



Consumer sales of tobacco-free nicotine products

Before you sell tobacco-free nicotine products to consumers, you must notify the municipality or, in certain cases, the Public Health Agency of Sweden.

This information leaflet summarises some of the things you need to consider. However, it is important that you familiarise yourself with all of the rules that apply to such business operations.

Definitions

- A tobacco-free nicotine product is a product containing nicotine but not tobacco that is intended for consumption.
- Retail means direct sales to consumers.
- A point of sale is a physical place of business or a website used as a retail outlet.
- A physical point of sale is a specific premises or other delineated retail space in which a merchant sells to a customer, most commonly a shop of some kind.

You must give notification of your sales

If you intend to sell in a physical shop, notify the municipality in which the shop is located. If you intend to sell in a webshop and you do not have a physical shop, notify the municipality in which your business is registered.

If your business is not registered in Sweden, notify the municipality in which your company has a permanent place of business.

If your business is not registered in Sweden and you have no permanent place of business in Sweden, notify the Public Health Agency of Sweden.

You must submit a self-monitoring programme

When you notify the municipality or the Public Health Agency of Sweden, you must attach a self-monitoring programme. The programme shall include the procedures you and your staff have in place to ensure the

legal compliance of the business, both with regard to sales and the handling of products in general.

The legal age limit is 18

It is illegal to sell or supply tobacco-free nicotine products to anyone under the age of 18. Anyone selling or supplying tobacco products must be certain that the recipient is 18 years of age or over, so it must be possible to check the person's age. This also applies to products sold via, for example, a vending machine, webshop or unstaffed shop. If you suspect that a product may be passed on to someone under the age of 18, it must not be supplied.

There must always be a clear and visible notice at the point of sale stating that it is prohibited to sell or supply tobacco-free nicotine products to anyone under the age of 18.

Labelling

Among other things, tobacco-free nicotine product packaging must contain a content declaration and a health warning informing consumers of the risks associated with the use of nicotine.

Further information on labelling can be found in the Act (2022:1257) and Ordinance (SFS 2022:1263) on Tobacco Free Nicotine Products, in related regulations and on the website of the Public Health Agency of Sweden.

Defective products

If you are a retailer and you have reason to believe that a product is unsafe, defective or otherwise fails to meet legal or regulatory requirements, you must contact the Public Health Agency of Sweden without delay.

Marketing

As a retailer of tobacco-free nicotine products to consumers your marketing must be restrained. Advertisements and other marketing measures that importune, solicit or encourage the use of tobacco-free nicotine products are prohibited. Nor is it permitted to

specifically target young people. For further information about marketing regulations, please visit the website of the Swedish Consumer Agency.

Inspections and control purchases

Municipalities, the Swedish Police Authority and the Public Health Agency of Sweden may conduct inspections to ensure that you are running your business in compliance with legislation and regulation.

You must provide the municipality, the Swedish Police Authority and the Public Health Agency of Sweden with the necessary information and documentation to exercise supervision. They also have the right to access all premises belonging to the company.

Municipalities and the Public Health Agency of Sweden are permitted to charge a supervisory fee.

The municipality also has the right to conduct control purchases to check that you and your staff are checking IDs to ensure that you do not sell tobacco-free nicotine products to anyone below the legal age.

Important to comply with the regulations

If you fail to comply with regulations, the municipality may prohibit you from selling the products. If the shortcomings are not serious enough to warrant a prohibition, the municipality may issue a warning or an injunction to rectify the shortcomings.

Anyone who sells or supplies tobacco-free nicotine products to someone under 18 years of age can also be fined or imprisoned.

It is therefore vital that your business has procedures in place to ensure regulatory compliance.

Important things to keep in mind

You need to notify the municipality before you start selling these products. Depending on how the products are sold, in certain cases you must notify the Public Health Agency of Sweden rather than the municipality.

You must submit a self-monitoring programme with your notification.

If there are any significant changes to your business, you must notify the municipality and in some cases to the Public Health Agency of Sweden without delay.

It is illegal to sell or supply tobacco-free nicotine products to anyone under 18 years of age.

There must be a clear and visible notice at the point of sale stating that there is an age limit of 18.

The municipality, the Swedish Police Authority and the Public Health Agency of Sweden may conduct inspections.

The municipality may conduct control purchases.