

Smoking Products Retailer Guide

Public Health
Services

July 2020

This guide describes what retailers must do to sell smoking products in Tasmania. These obligations are contained in the *Public Health Act 1997* and *Guidelines for the Sale of Smoking Products*. If you intend to sell any smoking products in Tasmania, make sure you know your legal responsibilities.

Message from the Director of Public Health

This guide helps retailers comply with the provisions in the *Public Health Act 1997* and the *Guidelines for the Sale of Smoking Products*, about the sale and display of smoking products in Tasmania. Smoking products include tobacco, personal vaporisers and e-cigarettes. Please read this guide carefully. In addition, a Tasmanian ‘Responsible Service of Tobacco’ course is also available online. I encourage you and your staff to complete the course.

Smoking is a leading cause of illness and early death in Australia. It kills more than 500 Tasmanians every year. These harms ripple through families and communities. Nearly one in five Tasmanian adults smoke daily or occasionally. This is the second highest rate in Australia and compares unfavourably with the national rate of fewer than one in six.

Fortunately, most young Tasmanians don’t smoke, but some still take it up. That is why many of Tasmania’s smoking control laws aim to reduce the appeal, visibility and availability of smoking products to young people, and discourage young Tasmanians from smoking. It is illegal to display or advertise smoking products in shops, or to supply smoking products to children in Tasmania.

Retailers, your actions can help younger generations of Tasmanians grow up to enjoy being adults, unaffected by the harms of smoking or the loss of friends and family from cancers or lung and heart diseases caused by smoking. Thank you for trading legally and responsibly. If you need help with any matters in this booklet, please contact your local tobacco control officer.

Dr Mark Veitch

Director of Public Health

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I. What is a Smoking Product?

A smoking product is any tobacco or personal vaporiser product. This includes items in the diagram below.

Figure 1: The range of smoking products covered by Tasmania's *Public Health Act 1997*.



Exemptions

Smoking products do not include:

1. Devices for delivering oxygen to a person
2. Devices for delivering controlled substances within the meaning of the *Misuse of Drugs Act 2001* to a person
3. Therapeutic or medical devices included in the Australian Register of Therapeutic Goods

2. Licensing

Do I need a licence to sell smoking products?

Yes. If you sell smoking products (that is, any tobacco products and/or personal vaporiser products) in Tasmania you must:

- hold a licence under the *Public Health Act 1997* authorising the sale of the product(s) or
- be employed by a licence-holder.

If you want to sell smoking products from more than one premises you must submit a separate application and hold a licence for each premise.

Licence-holders have considerable responsibilities. If a licence holder or a person acting on their behalf does not comply with laws and licence conditions, the Director of Public Health may cancel your licence.

Who can get a licence?

Individuals aged 18 years or older can apply for a licence. Companies or other groups cannot apply, and a licence cannot be issued for public events. A licence to sell personal vaporiser products cannot be issued for specialist tobacconist premises.

In assessing an application, the Director of Public Health is to consider whether you are a 'fit and proper' person to hold a licence. In doing so, the Director may make enquiries with government agencies across Australia and obtain police reports. If you do not consent to a police check the Director may refuse to consider your application.

What if I sell without a licence?

You are breaking the law if you sell any smoking products in Tasmania without a licence.

You may be issued with an infringement notice or be taken to court.

If you sell without a licence, any future application by you for a licence to sell smoking products in Tasmania may be refused.

How do I apply for a licence?

You can only apply and renew for a Smoking Product Licence online at <https://tobaccolicence.health.tas.gov.au/>. Applications can take up to three weeks to be processed, you are not able to sell smoking products until your licence is approved.

If I sell my business, can I sell or transfer my licence as well?

No. A licence cannot be sold or transferred between people, businesses, or premises.

Do I need to display my licence?

No. You do not need to display your licence. You should keep a copy of the licence on your premises as proof you have a licence to sell smoking products.

Are there products I can't sell, even with a licence?

Yes. The following products cannot be sold, displayed or supplied even if you have a licence:

- personal vaporiser products containing nicotine
- toys or confectionery that resemble or are intended to represent a tobacco product
- tobacco products (including cigarette papers) that are fruit or confectionery flavoured or scented
- single cigarettes or packages/packets containing less than 20 cigarettes
- cigarette packets that are designed to be, or can easily be, split into smaller packets that contain less than 20 cigarettes.

