

PUBLIC HEALTH (TOBACCO) AMENDMENT (E-CIGARETTES) BILL 2015

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Schedule of the amendments referred to in the Legislative Council's message of 24 June 2015, including an amendment to the long title.

No. 1 **Govt no. 1 [c2015-027]**

Page 3, Schedule 1 [1]. Insert after line 3:

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

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

**[2] Section 3 (2) (b)**

No. 2 **Govt no. 2 [c2015-027]**

Page 3, Schedule 1 [1], line 4. Omit "from section 3 (2) (b)".

No. 3 **Govt no. 3 [c2015-027]**

Page 3, Schedule 1. Insert after line 39:

**[4] 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.

No. 4 **Govt no. 4 [c2015-027]**

Page 4, Schedule 1. Insert after line 25:

**[10] Part 3, heading**

Insert "**and e-cigarettes**" after "**tobacco products**"

**[11] 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 include anything of a kind excluded by the regulations.

No. 5 **Govt no. 5 [c2015-027]**

Page 6, Schedule 1. Insert after line 9:

**[20] 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.

No. 6 **Govt no. 6 [c2015-027]**

Long title. Insert “to regulate the sale, packaging, advertising and display of e-cigarettes and” after “*Public Health (Tobacco) Act 2008*”.

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