

South Australia

# **Tobacco and E-Cigarette Products (Exemption—Nicotine) Proclamation 2021**

under section 71 of the *Tobacco and E-Cigarette Products Act 1997*

## **1—Short title**

This proclamation may be cited as the *Tobacco and E-Cigarette Products (Exemption—Nicotine) Proclamation 2021*.

## **2—Commencement**

This proclamation comes into operation on 1 October 2021.

## **3—Interpretation**

In this proclamation—

*Act* means the *Tobacco and E-Cigarette Products Act 1997*;

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

*pharmacist* means a person registered under the *Health Practitioner Regulation National Law* in the pharmacy profession (other than as a student).

## **4—Application of proclamation**

This proclamation applies to—

- (a) a medical practitioner or a pharmacist who may lawfully sell nicotine as a prescription drug by retail under section 18(1b) of the *Controlled Substances Act 1984*;
- (b) a medical practitioner or a pharmacist who may lawfully supply nicotine as a prescription drug to a person under section 18(1c) of the *Controlled Substances Act 1984*.

## **5—Exemption from Act**

- (1) A person to whom this proclamation applies is exempt from the operation of the following provisions of the Act:
  - (a) section 6;
  - (b) section 30(2);
  - (c) section 38A.

- (2) An exemption under this clause is subject to the condition that the person to whom the exemption applies—
- (a) must only sell an e-cigarette product to a person in connection with a lawful sale of nicotine as a prescription drug to the person under section 18(1b) of the *Controlled Substances Act 1984*; or
  - (b) must only supply an e-cigarette product to a person in connection with a lawful supply of nicotine as a prescription drug to a person under section 18(1c) of the *Controlled Substances Act 1984*.

**Made by the Administrator**

with the advice and consent of the Executive Council  
on 30 September 2021