

Impact Analysis Statement

Summary IAS

Details

Lead department	Queensland Health
Name of the proposal	<i>Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2025</i>
Submission type (Summary IAS / Consultation IAS / Decision IAS)	Summary IAS
Title of related legislative or regulatory instrument	<i>State Penalties Enforcement Regulation 2014 Tobacco and Other Smoking Products Regulation 2021</i>
Date of issue	March 2025

Proposal type	Details
Regulatory proposals where no RIA is required	The <i>Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2025</i> (Amendment Regulation) amends: • the <i>State Penalties Enforcement Regulation 2014</i> to: ○ prescribe the <i>Tobacco and Other Smoking Products Act 1998</i> offences identified below as penalty infringement notice offences pursuant to section 165 of the <i>State Penalties Enforcement Act 1999</i>: ▪ Section 109A(1) – A person must not, as part of a business activity, display an illicit nicotine product ▪ Section 109A(2) – A person must not, as part of a business activity, advertise an illicit nicotine product ▪ Section 109A(3) – A person must not, as part of a business activity, promote an illicit nicotine product ▪ Section 161A(1) – A person must not, as part of a business activity, supply an illicit nicotine product ▪ Section 161A(2) – A person must not, as part of a business activity, store or possess an illicit nicotine product ▪ Section 161B(2) – An employee or someone acting on behalf of another person (the principal) must not supply an illicit nicotine product or illicit tobacco (from a commercial premises); ○ increase the penalties for the following Tobacco and Other Smoking Products Act offences already prescribed as PIN offences: ▪ Section 90(1) – A supplier must not display a smoking product



	▪ Section 90(2) – A supplier must not advertise a smoking product other than at a retail shop or on an online shop ▪ Section 90(3) – A supplier must not advertise a smoking product at a retail outlet or on an online shop in any way other than a way specifically provided for in the Act ▪ Section 158(1) – A person must not sell, supply, or display an ice pipe or component of an ice-pipe ▪ Section 159(1) – A person must not sell, supply, or display a bong or component of a bong; ▪ Section 161(1) – A person must not, as part of a business activity, supply illicit tobacco ▪ Section 161(2) – A person must not, as part of a business activity, store or possess illicit tobacco; and • the <i>Tobacco and Other Smoking Products Regulation 2021</i> to: ○ prescribe nicotine pouches as ‘illicit nicotine products’; and ○ update the list of prescribed smoke-free government precincts to remove premises no longer occupied by Government. ‘Illicit nicotine product’ is defined in schedule 1 of the Act as (a) vaping goods; or (b) another product containing nicotine or another substance detrimental to health prescribed by regulation for this definition. Nicotine pouches are small pouches designed to be placed between the lip and gum which may contain nicotine, a synthetic nicotine, a nicotine analogue such as 6-methylnicotine, or another nicotine alternative or substitute. Nicotine pouches also often contain sweeteners and come in a variety of mint, fruit, beverage, and confectionary flavours – for example, peppermint, watermelon, coffee, and bubble gum. Data from independent testing of nicotine pouches suggests they contain hazardous substances, including substances classified as ‘possibly carcinogenic’ by the International Agency for Research on Cancer. Nicotine pouches pose a significant health risk in terms of creating and maintaining nicotine dependence, accidental misuse, and cardiovascular problems. Nicotine use by children and young adults can also exacerbate mental health concerns such as anxiety and depression. The proposal to amend the State Penalties Enforcement Regulation to prescribe offences in the Act as new penalty infringement notice offences and to increase the penalty for offences in the Act already prescribed as penalty infringement notice offences relates to general criminal laws. The proposal to amend the Tobacco and Other Smoking Products Regulation to prescribe nicotine pouches as illicit nicotine products gives effect to existing policy as the supply and possession of these items without a prescription is already prohibited under the Medicines and Poisons legislative framework. However, deficiencies within this framework mean that the existing policy cannot be properly enforced. Immediate action is required to strengthen the enforcement framework to implement the existing policy.
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	The proposal to remove 41 George Street, Brisbane, from the list of smoke-free government precincts is machinery in nature and has no regulatory impact. Queensland Health has identified that no further regulatory impact analysis is required under the <i>Queensland Government Better Regulation Policy</i>.
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*Refer to [The Queensland Government Better Regulation Policy](#) for regulatory proposals not requiring regulatory impact analysis (for example, public sector management, changes to existing criminal laws, taxation).

[Signed by David Rosengren]

[Signed by the Honourable Tim Nicholls MP]

Dr David Rosengren
Director-General, Queensland Health

Tim Nicholls MP
Minister for Health and Ambulance Services

Date: 10 March 2025

Date: 12 March 2025