Can an employee under the age of 18 years sell smoking products?

Yes. A person under the age of 18 years can legally sell smoking products as part of their employment with a licence-holder. However, the Department advises caution in allowing minors to sell.

The less children are exposed to smoking products the less likely they are to view smoking as a normal activity.

What sales information must I collect?

You must collect information about all the retail sales of smoking products from 1 June to 30 June every year. You don't have to collect or report information about e-cigarette devices, papers, filters or any other ancillary items.

What sales information must I keep?

For every smoking product you sell product type, brand name, product description, and quantity sold.

What is a product description?

- Cigarettes are counted in pack size, not cartons.
- Loose and pipe tobacco is reported in grams per pouch.
- Cigars and Cigarillos are reported in the number per pack.
- Single use e-cigarettes, cartridges or pods are reported singularly.
- E-juice is reported in milliliters describing the size of the bottle.

How do I report my sales information?

You must report the number of products you sell in the month, as described in the image below.

To report your sales information go to My Licence at <https://tobaccolicence.health.tas.gov.au/>, on or before the date you renew your licence. You must use the online form or upload a comma separated values (csv) file using a template.

	A	B	C	D	E
1	Type of Smoking Product	Brand Name	Product Description	Quantity Sold	
2	Cigarettes	Horizon	25	400	
3	Cigarettes	Horizon	30	345	
4	Cigarettes	Benson and Hedges	20	45	
5	Loose Tobacco (RYO)	Champion	30	44	
6	Loose Tobacco (RYO)	Champion	40	335	
7	Loose Tobacco (RYO)	Drum	30	234	
8	Pipe Tobacco	Dr Pat	30	42	
9	Cigar	White Owl	1	34	
10	E-Juice Bottle	Ara Max	30	54	
11	E-Juice Bottle	BLVK	30	65	
12	E-Juice Bottle	Ara Max	30	54	
13					

What is the quantity I must report?

The quantity is how many of each item you sold in the month.

How will my sales information be used?

Your retail sales information will be combined with other retailers' information and used to inform preventative health planning.

3. Storing and Displaying Smoking Products

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Where can I store smoking products?

All smoking products held for sale must be kept in a concealed storage facility or plain sales unit. This applies to all retailers, including specialist tobacconists.

What is a concealed storage facility?

A concealed storage facility is an enclosed space (for example a storeroom or cellar) or a cupboard, locker or drawer that the public cannot access. It must be kept closed except when there is an immediate need to put things in, or take things out, of it. When closed, its contents must not be visible to the public.

What is a plain sales unit?

A plain sales unit is a sales unit that meets certain 'plain' criteria.

A **sales unit** is any shelving, receptacle, or electronic dispensing unit from which smoking products are dispensed when sold. It includes a cigar humidor. It does not include a vending machine unless the premises are licensed to sell alcohol under the *Liquor Licensing Act 1990*.

An **electronic dispensing unit** is a machine designed to dispense smoking products and be operated by an electronic keypad. A **vending machine** is any other machine to dispense smoking products. Neither machine can be operated by any member of the public.

To be a plain sales unit, the sales unit **must not**:

- have any words or images on it, except those in the *Guidelines for the Sale of Smoking Products*
- have colour or design that makes the unit stand out
- have any enhancements such as lights, mirrors, holograms, turntables, moveable parts, or spotlights
- have on it any wording, trademarks or colour schemes usually used in the packaging of smoking products.

Where can I put my sales unit?

A plain sales unit can only be placed in the service area. The service area is the area where sales take place, which the public does not normally have access to.

In premises licensed to sell alcohol, one vending machine may be used as a sales unit. It can only be placed in the service area, where a person under the age of 18 years cannot enter.

All sales units must also be placed:

- at least 75 centimetres away from any confectionery or product that is designed or marketed for the use of children
- so it does not face towards a window or public entrance (unless at a right angle or at least two metres away)
- at least five metres away from colours used on smoking product packaging.

Can I display smoking products for sale?

No. If you are a general retailer (not a specialist tobacconist) you must not display any smoking products, including empty packages.

A specialist tobacconist may display ancillary tobacco products (devices designed or intended only for use in connection with tobacco) including cigarette papers, cases, and ashtrays.

Only one example of each product line can be displayed, up to a maximum of four square metres.

A specialist tobacconist may also display matches, cigarette and pipe lighters outside this area.

