

Certified specialist e-cigarette retailing premises guide

June 2017

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Overview of the new laws

What are e-cigarettes?

E-cigarettes (also known as electronic cigarettes) are devices for heating and vapourising liquids that may or may not contain nicotine and/or flavouring agents. The vapour is then inhaled, simulating the act of smoking.

Under the *Tobacco Act 1987* (Tobacco Act) an 'e-cigarette' means:

- a device (other than a device that is prescribed to be not an e-cigarette for the purposes of the Tobacco Act) that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product
- any other device prescribed by the regulations.

An 'e-cigarette accessory' means:

- a cartridge, capsule or other container designed to contain a liquid, aerosol, gas, vapour or other substance for use in an e-cigarette
- a heating element designed for use in an e-cigarette
- any other component of an e-cigarette prescribed by regulations.

An 'e-cigarette product' means an e-cigarette or e-cigarette accessory.

What are the new laws?

From 1 August 2017, it will be illegal for e-cigarette products to be:

- sold to a minor
- displayed at the point of sale (a limited display will be permitted at certified specialist e-cigarette retailing premises, certified specialist tobacconists and on-airport duty free shops)
- advertised or promoted, both at the point of sale and outside the retail environment (retailers will be permitted to use one prescribed price board and a sign as to the availability of e-cigarette products for sale)
- sold from a temporary retailing premises or vending machine
- used in areas where smoking is banned.

Additionally, the Secretary of the Department of Health and Human Services (the Department) or delegate will have the power to recommend that the Minister for Health make a ban order in relation to:

- products that are not e-cigarette products but that resemble e-cigarette products
- e-cigarette products with packaging that may appeal to children or young people (for example packaging that displays cartoons).

In recognition of the very small number of businesses that specialise in the sale of e-cigarette products, there will be a certification scheme for specialist e-cigarette retailing premises. Certification will exempt these retailers from the e-cigarette product display ban.

Certification of specialist e-cigarette retailing premises

What is a certified specialist e-cigarette retailing premises?

A certified specialist e-cigarette retailing premises must:

- currently be carrying on an e-cigarette retailing business at the premises;
- have been carrying on an e-cigarette business at the premises on and from 1 September 2016;
- predominantly sell e-cigarette products, in the sense that the e-cigarette retailing business:
 - has derived 80 per cent or more gross turnover from the sale of e-cigarette products at the individual premises subject to the application in the 12 months immediately preceding the application (or since the commencement of trading if that is less than 12 months prior) and
 - once an application has been granted, continue to derive 80 per cent or more gross turnover from the sale of e-cigarette products in any 12 month period at the individual certified premises;
- be carried on at premises which is separated from other retail premises by a wall and any doorway or entrance or exit from the premises does not open directly into any other retail premises;
- comply with the Victorian Tobacco Act, Commonwealth *Therapeutic Goods Act 1989*, Victorian *Drugs, Poisons and Controlled Substances Act 1981* and Drugs, Poisons and Controlled Substances Regulations 2017;
- not sell products or services for children or adolescents;
- not sell dairy products, bread and bakery products, breakfast cereals or food or beverages other than low-risk, shelf stable foods and beverages;
- clearly identify itself as a specialist e-cigarette retailing premises through the use of external branding containing the words: e-cigarette and/or electronic cigarette and/or vape and/or vaping or similar words and symbols;
- not identify itself as a newsagent through external or internal branding and only sells local, state, and national/daily/weekly newspapers and e-cigarette related publications;
- only display a maximum of four square metres (4m²) of e-cigarette and e-cigarette accessory products;
- only display one of each 'product line' of each e-cigarette and e-cigarette accessory product;
- use price boards and price tickets as prescribed in the Tobacco Regulations 2017 (Tobacco Regulations);
- display a maximum of one "We Sell E-cigarettes Products Here" sign, as prescribed in the Tobacco Regulations;
- once certified, display the certificate of certification as a specialist e-cigarette retailing premises at all times in the relevant premises; and

once certified, certificate holders must advise the Secretary or their delegates if they cease trading, relocate their business to another premises or fail to meet any of the other ongoing requirements on certified specialist e-cigarette retailing premises.

