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Drug and Alcohol Information
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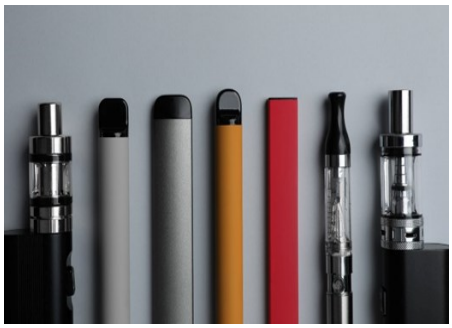
Factsheet

E-cigarettes, vaping and the law



Evidence ratings:

This resource has undergone expert review. See our Help/Q&A section for more details.

Year:

Targeted Drugs: Electronic Cigarettes/Vaping

Tags: e-cigarettes, vaping

Time Allocated: Partial lesson (under 45mins)

Origin: Australian

Cost:
Free

Key messages

• It is illegal to sell e-cigarettes to people under 18 years of age, unless prescribed

• Illegal e-cigarettes typically contain nicotine, even if the packaging says they don't

• Legal e-cigarettes can only be obtained through a pharmacy

• In most states and territories, it is illegal to use e-cigarettes in smoke-free areas

• Laws about e-cigarettes change regularly

What are e-cigarettes?

E-cigarettes or electronic cigarettes (also known as vapes) are battery powered devices that heat liquids, known as e-liquids, creating an aerosol (or vapour). This aerosol is breathed in, carrying the chemicals to the user's lungs, and is then exhaled as a fine vapour.

While some e-cigarettes are 'flavour-only', the e-liquid inside e-cigarettes most often contains nicotine, which is the same highly addictive drug that is in cigarettes and other tobacco products. E-cigarettes can also contain or produce over 200 chemicals like propylene glycol, glycerol, ethylene glycol, formaldehyde, and acetaldehyde – some of which are toxic and known to cause cancer.

For more general information on e-cigarettes, see our Drugs A-Z factsheet on electronic cigarettes and vaping.

E-cigarettes and the law

There are some overarching rules at the national level which apply throughout the country. E-cigarettes are also included in state and territory tobacco control acts and regulated in similar ways to traditional cigarettes.

See below for more information about the laws regarding the sale, use, and marketing of e-cigarettes across Australia. Recently the laws around e-cigarettes have changed, and more information on these changes is available here. Please note that this information is a general summary and should not be taken as comprehensive legal advice.

Laws for people under 18

Like traditional cigarettes, it is illegal to sell e-cigarettes or e-liquids (both flavour only e-cigarettes, and e-cigarettes containing nicotine) to a person under 18 years of age. This includes selling to friends or over social media. Exceptions apply for people under 18 who have been prescribed e-cigarettes to quit smoking.

Laws for people over 18

E-cigarettes intended to support someone to quit smoking are known as therapeutic e-cigarettes. In Australia, adults over 18 years old can buy e-cigarettes with a nicotine concentration of 20 mg/mL or less from participating pharmacies for this purpose. However, only one month's supply can be purchased each month. The pharmacist will discuss the product, dosage, other options to manage nicotine dependence, and ask for proof of age. E-cigarettes with nicotine concentrations higher than 20 mg/mL are only available with a prescription.

Nicotine replacement therapy (NRT) is a type of treatment that can help people quit smoking. While no e-cigarettes are currently approved therapeutic goods for use in NRT in Australia, e-cigarettes that meet product quality standards can be sold to support someone to quit smoking or manage nicotine dependence. The product standards include plain packaging, limited flavours (mint, menthol, or tobacco), and restricted nicotine concentrations. However, these products have not been evaluated for safety or effectiveness by the Therapeutic Goods Administration (TGA) and are considered unapproved goods. For more information about quitting smoking or vaping, visitquit.org.au.

Myth: you can tell what you are vaping
Fact: when illegal e-cigarettes have been seized and tested, they often contain nicotine, even when the label states they are nicotine free. Other prohibited ingredients with known health risks have also been found

It's important to note that e-cigarette labelling is not always correct when you are buying illegal e-cigarettes. You can't be sure what is in an e-cigarette and whether you are being exposed to harmful ingredients such as nicotine.

Laws around selling and importing e-cigarettes

Only pharmacies can sell e-cigarettes. Retailers such as convenience stores, vape shops, and tobacconists, cannot legally sell e-cigarette products, even to an adult with a prescription. Penalties for illegally selling e-cigarettes may include fines and imprisonment.

Individuals cannot order e-cigarettes directly from overseas. This ban includes therapeutic and non-therapeutic e-cigarettes – even if you have a prescription.

Businesses need an import licence and permit to import e-cigarettes from overseas. With a valid licence and permit, e-cigarettes need to meet specific product requirements. There are limits on the concentration of nicotine, flavours, and ingredients. Businesses also cannot import disposable e-cigarettes.

Myth: it's okay to sell e-cigarettes to your friends or on social media
Fact: it is illegal to sell e-cigarettes to people under 18, and to sell e-cigarettes that contain nicotine, including selling to a friend or over social media

Laws around the use of e-cigarettes and smoke-free areas

Myth: second-hand e-cigarette exposure isn't harmful
Fact: the vapour that e-cigarette users exhale isn't just water vapour - it contains harmful substances including nicotine

E-cigarettes are not harm free and expose bystanders to vapour which could be harmful to their health. In most parts of Australia, you can't vape where you can't smoke. These laws have been introduced to reduce second-hand exposure to e-cigarette vapour.

Smoke-free areas include:

- All indoor public places, including restaurants, shopping centres, and schools.
- Outdoor public places, including commercial eating and drinking areas, and public transport waiting areas.
- In a car with a child under 16 years of age in the vehicle.
  - In Victoria and Tasmania, it is prohibited to use e-cigarettes in a car with a child under 18 years of age in the vehicle.

Penalties for using e-cigarettes in smoke-free areas are set by States and Territories.

Please see below for State and Territory specific information about smoke-free areas and associated penalties:

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

Evidence Base

The information provided in this factsheet is currently correct in November 2025. However, laws around e-cigarettes regularly change.

For the most up-to-date and more specific information about e-cigarettes and the law in your state or territory, see the below links:

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

Evidence Base:

This factsheet outlines the laws for e-cigarette-related offences in Australia. This information is a general summary and should not be taken as comprehensive legal advice. If you have been charged with an offence you should contact a criminal lawyer for assistance.

This factsheet was developed in consultation with the PREMISE and Matilda Centre Youth Advisory Board (YAB) and underwent expert review by the Program Lead of Smoking, Vaping and Mental Health at the Matilda Centre for Research in Mental Health and Substance Use at the University of Sydney. A full list of sources which informed this factsheet can be seen below.

Sources

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