All retailers may incidentally and fleetingly show up to one square metre of smoking products when:

- stocking or replenishing a plain sales unit
- removing the products from a plain sales unit for immediate sale
- stocktaking the products
- moving the products to a concealed storage facility or place off-site in order to clean, service, repair, relocate or replace the sales unit, or repair or refurbish the premises
- removing the products from a concealed storage facility to a place off-site
- receiving a consignment (or delivery) of the products, as long as the delivery is placed immediately in a concealed storage facility.

The actions listed above must be completed promptly and the sales unit and concealed storage facility must not be left open if staff are interrupted.

Visitors to the premises are not in breach of the law if they have personal quantities of smoking products for their own use.

People working at the premises may also have personal quantities in their possession (but not on display).

4. Advertising and Product / Price Information

All advertising of smoking products is banned except for product and price information that complies with the *Guidelines for the Sale of Smoking Products*. The product and price information allowed for each type of retailer is described below.

You must not otherwise display, publish or broadcast an advertisement that can be seen or heard in or from a public place, for any smoking products.

You can sell smoking products at discounted prices but you cannot advertise this.

What information can a general retailer display?

If you are a general retailer, which is a retailer who is not a specialist tobacconist or does not have a vending machine, you may (but do not have to) display:

- one 'product availability notice' (PAN) as set out on page 14 **or**
- one price board as set out on page 15 **and**
- price tickets as set out on page 16.

Product Availability Notice (PAN)

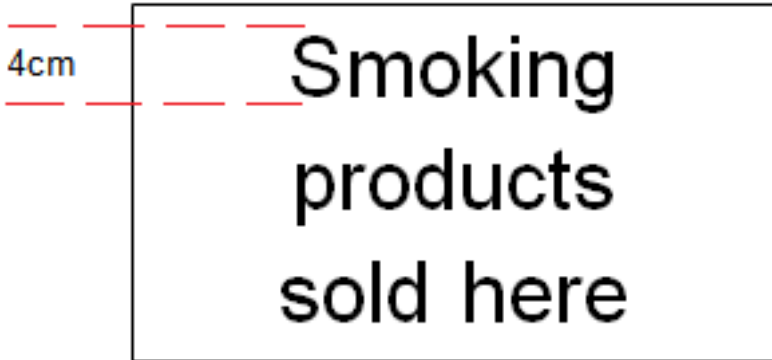
If you choose to display a PAN, you must not display a price board.

Your PAN must:

- only include the following words: ‘Smoking Products Sold Here’. These words may only be written once on one side of the notice exactly as shown or in all lowercase text
- only use black text in plain (no bold, italics or underline) Arial font on a white background
- use a font size no larger than 160 points (or four centimetres high)
- not use any colour, lines, images or other markings
- only be placed on a plain sales unit or, if a concealed storage facility is used instead of a plain sales unit, in the service area of the premises.

An example PAN is shown below.

Figure 2: Product Availability Notice (PAN)



Price Board

If you choose to display a price board, you must not display a product availability notice (PAN).

Your price board must:

- be no larger than 100 centimetres by 75 centimetres
- only use black text in plain (no bold, italics or underline) Arial font on a white background
- use a font size no larger than 80 points (or two centimetres high)
- place text on one side only (that is, not on the back and front)
- limit the text to:
 - the brand name (mentioned only once)
 - no part of the brand name may appear more than once
 - the product name, size and price
 - headings relating to this information
- not use any colour, lines, images or other markings
- only be placed on a plain sales unit or, if a concealed storage facility is used instead of a plain sales unit, in the service area of the premises.

As part of a brand name cannot be repeated on a price board, the display of information about more than one product line sold under a single brand name can be included as shown in the example below.

Figure 3: A price board showing multiple products sold under a single brand.

BRAND NAME	PRODUCT LINE	SIZE	PRICE
BRAND NAME A	Yellow	20	\$0.00
	Yellow	30	\$0.00
	Yellow	40	\$0.00
	Blue	50	\$0.00
BRAND NAME B		25	\$0.00
BRAND NAME C	Ryo	25gm	\$0.00
	Ryo	50gm	\$0.00
BRAND NAME D	Red	20	\$0.00

Price Tickets

You may choose to use price tickets for smoking products. Only one price ticket per product line is allowed.

