

TASMANIA

---

**PUBLIC HEALTH (SMOKING PRODUCT  
LICENCE) AMENDMENT REGULATIONS 2026**

**STATUTORY RULES 2026, No. 10**

---

**CONTENTS**

1. Short title
2. Commencement
3. Principal Regulations
4. Regulation 4 substituted
  4. Conditions of smoking product licences for sale of personal vaporiser products
  5. Smoking product licence fees



## **PUBLIC HEALTH (SMOKING PRODUCT LICENCE) AMENDMENT REGULATIONS 2026**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Public Health Act 1997*.

Dated 2 March 2026.

B. BAKER  
Governor

By Her Excellency's Command,

BRIDGET ARCHER  
Minister for Health, Mental Health and Wellbeing

### **1. Short title**

These regulations may be cited as the *Public Health (Smoking Product Licence) Amendment Regulations 2026*.

### **2. Commencement**

These regulations take effect on the day on which their making is notified in the *Gazette*.

*Public Health (Smoking Product Licence) Amendment  
Regulations 2026  
Statutory Rules 2026, No. 10*

r. 3

---

**3. Principal Regulations**

In these regulations, the *Public Health (Smoking Product Licence) Regulations 2019\** are referred to as the Principal Regulations.

**4. Regulation 4 substituted**

Regulation 4 of the Principal Regulations is rescinded and the following regulations are substituted:

**4. Conditions of smoking product licences for sale of personal vaporiser products**

(1) For section 74C(4A) of the Act, the following conditions apply to all smoking product licences relating to personal vaporiser products:

(a) a person may only supply a personal vaporiser product that is a vaping substance to another person (the *patient*) in accordance with a prescription for the supply of the substance to the patient issued by either of the following in accordance with the *Poisons Act 1971* (a *valid prescription*):

(i) a medical practitioner;

---

\*S.R. 2019, No. 66

*Public Health (Smoking Product Licence) Amendment Regulations  
2026  
Statutory Rules 2026, No. 10*

r. 4

---

- (ii) an authorised health professional who is a nurse practitioner;
- (b) a person may only sell a personal vaporiser product other than a vaping substance to a patient if satisfied that the patient –
  - (i) has a valid prescription for the supply of a vaping substance to be used in connection with the personal vaporiser product; or
  - (ii) has in the last 12 months been supplied, in accordance with a valid prescription, a vaping substance to be used in connection with the personal vaporiser product;
- (c) a person must comply with the Act and the *Poisons Act 1971* in supplying a personal vaporiser product in accordance with a valid prescription;
- (d) a person may only, under the authority of the licence, dispose of a personal vaporiser product

*Public Health (Smoking Product Licence) Amendment  
Regulations 2026  
Statutory Rules 2026, No. 10*

r. 4

---

other than by supply with the prior approval of the Director;

- (e) the holder of the licence must keep any invoice for the sale of a personal vaporiser product for at least 2 years after the sale;
  - (f) the holder of the licence must provide any information or documentation held in respect of the licence and the personal vaporiser products in the possession of, or sold or otherwise disposed of by, the holder of the licence if requested to do so by a person appointed or authorised under –
    - (i) section 23 of the *Poisons Act 1971*; or
    - (ii) section 27 of the *Therapeutic Goods Act 2001*.
- (2) Unless a contrary intention appears, a term used in this regulation has the same meaning as in the *Poisons Act 1971*.
- (3) In this regulation –
- vaping substance** means a substance referred to in paragraph (c) of the definition of *personal vaporiser product* in section 3 of the Act,

whether or not that substance is a scheduled substance.

**5. Smoking product licence fees**

For sections 74B(3)(c) and 74F(2)(b) of the Act, the prescribed fee for an application for a smoking product licence, or the renewal of a smoking product licence, is –

- (a) if the application relates to a tobacco product – 717 fee units for each premises specified in the application; or
- (b) if the application relates to a personal vaporiser product – 0 fee units.

*Public Health (Smoking Product Licence) Amendment  
Regulations 2026  
Statutory Rules 2026, No. 10*

---

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 11 March 2026.

These regulations are administered in the Department of Health.

**EXPLANATORY NOTE**

*(This note is not part of the regulations)*

These regulations amend the *Public Health (Smoking Product Licence) Regulations 2019* by –

- (a) removing the application fee for a smoking product licence, or the renewal of a smoking product licence, relating to personal vaporiser products; and
- (b) prescribing conditions that apply to smoking product licences relating to personal vaporiser products.