

## OFFENCES AND FINES

Fines of up to \$2000 may be imposed on a retailer who has sold tobacco products to a minor.

Retailers who have repeatedly sold tobacco products to minors may be prohibited from selling tobacco to anyone for up to three months.

A 'repeat offender' is a retailer who has at least two convictions for selling tobacco products to an under-18 buyer within two years. This provision comes into effect on 10 March 2004.

If a retailer fails to comply with a court order, they may be fined up to \$4000 (individual) or \$10,000 (body corporate).

## ENFORCEMENT

From March 2004 designated Enforcement Officers will have limited enforcement powers to investigate complaints, for example, to:

- enter and inspect premises at a reasonable time
- take photographs or videos
- inspect advertising or display material.

## OBSTRUCTION

The maximum fine for obstructing an Enforcement Officer exercising their powers or failing to provide the information required is **\$1,000**.

## FURTHER INFORMATION

This information is a guide only, and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

Further pamphlets covering retail display provisions and retailers' workplace obligations will be provided during 2004.

For further information on tobacco, health and the Smoke-free Environments Act 1990 contact:

[www.smokefreelaw.co.nz](http://www.smokefreelaw.co.nz)

[www.moh.govt.nz](http://www.moh.govt.nz)

[www.healthed.govt.nz](http://www.healthed.govt.nz)

Public Health Service at your local District Health Board

This pamphlet is also available in Korean, Chinese, Hindi and Gujarati.

Public Health Service contact details:

## Requirements of the Smoke-free Environments Act 1990



INFORMATION  
FOR RETAILERS

**Sale and supply of  
smoking products  
to under-18s**



## INFORMATION FOR RETAILERS COVERING:

- restrictions on the sale and supply of cigarettes, tobacco, toy tobacco products and herbal smoking products
- under-18 sales, offences and fines.



The smoking rate for teenagers is not much lower than the adult smoking rate, and early experimentation can lead to a lifetime addiction to smoking. The Smoke-free Environments Amendment Act 2003 (the Act) aims to significantly reduce children and young people's exposure to tobacco products and reduce the harm caused to individuals by their smoking. The intention is to send a positive message about a smoke-free/auahi kore lifestyle being both desirable and the norm, and to reduce the youth uptake of smoking.

## KEY CHANGES FOR RETAILERS (EFFECTIVE FROM DECEMBER 2003)

### UNDER-18 SALES PROHIBITED

The sale of cigarettes, tobacco, toy tobacco products and herbal smoking products to people under 18 years of age (minors) is prohibited. (See far right column for definitions of 'herbal smoking products' and 'toy tobacco products'.)

### UNDER-18 SUPPLY (IN PUBLIC PLACES) PROHIBITED

The supply of cigarettes and tobacco products (in public places) to a minor is prohibited, for example, buying cigarettes on behalf of (or for) young people and giving the cigarettes to under 18's outside the shop.

### PUBLIC NOTICES

Retailers selling cigarettes, tobacco or herbal smoking products must display a sign stating that the sale of cigarettes, tobacco and herbal smoking products to people under 18 years of age is prohibited.

### DEFENCE FOR UNDER-18 SALES

The Act provides a defence for retailers accused of under-age selling if they can prove that they saw an 'evidence of age' document indicating the buyer was 18 years of age or older.

The types of ID evidence are the same as for the Sale of Liquor Act 1989. These include a driver's licence, passport or HANZ 18+ card. These are all photo ID cards.

## HERBAL SMOKING PRODUCTS

The definition of smoking products now includes herbal cigarettes.

Herbal cigarettes are promoted by some as a 'safe' non-addictive alternative to tobacco because they do not contain nicotine. However, they contain similar levels to tobacco products of harmful substances such as carbon monoxide and tar, which may contribute to cancers and respiratory diseases.

From December 2003 most restrictions that apply to tobacco products, such as under-18 requirements/limits and vending machine supply, also apply to herbal smoking products.

## TOY TOBACCO PRODUCTS

The Act defines a toy tobacco product as an object that looks like a tobacco product or a smoker's pipe and can be used to simulate smoking, but cannot be smoked, is not confectionery, and has a primary purpose other than to help people stop smoking.

With effect from December 2003 it is an offence to sell a toy tobacco product to people under 18 years of age.