Price tickets cannot be on display. Up to one square metre of price tickets can be visible fleetingly and incidentally when you are selling, restocking or doing one of the activities where showing smoking products is allowed (see the list on page 12)

- Your price ticket must:
 - be placed immediately next to the related product - limit the text to:
 - › the brand name (mentioned only once)
 - › a barcode (or other number/alphabet code)
 - › one symbol identifying the country of origin
 - › packet and carton prices and quantities
 - › headings relating to this information.
 - only use black text in plain (no bold, italics or underline) Arial font
 - use a font size no larger than 80 points (or two centimetres high)
 - place the text on one side only (that is, not on the back and front)
 - only use coloured text and background when this is consistent with all price ticketing in the store; use no more than two colours which do not correlate with colours used on smoking product packaging - not use any other colour, lines, images or markings.

An example price ticket is shown below.

Figure 4: A price ticket for a smoking product



Specialist Tobacconists

As described on page 12, specialist tobacconists may display ancillary tobacco products in certain circumstances.

Specialist tobacconists may choose to use one or more of the following options for product and price information:

- up to four square metres of price tickets that relate to ancillary tobacco products on display. The price tickets must comply with the requirements for price tickets starting on page 16 (except for the display aspects)
- up to one square metre of price tickets that relate to other tobacco products held for sale. The price tickets must comply with all of the requirements for price tickets starting on page 16
- one price board that complies with the requirements for price boards starting on page 15.

A product availability notice is not permitted in specialist tobacconists.

Vending Machines

As described on page 11, if you are licensed to sell alcohol under the *Liquor Licensing Act 1990* you may use one vending machine as a sales unit in a restricted area of the premises.

If you have a vending machine, you cannot display a product availability notice (PAN) or a price board.

You can choose to display product and price information in the form of price tickets. The price tickets must comply with the requirements for price tickets starting on page 16— except they can only be placed on the front surface of the vending machine.

5. Promotions, competitions, samples and try-before you-buy

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Can I run competitions involving smoking products?

No. Running competitions involving smoking products is illegal in Tasmania.

Can I provide free samples of smoking products to customers?

No. Providing free samples of smoking products to customers is illegal in Tasmania.

Can I show customers how to use smoking products in store?

No. All smoking in smoke-free areas is banned. This includes demonstrating how to smoke/vape a personal vaporiser product in your store. If a person wants to try a smoking product before buying it, they will need to move to an area where smoking is not banned.

Over 18?

**Check for 18+ ID before
selling smoking products,
or risk a \$20,000 fine.**



Can I offer prizes, gift vouchers, discounts, or other benefits?

No. It is illegal to offer any benefits to customers for buying smoking products.

This includes any type of business loyalty program.

This does not include programs that reward customers for the method of payment, for example credit or debit card reward schemes.

Can I use other marketing schemes?

No. It is illegal to use any marketing device, plan, or scheme except for price discounting (which, if used, cannot be advertised).

6. Notices that must be displayed

Retailers must display notices in the form and manner approved by the Director of Public Health. For information, the notices and instructions on how to display them are set out below. Copies of the notices for display are available from a Tobacco Control Officer.

In summary:

- all retailers must display Notice A (under 18 warning)
- a retailer with a vending machine or a retailer that is a specialist tobacconist must also display Notice B (graphic health warning)
- a retailer of tobacco products who displays a price board must also display Notice C or Notice D or Notice E (Quit health notices).

Notice A

Notice A is a warning about the ban on selling or supplying smoking products to a person under 18 years of age.

All retailers selling any smoking product must display Notice A on the front surface of the plain sales unit (including a vending machine or electronic dispensing unit) or concealed storage facility.

If the sales unit or concealed storage facility is not in public view, Notice A must be placed in the service area so it can be easily seen and read by staff and the public.

**If you give or sell smoking
products to anyone under 18
you are breaking the law.**

You could be fined.

Department of Health and Human Services



Notice B

Notice B is a graphic health warning.

If you are a specialist tobacconist, you must display Notice B on the front surface of the sales unit or concealed storage facility so it can be easily seen and read by staff and the public. If the sales unit or concealed storage facility is not in public view, Notice B must be placed in the service area so it can be easily seen and read by staff and the public.

If you have a vending machine, you must display Notice B directly on the front surface of your vending machine so it can be easily seen and read by staff and the public.

Notice B



WARNING
CIGARETTES
CAUSE LUNG
CANCER

80 percent of lung cancers are caused by smoking.

