SEANAD ÉIREANN

AN BILLE SLÁINTE POIBLÍ (TÁIRGÍ TOBAC AGUS TÁIRGÍ IONANÁLAITHE NICITÍN) (LEASÚ), 2026
PUBLIC HEALTH (TOBACCO PRODUCTS AND NICOTINE INHALING PRODUCTS) (AMENDMENT) BILL 2026

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 36 of 2026] [21 October, 2026]

SEANAD ÉIREANN

AN BILLE SLÁINTE POIBLÍ (TÁIRGÍ TOBAC AGUS TÁIRGÍ IONANÁLAITHE NICITÍN) (LEASÚ), 2026
—AN COISTE

PUBLIC HEALTH (TOBACCO PRODUCTS AND NICOTINE INHALING PRODUCTS) (AMENDMENT) BILL 2026
—COMMITTEE STAGE

Leasuithe
Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

1. In page 5, line 24, after "and *28(2)*," to insert "and subject to *subsection (4)*#".

—Senator Michael McDowell.

[#This is a reference to a subsection proposed to be inserted by amendment No. 2.]

2. In page 5, between lines 27 and 28, to insert the following:

"(4) Notwithstanding *subsection (3)*, any provision of this Act that introduces new obligations or restrictions relating to—

(a) the retail sale,

(b) advertising,

(c) display,

(d) packaging or appearance, or

(e) product presentation,

of nicotine inhaling products or nicotine consumption products shall not come into operation earlier than 12 months after the date of the passing of this Act.".

—Senator Michael McDowell.

SECTION 17

3. In page 22, between lines 12 and 13, to insert the following:

"Amendment of Act of 2023

17. The Act of 2023 is amended by the substitution of the following for section 11:

"Application for licence

11. (1) Subject to subsections (2), (3), (4) and (5), a person (in this Act referred to as the 'applicant') who, on or after the commencement of this section, wishes to sell by retail—

(a) tobacco products,

(b) nicotine inhaling products,

(c) nicotine consumption products, or

(d) any combination of the products referred to in paragraphs (a), (b) and (c),

on or from a premises or from a website (or otherwise online) shall apply to the Executive for a licence authorising such sale by retail by the person in respect of the premises or website (or otherwise online) as is specified in the application.

(2) A person who wishes to sell by retail the products referred to in subsection (1) on or from more than one premises or website shall make a separate application under subsection (1) for a licence in respect of each such premises or website, as the case may be.

(3) A person may not apply for a licence unless he or she is aged 18 years or over.

(4) A person may not apply for a licence for the sale by retail of tobacco products, nicotine inhaling products or nicotine consumption products on or from an excluded premises.

(5) Where a licence is suspended by order of the court under section 39, the licensee concerned may not make an application under subsection (1) during that period of suspension.

(6) An application under this section shall be made in such form and manner as may be prescribed and shall specify—

(a) the name of the applicant and address at which he or she ordinarily resides, or in the case of a company, the registered office of the company,

(b) where the applicant proposes to carry on the sale by retail of the tobacco products, nicotine inhaling products or nicotine consumption products concerned under a trading name, that trading name and legal identity,

(c) where the applicant is a body corporate, the name of each relevant officer and address at which he or she ordinarily resides and the address of his or her principal office or place of business,

(d) where the application is in respect of a premises, the address of the premises,

(e) where the application is in respect of online sales, the name and electronic address or web address of any website (or other location online) operated and maintained by the applicant through which the tobacco products, nicotine inhaling products or nicotine consumption products are to be sold,

(f) whether the application relates to the sale by retail of tobacco products, nicotine inhaling products, nicotine consumption products or any combination of those products, and

(g) such other information as may be prescribed.

(7) An application for a licence shall be accompanied by—

(a) the fee prescribed under section 18,

(b) a tax clearance certificate in force relating to the applicant,

(c) a declaration signed by the applicant, or a relevant officer as the case may be, that, as at the date of the declaration, the applicant has complied with all requirements imposed on the applicant by tobacco control legislation, and

(d) such other information as may be prescribed.

