



Queensland

Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2025

Subordinate Legislation 2025 No. 20

made under the

State Penalties Enforcement Act 1999

Tobacco and Other Smoking Products Act 1998

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Tobacco and Other Smoking Products and Other Legislation Amendment Regulation 2025*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

3 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

(1) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, entries for sections 90(1), (2) and (3), 158(1) and 159(1)—

omit.

(2) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*—

insert—

s 90(1)	Individual	10
	Corporation	50
s 90(2)	Individual	10
	Corporation	50
s 90(3)	Individual	10
	Corporation	50

s 109A(1)	Individual	10
	Corporation	50
s 109A(2)	Individual	10
	Corporation	50
s 109A(3)	Individual	10
	Corporation	50
s 158(1)	Individual	10
	Corporation	50
s 159(1)	Individual	10
	Corporation	50
s 161(1)	Individual	200
	Corporation	1000
s 161(2)	Individual	100
	Corporation	500
s 161A(1)	Individual	200
	Corporation	1000
s 161A(2)	Individual	100
	Corporation	500
s 161B(2)		10
s 215		4
s 216		4

- (3) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person for service of infringement notices entry, paragraph (a), ‘78(2),’—
omit.

[s 4]

- (4) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person for service of infringement notices entry, paragraph (d), after ‘section 170’—

insert—

(1), (2), (3) or (4)

- (5) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person for service of infringement notices entry, paragraph (h), ‘or 161(1) or (2)’—

omit, insert—

, 161(1) or (2), 161A(1) or (2) or 161B(2)

Part 3

Amendment of Tobacco and Other Smoking Products Regulation 2021

4 Regulation amended

This part amends the *Tobacco and Other Smoking Products Regulation 2021*.

5 Amendment of s 12 (Government precincts—Act, s 140)

- (1) Section 12(b)—

omit.

- (2) Section 12(c) to (n)—

renumber as section 12(b) to (m).

6 Insertion of new s 15AB

After section 15AA—

insert—

**15AB Illicit nicotine product—Act, schedule 1,
definition *illicit nicotine product***

- (1) For the Act, schedule 1, definition *illicit nicotine product*, paragraph (b), a nicotine pouch is prescribed.
- (2) For subsection (3), definition *nicotine pouch*, paragraph (a), a receptacle contains a substance if the receptacle—
 - (a) actually contains the substance; or
 - (b) is labelled as containing the substance; or
 - (c) is claimed to contain the substance; or
 - (d) is reasonably believed or commonly understood to contain the substance.

- (3) In this section—

nicotine pouch means a receptacle designed to be placed between the lip and gum that—

- (a) contains 1 or more of the following substances to be released from the receptacle and absorbed buccally—
 - (i) nicotine;
 - (ii) 6-methylnicotine;
 - (iii) a substance known as synthetic nicotine;
 - (iv) a nicotine substitute; and
- (b) may contain another substance, including, for example, a sweetener or a flavour.

nicotine substitute means a substance giving, or held out as giving, a similar or alternate experience to nicotine, including, for example—

- (a) a substance described as—
 - (i) a nicotine alternative agent; or

[s 6]

- (ii) a nicotine derivative; or
- (iii) a no-nicotine nicotine solution; and
- (b) a substance held out as—
 - (i) nicotine free or tobacco free; or
 - (ii) zero nicotine or zero tobacco; or
 - (iii) giving a nicotine-like experience without the nicotine.

ENDNOTES

- 1 Made by the Governor in Council on 2 April 2025.
- 2 Notified on the Queensland legislation website on 3 April 2025.
- 3 The administering agency is Queensland Health.

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