



New South Wales

Smoke-free Environment Amendment Bill 2018

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Smoke-free Environment Act 2000* and the *Public Health (Tobacco) Act 2008*:

- (a) to prohibit the use of e-cigarettes and heat-not-burn tobacco products in places where smoking of tobacco is currently prohibited, and
- (b) to require persons who intend to engage in e-cigarette retailing to notify the Secretary of the Ministry of Health of that intention and certain other matters.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Smoke-free Environment Act 2000 No 69

Schedule 1 [2] defines certain terms used in the *Smoke-free Environment Act 2000* to ensure the terms are consistent with those used in the *Public Health (Tobacco) Act 2008* and to make it clear that smoking includes the production of smoke, aerosol or vapour by e-cigarettes or other heat-not-burn tobacco products. **Schedule 1 [1]** makes a consequential amendment.

Schedule 1 [3] contains provisions of a transitional nature in relation to the smoking of e-cigarettes on the premises of existing e-cigarette retailers.

Schedule 2 Amendment of Public Health (Tobacco) Act 2008 No 94

Schedule 2 [4] amends the *Public Health (Tobacco) Act 2008* to extend the current provisions requiring a tobacco retailer to provide certain information to the Secretary of the Ministry of Health to apply to e-cigarette retailers. A person will be required to inform the Secretary of any intention to engage in e-cigarette retailing before doing so and to provide certain other information relating to the e-cigarette retailing business. **Schedule 2 [1]–[3], [5] and [6]** make consequential amendments.

Schedule 2 [7] and [8] contain provisions of a savings and transitional nature consequent on the amendment of the *Public Health (Tobacco) Act 2008*.

Schedule 3 Consequential amendment of Passenger Transport (General) Regulation 2017

Schedule 3 makes consequential amendments to the *Passenger Transport (General) Regulation 2017*.