product standards).*

### New Australian (federal) laws and regulations

#### From 1 July 2024

- Non-pharmacy retailers like tobacconists, vape shops and convenience stores can **no longer sell any type of vape e-liquid, device, or accessory, regardless of whether it contains nicotine or not** (this is now illegal).
- The **only place to legally access vapes is from pharmacies**, for the purpose of smoking cessation and/or the management of nicotine dependence.
- To purchase a vape from a pharmacy, (whether it contains nicotine or not), people require a prescription from a medical or nurse practitioner (until 30 September 2024 – see below for proposed changes to purchasing vapes from 1 October 2024).
- Flavours for therapeutic vapes are restricted to mint, menthol, and tobacco.
- Products must meet labelling requirements set out by the TGA.
- Only finished products can be dispensed. Pharmacists cannot dispense ingredients for people to mix their own vaping substances.
- Advertising and promotion of vapes is prohibited, except where specifically authorised.
- Domestic manufacture, supply, and commercial possession of **non-therapeutic** vapes (includes disposable single use vapes) is now illegal.
- New laws and criminal charges will target the commercial and criminal supply of vapes. Individuals, including people under 18 years, who have a vape on them for personal use will not be targeted under changes to the law.

## Changes proposed from 1 October 2024

- Therapeutic vapes with a nicotine concentration of 20 mg/mL or less will be available from pharmacies to people **18 years or over without a prescription**, where a pharmacist assesses this to be appropriate. People who require vapes with a higher concentration of nicotine will require a prescription from a medical or nurse practitioner.
- In some States and Territories (but not yet Queensland\*\*) therapeutic vapes for people **under 18 years** will be available **with a prescription** from a medical or nurse practitioner.

### Queensland State Law

\*\*Under the Queensland Tobacco and Other Smoking Products Act 1998 (the Act), vapes, (regardless of whether they contain nicotine or not) are considered smoking products and subject to Queensland smoking laws. That is, all laws that apply to cigarettes, also apply to vapes. This means a person cannot vape in a non-smoking area, including in car with someone under 16 years old, they cannot promote or advertise vapes and they cannot sell vapes to someone under the age of 18 (even if they have a prescription). It is possible this last law will change in the near future to align with new federal legislation.

**For more federal information on nicotine vaping laws/regulations, visit -**

[www.tga.gov.au/products/unapproved-therapeutic-goods/vaping-hub](http://www.tga.gov.au/products/unapproved-therapeutic-goods/vaping-hub)

**For more information on Queensland State laws, visit -**

[www.health.qld.gov.au/public-health/topics/atod/smoking-laws](http://www.health.qld.gov.au/public-health/topics/atod/smoking-laws)

**Please note, cannabis vapes are subject to separate regulations, visit -**

[www.tga.gov.au/products/unapproved-therapeutic-goods/medicinal-cannabis-hub](http://www.tga.gov.au/products/unapproved-therapeutic-goods/medicinal-cannabis-hub)