



Therapeutic Goods (Determined Goods) Determination 2024

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

Dated 30 June 2024

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

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1 Name

This instrument is the *Therapeutic Goods (Determined 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> commence. 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Note: This table relates only to the provisions of this instrument as originally made.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 section 7AAA of the *Therapeutic Goods Act 1989*.

4 Definitions

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

- (a) therapeutic goods;
- (b) vaping goods.

In this instrument:

Act means the *Therapeutic Goods Act 1989*.

tobacco product has the same meaning as in section 9 of the *Public Health (Tobacco and Other Products) Act 2023*.

5 Goods determined to be therapeutic goods

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

Schedule 1—Therapeutic goods

Note: See subsection 5(1).

Goods determined to be therapeutic goods

Column 1 **Column 2**

Item **Specified goods**

- 1 goods that contain nicotine and that are for human use (including but not limited to vaping goods) other than the following:
- (a) tobacco prepared and packed for smoking;
 - (b) foods that contain naturally occurring nicotine, and do not contain added nicotine (whether natural or synthetic);
 - (d) tobacco products that are permanently banned under Chapter 4 of the *Public Health (Tobacco and Other Products) Act 2023*

Note 1: Vaping goods include heat-not-burn products.

Note 2: Under section 126 of the *Public Health (Tobacco and Other Products) Act 2023*, chewing tobacco and snuffs intended for oral use are permanently banned.

Schedule 2—Therapeutic goods when used, advertised or presented for supply in a particular way

Note 1: See subsection 5(2).

Note 2: Schedule 2 is intentionally blank, and reserved for future use.