



Therapeutic Goods (Vaping Goods) Determination 2024

I, Nicholas Henderson, as delegate of the Minister for Health and Aged Care, make the following determination.

Dated 29 June 2024

Nicholas Henderson
Acting Deputy Secretary
Health Products Regulation Group
Department of Health and Aged Care

Contents

1 Name	1
2 Commencement.....	1
3 Authority	1
4 Definitions	1
5 Specified goods—vaping goods.....	2
6 Specified goods—not vaping goods.....	2
Schedule 1—Vaping goods	3
Part 1—Vaping goods	3
Part 2—Vaping goods when used, advertised, or presented for supply in a particular way	4
Schedule 2—Not vaping goods	5
Part 1—Not vaping goods	5
Part 2—Not vaping goods when used, advertised, or presented for supply in a particular way	6

1 Name

This instrument is the *Therapeutic Goods (Vaping Goods) Determination 2024*.

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	At the same time as Parts 1 to 3 of Schedule 1 to the <i>Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024</i> commences. However, this instrument does not commence at all if the <i>Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024</i> does not commence.	

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 41P(3) of the *Therapeutic Goods Act 1989*.

4 Definitions

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

- (a) advertise;
- (b) manufacture;
- (c) presentation;
- (d) Register;
- (e) supply;
- (f) therapeutic goods.

In this instrument:

Act means the *Therapeutic Goods Act 1989*.

nicotine has the same meaning as in TGO 110.

TGO 110 means the *Therapeutic Goods (Standard for Therapeutic Vaping Goods) (TGO 110) Order 2021*.

Note: TGO 110 is a legislative instrument that may be access on the Federal Register of Legislation at www.legislation.gov.au.

5 Specified goods—vaping goods

- (1) The goods or classes of goods specified in Part 1 of Schedule 1 are determined to be vaping goods.
- (2) For each item of the table in Part 2 of Schedule 1, the goods or classes of goods specified in column 2, when used, advertised, or presented for use or supply in a way specified in column 3, are determined to be vaping goods.

6 Specified goods—not vaping goods

- (1) The goods or classes of goods specified in Part 1 of Schedule 2 are determined not to be vaping goods.
- (2) For each item of the table in Part 2 of Schedule 2, the goods or classes of goods specified in column 2, when used, advertised, or presented for use or supply in a way specified in column 3, are determined not to be vaping goods.

Schedule 1—Vaping goods

Note: See section 5.

Part 1—Vaping goods

Note: This Part is intentionally blank, and is reserved for future use.

Part 2—Vaping goods when used, advertised, or presented for supply in a particular way

Note: This Part is intentionally blank, and is reserved for future use.

Schedule 2—Not vaping goods

Note: See section 6.

Part 1—Not vaping goods

Goods that are not vaping goods	
Column 1	Column 2
Item	Goods or classes of goods
1	therapeutic goods that contain nicotine in liquid form that are included in the Register for: (b) oromucosal or transdermal administration; and (c) use as an aid in withdrawal either from tobacco smoking or nicotine vaping

Part 2—Not vaping goods when used, advertised, or presented for supply in a particular way

Note: This Part is intentionally blank, and is reserved for future use.