How do I become a certified specialist e-cigarette retailing premises?

If you were operating an e-cigarette retailing premise on and from 1 September 2016 you must apply using the application form for specialist e-cigarette retailing premises certification to be exempt from the ban on the display of e-cigarette products.

Call the Tobacco Information Line on 1300 136 775 to ask for a copy, or download it from the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>

If your retailing premises does not receive certification, you will be notified by mail. If your retailing premises does receive certification, you will be notified by mail and you will receive a certificate, which must be displayed in a conspicuous place in your retailing premises.

But I'm already a specialist e-cigarette retailing premises. Do I still need to apply?

Yes. It does not matter if you already think you are a specialist e-cigarette retailing premises.

You still need to apply and receive **certification** to be exempt from the e-cigarette product display ban.

I am already certified as a specialist tobacconist. Do I still need to apply?

As a certified specialist tobacconist, you will not meet the criteria for certification as a specialist e-cigarette retailing premises.

Existing certified specialist tobacconists (and on-airport duty free) will be permitted to have a limited display of e-cigarette products.

For further information, see *E-cigarette reforms: supplement to the Specialist Tobacconist Guide about reforms commencing 1 August 2017*, on the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>

Am I guaranteed to get certification?

No. The Secretary or their delegate may refuse to certify a retailing premises as a specialist e-cigarette retailing premises if it does not meet the criteria detailed in this guide and the application form.

The Secretary or their delegate may also refuse to certify a retailing premises as a specialist e-cigarette retailer if the applicant does not comply with any requirement of the Tobacco Act.

What if my application for certification is refused?

You must comply with the ban on the display of e-cigarette products.

If your application is refused, you will have the opportunity to make a written submission to the Secretary or their delegate.

If you decide to make a written submission to the Secretary or their delegate and your application is still refused, you must comply with the ban on the display of e-cigarette products, just as other retailers who do not have certification as specialist e-cigarette retailers.

For information on how to comply with the ban on display of e-cigarette products, see *E-cigarette reforms: supplement to the Specialist Tobacconist Guide about reforms commencing 1 August 2017*, on the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>

I want to start a new e-cigarette retailing premises. Can I apply to be certified?

No. Only e-cigarette retailers who were operating in their current premises on and from 1 September 2016 can apply for certification as a specialist e-cigarette retailer.

How long does certification last?

Certification is ongoing unless:

- the e-cigarette retailing business ceases or
- the e-cigarette retailing business moves to another premises or the original applicant is no longer carrying on the e-cigarette retailing business or
- the certification holder fails to meet any of the other ongoing requirements on certified specialist e-cigarette retailing premises.

Can certification be cancelled?

Yes. Specialist e-cigarette retailer certification can be cancelled if:

- the holder breaches the Victorian Tobacco Act, the Commonwealth *Therapeutic Goods Act 1989*, Victorian *Drugs, Poisons and Controlled Substances Act 1981* and the *Drugs, Poisons and Controlled Substances Regulations 2017*, or
- the retailing premises no longer satisfies the criteria for exemption (namely the e-cigarette retailing business ceases, the e-cigarette retailing business moves to another premises or the original applicant is no longer carrying on the e-cigarette retailing business), or
- the holder requests it.

Will my business's certification transfer if I sell the business to someone else?

No. Certification cannot be transferred to another person.

Can the location of a certified specialist e-cigarette retailing premises change?

No. Certification cannot be transferred to another location.

What does it mean to be a certified e-cigarette retailing premises?

Certified specialist e-cigarette retailing premises are exempt from the ban on the display of e-cigarette products.

It is important to remember that an exemption does not mean that certified specialist e-cigarette retailer can display e-cigarette products however they want.

Certified specialist e-cigarette retailers must display e-cigarette products in accordance with the guidelines.

Can I sell tobacco products?

Yes, as long as you meet the criteria that your predominant activity is the sale of e-cigarette products, you may sell tobacco products in your premises.

However, tobacco products cannot be displayed at your retailing premises.

Advertising and display laws for certified specialist e-cigarette retailing premises

Can I have more than one display area?

No. You can only have one (1) display area of e-cigarette products within your retailing premises. This area can be a maximum of four metres squared. Any further e-cigarette products in your store must be blocked from view.

