

Shisha tobacco reforms

Factsheet for businesses

This fact sheet for businesses is a summary of the Victorian tobacco control laws that apply to the sale, advertising and use of shisha tobacco.

Reforms

Under the *Tobacco Act 1987* (the Tobacco Act), the sale, advertising and use of shisha tobacco that contains **any amount** of tobacco will be treated the same as other tobacco products, such as cigarettes and cigars from **1 August 2017**.

The changes mean that shisha tobacco cannot be:

- used in places where smoking is banned
- sold to a person under 18 years of age
- displayed or advertised at point of sale
- sold from a temporary outlet, such as a vehicle
- given away, or offered for free, to promote the sale of a shisha or molasses tobacco product.

The changes also align with Commonwealth tobacco plain packaging laws, which require shisha tobacco products to be packaged in mandatory plain packaging with graphic health warning images.

Fruit or herbal-based products that do not contain tobacco are not subject to these laws.

Complying with the law

Places where the smoking of shisha tobacco is banned.

The smoking of shisha tobacco is banned in all areas where smoking is banned under the Tobacco Act. This includes enclosed workplaces such as cafes, lounges and licensed premises. From 1 August 2017, smoking bans will be extended to:

- outdoor dining areas
- outdoor drinking areas if any part the area is within 4 metres of an outdoor dining area, unless separated by a wall that is at least 2.1 metres high.

To comply with the new law, businesses such as shisha cafes and lounges will have to make changes to their operations and practices.

These changes are designed to improve and protect the health and wellbeing of the community. They extend the workplace smoking bans that help protect staff and customers.

Affected businesses could consider using an outdoor space attached to their venue where smoking is not banned. Businesses should speak to their local council about permission to use a footpath area for shisha tobacco use.

Selling shisha tobacco

Managers and staff must ensure a person is over the age of 18 before selling them shisha tobacco. They will need to ask for acceptable forms of identification in many cases.

Managers are responsible for ensuring employees sell shisha tobacco in accordance with the law. Managers can avoid a fine by training staff every six months and obtaining written confirmation from employees that they have received this training. The training must cover:

- that employees must not sell shisha tobacco to persons under 18
- that employees must ask for and see identification before selling shisha tobacco to a person who might be under 18
- that if employees sell shisha tobacco to a person under 18, they are committing an offence and may be fined.

Displaying and advertising shisha

Businesses will need to ensure that shisha tobacco available for sale and any associated advertising must not be visible from anywhere inside or outside a shop.

Shisha tobacco could be placed inside a cupboard or behind a counter similar to other tobacco products.

Reason for the changes

Since 2006, smoking has been banned inside enclosed workplaces in Victoria. This ban applies to shisha tobacco where tobacco is the **main** ingredient.

The recent changes extend the laws around shisha tobacco to include shisha that contains any amount of tobacco.

This is to protect community health and reduce tobacco-related disease and illness.

The new laws aim to:

- protect staff and customers from the harmful effects of second-hand smoke exposure inside enclosed workplaces, such as shisha cafes and lounges
- prevent people under 18 years of age purchasing and accessing shisha tobacco
- prevent shisha tobacco smoking and uptake, particularly among children and young people who may be attracted to this form of smoking
- support those trying to quit smoking, or those who have recently quit
- provide consistency with the way other tobacco products are regulated.

Health risks

There is strong evidence that shisha tobacco smoking and exposure to its smoke poses harmful health risks. Shisha tobacco users and those exposed to second-hand smoke are at risk of many of the same type of diseases and illness caused by cigarette smoking including lung cancer, respiratory illness and low birth weight during pregnancy.

There is a common misunderstanding that shisha tobacco use is a safer option to cigarette smoking. This is incorrect. Shisha tobacco smokers can be exposed to similar or higher levels of harmful chemicals compared with cigarette smoking.

According to the World Health Organization, a shisha tobacco smoking session may involve inhaling smoke that is equal to smoking 100 cigarettes.¹

Penalties

The penalties are the same as other tobacco products such as cigarettes and cigars. For example, if you permit the smoking of shisha tobacco in a smoke-free area such as an enclosed workplace or outdoor dining area at your business, you may receive a fine of two penalty units, equivalent to \$317 in 2017–18.²

Further information

For more information:

- call the Tobacco Information Line on 1300 136 775
- visit the [tobacco reforms website](http://www.health.vic.gov.au/tobaccoreforms) <www.health.vic.gov.au/tobaccoreforms>.

To view the exact wording in the law from 1 August 2017, visit the Victorian Government's [legislation website](http://www.legislation.vic.gov.au) <www.legislation.vic.gov.au> and search *Tobacco Act 1987*.

To receive this publication in an accessible format phone the Tobacco Information Line on 1300 136 775 using the National Relay Service 13 36 77 if required, or email tobaccopolicy@health.vic.gov.au

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Available at www.health.vic.gov.au/tobaccoreforms

¹ World Health Organization 2005, *Waterpipe tobacco smoking: health effects, research needs and recommended actions by regulators*, World Health Organization, Geneva.

² Penalty units are indexed each year. One penalty unit in 2017–18 is \$158.57.