



Vaping reforms: Information for retailers

August 2024

Vapes cannot be supplied in retail settings

The *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024* (the Act) commenced on 1 July 2024. The new legislation introduces a single framework that regulates the importation, domestic manufacture, supply, commercial possession and advertising of all vapes.

Vapes include vaping substances, devices and accessories, regardless of nicotine content.

As of 1 July 2024:

- non-pharmacy retailers, such as tobacconists, vape shops or convenience stores, are not permitted to sell any vapes, including existing stock, or to fulfill orders placed before 1 July 2024
- pharmacies may only sell vapes notified to the TGA as being compliant with product standards and included on the list of 'notified vapes' on the TGA's website.

Note: cannabis vapes are subject to separate strict regulations.

Possessing vapes for commercial purposes is unlawful

Since the Australian Government first announced its intention to regulate the supply of vapes on 2 May 2023, non-pharmacy retailers have been encouraged to run down their stocks.

Subject to limited exceptions, restrictions prohibit:

- any person possessing a 'commercial quantity' of vapes (currently defined as at or above 14 vaping devices, 90 vaping accessories or 600mL of liquid vaping substance), or
- a non-pharmacy retailer possessing any vapes on retail premises.

The exceptions include if you are the holder of a licence, consent or other authority from a state or territory government, or the Therapeutic Goods Administration (TGA).

The reforms also prohibit the advertising or promotion of vaping goods in Australia, except where permitted by the [Therapeutic Goods \(Vaping Goods—Advertising\) Authorisation 2024](#).

Business surrender scheme

A Business Surrender Scheme for vapes allows businesses to surrender specified quantities of vaping goods that were lawful prior to 1 July 2024 but that are no longer lawful.

The scheme is available to businesses possessing more than 280 vaping devices or 1,800 vaping accessories, or 12,000 mL of vaping substance. Businesses that wish to participate must notify the TGA before **1 September 2024** by email to vapereturn@health.gov.au. The scheme is available to pharmacy and non-pharmacy retailers, wholesalers, manufacturers, importers, exporters, transport or storage providers.

The TGA will work with businesses to arrange surrender of the goods. Businesses will be required to store any vaping goods in a secure location until further advice is provided by the TGA.

Further information is available in the [Possession and supply of vaping goods in Australia](#) guidance on the TGA's vaping hub.

New offences and civil penalties

There are new offences and civil penalties for people and businesses that do not comply. This includes penalties for unlawful importation, domestic manufacture, supply, commercial possession and advertisement.

Enforcement action may include seizure and forfeiture of the goods, infringement notices, and/or court proceedings. The maximum penalties that will apply are up to 7 years in jail per offence and/or up to \$2.191 million per contravention for an individual and \$21.91 million per contravention for a corporation.

More information is available at www.tga.gov.au/vaping-hub