

# The retail sale of e-cigarettes

Guidance for e-cigarette (vape) retailers

Last updated August 2022

**OFFICIAL**

## Purpose

This fact sheet is to assist businesses that are not pharmacies, in understanding the laws that apply to the retail sale, advertising and display of e-cigarette products in Victoria.

**Note: It is illegal for businesses other than pharmacies to retail liquid nicotine and e-cigarette products containing nicotine in Victoria.**

## E-cigarettes

E-cigarettes or vapes are electronic devices which vaporise a liquid, (which may contain nicotine) for inhalation in a similar way to smoking a cigarette. Devices that fit into the category of e-cigarettes include e-shisha, e-cigar, e-pipes, e-hookahs, hookah pens and vape-pipes. These include both disposable (single use) and re-fillable devices.

The *Tobacco Act 1987* regulates e-cigarette products in the same way as tobacco products which means that they cannot be used in areas where smoking is banned, cannot be displayed at retail outlets, cannot be sold to people under 18 years of age and are subject to other restrictions.

These prohibitions include both e-cigarette devices and e-cigarette accessories such as refill cartridges and e-liquids.

A small number of certified specialist e-cigarette retailers and tobacconists are exempt from some product display restrictions in acknowledgment that these businesses specialise in selling vaping or smoking products and were established before the current laws were made.

## Selling e-cigarettes

Retailers do not currently need a licence to sell e-cigarette products in Victoria but must always comply with laws concerning the sale of e-cigarettes.

E-cigarette products that do not contain nicotine can be sold from permanent retail outlets but cannot be sold from temporary and mobile outlets or vending machines.

## Nicotine

Under the *Drugs, Poisons and Controlled Substances Act 1981*, nicotine e-cigarette products can be supplied, with a medical prescription, by pharmacies **but all other retail sale of nicotine e-cigarette products is illegal.**

Please note that these laws do not apply to approved nicotine replacement therapies such as nicotine gum and patches which are usually available as grocery items.

Laws around the illicit sale of nicotine are enforced by Victoria Police who can seize illegal products and issue fines.

Information about the suspected illegal sale of these products can be reported to Crime Stoppers via <https://www.crimestoppersvic.com.au/report-a-crime/> or phone 1800 333 000.

## Sales to minors

It is illegal to sell any e-cigarette product to a person under 18 years of age. This includes products sold via a retailer's website.

Retailers found selling to minors face significant penalties and can lose their ability to sell e-cigarette and tobacco products.

Retailers and their employees are advised to ask young people for identification to ensure they do not sell e-cigarette products to people under 18 years of age. It's not always easy to tell how old a person is, and it is a good idea to ask for identification from any person who appears that they may be under 25.

Acceptable forms of identification include:

- a Victorian or interstate proof-of-age card
- a Victorian or interstate driver's licence
- an Australian or international passport
- a Keypass
- a Victorian learner's permit

## Staff training

Retailers are responsible for ensuring that anyone allowed to sell e-cigarette products in their store does so responsibly and in accordance with the law. The training should be undertaken every 6 months and cover each of these things:

- That employees must not sell e-cigarette products to persons under 18 for any reason.
- That employees must ask for and see identification (ID) before selling an e-cigarette product to a person who might be under 18.
- That if employees sell e-cigarette products to a person under 18, they are committing an offence and may be fined.

Managers should keep written confirmation from employees that they have received this training.

## Displaying e-cigarettes

E-cigarette products cannot be visible from anywhere inside or outside a retail shop. An exemption applies to certified e-cigarette retailing premises, certified specialist tobacconists and on airport duty free shops.

Retailers can temporarily open a storage unit if a customer asks for a specified e-cigarette product.

Retailers may display one A4 copy of the sign to the right, to let customers know they sell e-cigarette products.



## Price boards

Retailers may also display a price board at point of sale to inform customers about the brands and prices of the e-cigarette or tobacco products (but not both) available for sale. The price board must be at point of sale.

A price board may list the following information about tobacco or e-cigarette products:

- brand
- flavour/type
- price (but not discount price information)
- volume/size
- wattage
- ingredients

A price board **must**:

- be no bigger than 1.5 m x 1.5 m
- have letters and numbers no bigger than 2.1 cm high x 1.5 cm wide
- have letters and numbers printed in the same font, font size and font style
- be printed on one side only in black and white or up to four colours, none of which is fluorescent
- not make information about one product more noticeable than another
- not make information more noticeable than other tickets or labels in the shop
- not highlight price information with artificial lighting greater than that used throughout the shop.

## Promotions

You cannot offer or supply any free or discounted products or other benefits (such as vouchers or credits) with the purchase of, or to promote the sale of, an e-cigarette product. This includes making sure that e-cigarette products are excluded from shopper loyalty and reward schemes.

## Sampling e-cigarettes

You cannot give away free samples of e-cigarette products and the use of an e-cigarette product in enclosed workplaces, such as the inside of a retail shop, is also prohibited.

## More information

Call the Tobacco information Line on 1300 136 775 or email [tobacco.policy@health.vic.gov.au](mailto:tobacco.policy@health.vic.gov.au) or visit <https://www2.health.vic.gov.au/public-health/tobacco-reform/tobacco-retailers>

To receive this document in another format, phone 1300 136 775, using the National Relay Service 13 36 77 if required, or email [tobacco.policy@health.vic.gov.au](mailto:tobacco.policy@health.vic.gov.au).

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