More than 85 percent of lung cancer victims die within 5 years.



Lung Cancer

Quitline
1 3 7 8 4 8

Notices C, D, and E

Notices C, D, and E are Quit health notices.

If you hold a licence to sell tobacco products and you display a price board, you must also display Notice C or Notice D or Notice E.

The notice must be displayed directly next to or on the front surface of the price board so that it can easily be seen and read by staff and the public.



Notice C



Notice D



Notice E

7. Selling Smoking Products to Children

It is against the law for anyone to sell, lend, give or supply (or offer to sell, lend, give or supply) any smoking product or non-tobacco cigarette to, or for the use of, a person under 18 years of age.

We strongly recommend you ask for proof of age before selling smoking products to any young person, especially if you are unsure of their age.

There are five acceptable 'proof-of-age' documents people can use:

1. A current driver licence
2. A current passport
3. A current photographic keypass identification card
4. A current firearms licence issued under the *Firearms Act 1996*
5. A current Tasmanian Government personal information card. A student identification card issued by a school is **not** acceptable proof of age.

When you view proof-of-age identification, inspect it closely to ensure the photo shows the person attempting to buy smoking products. Check that the photo and other details (including the year of birth) have not been tampered with.

It is also against the law for the holder of a licence to **permit** the sale, loan, gift or supply of any smoking product to, or for the use of, a person under 18 years of age. Employers who do not hold a licence to sell smoking products must not permit any employee on or within 100 metres of their premises to sell, lend, give or supply any smoking product to, or for the use of, a person under 18 years of age.

What happens if I sell or permit the sale of smoking products to a child?

If you sell or permit the sale of smoking products to a child you may be taken to court.

The maximum fine for these offences increased in 2017. It is around \$20 000 for a first offence, \$41 000 for a second offence, and \$61 000 for a subsequent offence.

The person who sold the smoking product will be responsible and the person holding a licence to sell smoking products may also be charged. The licence holder may also have their licence cancelled which means they will no longer be able to sell smoking products in Tasmania.

Can I sell lighters and matches to a child?

A child can legally purchase lighters and matches, although many retailers voluntarily choose not to sell these items to children.

What information must I give my employees?

A person in charge of any premises from which smoking products are sold must give information about the sale and supply of smoking products to children to all employees before each employee commences employment.

The Department recommends you provide the information every six months. This information may be provided verbally.

Responsible Service of Tobacco

The Department recommends you provide staff with an easy way to understand their legal obligations.

The Tasmanian Department of Health provides a Responsible Service of Tobacco online course for you and your employees. The free course is available at <https://www.tobaccotas.com.au/>

The course covers:

- a. You must not sell, lend, give or supply any tobacco product or personal vaporiser product (including electronic or e-cigarettes) to, or for the use of, a person under 18 years of age.
- b. You must not offer to do those things.
- c. If you do these things, you have broken the law. Enforcement action can be taken against you. You will be required to appear in court where a magistrate can impose a large fine. Your employer may also be fined.
- d. You have broken the law even if the under-age customer says the product is for a person over 18 years of age.
- e. If you are unsure whether or not a customer is over 18 years of age, you should ask to see their 'proof of age' identification. The only acceptable proof of age identification is:
 - i. a driver licence
 - ii. a passport
 - iii. a photographic Keypass identification card
 - iv. a firearms licence issued under the *Firearms Act 1996*
 - v. a Tasmanian Government Personal Information Card.
- f. some important elements of this guide for tobacco retailers and their employees.

8. Enforcement

The Department employs tobacco control officers to enforce the smoking laws under the *Public Health Act 1997*.

These officers visit retailers to check compliance with the laws (including the ban on selling to children) and to ensure you are aware of your obligations when selling smoking products. They have legal powers to enter and inspect areas where smoking products are sold.

A person must not assault, abuse, threaten, hinder, obstruct or delay a tobacco control officer from attempting to exercise their powers under the *Public Health Act 1997*.

What happens if I do not comply with the smoking laws?

If you do not follow the laws that apply to you, you are committing an offence.

Tobacco control officers may:

- deliver a verbal warning
- issue a warning letter
- issue an infringement notice
- commence court proceedings.

The amount a person can be fined in an infringement notice and by a court can differ for each offence. It is set in the Act or in Regulations made under the Act. These are available at www.legislation.tas.gov.au.

If you have failed to comply with the law, the Director of Public Health may cancel or place extra conditions on your licence.

