



TASMANIA

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**PUBLIC HEALTH AMENDMENT (PROHIBITED  
TOBACCO AND OTHER PRODUCTS) ACT 2026**

**No. 10 of 2026**

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# **PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) ACT 2026**

**No. 10 of 2026**

**An Act to amend the *Public Health Act 1997***

**[Royal Assent 10 July 2026]**

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

## **1. Short title**

This Act may be cited as the *Public Health Amendment (Prohibited Tobacco and Other Products) Act 2026*.

## **2. Commencement**

This Act commences on a day to be proclaimed.

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**3. Principal Act**

In this Act, the *Public Health Act 1997\** is referred to as the Principal Act.

**4. Section 3 amended (Interpretation)**

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *electronic dispensing unit* and substituting the following definition:

***electronic dispensing unit*** means a machine that is designed to dispense smoking products and to be operated by means of an electronic keypad, whether or not, at a given time, the machine is in working order;

- (b) by omitting the definition of *vending machine* and substituting the following definition:

***vending machine*** means a machine, other than an electronic dispensing unit, that is designed to dispense smoking products, whether or not, at a given time, the machine is in working order;

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\*No. 86 of 1997

**5. Section 30A substituted**

Section 30A of the Principal Act is repealed and the following section is substituted:

**30A. Powers of nominated officers**

A nominated officer has the following powers:

- (a) the powers of an authorised officer specified in section 36, as if the nominated officer were an authorised officer;
- (b) such other powers of an authorised officer, specified in Division 5 of Part 2, as are authorised by the Director, as if the nominated officer were an authorised officer.

**6. Section 64 amended (Sale to children)**

Section 64 of the Principal Act is amended as follows:

- (a) by omitting the penalty from subsection (1) and substituting the following penalty:

Penalty: Fine not exceeding –

- (a) for a first offence, 200 penalty units; and

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(b) for a second offence, 400 penalty units; and

(c) for a third and subsequent offence, 800 penalty units.

(b) by omitting the penalty from subsection (2) and substituting the following penalty:

Penalty: Fine not exceeding –

(a) for a first offence, 200 penalty units; and

(b) for a second offence, 400 penalty units; and

(c) for a third and subsequent offence, 800 penalty units.

(c) by omitting the penalty from subsection (3) and substituting the following penalty:

Penalty: Fine not exceeding –

(a) for a first offence, 200 penalty units; and

(b) for a second offence, 400 penalty units; and

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- (c) for a third and subsequent offence, 800 penalty units.

**7. Part 4, Division 2: Heading amended**

Division 2 of Part 4 of the Principal Act is amended by omitting “*Display, advertising, packaging, &c.*” from the heading to that Division and substituting “*Display, sale, advertising, packaging, &c.*”.

**8. Section 69B inserted**

After section 69A of the Principal Act, the following section is inserted in Division 2:

**69B. Sale of smoking product by vending machine prohibited**

- (1) A person must not sell smoking products by means of a vending machine.

Penalty: Fine not exceeding 250 penalty units.

- (2) A person must not cause or allow a vending machine to be located in premises owned or operated by the person.

Penalty: Fine not exceeding 50 penalty units.

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**9. Section 70A inserted**

After section 70 of the Principal Act, the following section is inserted in Division 2:

**70A. Display of smoking paraphernalia prohibited**

(1) In this section –

*inhalable substance* includes –

- (a) a smoking product; and
- (b) a controlled drug, and a controlled plant, within the meaning of the *Misuse of Drugs Act 2001*; and
- (c) a herb, or other chemical or plant matter, that is intended for smoking;

*smoking paraphernalia* includes a utensil, appliance, device and other thing, including, but not limited to, a hookah and a bong, that is –

- (a) designed or used, or intended to be used, in connection with the preparation, smoking, inhalation, administration or taking of an inhalable substance; or

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(b) intended, after some adjustment, addition or other modification, to be used in connection with the preparation, smoking, inhalation, administration or taking of an inhalable substance; or

(c) a utensil, appliance or other thing that, if possessed by a person, would constitute an offence under section 23 of the *Misuse of Drugs Act 2001*.

(2) A person must not display smoking paraphernalia, in retail premises or outside those premises, so that it can be seen in or from a public place.

