



NEW REGULATIONS FOR TOBACCO-FREE NICOTINE PRODUCTS

Information om försäljning av tobaksfria nikotinprodukter till konsumenter Engelska

Information about sales of tobacco-free nicotine products to consumers

As of 1 August 2022, the Act on Tobacco-Free Nicotine Products will apply. The Act contains several provisions, including one that stipulates that retailers selling such products must have a permit.

This leaflet summarises some of the provisions that apply to the sale of tobacco-free nicotine products. As a retailer, it is important that you are aware of all the regulations that apply for your company.

As of 1 August 2022, if you want to sell tobacco-free nicotine products, you must notify the municipality or the Public Health Agency of Sweden. **This also applies if you have previously sold these products and/or if you have a permit to sell tobacco products.** You must have given notification before you may sell these products.

Definitions in the Act on Tobacco-Free Nicotine Products

- Tobacco-free nicotine product – A product that does not contain tobacco but does contain nicotine for consumption.
- Retail refers to selling a product to consumers.
- A point of sale is a physical sales point or a retail website.
- A physical point of sale includes specific premises or other delimited space to be used for retail.

Who to notify

A retailer who has a registered office or permanent business establishment in Sweden must notify the municipality where the physical point of sale is located. If there is no physical point of sale, you must notify the municipality where the company has its registered office. If the company does not have a registered office in Sweden, you must notify the municipality where the company has permanent premises.

New law on tobacco free nicotine products

Starting on 1 August 2022, tobacco-free nicotine products will be regulated in the Act on Tobacco-Free Nicotine Products. If you want to sell these products to consumers, there are several things you must be aware of, including:

- The municipality or the Public Health Agency of Sweden must first be notified about the retail.
- Buyers of these products must be aged 18 or above.
- The point of sale must visibly display clear information about the 18-year age limit.
- Regulations on the labelling of tobacco-free nicotine products will enter into force on 1 January 2023. Products that were manufactured or available for sale before 1 January 2023 are subject to transitional provisions.
- Municipalities, the Public Health Agency of Sweden, and the police may carry out checks.
- Municipalities may conduct test purchases.
- This new act does not regulate electronic cigarettes and refill containers containing nicotine. These products are regulated in the Act on Tobacco and Similar Products (2018:2088).

If the company does not have a registered office or permanent premises in Sweden, you must notify the Public Health Agency of Sweden.

Self-monitoring

If you are a retailer of tobacco-free nicotine products, you must carry out self-monitoring of both the sales and other handling of the products. You must ensure that your company has a suitable self-monitoring programme in place. The self-monitoring programme must describe the procedures the company follows in order to comply with the law. The self-monitoring programme must be included in the notification documents submitted to the municipality or Public Health Agency of Sweden.

You must contact the municipality and/or the Public Health Agency of Sweden without delay if any details change after you have submitted your notification.

Age limits

Companies must not sell or hand out tobacco-free nicotine products to anybody under the age of 18. The person handing over a tobacco-free nicotine product must be sure that the recipient is aged 18 or above. The product must not be handed over if there is any suspicion that it will be given to somebody under the age of 18.

It must be possible to verify the age of the recipient when the product is handed over. This also applies if they are being sold from a vending machine, online shop or similar.

The point of sale must visibly display a clear message informing customers about the ban on sales or distribution of tobacco-free nicotine products to people under the age of 18.

Labelling

The packaging used for tobacco-free nicotine products must contain a health warning. This is a declaration of the package's contents and an information text about the harmful effects of nicotine.

The packaging or product must not be labelled with information to suggest that the product is less harmful than similar products. Nor must it resemble food or cosmetics products.

The labelling regulations enter into force on 1 January 2023. Products that have been on the market and manufactured before 1 January 2023 may still be sold up until 1 July 2023, even if the product does not meet the labelling requirements.

Marketing

Consumer marketing of tobacco-free nicotine products must be done in moderation. Advertisements or other marketing measures must not be intrusive, attractive or encourage the use of tobacco-free nicotine products. For more information about marketing, visit www.konsumentverket.se

Faulty products

As a retailer, you must contact the Public Health Agency of Sweden immediately if you discover any faults with a product. These may include the product being unsafe, of poor quality, or failing to meet the legal requirements in any other way.

Read more on www.folkhalsomyndigheten.se

Inspections and test purchases

Municipalities, the police and the Public Health Agency of Sweden may inspect your organisation to make sure you are complying with the law.

Municipalities also have the right to conduct test purchases to ensure that age verification checks take place when tobacco-free nicotine products are sold.

What can happen if the rules are not followed?

If your company does not comply with the rules, you can receive a warning or order that you must rectify these shortcomings. You may also be banned from selling tobacco-free nicotine products.

Legal action can be taken if you violate certain regulations, meaning you could be fined or given a prison sentence.

Therefore, it is important that your company has procedures in place to guarantee that the regulations are followed.

Fees

Municipalities may charge a fee for their inspections on tobacco-free nicotine products.