

International regulations

Policies marked **yellow** are preferred options

	New Zealand	United Kingdom	USA	Australia
Classification	Dual pathway <ul style="list-style-type: none"> Consumer product, or Medical product if making claims about safety or efficacy (currently none) 	Dual pathway <ul style="list-style-type: none"> Consumer product, or Medical (therapeutic) product if <ol style="list-style-type: none"> higher nicotine concentration, or making claims of safety or efficacy. Submitted to MHRA for approval (currently none) 	Dual pathway <ul style="list-style-type: none"> Tobacco product Medicine. Submit to Centre for Drug Evaluation and Research (currently none) 	Prescription medicine <ul style="list-style-type: none"> Unapproved therapeutic products. Available to adult smokers with a prescription from a medical practitioner to purchase from a pharmacy or import from overseas Approved therapeutic products (by the TGA) if making claims about safety or efficacy. Registered on the Australian Register of Therapeutic Goods (currently none)
Nicotine concentration	<ul style="list-style-type: none"> Freebase nicotine max 20mg/mL Nicotine salt max 50mg/mL Maximum 1,800mg nicotine per container 	<ul style="list-style-type: none"> Max 20mg/mL for consumer products >20mg/mL for therapeutic products 	<ul style="list-style-type: none"> Uncapped 	<ul style="list-style-type: none"> 100 mg/mL
Minimum age	<ul style="list-style-type: none"> 18 years (smoking 18) [link] 	<ul style="list-style-type: none"> 18 years (smoking 18) 	<ul style="list-style-type: none"> 21 years (smoking 21) 	<ul style="list-style-type: none"> 18 years (smoking 18)

	New Zealand	United Kingdom	USA	Australia
	<ul style="list-style-type: none"> Individuals under 18 years not permitted entry to specialist vape shops 			<ul style="list-style-type: none"> Individuals under 18 years not permitted entry to specialist vape shops
Advertising	<ul style="list-style-type: none"> It is prohibited to encourage the use, promote the sale, or notify the availability of vaping products [link] Sponsorship of activities, events etc is prohibited [link] However a specialist vape retailer may: <ul style="list-style-type: none"> Display it's trade name outside it's premises even if it is derived from 'vape' Talk to customers about using vape products Distribute vaping products for free or reduced charge from their premises May communicate health information or warnings 	<ul style="list-style-type: none"> Prohibited except for outdoor, posters, cinema, side of bus, leaflets, direct hard copy mail, in trade press, blogs, tweets independently compiled [ASA] [TPD] 	<ul style="list-style-type: none"> Unregulated, except must include a warning that nicotine is addictive Advertising on internet, print media, TV, retail stores, social media etc FDA has the authority to restrict some marketing, but this is rarely used 	<ul style="list-style-type: none"> Prohibited Limited advertising by pharmacies re availability of vaping products, type of product, nicotine concentrations, no brands
Point of sale display	<ul style="list-style-type: none"> Allowed 	<ul style="list-style-type: none"> Allowed 	<ul style="list-style-type: none"> Permitted 	<ul style="list-style-type: none"> Pharmacies only. In-store advice that products are available
Retail and online sale	<ul style="list-style-type: none"> A two tier retail system. Specialist vape shops and general retailers Specialist vape retailers 	<ul style="list-style-type: none"> Retail stores including specialist vape shops and 'general retail' Online sales permitted 	<ul style="list-style-type: none"> Retail stores 28 states currently require a retail licence to sell nicotine [link] 	<ul style="list-style-type: none"> Only pharmacies can sell nicotine products

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	<ul style="list-style-type: none"> - are licensed, pay an annual fee [link] and are listed online. [link] - may sell all legal vape products, including tank systems and liquid refills in a variety of flavours - online sales permitted <ul style="list-style-type: none"> ▪ General retailers <ul style="list-style-type: none"> - can only sell vaping products in tobacco, mint of menthol flavours. - Are prohibited from discussions with customers that encourage, promote or notify the availability of vaping products. - No online sales ▪ No vending machines in public areas [link] 		<ul style="list-style-type: none"> ▪ Mandatory age verification ▪ No sale from vending machines ▪ Online sales permitted 	<ul style="list-style-type: none"> ▪ Non-nicotine e-liquids, devices and accessories available from any retail store ▪ Online sales from Australian websites banned ▪ Importation from international websites allowed with a doctor's prescription under the TGA Personal Importation Scheme [link]
Bans	<ul style="list-style-type: none"> ▪ n/a ▪ Disposables available 	<ul style="list-style-type: none"> ▪ n/a ▪ Disposables available 	<ul style="list-style-type: none"> ▪ Some states and cities have introduced bans on flavours, online sales and even vaping products [link] ▪ Disposables available 	<ul style="list-style-type: none"> ▪ n/a ▪ Prescription disposables available
Public vaping	<ul style="list-style-type: none"> ▪ Prohibited in smoke-free areas 	<ul style="list-style-type: none"> ▪ Vaping permitted outdoors including smoke-free areas 	<ul style="list-style-type: none"> ▪ Varies by state from unrestricted to bans in smoke-free areas 	<ul style="list-style-type: none"> ▪ Prohibited in smoke-free areas