Penalty: Fine not exceeding 100 penalty units.

**10. Section 71 amended (Restrictions on holding smoking products, &c., in specialist tobacconist premises and general retail premises)**

Section 71 of the Principal Act is amended as follows:

(a) by omitting subsections (5), (6) and (7);

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- (b) by omitting the definition of *electronic dispensing unit* from subsection (10);
- (c) by omitting “access;” from paragraph (b) of the definition of *service area* in subsection (10) and substituting “access.”;
- (d) by omitting the definition of *vending machine* from subsection (10).

**11. Section 73 amended (Packaging of smoking products)**

Section 73 of the Principal Act is amended by omitting the penalty and substituting the following penalty:

Penalty: In the case of –

- (a) a body corporate –
  - (i) for a first offence, a fine not exceeding 400 penalty units; and
  - (ii) for a second offence, a fine not exceeding 800 penalty units; and
  - (iii) for a third and subsequent offence, a fine not exceeding 16 000 penalty units; or
- (b) a natural person –

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- (i) for a first offence, a fine not exceeding 200 penalty units; and
- (ii) for a second offence, a fine not exceeding 400 penalty units; and
- (iii) for a third and subsequent offence, a fine not exceeding 800 penalty units.

**12. Section 74A amended (Licence to sell smoking products)**

Section 74A(1) of the Principal Act is amended by omitting the penalty and substituting the following penalty:

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 400 penalty units for a first offence and 1 600 penalty units for a subsequent offence; or
- (b) a natural person, a fine not exceeding 200 penalty units for a first offence and 800 penalty units for a subsequent offence.

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**13. Section 74J amended (Register of smoking product licences)**

Section 74J of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) The register, other than the addresses of holders of smoking product licences, is to be made freely available by publishing the register on a website maintained by, or on behalf of, the Department.

**14. Part 4, Divisions 3A and 3B inserted**

After section 74LA of the Principal Act, the following Divisions are inserted in Part 4:

***Division 3A – Prohibited tobacco and other products***

**74LB. Interpretation**

In this Division –

***prohibited nicotine product*** includes products that contain nicotine –

(a) if –

- (i) the product encloses the nicotine in packaging or is packaging that is coated, or

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otherwise treated,  
with nicotine; and

(ii) all, or part, of the  
packaging is  
designed to be  
placed in the  
mouth and the  
packaging is not  
designed to be  
ingested; and

(iii) the nicotine is  
designed to be  
absorbed, via the  
membranes in the  
mouth, from or  
through the  
packaging; and

(iv) the product has  
not been obtained  
and administered  
in accordance with  
the *Poisons Act  
1971*; or

(b) that are prescribed as  
prohibited nicotine  
products;

***prohibited personal vaporiser product***  
includes personal vaporiser  
products that –

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- (a) are prohibited goods within the meaning of the *Customs Act 1901* of the Commonwealth; or
- (b) are excisable goods, within the meaning of the *Excise Act 1901* of the Commonwealth, if duty is due and owing in respect of the products; or
- (c) are prescribed as prohibited personal vaporiser products;

***prohibited smoking product***  
includes –

- (a) prohibited tobacco products; and
- (b) prohibited personal vaporiser products; and
- (c) prohibited nicotine products; and
- (d) other products and items that are prescribed as prohibited smoking products;

***prohibited tobacco product*** includes tobacco products that –

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- (a) fail to comply with the *Public Health (Tobacco and Other Products) Act 2023* of the Commonwealth; or
- (b) are prohibited goods within the meaning of the *Customs Act 1901* of the Commonwealth; or
- (c) are excisable goods, within the meaning of the *Excise Act 1901* of the Commonwealth, if duty is due and owing in respect of the products; or
- (d) are prescribed as prohibited tobacco products.

**74LC. Non-application of Division**

For the avoidance of doubt, this Division does not apply to smoking products if those products –

- (a) are in the possession of a person who –
  - (i) is authorised under the *Poisons Act 1971* to possess or supply the products; or

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- (ii) has been supplied lawfully with the products under the *Poisons Act 1971*; or
- (b) are in the possession of a person who –
  - (i) is authorised under a law of the Commonwealth or a State or Territory to possess or supply the products; or
  - (ii) has been supplied lawfully with the products under a law of the Commonwealth or a State or Territory; or
- (c) have been seized, forfeited, retained, confiscated or otherwise withheld lawfully by the State or the Commonwealth; or
- (d) are prescribed as products to which this Division does not apply.

