

South Australia

Tobacco Products Regulation (Prohibited Tobacco Products) Amendment Act 2006

An Act to amend the *Tobacco Products Regulation Act 1997*.

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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 *Tobacco Products Regulation (Prohibited Tobacco Products) Amendment Act 2006*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Tobacco Products Regulation Act 1997*

4—Insertion of section 34A

After section 34 insert:

34A—Prohibited tobacco products

- (1) The Minister may, by notice in the Gazette, declare that a class of tobacco products specified in the notice are prohibited tobacco products.
- (2) The Minister must not make a declaration under subsection (1) unless the Minister is satisfied that—
 - (a) the tobacco products, or the smoke of the products, possesses a distinctive fruity, sweet or confectionary-like character; and
 - (b) the nature of the products, or the way they are advertised, might encourage young people to smoke.
- (3) The Minister may, by further notice in the Gazette, vary or revoke a notice under this section.
- (4) A person must not sell a prohibited tobacco product by retail.
Maximum penalty: \$5 000.
Expiation fee: \$315.