

Legislative Council—No 56

As introduced and read a first time, 2 November 2022

South Australia

**Controlled Substances (Nicotine) Amendment
Bill 2022**

A BILL FOR

An Act to amend the *Controlled Substances Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Controlled Substances (Nicotine) Amendment Act 2022*.

Part 2—Amendment of *Controlled Substances Act 1984*

2—Amendment of section 14—Sale by wholesale

(1) Section 14(2)—delete "This section" and substitute:

Subject to subsection (2a), this section

(2) Section 14—after subsection (2) insert:

(2a) This section does not apply to the sale by wholesale of nicotine of a prescribed concentration for use in an e-cigarette product.

(3) Section 14—after section (3) insert:

(4) In this section—

e-cigarette product has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*.

3—Amendment of section 15—Sale or supply to end user

(1) Section 15(2)—delete "This section" and substitute:

Subject to subsection (2a), this section

(2) Section 15—after subsection (2) insert:

(2a) This section does not apply to the sale by retail or supply to a person of nicotine of a prescribed concentration for use in an e-cigarette product.

(3) Section 15—after subsection (3) insert:

(4) In this section—

e-cigarette product has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*.

4—Amendment of section 18—Regulation of prescription drugs

(1) Section 18(1a)—after paragraph (b) insert:

(c) a person may sell by wholesale nicotine of a prescribed concentration for use in an e-cigarette product.

5 (2) Section 18(1b)—after paragraph (d) insert:

(e) a person may sell by retail nicotine of a prescribed concentration for use in an e-cigarette product.

(3) Section 18(1c)—after paragraph (d) insert:

10 (e) a person may supply nicotine of a prescribed concentration to a person for use in an e-cigarette product.

(4) Section 18(1e)—after paragraph (e) insert:

(f) a person may manufacture or pack nicotine of a prescribed concentration for use in an e-cigarette product.

(5) Section 18—after subsection (3) insert:

15 (3a) Subsection (3) does not apply to a person who has in their possession nicotine of a prescribed concentration for use in an e-cigarette product.

(6) Section 18(5)—before the definition of *manufacture* insert:

20 *e-cigarette product* has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*.