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Tobacco Control Act 2016

TOBACCO CONTROL (BAN ON ELECTRONIC NICOTINE OR NON-NICOTINE DELIVERY SYSTEMS) ORDER 2025

I, Elias Kapavore, Minister for Health, under section 31(1) of the *Tobacco Control Act 2016* (the Act), having considered the Secretary of the National Department of Health's recommendation under section 32(1) of the Act, ban electronic nicotine or non-nicotine delivery systems.

In this instrument, electronic nicotine or non-nicotine delivery system means an electronic device that generates or releases, or its designed or intended to generate or release, using a heating element, an aerosol, vapour or mist for direct inhalation by its user, and includes:

- (a) any substance or accessory for use in an electronic nicotine or non-nicotine delivery system, including cartridges, capsules, pods, or liquids;

but does not include:

- (b) a medicinal product listed in Schedule 3, 4 or 5 of the Medicines and Cosmetics Regulation 2002; or
- (c) a medical device declared under section 3 of the *Medicines and Cosmetics Act 1999*.

The grounds for this order are that:

- (a) electronic nicotine or non-nicotine delivery systems:
 - (i) to the extent they are tobacco products, often possess a distinctive furry, sweet or confectionary-like character; and
 - (ii) to the extent they are tobacco products, come in a range of designs and packaging materials that appeal to children and young people; and
 - (iii) to the extent they are not tobacco products, often resemble tobacco products in both their design and intended use; and

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- (iv) are of a nature and are advertised in a way that may encourage children of young people to smoke, noting high quality evidence that their use increases uptake of smoking among non-smoking youths; and
- (b) supply of the product should be prohibited, having regard to the objects of the Act. Particularly, that use of the product harms individual and public health and contributes to nicotine addition and uptake of smoking, compounding the substantial health, social and economic burden of tobacco use in Papua New Guinea.

This instrument commences 7 days after it is published in the *National Gazette*.

Dated 12th day of May, 2025.

Hon E. KAPAVORE, MP,
Minister for Health.