Can I have more than one point of sale?

Yes. You can sell e-cigarette products from more than one point of sale in your retailing premises.

What e-cigarette products can be displayed?

You can display both pre-filled and empty e-cigarettes, and e-cigarette accessories including containers containing e-liquids and individual components of an e-cigarette device such as a heating elements and atomisers.

What must my e-cigarette product display look like?

As a certified specialist e-cigarette retailing premises, you are allowed to have a limited display of e-cigarette products in your retailing premises. You may only display one product line of each e-cigarette or e-cigarette accessory product.

Under the Tobacco Act, a 'product line' is an e-cigarette or e-cigarette accessory that differs from other products on the basis of brand name and flavour, but not by other variants such as the size of the package or the colour of the device.

Different colours or designs of the same e-cigarette device or different-sized packages of the same product are not treated as different product lines.

Further information including examples of displays, is available on the next pages.

Pre-filled e-cigarette devices

- Brands available in different flavours: one device of each flavour may be displayed of that brand
- Brands available in one flavour: one device may be displayed of that brand

Empty e-cigarettes devices

- Brands available with different features such as colour or wattage: one device may be displayed of that brand



Figure 1: Example of compliant and non-compliant display of e-cigarette device product lines

Note: The right-hand side of this diagram show the same e-cigarette device in different colours.

E-cigarette products such as bottles or cartridges of e-liquid

- Brands available in different flavours: one cartridge or bottle of each flavour may be displayed
- Different sizes of the same flavoured accessory may not be displayed



Figure 2: Example of compliant and non-compliant display of e-liquid product lines

Note: The right-hand side of this diagram shows the same flavour of e-liquid in different sizes.

How big can my e-cigarette display be?

Your e-cigarette products must be displayed in a maximum area of four square metres.

If you cannot display your full product range in four square metres (4m²), you must block extra products from view. You can do this by obscuring them with price tickets or storing them out of view in opaque cupboards.

You can use price tickets and price boards to inform customers about the blocked products.



Figure 3: Example of a compliant display of e-cigarette products

How do I measure the display area?

Measure the display area from the outer edge of the first e-cigarette product on display to the outer edge of the e-cigarette product that is furthest from the first product.

All space in this area is considered to be the display area regardless of whether all products are on display, or are covered by price tickets.

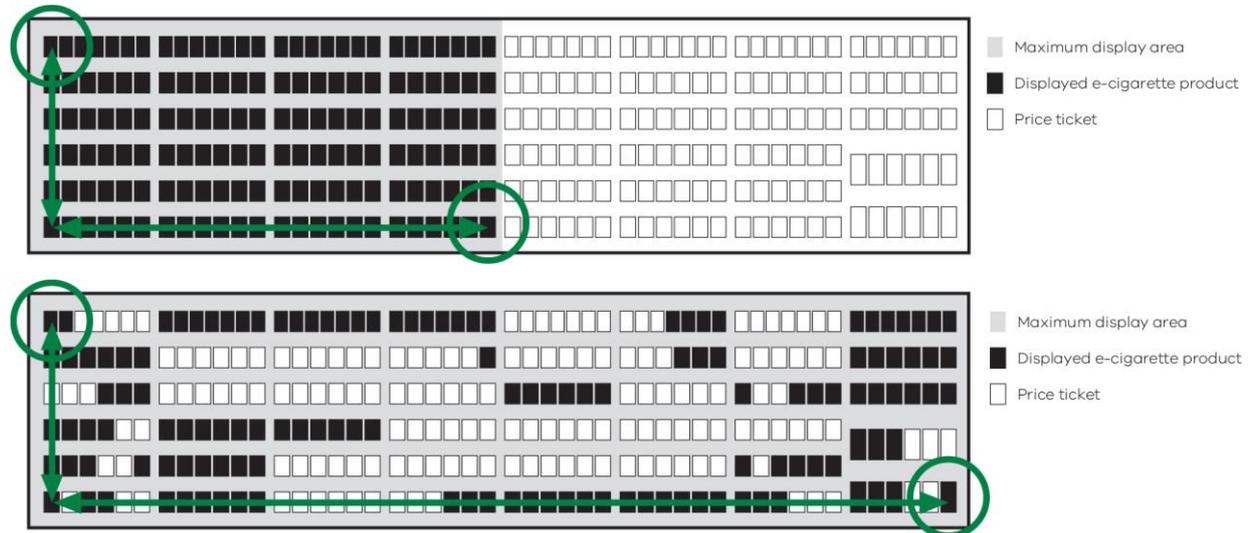


Figure 4: Example of how to measure the display area

What are price boards and how can I use them?