**74LD. Persons must not sell or supply prohibited smoking products**

- (1) A person must not, without lawful excuse, possess a prohibited smoking

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product that the person intends to supply to another person.

Penalty: In the case of –

(a) a body corporate –

- (i) for a first offence, a fine not exceeding 400 penalty units; and
- (ii) for a second offence, a fine not exceeding 800 penalty units; and
- (iii) for a third and subsequent offence, a fine not exceeding 16 000 penalty units; or

(b) a natural person –

- (i) for a first offence, a fine not exceeding 200 penalty units; and
- (ii) for a second offence, a fine not exceeding 400 penalty units; and

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- (iii) for a third and subsequent offence, a fine not exceeding 800 penalty units.
- (2) A person must not, without lawful excuse –
  - (a) sell or supply a prohibited smoking product; or
  - (b) offer to supply a prohibited smoking product.

Penalty: In the case of –

- (a) a body corporate –
  - (i) for a first offence, a fine not exceeding 400 penalty units; and
  - (ii) for a second offence, a fine not exceeding 800 penalty units; and
  - (iii) for a third and subsequent offence, a fine not exceeding 16 000 penalty units; or
- (b) a natural person –

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- (i) for a first offence,  
a fine not  
exceeding 200  
penalty units; and
- (ii) for a second  
offence, a fine not  
exceeding 400  
penalty units; and
- (iii) for a third and  
subsequent  
offence, a fine not  
exceeding 800  
penalty units.

**74LE. Person must not advertise or display  
prohibited smoking products**

- (1) A person must not, without lawful  
excuse, offer to sell –
  - (a) a prohibited smoking product; or
  - (b) a product that purports to be a  
prohibited smoking product.

Penalty: In the case of –

- (a) a body corporate –
  - (i) for a first offence,  
a fine not  
exceeding 400  
penalty units; and

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- (ii) for a second offence, a fine not exceeding 800 penalty units; and
  - (iii) for a third and subsequent offence, a fine not exceeding 16 000 penalty units; or
- (b) a natural person –
  - (i) for a first offence, a fine not exceeding 200 penalty units; and
  - (ii) for a second offence, a fine not exceeding 400 penalty units; and
  - (iii) for a third and subsequent offence, a fine not exceeding 800 penalty units.
- (2) For the avoidance of doubt, subsection (1) applies to an offer to sell, regardless of whether –
  - (a) the offer is made in person or by electronic means including, but not limited to, telephone, email,

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online, on a website or other  
means; or

(b) the offer is expressed or implied.

(3) A person must not display a prohibited  
smoking product, or a product that  
purports to be a prohibited smoking  
product, in retail premises.

Penalty: In the case of –

(a) a body corporate –

(i) for a first offence,  
a fine not  
exceeding 400  
penalty units; and

(ii) for a second  
offence, a fine not  
exceeding 800  
penalty units; and

(iii) for a third and  
subsequent  
offence, a fine not  
exceeding 16 000  
penalty units; or

(b) a natural person –

(i) for a first offence,  
a fine not  
exceeding 200  
penalty units; and

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- (ii) for a second offence, a fine not exceeding 400 penalty units; and
- (iii) for a third and subsequent offence, a fine not exceeding 800 penalty units.

***Division 3B – Closure of certain premises***

**74LF. Interpretation**

In this Division –

***closed premises*** means premises in respect of which a premises closure order is in effect;

***premises closure order*** includes –

- (a) a short-term premises closure order; and
- (b) an order of the Appeal Tribunal made under section 74LH(3);

***prohibited smoking product*** has the same meaning as in Division 3A;

***Secretary*** means Secretary of the Department;

***short-term premises closure order***  
means an order made under  
section 74LG(1).

**74LG. Short-term premises closure order**

- (1) The Secretary may order that premises specified in the order be closed if the Secretary reasonably suspects that –
  - (a) smoking products are being, or are likely to be, sold at the premises otherwise than in accordance with this Act; or
  - (b) prohibited smoking products are being, or are likely to be, sold at the premises.
- (2) An order under subsection (1) –
  - (a) is to –
    - (i) be in writing; and
    - (ii) state the premises to which it relates; and
    - (iii) specify the day on which the order takes effect; and
  - (b) may be subject to such conditions as the Secretary considers reasonable in the circumstances; and

