

## RETAILER FACTSHEET

### Tobacco or e-cigarette vending machines

#### What is a tobacco or e-cigarette vending machine?

*The Public Health (Tobacco) Act 2008* defines a tobacco vending machine as “a machine, device or contrivance from which tobacco products or non-tobacco smoking products can be obtained by an operation that involves inserting money, or a token or object, into the machine, device or contrivance, whether or not some other action is required to activate the machine”. The Act has a similar definition for an e-cigarette vending machine with the exception that the machine dispenses e-cigarettes or e-cigarette accessories.

#### Are these vending machines covered by the legislation?

Yes. Vending machine owners, lessees and occupiers of premises on which there is a vending machine have responsibilities under the Act, including a requirement to notify NSW Health of tobacco and/or e-cigarette retailing activities.

#### How does the retailer identification number scheme affect tobacco and e-cigarette vending machine?

Tobacco and e-cigarette vending machine operators need to notify NSW Health before they start selling products through these vending machines. They also need to update their business details as they change. See Retailer Factsheet - Retailer Identification Number for more information.

#### Where can tobacco or e-cigarette vending machines be placed?

Vending machines can only be placed in a bar or gaming machine area of a hotel, club or casino restricted to over 18s. There are no exemptions for staff amenity areas.

#### How many tobacco or e-cigarette vending machines are allowed?

Only one tobacco or e-cigarette vending machine per licensed premises is allowed.

Tobacco vending machines do not constitute a “point of sale” under the *Public Health (Tobacco) Act 2008*. Therefore, licensed premises may sell tobacco products from one vending machine and may also sell tobacco products from one cash register. This applies for e-cigarettes too.

## Do members of staff need to control the operation of tobacco and of e-cigarette vending machines?

The operation of tobacco or e-cigarette vending machines must be controlled by members of staff. This means that only members of staff of the hotel, club or casino can control the operation of the vending machine by either of the following methods:

- ✓ activation by remote control or some other means; or
- ✓ supply of tobacco vending machine tokens.

Significant penalties apply for supplying tobacco or e-cigarette vending machine tokens to minors and activating tobacco or e-cigarette vending machines for minors.

## How does the display ban affect tobacco or e-cigarette vending machines?

Vending machine owners and lessees must ensure that:

- ✓ tobacco products and e-cigarettes in a vending machine cannot be seen by members of the public; and
- ✓ there is no information about or representations of tobacco and e-cigarette products or packages displayed on the vending machine (except permissible information).

The only permissible information which may be displayed on a tobacco or e-cigarette vending machine is:

- ✓ any information, statement or symbol required by law to be displayed on the vending machine e.g. mandatory health warning signs; and
- ✓ the name, description and price of the tobacco products for sale in the vending machine in letters or figures of not more than one centimetre in width and one centimetre in height.

## What signage is required to be displayed on a tobacco or e-cigarette vending machine?

Tobacco vending machine operators are required to display a health warning sign and a sales to minors sign (illustrated in the *Public Health (Tobacco) Regulation 2016*) on the front of tobacco vending machines. E-cigarette vending machine operators are required to display the sales to minors sign on the front of e-cigarette vending machines. See the [\*\*Retailer Factsheet – How to display the compulsory warning signs for more information.\*\*](#)

## Where are signs available from?

Signs are provided free of charge to retailers when they register via Service NSW at [www.service.nsw.gov.au](http://www.service.nsw.gov.au).

Signs can also be ordered by emailing [popresources@doh.health.nsw.gov.au](mailto:popresources@doh.health.nsw.gov.au) or by calling **1300 655 957**.

## **Are occupiers of licensed premises liable for offences relating to vending machines?**

Yes. Occupiers of licensed premises with tobacco or e-cigarette vending machines will, along with the owner or lessee of a tobacco or e-cigarette vending machine, be liable for breaking the law relating to tobacco or e-cigarette vending machines.

### **Further information**

For further information about tobacco control, please access the NSW Health website and Tobacco Retailer online training: [www.health.nsw.gov.au/tobacco](http://www.health.nsw.gov.au/tobacco) or call the Tobacco Information Line on **1800 357 412**.

The Tobacco Information Line can be accessed by non-English speaking persons via the Translating and Interpreting Service (TIS) on **13 14 50**.