You can use a price board to list the price and details of the e-cigarette products you sell.

You may wish to use a price board for products that you cannot display, like cartons or products that do not fit within your maximum display area.

You may have one price board at each point of sale.

A price board must:

- be no bigger than 1.5 metres by 1.5 metres
- have letters and numbers no bigger than 2.1 centimetres high by 1.5 centimetres wide
- have letters and numbers printed in the same font, font size and font style
- be printed on one side only in either black and white or up to four colours, none of which is fluorescent
- not make information about one product more noticeable than another
- not make information more noticeable than other tickets or labels in your shop
- not highlight price information with artificial lighting greater than that used throughout your shop.

A price board about e-cigarette products can list:

- brand of e-cigarette products available for sale
- product flavours
- pack numbers
- product prices, but not discount price information or any other information indicating an e-cigarette product has been discounted
- volume of the liquid or other substance contained in a cartridge, capsule or other container for use in an e-cigarette
- ingredients of the liquid or other substance contained in a cartridge, capsule or other container for use in an e-cigarette
- wattage of the e-cigarette product.

An example of the price board for e-cigarette products is in Figure 5.

Brand	Type	Size	Price
Brand A	E-liquid – Tobacco, Banana, Mint, Caramel	10 ml	\$10
Brand A	E-liquid – Menthol, Vanilla, Apple, Blueberry	30 ml	\$25
Brand B	E-cigarette pen		\$30
Brand B	Mod	100 W	\$60
Brand C	Mod	2–6 V	\$60
Brand C	E-cigarette starter pack	900 mAh	\$70

Figure 5: Example of a compliant e-cigarette product price board

What are price tickets and how can I use them?

Price tickets can be used on, or next to, e-cigarette products to show customers the price and other information about the products.

Price tickets must:

- be no bigger than the biggest package of tobacco products on display
- have lettering no bigger than 2.1 centimetres high and 1 centimetre wide
- be black and white, or up to four colours, none of which is fluorescent
- not make information more noticeable than other tickets or labels in your shop
- not make the information form an image or visual effect
- not highlight information with artificial lighting greater than that used throughout your shop.

Price tickets about e-cigarette products can list any of the following information:

- name of the product line
- strength of the product line
- flavour and number of items contained in the product line
- average weekly sales
- identifying information related to the product line
- barcode or similar identifying code of the product line
- country or origin of the product line, including any symbol representing the country of origin
- product prices
- volume of the liquid or other substance contained in a cartridge, capsule or other container for use in an e-cigarette
- ingredients of the liquid or other substance contained in a cartridge, capsule or other container for use in an e-cigarette
- wattage of the e-cigarette product.

Price tickets can be used to hide e-cigarette products that you are not permitted to display under the legislation.

For example, to comply with product line display restrictions, you cannot display different volume bottles of the same brand and flavour. If you decided to display the 30-millilitre bottle, you could use price tickets to hide all the other bottles in the same product line.



Figure 6: Example of a compliant e-cigarette product price ticket

Can I include information about the tobacco products that I sell on my price board?

No. You may only list e-cigarette products available for sale on your price board.

Can I advertise e-cigarette products?

No. You must not display any branded or unbranded e-cigarette advertising anywhere inside or outside your shop.

This includes the display of posters, sandwich boards, desk pads, flags, stickers and back-lit e-cigarette advertising signs.

This does not include signage on your premises that states your registered trading name or the trademarked logo of your business,



Figure 7: Examples of prohibited e-cigarette advertising

Can I offer free or discounted products to customers with the purchase of e-cigarette products?

No. You must not offer or supply any free or discounted non e-cigarette products (such as carry cases or a cleaning brush) or other benefits (such as vouchers or credits) with the purchase of, or to promote the sale of, an e-cigarette product.