If you apply to renew your licence the Director can consider whether you have acted illegally in the past when deciding whether to grant you another licence.

Providing false information about smoking laws

It is against the law to provide false information about any laws across Australia for smoking or smoking products.

It is also an offence for any manufacturer, retailer or supplier of tobacco products to provide incorrect information about the health effects of tobacco products.

9. Glossary

Act: the *Public Health Act 1997*

Ancillary tobacco products: cigarette papers, cases, ashtrays and similar items, except:

- a. tobacco in any form
- b. a product of which tobacco is an ingredient
- c. a package or cigarette shipper containing a thing referred to in paragraph (a) or (b) of this definition.

Business loyalty program: a program or arrangement, other than a business transactions program, that rewards its customers or clients of a business for their patronage;

Business transactions program: a program or arrangement that rewards the customers or clients of a business for using a particular means of payment to purchase its goods or services or not using a particular means of payment to purchase its good or services.

Carton: a package that contains more than one packet of cigarettes.

Cigarette shipper: packaging that contains more than one carton.

Concealed storage facility: a storeroom, cellar or other enclosed place or a cupboard, locker or drawer that:

- a. is inaccessible to the public

- b. is kept closed, except when there is an immediate need to put things in it or take things from it
- c. when closed, cannot be seen into by the public.

Confectionery:

- a. Sweets, chocolates and candy
- b. Popcorn and other snack foods containing potato, nuts or cereal
- c. Confectionery novelties
- d. Muesli bars, fruit bars, health food bars and other similar products.

Department: the Tasmanian Government department responsible for tobacco control – the Department of Health and Humans Services at the time of publication of this guide.

Electronic dispensing unit (EDU): a machine that is designed to dispense smoking products and be operated by means of an electronic keypad, whether or not the machine is in working order.

Exempt device: a device that is not included as a smoking product under the Act.

External window of premises: a window through which a person standing outside the premises can see into the premises (or any part thereof).

Guidelines: *Guidelines for the Sale of Smoking Products*

Package:

- a. A box, carton, cylinder, packet, pouch, tin and wrapping
- b. The material or substance from which a package is made.

Packet: an individual packet containing a smoking product/s.

Penalty units: as set by the *Penalties Units and other Penalties Act 1987*. For more information, go to www.justice.tas.gov.au

Personal Vaporiser Product: electronic cigarette or other device capable of heating any substance to be inhaled, substances, and parts including:

- a. battery
- b. electronic heating element
- c. cartridge or container capable of holding the substance.

Plain sales unit: a sales unit that:

- a. does not display any wording or imagery that contravenes the Guidelines
- b. does not have any mirror or other reflective device
- c. does not have any interior or exterior lighting
- d. does not have any lighting directed specifically at it, whether from a spotlight, down light or otherwise and whether the illumination is constant or intermittent
- e. is not fitted with or connected to any device capable of causing the sales unit (or any part of it) or its contents (or any of its contents) to move in a way that is visible to the public
- f. does not display any wording, trademarks or colour schemes usually used in the packaging of any smoking products held in it
- g. does not display any partial wording or imagery of any packaging of smoking products held in it
- h. has no lines, border or other visual design effects that make it stand out

- i. is not linked to any hologram.

Product line (in relation to a smoking product): a kind of smoking product distinguishable from another kind of smoking product by any one or more of the following characteristics:

- a. its length, mass or volume
- b. its content
- c. its brand name or trade mark
- d. in the case of a packet of cigarettes or cigars, the number of cigarettes or cigars in the packet.

Proof-of-age document: a class of document specified in the guidelines for the purpose of this definition, including:

- a. current driver's licence
- b. current passport
- c. current photographic keypass identification card
- d. current firearms licence issued under the *Firearms Act 1996*
- e. current Tasmanian Government personal information card.

Restricted area of a licensed premises: an area of premises that is designated under section 84(1) of the *Liquor Licensing Act 1990* as an area in which a person under the age of 18 years cannot enter or remain.

Sales unit:

- a. In the case of specialist tobacconist premises: a receptacle, area of shelving, electronic dispensing unit or other thing from which tobacco products are dispensed when sold.
- b. In the case of retail premises other than specialist tobacconist premises: a receptacle, area of shelving,

vending machine, electronic dispensing unit or other thing from which tobacco products are dispensed when sold.