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	<ul style="list-style-type: none"> ▪ Prohibited in workplaces, aircraft, public transport, restaurants, schools etc [link] ▪ Local authorities can make decisions on vaping in outdoor smoke-free areas ▪ Specialist vape retailers are exempt from the indoor workplace vaping ban 	<ul style="list-style-type: none"> ▪ Local proprietors or organisations can decide policy on use in their premises ▪ [PHE] [ASH] 		<ul style="list-style-type: none"> ▪ Specialist vape retailers have exemptions for vaping indoors in some jurisdictions
Labelling	<ul style="list-style-type: none"> ▪ Names and quantities of ingredients, including nicotine concentration in mg/mL ▪ Safety of use instructions ▪ Volume or weight of substances ▪ Expiry date ▪ Batch number ▪ Manufacturer name and contact details ▪ PG:VG ratio [link] ▪ Safety warnings on package: "This product contains nicotine, which is a highly addictive substance" 	<ul style="list-style-type: none"> ▪ Bottle or leaflet to display <ul style="list-style-type: none"> - List of ingredients, including nicotine content - use and storage - contraindications - possible adverse effects - addictiveness and toxicity - advice to keep out of reach of children - warnings for at-risk groups - batch number - contact details of manufacturer - no health claims ▪ Health warnings must cover 30% of label's surface area and must be placed on front and back Health warning: "This product contains 	<ul style="list-style-type: none"> ▪ Label must say it contain nicotine ▪ Ingredient list mandatory ▪ Health warning: "WARNING: This product contains nicotine. Nicotine is an addictive chemical." 	<ul style="list-style-type: none"> ▪ TGO 110 standards <ul style="list-style-type: none"> - Ingredient list - Nicotine concentration ▪ Safety Warnings <ul style="list-style-type: none"> - 'KEEP OUT OF REACH OF CHILDREN' - 'Avoid contact with eyes' and - 'Avoid contact with skin'.

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	<ul style="list-style-type: none"> ▪ Safety warnings on containers - “CAUTION: Keep this substance out of reach of children or pets.”: - “Do not swallow this substance. If this substance is taken into the mouth, rinse mouth thoroughly.”: - “Contact 0800 POISON (0800 764 766) for advice if this substance is swallowed.”: <p>“Seek medical advice if you feel unwell after contact with this substance or use of this product.” [link]</p>	<p>nicotine which is a highly addictive substance”</p>		
Containers	<ul style="list-style-type: none"> ▪ Child-resistant closures and tamper-evident measures ▪ Breakage, leakage and anti-spill protection ▪ Maximum bottle size 120mL unless containing zero nicotine 	<ul style="list-style-type: none"> ▪ Nicotine-containing products or their packaging to be child-resistant, tamper evident, breakage and leak proof ▪ Refillable without leakage ▪ Limit of 2ml for tanks or pods ▪ Limit of 10ml for nicotine e-liquids 	<ul style="list-style-type: none"> ▪ Mandatory child-resistant closures 	<ul style="list-style-type: none"> ▪ Child resistant container
Product safety	<ul style="list-style-type: none"> ▪ Must not contain restricted substances [link] 	<ul style="list-style-type: none"> ▪ <u>Emissions testing</u> ▪ No vitamins, colourings or prohibited additives (including caffeine and taurine) 	<ul style="list-style-type: none"> ▪ For existing products, safety is assessed as part of the PMTA process to determine whether the product can continue to be marketed 	<ul style="list-style-type: none"> ▪ Must not contain other 'active' ingredients other than nicotine eg caffeine, THC, stimulants or vitamins

