

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2022

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
Part 2	
Medicines, Poisons and Therapeutic Goods Act 2008	
4 Application of Commonwealth therapeutic goods laws to ACT New section 157 (3)	3

		Page
Part 3	Tobacco and Other Smoking Products Act 1927	
5	What is a <i>compliance test</i> ? Section 42B (1) (a)	4
6	Section 42B (1) (b)	4
7	Approval of compliance testing programs Section 42C (2) (a)	4
8	No vending machines authorised Section 49A	5
9	Retail tobacconist must obtain smoking products from licensed wholesaler New section 67 (4) and (5)	5
Part 4	Transplantation and Anatomy Act 1978	
10	Disclosure of information New section 49 (4) (aa)	6

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Health Legislation Amendment Bill 2022

A Bill for

An Act to amend legislation about health, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Health Legislation Amendment Act 2022*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • [Medicines, Poisons and Therapeutic Goods Act 2008](#)
11 • [Tobacco and Other Smoking Products Act 1927](#)
12 • [Transplantation and Anatomy Act 1978](#).

1 **Part 2 Medicines, Poisons and Therapeutic**
2 **Goods Act 2008**

3 **4 Application of Commonwealth therapeutic goods laws to**
4 **ACT**
5 **New section 157 (3)**

6 *after the note, insert*

- 7 (3) The Commonwealth therapeutic goods laws also apply as if they
8 extended to—
- 9 (a) an act done or omitted to be done by a person who is not a
10 corporation; and
 - 11 (b) an act done or omitted to be done in the course of trade or
12 commerce within the limits of the Territory.

1 **Part 3 Tobacco and Other Smoking Products**
2 **Act 1927**

3 **5 What is a *compliance test*?**
4 **Section 42B (1) (a)**

5 *omit*
6 tobacco products
7 *substitute*
8 smoking products

9 **6 Section 42B (1) (b)**

10 *omit*
11 tobacco product
12 *substitute*
13 smoking product

14 **7 Approval of compliance testing programs**
15 **Section 42C (2) (a)**

16 *omit*
17 tobacco products
18 *substitute*
19 smoking products

1 **8 No vending machines authorised**
2 **Section 49A**

3 *omit*

4 tobacco products

5 *substitute*

6 smoking products

7 **9 Retail tobacconist must obtain smoking products from**
8 **licensed wholesaler**
9 **New section 67 (4) and (5)**

10 *insert*

11 (4) Subsection (1) does not apply if the holder of a retail tobacconist's
12 licence—

13 (a) operates a community pharmacy; and

14 (b) obtains a personal vaporiser or personal vaporiser related
15 product—

16 (i) that is a medicine; and

17 (ii) from someone who is not the holder of a wholesale
18 tobacco merchant's licence.

19 *Note* The defendant has an evidential burden in relation to the matters
20 mentioned in s (4) (see [Criminal Code](#), s 58).

21 (5) In this section:

22 *community pharmacy*—see the [Medicines, Poisons and Therapeutic](#)
23 [Goods Act 2008](#), dictionary.

24 *medicine*—see the [Medicines, Poisons and Therapeutic Goods](#)
25 [Act 2008](#), section 11.

1 **Part 4 Transplantation and Anatomy**
2 **Act 1978**

3 **10 Disclosure of information**
4 **New section 49 (4) (aa)**

5 *insert*

6 (aa) to a next of kin of a deceased person for the purposes of the
7 *Births, Deaths and Marriages Registration Act 1997*,
8 section 38A (3); or

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 May 2022.

2 Notification

Notified under the [Legislation Act](#) on 2022.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
