

**Question on Notice**  
**No. 128**  
**Asked on 5 March 2014**

MR STEVENS asked the Minister for Health (MR SPRINGBORG)-

QUESTION:

With reference to the introduction of electronic cigarettes, electronic vaping devices, or electronic nicotine delivery systems—

Does the current legislation capture the usage of such devices with nicotine or flavours and if so to what extent?

ANSWER:

I thank the Honourable Member for Mermaid Beach for his question.

Current legislation captures those products which use nicotine – commonly referred to as electronic nicotine delivery systems or ENDS.

Nicotine containing vials used in ENDS have not been evaluated for quality or safety by the Therapeutic Goods Administration, and at this time there are no approved products available in Australia.

In Queensland, nicotine, including the liquid nicotine vials used in ENDS, is considered a regulated poison under the Queensland *Health (Drugs and Poisons) Regulation 1996*. Therefore, it is an offence to manufacture, obtain, possess, prescribe, sell or use nicotine unless that person has an approval to do so. Approvals are the responsibility of the Department of Health. Any business selling e-cigarette cartridges containing nicotine is breaking both State and Commonwealth laws.

It is not illegal to sell or use e-cigarettes and cartridges which do not contain nicotine, however, under the Queensland *Tobacco Act 1998*, a person is not able to sell an object that resembles a tobacco product. Some e-cigarettes would be captured under this provision but not all.