

LEGISLATIVE COUNCIL

**Public Health (Tobacco) Amendment (E-cigarettes) Bill 2015**

**Second print**

**Proposed amendments**

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- No. 1      **Sale, display, packaging and advertising of e-cigarettes—object**  
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      **Sale, display, packaging and advertising of e-cigarettes—object**  
Page 3, Schedule 1 [1], line 4. Omit “from section 3 (2) (b)”.
- No. 3      **Sale, display, packaging and advertising of e-cigarettes—application**  
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      **Sale, display, packaging and advertising of e-cigarettes—application**  
Page 4, Schedule 1. Insert after line 25:  
            **[10] Part 3, heading**  
            Insert “and e-cigarettes” after “tobacco products”

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[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.

No. 5

**Application of *Smoke-Free Environment Act 2000* to e-cigarettes**

Page 6. Insert after line 12:

**Schedule 2 Amendment of Smoke-free Environment Act 2000 No 69**

[1] **Section 3 Object of Act**

Insert “and aerosols or vapours from e-cigarettes” after “other smoke”.

[2] **Section 4 Definitions**

Insert in alphabetical order:

*e-cigarette* has the same meaning as in the *Public Health (Tobacco) Act 2008*.

[3] **Section 4, definition of “smoke”**

Omit the definition. Insert instead:

*smoke* means:

- (a) in relation to tobacco or any other product (except an e-cigarette)—smoke, hold or otherwise have control over, the product when it is ignited, and
- (b) in relation to an e-cigarette—use, hold, or otherwise have control over, the e-cigarette when it is generating or releasing an aerosol or vapour.

[4] **Section 4, definition of “smoking product”**

Omit the definition.

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No. 6      **Long title—sale, display, packaging and advertising of e-cigarettes**

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

No. 7      **Long title—application of *Smoke-Free Environment Act 2000* to e-cigarettes**

Long title. Insert “; and to amend the *Smoke-Free Environment Act 2000* to regulate the use of e-cigarettes in certain public places” after “18 years”.