

FACT SHEET

Public Health Amendment (Healthy Tasmania) Bill 2017

The *Public Health Amendment (Healthy Tasmania) Bill 2017* delivers on commitments in the *Healthy Tasmania – Five Year Strategic Plan*.

Healthy Tasmania is the Tasmanian Government's preventive health plan. It outlines a fresh approach to promoting good health and preventing chronic disease. This is central to achieving the goal of making Tasmania the healthiest population in Australia by 2025.

Healthy Tasmania includes 24 actions across four priority areas. These are:

- smoking;
- healthy eating and physical activity;
- community connections; and
- chronic conditions screening and management.

The Bill amends the *Public Health Act 1997* to deliver three smoking-related actions from *Healthy Tasmania*: increasing penalties for selling or supplying smoking products to a child; introducing laws to regulate electronic cigarettes, and targeted education through quit smoking information at the point-of-sale.

Preventing the uptake of smoking by young people is critical to limiting its damaging impact on the current and future health of the Tasmanian population.

To that end, the Bill significantly increases the court penalty for those who sell or supply smoking products to a person under 18 years of age. A first offence can attract a fine of around \$19,000, a second \$38,000, and a subsequent offence \$57,000. To support this, the Government also plans to increase the amount of the infringement notice (or on-the-spot-fine) for the offence. A retailer may still lose their licence for selling to children.

Another issue that threatens to increase the uptake of tobacco smoking by young people and by non- and ex-smokers is the emerging use of personal vaporiser products in Tasmania.

Often called electronic or 'E' cigarettes, these products can look like a cigarette or pipe, or can resemble everyday items such as a USB or pen.

Their use typically replicates the hand to mouth action of tobacco smoking behaviour. This presents a problem because it provides visual cues about smoking and familiarises young people with smoking behaviour.

At present, the use, promotion, and sale of these products is unregulated in Tasmania.

To address this, the Bill introduces new laws for personal vaporiser products that are substantially the same as for tobacco products. Personal vaporiser products include the device and all of its components, including related liquids.

Under the framework, the products cannot be:

- used in smoke-free areas;
- sold or supplied to a person under-18;
- used or in the possession of a person under 18 (unless possession as part of employment);
- sold without a licence (application fees apply for retailers who do not already hold a licence to sell tobacco products - around \$365, increasing to around \$550 on 1 January 2018).
- sold in specialist tobacconist stores (as these are stores dedicated to the sale of tobacco products);
- advertised, displayed, or included in shopper loyalty programs. The requirements for holding the products in stores – such as the design and location of sales units – is the same as for tobacco products.

It is important to note that nothing in the Bill changes the law for electronic cigarettes that contain nicotine – these will remain illegal in Tasmania. Across Australia, nicotine remains a schedule 7 dangerous poison – which means it is a substance with a high potential for causing harm at low exposure. It is both unsafe and highly addictive.

In March 2017, the Australian Government's Therapeutic Goods Administration announced that the current scheduling of nicotine is appropriate. It did not approve an application to exempt nicotine from the dangerous poisons list for use in personal vaporiser products

The Bill is not an endorsement of the use of personal vaporiser products. Adults are encouraged to exercise discretion in deciding whether to use or continue to use such products. Tobacco users wanting to quit smoking should consult the Quitline or a health professional.

It is not yet known whether or to what extent personal vaporiser products may damage a person's health.

More time is needed for research on their safety, quality and efficacy which is currently being undertaken in Australia and internationally.