



Health

Our ref H21/176562

Dear Retailer

From 1 October 2021, e-cigarettes and e-liquids containing nicotine will be a **prescription-only medicine**. This means that only pharmacists in community pharmacies will be able to supply e-liquids and e-cigarettes (containing nicotine) to their customers (18 years and over) who must have a valid prescription from a doctor.

For all other retailers it remains **illegal to sell e-liquids and e-cigarettes that contain nicotine**. This includes online sales.

### **Penalties for supplying nicotine have increased**

NSW Health can prosecute retailers for selling e-cigarette and e-liquid products that contain nicotine. From 1 October 2021 penalties will increase. The maximum penalty is **\$1,650 or 6 months prison**, or both.

NSW Health is aware of the increase in the number of e-cigarettes containing nicotine being illegally sold by retailers. NSW Health inspectors will continue to visit tobacco and other retailers to check if products containing liquid nicotine are being sold. Action will be taken by NSW Health if businesses are found to be selling illegal products.

### **Nicotine is a dangerous poison**

Liquid nicotine is a dangerous poison that even in small doses can be fatal to children and adults if it is swallowed or absorbed through the skin. There have been recent cases in Australia and overseas where children have died after swallowing e-liquids containing nicotine. Nicotine is addictive.

### **All retailers must be registered**

Retail businesses that sell tobacco, non-tobacco smoking products or non-nicotine e-cigarettes and accessories must notify NSW Health before commencing any operations.

Pharmacies that wish to dispense nicotine vaping products on prescription must now also register.

Registration details can be updated on Service NSW at:

<https://www.service.nsw.gov.au/services/business-industries-and-employment/retail-industry/tobacco-retailers>

**NSW Ministry of Health**

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**It is illegal to sell e-cigarettes and tobacco to anyone under 18 years old**

E-cigarettes, e-cigarette accessories, tobacco and non-tobacco smoking products cannot be sold to anyone under the age of 18. A retailer or employee must be sure the customer is over 18 by asking for identification from a young person before selling these products to them.

NSW Health can prosecute retailers for selling products to people under 18 years of age. For an individual the maximum penalty is **\$11,000** for a first offence and **\$55,000** for a second offence.

E-cigarettes and e-liquids that do not contain nicotine remain legal and may be sold by registered retailers to customers 18 years and over. However, they cannot be displayed or advertised.

You can find information about the laws on selling electronic cigarettes and e-liquids on the NSW Health website at: <https://www.health.nsw.gov.au/tobacco/Pages/ecig-retailers.aspx>

If you have any questions please contact the Tobacco Information Line on 1800 357 412. If you need an interpreter you can call the Translating and Interpreting Service on 131 450.

Yours sincerely



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30 September 2021