



Therapeutic Goods (Excluded Goods) Amendment (Vaping Devices) Determination 2021

I, John Skerritt, as delegate of the Minister for Health, make the following determination.

Dated 10 February 2021

Adjunct Professor John Skerritt
Deputy Secretary
Health Products Regulation Group
Department of Health

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules.....	1
Schedule 1—Amendments	2
<i>Therapeutic Goods (Excluded Goods) Determination 2018</i>	2

1 Name

This instrument is the *Therapeutic Goods (Excluded Goods) Amendment (Vaping Devices) Determination 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 7AA of the *Therapeutic Goods Act 1989*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Therapeutic Goods (Excluded Goods) Determination 2018

1 Section 4 (note)

Repeal the note, substitute:

Note: A number of expressions used in this instrument are defined in subsection 3(1) of the Act including:

- (a) advertise;
- (b) label;
- (c) medical device;
- (d) medicine;
- (e) Register;
- (f) supply;
- (g) therapeutic use.

2 Schedule 1 (at the end of the table)

Add:

16 vaping devices, other than the following:

- (a) vaping devices that are intended, by the person under whose name the device is or is to be supplied, to be used exclusively for the vaporisation and administration of a medicine, including vaporiser nicotine

Note 1: Examples of vaping devices include e-cigarettes, e-cigars, e-hookah pens, e-pens, e-pipes and vape pens.

Note 2: Vaporiser nicotine is a medicine that contains nicotine in salt or base form and may also be described as nicotine vape liquid, nicotine e-liquid or simply e-liquid.