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- (c) may be made, whether or not a short-term premises closure order is in effect, or has recently been in effect, in respect of the premises.
- (3) Despite subsection (2)(c), no more than 2 short-term premises closure orders may be made in respect of the same premises in a single calendar year.
- (4) Before a short-term premises closure order takes effect in respect of premises, a copy of the order must be –
  - (a) given to the owner, or occupier, of the premises; or
  - (b) affixed to a conspicuous part of the premises.
- (5) A short-term premises closure order has effect for a period of 90 days commencing from the day specified in the order as the day on which the order takes effect, unless sooner cancelled by the Secretary.
- (6) Section 165 does not apply to a decision of the Secretary to make or revoke a short-term premises closure order.

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**74LH. Appeal Tribunal may order closure of premises**

- (1) The Minister may apply to the Appeal Tribunal for an order to be made to close premises specified in the order.
- (2) For the avoidance of doubt, the operator of premises that are the subject of an application under subsection (1) is a party to any proceedings in respect of the application.
- (3) After considering an application under subsection (1) in respect of premises, the Appeal Tribunal may make an order to close the premises if the Appeal Tribunal is satisfied that –
  - (a) smoking products are being, or are likely to be, sold at the premises otherwise than in accordance with this Act; or
  - (b) prohibited smoking products are being, or are likely to be, sold at the premises.
- (4) An order of the Appeal Tribunal under subsection (3) in respect of premises –
  - (a) may order that the premises be closed for a period not exceeding 12 months; and

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- (b) may specify steps that may be taken for the order to be revoked; and
- (c) may be subject to such conditions as the Appeal Tribunal considers appropriate in the circumstances; and
- (d) may be made, whether or not a short-term premises closure order is in effect, or has been in effect, in respect of the premises.

**74LI. Offences relating to closed premises**

- (1) While a premises closure order is in effect in respect of premises, a person must not sell or supply prohibited smoking products at the premises.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 5 366 penalty units; or
  - (b) a natural person, a fine not exceeding 3 145 penalty units.
- (2) While a premises closure order is in effect in respect of premises, a person must not –

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- (a) sell or supply smoking products at the premises; or
- (b) carry on a business in relation to the sale or supply of smoking products at the premises.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 600 penalty units; or
  - (b) a natural person, a fine not exceeding 800 penalty units.
- (3) While a premises closure order is in effect in respect of premises, a person must not enter into, or remain on, those premises other than in accordance with the terms and conditions of the order.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 1 600 penalty units; or
  - (b) a natural person, a fine not exceeding 800 penalty units.
- (4) Subsection (3) does not apply to –
- (a) an authorised officer or a nominated officer performing a

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function, or exercising a power,  
under this Act; or

- (b) a police officer performing a function, or exercising a power, under any Act; or
- (c) a person authorised by the State Fire Commissioner under the *Fire Service Act 1979*; or
- (d) a paramedic performing a function, or exercising a power, under any Act; or
- (e) a person who is a member of a class of persons prescribed for the purposes of this section.

**74LJ. Secretary to publish certain information**

- (1) If a premises closure order is made under this Division, the Secretary is to ensure that the following information in respect of it is made publicly available in a format determined by the Secretary:
  - (a) the type of order made;
  - (b) the name and address, and a description, of the premises in respect of which the order was made;
  - (c) the date on which the order was made;

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- (d) the period for which the order is in effect in respect of the premises;
  - (e) any other prescribed information;
  - (f) any other information that the Secretary considers relevant.
- (2) Information published under subsection (1) in respect of a premises closure order is to remain so published while the order is in effect.

**15. Section 154 amended (Offences against authorised officers)**

The penalty under section 154(1) of the Principal Act is amended by omitting “100 penalty units” and substituting “250 penalty units”.

**16. Repeal of Act**

This Act is repealed on the first anniversary of the day on which this Act commenced.

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*[Second reading presentation speech made in:–  
House of Assembly on 16 April 2026  
Legislative Council on 25 June 2026]*