Also, you must not give a free or discounted e-cigarette product with the purchase of, or to promote the sale of, another e-cigarette product.

For example:

- giving a free spare coil with the purchase of an e-cigarette device
- providing a free sample of a new flavour of e-liquid with the purchase of an e-cigarette product.

This does not mean you cannot sell starter packs.

Can I offer my customers taste tests of products?

No. The Tobacco Act prohibits supply of free samples of e-cigarette products.

Can I show my customers how to use an e-cigarette?

Yes. You may demonstrate how a product works on a technical basis, but you may not use the e-cigarette product inside your premises. The Tobacco Act bans the use of e-cigarette products in enclosed workplaces.

Does certification as a specialist e-cigarette retailing premises mean that I can display tobacco products in my premises?

No. While you may sell tobacco products in your premises, you cannot have these products on display. All tobacco products must be covered or stored out of sight of customers.

Do I need a licence to sell e-cigarette products in Victoria?

No. You do not currently need a licence to sell e-cigarette products in Victoria, but you must comply with all laws concerning the sale of e-cigarette products at all times, as outlined in this guide.

Certified specialist e-cigarette retailing premises must display their certificate in a noticeable place in a way that is likely to attract attention.

Do people who sell e-cigarette products have to be above a certain age?

There is no age requirement for people who can sell e-cigarette products in Victoria.

Anyone who sells e-cigarette products must do so responsibly and comply with the law.

Everyone, no matter how old, must comply with laws banning the sale of e-cigarette products to people under 18.

Younger people sometimes find it hard to work out how old a person is and may not wish to ask someone for proof of age.

You may decide to have only adults sell e-cigarette products, or to require younger staff to check with an adult before selling e-cigarette products.

The manager is responsible for making sure that anyone they allow to sell e-cigarette products does so responsibly and complies with the law.

If someone in your retailing premises sells e-cigarette to a person under 18, you may be held responsible and fined.

What signs must I display if I sell e-cigarette products?

Certified specialist e-cigarette retailing premises must display their certificate in a noticeable place.

They may also display an A4 black and white notice advising that e-cigarette products are available for sale.



Figure 8: Example of a compliant 'We Sell E-cigarette Products Here' sign

This sign is produced by the Department and is available free of charge.

Call the Tobacco Information Line on 1300 136 775 to request the sign, or download one from the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>.

Please note: additional signage requirements apply if you also sell tobacco products in your premises.

What e-cigarette products am I not allowed to sell?

The Minister for Health can ban certain products that are designed to appeal to children and young people if:

- it is an e-cigarette product in packaging that appeals to children or young people, or
- it is a product that is not an e-cigarette product but resembles an e-cigarette product.

The sale of e-cigarette products containing nicotine is illegal in Victoria under the *Drugs, Poisons and Controlled Substances Act 1981*.

How do I know what products are banned from sale?

Ban orders are published in the *Victorian Government Gazette*.

Before a ban is implemented, the Minister for Health will notify known suppliers of products to be banned.

A list of banned products is available from the Tobacco Information Line on 1300 136 775 or from the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>

Laws banning e-cigarette product sales to people under 18

What are the laws about selling e-cigarette products to a person under 18?

Selling e-cigarette products to any person under 18 is illegal. This includes the sale of e-cigarette products from vending machines to a person under 18.

Who is responsible when e-cigarette products are sold to a person under 18?

The employee who sold the e-cigarette product is responsible.

The manager or employer of the employee (the primary offender) who sold the e-cigarette product may also be held responsible.

What happens if e-cigarette products are sold to a person under 18?

An individual (natural person) may receive an on-the-spot fine of four penalty units.

Penalty units are indexed annually by the Department of Treasury and Finance. The value of one penalty unit for 2017-2018 is \$158.57. Both the Department of Treasury and Finance and the Department of Justice and Regulation publish information about penalty unit amounts on their websites.

If found guilty of an offence in court, an individual may be fined up to 120 penalty units. A company (body corporate) may receive an on-the spot fine of 60 penalty units. If found guilty of an offence in court, a company may be fined as much as 600 penalty units.

