

Media Release

The Hon Jill Hennessy MP
Minister for Health
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TOUGH NEW REGULATIONS TO PROTECT KIDS FROM E-CIGARETTES

Children under 18 will no longer be able to buy e-cigarettes under tough new laws to be introduced into Parliament this week by the Andrews Labor Government.

The new laws will regulate the use of e-cigarettes in the same way as tobacco products, meaning that all existing bans on the sale, use and promotion of tobacco products will also apply to all e-cigarettes in Victoria.

Our new laws will cover all e-cigarettes - regardless of whether they contain nicotine - because laboratory testing is often needed to determine whether the device contains nicotine or not.

In Victoria, it is already illegal to sell, supply, possess or use e-cigarettes that contain nicotine as nicotine is classified as a dangerous poison.

However, the sale of non-nicotine e-cigarettes is currently unregulated, meaning they can be bought by children under the age of 18 and marketed to young people, potentially putting them at risk and encouraging smoking to become re-normalised in the community.

The new laws will ban e-cigarettes in all areas where smoking is banned, such as enclosed workplaces, dining areas, schools and in cars carrying children.

The regulations will not restrict e-cigarettes being used as an aid to quitting smoking should they be approved by the Therapeutic Goods Administration in the future.

The Tobacco Amendment Bill 2016 will also deliver on the Labor Government's promise to ban smoking in outdoor dining areas from 1 August 2017, so Victorians and their families can enjoy a meal outside, away from the dangers of second hand smoke.

Under the laws, the ban will cover all outdoor dining areas at restaurants, cafes, take-away shops and licenced premises, including beer gardens, courtyards and footpath dining where food, other than snacks, is served.

Smoking will also be banned at food fairs and organised outdoor events such as street and community festivals, local school fetes, sporting events or craft markets where there are food stalls.

Businesses now have more than one year to prepare for the bans before they start on 1 August 2017. The Government will provide support and information to businesses during the transition to smoke-free outdoor dining, including free 'no smoking' signage.

The laws are clear and simple for business to follow and allow businesses flexibility regarding how they can use their outdoor areas.

All outdoor areas used for drinking and snack foods - but not meals - will be considered outdoor drinking areas and are not required to be smoke-free. Snack foods are permitted in outdoor drinking areas to promote the responsible consumption of alcohol.

Snack food has been clearly defined in the laws as pre-packaged and sealed food that doesn't need preparation prior to serving, such as a packet of potato chips or nuts.

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This means a beer garden could be used as an outdoor drinking area from 5pm-7pm with snacks and smoking permitted, and then it can be used as an outdoor dining area from 7pm onwards, during which time smoking is banned.

Businesses could also split outdoor areas into clearly separated dining and drinking areas.

At Food Fairs, such as the Night Noodle Market, the entire outdoor area used for the fair will be smoke-free, while at outdoor events, such as Moomba, smoking will be banned within 10 metres of a food stall.

Almost 4000 Victorians lose their lives each year to tobacco – that's 11 people every day.

Smoking also costs Victoria \$2.4 billion each year in healthcare costs and lost productivity, and remains the leading cause of preventable chronic disease and of preventable deaths.

People caught smoking in outdoor dining areas will face on-the-spot fines of more than \$150, with a maximum penalty of more than \$750.

Quotes attributable to Minister for Health Jill Hennessy

"We know smoking kills – that's why we're taking action to protect Victorians from second-hand smoke."

"Our tough new laws will protect young kids from the risks of e-cigarettes and help de-normalise smoking."

"We're making sure businesses will have the flexibility they need regarding the use of their outdoor areas, while Victorians and their families can eat their meals in a healthier and safer, smoke-free environment."