(8) At any time after receiving an application and before determining the application, the Executive may by notice in writing require the applicant to provide additional information to it and, where the Executive does so, the applicant shall comply with that requirement.

(9) An applicant who knowingly or recklessly provides false or misleading information to the Executive under subsection (6), (7)(b), (7)(c), (7)(d) or (8) commits an offence.

(10) A person who, immediately before the commencement of this section, was registered under section 37 of the Act of 2002 to carry on, in whole or in part, the sale by retail of tobacco products shall, if he or she wishes to continue to carry on such business on or after such commencement, apply not later than—

(a) 6 months, or

(b) the expiration of such longer period as may be prescribed,

after such commencement to the Executive for a licence under this section, and where the person does so, that person may continue to carry on, in whole or in part, the sale by retail of tobacco products in accordance with such registration pending a decision by the Executive on that application.

(11) A person who, immediately before the commencement of this section, was carrying on the sale by retail of nicotine inhaling products or nicotine consumption products shall, if he or she wishes to continue the sale of such products after such commencement, apply not later than—

(a) 6 months, or

(b) the expiration of such longer period as may be prescribed,

after such commencement to the Executive for a licence under this

section, and where the person does so, that person may continue to carry on the sale by retail of nicotine inhaling products or nicotine consumption products pending a decision by the Executive on that application.

(12) In this section, 'excluded premises' means a temporary or moveable premises other than a ship that carries passengers on commercial voyages between a place in the State and a place outside the State.

(13) For the purposes of this section and of any fee prescribed under section 18, a fee applicable to tobacco products, nicotine inhaling products, or both, shall be deemed to apply also in respect of nicotine consumption products and, accordingly, nicotine consumption products shall be treated as forming part of the same product category as the tobacco products or nicotine inhaling products to which that fee applies, as the case may be.".".

—Senator Michael McDowell.

SECTION 21

4. In page 28, to delete lines 8 to 39 and substitute the following:

"Flavour names and descriptions of nicotine inhaling products and nicotine consumption products

32F. (1) A person shall not sell by retail a nicotine inhaling product or nicotine consumption product with a flavour name or variant name unless that name consists exclusively of one or two words specified in the Schedule.

(2) Subject to subsection (3), the Minister may, by regulation, add flavour words to the Schedule or remove flavour words specified in the Schedule.

(3) When making regulations under subsection (2), the Minister shall, having regard to public health and to the objectives of reducing harm from tobacco products and nicotine inhaling products and prioritising the protection of health of children, take the following matters into account:

(a) the need to limit flavour names that may disproportionately appeal to children;

(b) evidence relating to flavours for nicotine inhaling products and smoking cessation, initiation and continuation of nicotine inhaling product use, or harm to health relating to nicotine inhaling products;

(c) the prevalence of smoking of tobacco and use of nicotine inhaling products in both children and adults, and the demographics of

children and adults who smoke tobacco or use nicotine inhaling products;

(d) evidence of the effectiveness, and other impacts, of the restrictions concerning flavour names for nicotine inhaling products contained in this Act.

(4) A person who contravenes subsection (1) commits an offence.".

—Senator Sharon Keogan.

SCHEDULE

5. In page 34, to delete lines 2 to 8 and substitute the following:

"SCHEDULE

PERMITTED FLAVOUR WORDS FOR NICOTINE INHALING PRODUCTS AND NICOTINE CONSUMPTION PRODUCTS

Flavour Name in the English Language	**Flavour Name in the Irish Language**
Tobacco	*Tobac*
Unflavoured	*Gan Bhlas*
Mint	*Mionas*
Menthol	*Meantól*
Apple	*Úll*
Banana	*Banana*
Berry	*Caor*
Cherry	*Silín*
Citrus	*Citreas*
Coconut	*Cnó Cóco*
Grape	*Fíonchaor*
Lemon	*Líomóid*
Lime	*Líoma*
Mango	*Mangó*
Melon	*Mealbhacán*

".

—Senator Sharon Keogan.

6. In page 34, between lines 5 and 6, to insert the following:

"

Menthol	*Meantól*

".

—Senators Chris Andrews, Joanne Collins, Maria McCormack, Conor Murphy, Nicole Ryan, Pauline Tully.