Who should I ask for identification (ID)?

It is not always easy to tell how old a person is.

It is a good idea to ask for identification from any person who may be under 25.

What are acceptable forms of identification (ID)?

Only identification that provides photographic proof of age is acceptable. For example:

- a Victorian or interstate proof-of-age card
- a Victorian or interstate driver's licence
- an Australian or international passport
- a keypass
- a Victorian learner's permit.

I am a manager. What should I do to make sure I am not held responsible for employees selling e-cigarette products to a person under 18?

Managers are responsible for ensuring that anyone allowed to sell e-cigarette products does so responsibly and in accordance with the law.

You can be fined if an employee sells e-cigarette products to a person under 18.

You may be able to avoid a fine by training every employee every six months.

The training must cover each of these things:

- Employees must not sell e-cigarette products to persons under 18 for any reason.
- Employees must ask for and see identification (ID) before selling an e-cigarette product to a person who might be under 18.
- Employees who sell e-cigarette products to a person under 18 are committing an offence and may be fined.

Managers must have written confirmation from employees that they have received this training. See the 'Training acknowledgement' form at the back of this guide.

Offences and penalties

Table 1: Summary of offences and penalties¹

E-cigarette product offences under the Tobacco Act from 1 August 2017	Infringement penalty for a natural person	Infringement penalty for a body corporate	Maximum court penalty for a natural person	Maximum court penalty for a body corporate
Incorrect display of e-cigarette products (including display being too large, and more than one product of a product line being on display)	3 penalty units	30 penalty units	60 penalty units	300 penalty units
Display of e-cigarette product advertising within the retailing premises	-	-	60 penalty units	-
Display of e-cigarette product advertising outside the retailing premises	-	-	60 penalty units	-
Provision of free samples (including taste tests)	-	-	60 penalty units	300 penalty units
Provision of free or discount items in conjunction with the sale of an e-cigarette product	-	-	60 penalty units	300 penalty units
Specialist e-cigarette retailer does not display certificate as specified	1 penalty unit	5 penalty units	10 penalty units	50 penalty units
Person smoking in an enclosed workplace	1 penalty unit	-	5 penalty units	
Person in control of the enclosed workplace at the time that smoking occurs (the occupier)	2 penalty units	-	10 penalty units	50 penalty units
Manager/proprietor whose staff or agent sell e-cigarette products to a minor	4 penalty units	60 penalty units	120 penalty units	600 penalty units
Person who sells e-cigarette products to a minor	4 penalty units	60 penalty units	120 penalty units	600 penalty units

¹ Penalty units are indexed annually. The value of one penalty unit for 2017-2018 is \$158.57. Both the Department of Treasury and Finance and the Department of Justice and Regulation publish information about penalty unit amounts on their websites

Authorised officers

What is the role of authorised officers?

Environmental Health Officers at Victoria's local councils are authorised to enforce e-cigarette legislation.

They enforce the laws by:

- making education visits to e-cigarette retailers
- undertaking test purchases in retailing premises that sell e-cigarettes to determine compliance with laws preventing the sale of e-cigarette products to people under 18.

What powers do authorised officers have?

Authorised officers have the power to:

- inspect parts of the e-cigarette retailing premises that are open to the public
- request the name and address of anyone they believe may have committed an offence under the Tobacco Act
- inspect and measure e-cigarette displays located behind the counter
- direct the occupier to remove any e-cigarette advertisement placed or displayed in contravention of the Tobacco Act.

Authorised officers do not need written consent or a search warrant to inspect and measure the e-cigarette display, but they must show their identity card before going behind the counter.

What are my rights and obligations when being interviewed by an authorised officer?

By law, you must provide your full name and address to authorised officers.

You have the right to an interpreter.

You have the right to refuse to answer any questions asked by authorised officers at any stage in the interview.

However, the interview is an opportunity for you to explain the circumstances that led to the breach of the Tobacco Act.

Staff training checklist

Training should be completed every six months.

Once training has been completed, you should ask each member of staff to sign a 'Training acknowledgement' form like that on the next page.