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	<ul style="list-style-type: none"> ▪ Testing of liquid by an accredited laboratory (no mandatory emission testing) ▪ USP quality for nicotine, PG, VG, alcohol, water ▪ Flavours must be water-soluble. Flavours other than tobacco extracts to meet food standards ▪ Electrical safety compliance for devices ▪ Consistent nicotine delivery ▪ No food colourings allowed 	<ul style="list-style-type: none"> ▪ Using only ingredients of high purity ▪ Must not include ingredients (except for nicotine) which pose a risk to human health ▪ Deliver a dose of nicotine at consistent levels ▪ Mechanism for ensuring re-filling without leakage 	<ul style="list-style-type: none"> ▪ Future products assessed by FDA prior to marketing 	<ul style="list-style-type: none"> ▪ Must not contain acetoin, benzaldehyde, cinnamaldehyde, diacetyl, diethylene glycol, ethylene glycol, pentane-2,3-dione, vitamin E acetate ▪ Maximum concentration of 100mg/mL ▪ Nicotine to be within 10% of concentration stated on label [TGO 110 standards]
Reporting	<ul style="list-style-type: none"> ▪ Manufacturers and importers must advise the Vaping Regulatory Authority of any adverse reaction [link] 	<ul style="list-style-type: none"> ▪ Side effects and safety concerns can be reported to MHRA through the Yellow Card reporting system 	<ul style="list-style-type: none"> ▪ Reporting of safety issues, faulty products, side effects to FDA Safety Reporting Portal [link] 	<ul style="list-style-type: none"> ▪ Importers, exporters or manufacturers to maintain records demonstrating compliance ▪ Reporting of adverse effects or faulty products to TGA
Pre-market Notification or Authorisation	<ul style="list-style-type: none"> ▪ Manufacturers and importers must notify products through the Ministry of Health's Vaping Regulatory Authority's Health Advisory and Regulatory Platform (HARP) 	<ul style="list-style-type: none"> ▪ 6 months prior to marketing, producers must supply: <ul style="list-style-type: none"> - A list of all ingredients in the product (liquid) - Emissions from the product - Toxicological data, including health and addictive effects 	<ul style="list-style-type: none"> ▪ Manufacturers apply to FDA for pre-market authorisation, PMTA (Pre-market Tobacco Product Application) [link] ▪ Only 3 manufacturers have authorised products so far (as of September 2022) [link] <ul style="list-style-type: none"> - Vuse - Logic 	<ul style="list-style-type: none"> ▪ Not applicable

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	<ul style="list-style-type: none"> All notified products are available on the HARP searchable database [link] 	<ul style="list-style-type: none"> Nicotine dose and uptake when consumed Components of the product Production process details [TPD] 	<ul style="list-style-type: none"> NJoy Only tobacco flavoured products have been approved so far 	
Flavours	<ul style="list-style-type: none"> Specialist vape shops: No flavours prohibited General retailers: Tobacco, mint and menthol only 	<ul style="list-style-type: none"> No flavours prohibited 	<ul style="list-style-type: none"> Restricted in some cities and states 	<ul style="list-style-type: none"> No flavours prohibited Certain flavouring chemicals banned for health reasons: benzaldehyde, cinnamaldehyde, diacetyl
Vaping in retail stores	<ul style="list-style-type: none"> Specialist vape shops: permitted General retailers: Prohibited 	<ul style="list-style-type: none"> Not restricted 	<ul style="list-style-type: none"> Not restricted 	<ul style="list-style-type: none"> Permitted in vape shops in most states
Taxation	<ul style="list-style-type: none"> 15% GST. No excise tax 	<ul style="list-style-type: none"> 20% VAT, no excise tax [link] Current proposal to reduce this to 5% [link] 	<ul style="list-style-type: none"> Varies by state [link] 	<ul style="list-style-type: none"> Nicotine e-liquids not taxed
Federal regulator	<ul style="list-style-type: none"> Ministry of Health's Vaping Regulatory Authority [link] 	<ul style="list-style-type: none"> Medicines and Healthcare Products Regulatory Agency (MHRA) 	<ul style="list-style-type: none"> Food and Drug Administration (FDA) 	<ul style="list-style-type: none"> Therapeutic Goods Administration (TGA)
Legislation	<p><i>Smokefree Environments and Regulated Products Regulations Act 2021 [link]</i></p>	<p><i>The Tobacco and Related Products Regulations 2016 (Parts 6, 7 and 8) [link]</i></p>		<p><i>Therapeutic Goods Regulations 1990 [link]</i></p>

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		<p><i>E-cigarettes: regulations for consumer products 2019</i> [link]</p> <p><i>Advice for retailers (MHRA)</i> [link]</p> <p><i>E-cigarettes and vaping: policy, regulation and guidance 2020</i> [link]</p> <p><i>TPD restrictions on the advertising of e-cigarettes 2016</i> [link]</p> <p><i>Advertising Standards Authority. Guidance on electronic cigarette advertising prohibition 2017</i> [link]</p> <p><i>Licensing procedure for electronic cigarettes as medicines</i> [link]</p> <p><i>Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020</i> [link]</p> <p><i>Use of e-cigarettes in public places and workplaces. Public Health England</i> [link]</p>		<p><i>Therapeutic Goods (Standard for Nicotine Vaping Products) (TGO 110) Order 2021</i> [link]</p> <p>Pharmacy advertising <i>Therapeutic Goods (Restricted and Prohibited Representations—Nicotine) Permission (No. 2) 2021</i></p> <p>Customs <i>Customs Tariff Act 1995</i> [link]</p>