

What you need to know about selling tobacco and e-cigarette products in Queensland.

This factsheet outlines the laws you must follow if you sell smoking products. The laws apply to tobacco, e-cigarettes and vaping devices, herbal cigarettes and loose blends, shisha and related products such as papers, filters, tips, pods, liquids and salts, flavours, cutters, mouthpieces, rolling machines and pipes.

For more information:

- visit www.health.qld.gov.au/public-health/topics/atod/smoking-laws/retail
- call 13 QGOV (13 74 68)
- review the Laws for retailing smoking products: Requirements for retailers guide, the *Tobacco and Other Smoking Products Act 1998* and the Tobacco and Other Smoking Products Regulation 2021.



For more information in your language call 13 74 68 and ask for an interpreter.

There are some key things you must do if you sell smoking products

Before selling smoking products you must ensure that:

- you have a licence and display a copy of it where you sell smoking products
- employees who are under 18 do not sell or handle smoking products
- you and your employees do not sell smoking products to people under 18
- you do not display, advertise or promote smoking products
- you meet requirements about where you sell and how you store smoking products
- you do not sell any banned products
- you keep copies of the invoices for the purchase of your smoking product stock for two years.

You must have a licence to sell smoking products **NEW**

By 1 September 2024 you will need to get a licence to sell smoking products and display a copy of the licence at your shop. You will need to make sure your business is ready for this change. Check the Queensland Health website for information about the application and approval process and timeframes.

Employees who are under 18 cannot sell or handle smoking products **NEW**

From 1 September 2024 you must ensure child employees do not sell or handle smoking products as part of their job. If your business has less than 20 employees, you have until 1 September 2025 to meet this requirement.

Smoking products must not be sold to people under 18

You must ensure that you and your employees do not sell smoking products to people under 18.

You must display one sign at your point of sale or on/near your tobacco product vending machine stating that it is an offence to supply smoking products to people under 18 (mandatory sign).

You must provide training to your employees, including:

- instructing them not to sell smoking products to children and to sight acceptable evidence of age
- warning them that if they sell smoking products to children they may be fined
- recording acknowledgement of this training from each staff member.

From 1 September 2024 you will also need to instruct employees to only supply smoking products as authorised under your licence and if the employee is a child—not to supply smoking products. If your business has less than 20 employees, you have until 1 September 2025 to meet the new training requirement for child employees. **NEW**

You can order the mandatory sign and employee training acknowledgment forms for free by calling 13 QGOV (13 74 68).

Smoking products must not be displayed, advertised or promoted

There are limited ways you can let customers know about the smoking products you sell.

You can:

- have one mandatory sign and one permitted sign ('smoking products sold here') at your point of sale
- use uniform price tickets that meet requirements about location, size, form, colour and the type of information that can be included on the price ticket
- use one registered business name that includes a reference to smoking products
- display a maximum of three hookahs (this includes parts, packaging or images of a hookah).

You cannot:

- advertise smoking products
- have smoking products on display
- use competitions, giveaways or other incentives to promote smoking products
- use business names that include anything about the price of smoking products
- display images and videos that promote consumption, use or are associated with a smoking product
- use any other words or signage at your shop that suggest you sell smoking products.

Smoking products can only be sold from certain places and must be stored in certain ways

You can only sell smoking products from one point of sale e.g. one counter.

You must keep smoking products in a way that your customers cannot see or access them, e.g. in a cupboard on your side of the counter.

You cannot sell smoking products from a temporary store e.g. a market stall or a vehicle.

Currently you can have a tobacco product vending machine only at liquor licensed premises within bar and gaming machine areas or in casinos. From 1 September 2024, liquor licensed premises can only sell tobacco products from one service counter and a tobacco product vending machine must be located in a staff only area (e.g. behind the bar). **NEW**

A number of products are banned and cannot be sold

You cannot sell:

- cigarettes, herbal cigarettes, loose tobacco and loose smoking blend that are not in a package and do not meet minimum quantity requirements
- smokeless tobacco such as snus, snuff or chewing tobacco
- ice pipes or bongs
- nicotine vaping products (unless on prescription and dispensed by a pharmacy¹)
- things that resemble tobacco products
- confectionary or fruit flavoured cigarettes
- smoking products that do not meet plain packaging and health warning requirements or other requirements prescribed by State regulation (illicit tobacco).

You cannot store or possess illicit tobacco at your premises.

If you have a tobacco product vending machine you cannot sell e-cigarettes or related products, herbal cigarettes or loose smoking blend from the machine.

You must keep a copy of your invoices for at least two years **NEW**

You must keep a copy of the invoices for the purchase of your smoking product stock for at least two years.

This factsheet provides general information. You should seek independent legal advice to ensure you meet all the legislative requirements that may apply to your business.

Australian Government laws, about tobacco advertising and tobacco packaging may also apply to your business. This information is not outlined in this factsheet but is available at <https://www.health.gov.au/topics/smoking-and-tobacco/about-smoking-and-tobacco/smoking-and-tobacco-laws-in-australia>

1. This is regulated by the Medicines and Poisons Act 2019