Training must cover the following topics:

- Inform employees that it is illegal to sell e-cigarette products to a person under 18, under any circumstances, even if the e-cigarette products are for, or claimed to be for, a person over 18.
- Inform employees that they should sight an acceptable form of identification (photo ID) for a person before selling an e-cigarette product to the person.
- Inform employees of examples of acceptable forms of identification (photo ID):
 - a Victorian or interstate proof of age card
 - a Victorian or interstate driver's license
 - an Australian or foreign passport
 - a keypass
 - a Victorian learner's permit.
- Inform employees of the penalties for selling e-cigarettes to a person under 18.
- Warn employees if they sell e-cigarette products to a person under 18 in disregard of the instructions mentioned above, they are committing an offence against the Tobacco Act.

Training acknowledgement form

You should only sign this form once you understand the instructions in the staff training checklist and the warning set out below. If you have any questions about the instructions, ask your employer before signing this form. If you are unsure whether or not to sign this form, call the Tobacco Information Line on 1300 136 775.

Date

Name

I was instructed:

- not to sell e-cigarette products to a person under 18 in any circumstances, even if the e-cigarette products are for, or claimed to be for, a person over 18;
- to sight an acceptable form of identification (photo ID) for a person before selling e-cigarette products to the person; and
- I have been warned that, having received the above two instructions, if I disregard these instructions and sell e-cigarette products to a person under 18, I commit an offence under the *Tobacco Act 1987*.

Date

Signature

Manager/proprietor name and position

Date

Manager/proprietor signature

Further information

For further information about the laws relating to certification of specialist e-cigarette retailing premises, call the Tobacco Information Line on 1300 136 775.

Fact sheets and other information are also available from the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms)
<www.health.vic.gov.au/tobaccoreforms>

Definitions

Term	Meaning
e-cigarette	<ul style="list-style-type: none"> • A device (other than a device that is prescribed to be not an e-cigarette for the purposes of this Act) that is designed to generate or release an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product, or • Any other device prescribed by the regulations
e-cigarette accessory	<ul style="list-style-type: none"> • A cartridge, capsule or other container designed to contain a liquid, aerosol, gas, vapour or other substance for use in an e-cigarette, or • A heating element designed for use in an e-cigarette, or • Any other component of an e-cigarette prescribed by the regulations
e-cigarette company	<ul style="list-style-type: none"> • A public company (within the meaning of the Corporations Act) that is engaged in one or more of— <ul style="list-style-type: none"> • manufacturing e-cigarette products, • wholesaling e-cigarette products, or • A proprietary company (within the meaning of the Corporations Act) that is a subsidiary or related body corporate (within the meaning of that Act) of a company referred to in the point above.
e-cigarette product	An e-cigarette or e-cigarette accessory
e-cigarette retailing business	The business of selling e-cigarettes by retail, either alone or in conjunction with any other merchandise, and includes any such business carried on as part of, or in conjunction with, any other business
e-cigarette wholesaling business	The business of selling e-cigarette products for the purposes of resale, either alone or in conjunction with any other merchandise, and includes any such business carried on as part of, or in conjunction with, any other business
smoke	<ul style="list-style-type: none"> • Smoke, hold or otherwise have control over, an ignited or heated tobacco product • Use an e-cigarette to generate or release an aerosol or vapour
specialist e-cigarette retailing premises	An e-cigarette retailing premises that is certified by the Secretary of the Department as a specialist e-cigarette retailing premises under s. 15U of the Tobacco Act
specialist tobacconists	<p>A 'certified specialist tobacconist' is a retail business that:</p> <ul style="list-style-type: none"> ○ derived 80 per cent or more gross turnover from the sale of tobacco products in the 12 months immediately preceding the application ○ operates from a premises that is separated from any other retail premises by a wall

Term	Meaning
	<ul style="list-style-type: none"> ○ operates from a premises that does not open directly to another retail premises ○ does not sell products or services for children or adolescents ○ does not sell food or beverages other than low-risk, shelf-stable foods and beverages ○ clearly identifies itself as a specialist tobacconist through the use of external branding containing the words 'tobacco' and/or 'tobacconist' and/or 'cigarettes' ○ does not identify itself as a newsagent through external or internal branding and only sells local, state and national/daily/weekly newspapers ○ is certified by the Secretary of the Department of Health & Human Services