Sell:

- a. dispose by any method for valuable consideration
- b. barter or exchange
- c. dispose to an agent for sale on consignment
- d. offer or expose for sale
- e. keep or have in possession for sale
- f. agree to sell
- g. send, forward or deliver for sale
- h. dispose by way of raffle, lottery or other game of chance
- i. provide a sample.

Service area: an area of premises:

- a. from where sales of smoking products are ordinarily effected
- b. to which the public does not normally have access.

Smoke:

- a. any smoke or fumes vapour from a smoking product, including nontobacco cigarette, e-cigarette, cigar and pipe
- b. inhale, puff, draw or vape from a smoking product
- c. hold or have control over a smoking product.

Smoking product:

- a. tobacco in any form
- b. any product of which tobacco is an ingredient

- c. any device designed or article designed or intended only for the use in connection with tobacco
- d. any personal vaporiser product
- e. any prescribed product
- f. any package, or cigarette shipper, containing a thing referred to in paragraph (a), (b), (c) or (d).
- g. a smoking product package that has been emptied of its contents.

Smoking product advertisement: writing, 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 smoking product
- b. the trademark or brand name, or part of a trademark or brand name, of a smoking product.

Specialist tobacconist premises: premises that, under section 72B of the Act, are determined to be specialist tobacconist premises.

Specialist tobacconist premises are operated independently and apart from any other retail business and where only tobacco, tobacco products, matches and cigarette or pipe lighters are sold.

Vending machine: a machine, other than an electronic dispensing unit, designed to dispense tobacco products, whether or not, at a given time, the machine is in working order.

10. More Information

Tobacco Control

Department of Health

Level 3/25 Argyle Street

HOBART Tas 7000

Phone (toll free) 1800 671 738

Email tobacco.control@health.tas.gov.au

Website <https://www.health.tas.gov.au/>

Tobacco Control Officer North/North West Tasmania

Phone (03) 6777 1979

Tobacco Control Officer Southern Tasmania

Phone (03) 6166 0656

Tobacco Licensing State-wide

Phone (03) 6166 6665

Responsible Service of Tobacco online course is available at

www.tobaccotas.com.au/

Apply or Manage your Smoking Product licence

<https://tobaccolicence.health.tas.gov.au/>

Public Health Act 1997 can be viewed at

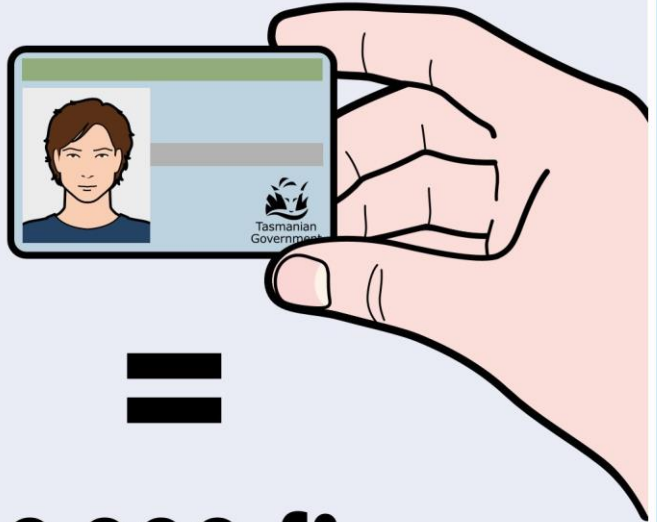
www.legislation.tas.gov.au

Guidelines for the Sale of Smoking Products can be viewed

at www.health.tas.gov.au/publichealth/public_health_act2

Disclaimer

The information in this Guide has been prepared in good faith but is not to be taken as an expression of the law. Legal obligations arise under the *Public Health Act 1997* and relevant guidelines issued by the Director of Public Health. This Guide is not a substitute for legal or other professional advice with respect to the obligations arising under the *Public Health Act 1997*. The Crown in Right of Tasmania, its officers, employees and agents do not warrant the accuracy or completeness of this Guide and will not be responsible for any loss howsoever arising from the use of or reliance on it.



\$20,000 fine

Check for 18+ ID before selling smoking products, or risk a \$20,000 fine.

Contact Details:

Public Health Services

GPO Box 125

Hobart TAS 7001

1800 671 738

tobacco.control@health.tas.gov.au

www.health.tas.gov.au



Tasmanian
Government