



An Bille Sláinte Poiblí (Tobac) (Leasú) (Glúin Saor ó Chaitheamh), 2026
Public Health (Tobacco) (Amendment) (Smokefree Generation) Bill 2026

Mar a tionscnaíodh

As initiated



**AN BILLE SLÁINTE POIBLÍ (TOBAC) (LEASÚ) (GLÚIN SAOR Ó CHAITHEAMH),
2026
PUBLIC HEALTH (TOBACCO) (AMENDMENT) (SMOKEFREE GENERATION)
BILL 2026**

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Interpretation
2. Prohibition on sale and supply to specified cohort
3. Proxy purchasing
4. Amendment of obligations on retailers (age verification)
5. Licensing of retailers dealing in nicotine inhalation products
6. Authorised officers
7. Fixed payment notices
8. Penalties
9. Regulations
10. Review
11. Short title, collective citation and commencement

ACTS REFERRED TO

Public Health (Tobacco) Act 2002 (No. 6)

Public Health (Tobacco) Acts 2002 to 2024



**AN BILLE SLÁINTE POIBLÍ (TOBAC) (LEASÚ) (GLÚIN SAOR Ó CHAITHEAMH),
2026
PUBLIC HEALTH (TOBACCO) (AMENDMENT) (SMOKEFREE GENERATION)
BILL 2026**

Bill

5

entitled

An Act to amend the Public Health (Tobacco) Acts 2002 to 2024 to prohibit the sale and supply of tobacco products, nicotine products and nicotine inhalation products to persons born on or after 1 January 2009; to provide for related offences, enforcement and penalties; and to provide for related matters.

10

Be it enacted by the Oireachtas as follows:

Interpretation

1. Section 2 of the Public Health (Tobacco) Act 2002 is amended—

(a) by the insertion of the following definitions:

“ ‘nicotine inhalation product’ means any device or product, including an electronic cigarette, vaping device, refill container, cartridge or component, intended to enable the inhalation of vapour or aerosol, whether or not it contains nicotine;

15

‘nicotine product’ means a product containing nicotine intended for human consumption;

20

‘specified cohort’ means persons born on or after 1 January 2009;”,

and

(b) by substituting “Public Health (Tobacco) Acts 2002 to 2026” for “Public Health (Tobacco) Acts 2002 to 2024”.

Prohibition on sale and supply to specified cohort

25

2. The Principal Act is amended by the insertion of the following section after section 37 (as amended):

“Prohibition on sale and supply to specified cohort

37A. (1) A person shall not sell or supply a tobacco product, nicotine product or nicotine inhalation product to a person who is a member of the specified cohort.

30

- (2) Subsection (1) applies notwithstanding that the person has attained the age of 18 years or any other age.
- (3) A person who contravenes this section commits an offence.”.

Proxy purchasing

- 3. The Principal Act is amended by the insertion of the following section after section 37A: 5
 - “Proxy purchasing**
 - 37B.** (1) A person shall not purchase, attempt to purchase or otherwise obtain a product to which section 37A applies on behalf of a person who is a member of the specified cohort.
 - (2) A person who contravenes this section commits an offence.”. 10

Amendment of obligations on retailers (age verification)

- 4. Section 37 of the Principal Act is amended—
 - (a) by inserting, after subsection (1):
 - “(1A) A person shall not sell or supply a product to which this Part applies unless the person has taken all reasonable steps to establish that the purchaser is not a member of the specified cohort.”, 15
 - (b) by empowering the Minister to prescribe acceptable forms of identification for the purposes of verifying date of birth, and
 - (c) by requiring updated signage reflecting the prohibition introduced by section 37A.”. 20

Licensing of retailers dealing in nicotine inhalation products

- 5. The Principal Act is amended by inserting provisions into Part 4A (retail registration) to provide that—
 - (a) a person shall not sell nicotine inhalation products or nicotine products unless registered, 25
 - (b) registration may be refused, suspended or cancelled for contraventions of section 37A or 37B, and
 - (c) the register maintained by the Health Service Executive (HSE) shall include retailers of all products to which section 37A applies.”.

Authorised officers 30

- 6. The Principal Act is amended by extending the powers of authorised officers under Part 5 to include enforcement of sections 37A and 37B.

Fixed payment notices

- 7. The Principal Act is amended by inserting references to offences under sections 37A and 37B into provisions relating to fixed payment notices. 35

Penalties

8. Section 47 of the Principal Act is amended by providing that offences under sections 37A and 37B—
- (a) may be prosecuted summarily or on indictment, and
 - (b) shall carry the same penalties as offences relating to the sale of tobacco products to persons under the age of 18 years. 5

Regulations

9. The Principal Act is amended by providing that the Minister may make regulations for the purposes of—
- (a) prescribing acceptable proof of age, 10
 - (b) prescribing signage requirements,
 - (c) prescribing fixed payment amounts, and
 - (d) extending the application of the Act to new nicotine delivery technologies.

Review

10. The Principal Act is amended by inserting a new section requiring the Minister to review the operation of section 37A not later than five years after its commencement and every five years thereafter, and to lay a report before each House of the Oireachtas. 15

Short title, collective citation and commencement

11. (1) This Act may be cited as the Public Health (Tobacco) (Amendment) (Smokefree Generation) Act 2026. 20
- (2) The Public Health (Tobacco) Acts 2002 to 2024 and this Act may be cited together as the Public Health (Tobacco) Acts 2002 to 2026.
- (3) This Act shall come into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision. 25

An Bille Sláinte Poiblí (Tobac) (Leasú)
(Glúin Saor ó Chaitheamh), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú na nAchtanna Sláinte Poiblí (Tobac), 2002 go 2024 chun toirmeasc a chur le táirgí tobac, táirgí nicitín agus táirgí ionanáilaithe nicitín a dhíol le daoine, agus a sholáthar do dhaoine, a rugadh an 1 Eanáir 2009 nó dá éis; do dhéanamh socrú maidir le cionta gaolmhara, forfheidhmiú agus pionóis; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Maolchholm Ó Broin a thug isteach,
22 Meán Fómhair, 2026

Public Health (Tobacco) (Amendment)
(Smokefree Generation) Bill 2026

BILL

(as initiated)

entitled

An Act to amend the Public Health (Tobacco) Acts 2002 to 2024 to prohibit the sale and supply of tobacco products, nicotine products and nicotine inhalation products to persons born on or after 1 January 2009; to provide for related offences, enforcement and penalties; and to provide for related matters.

Introduced by Deputy Malcolm Byrne,
22nd September, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
r-phost: publications@opw.ie
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.
Tel: 046 942 3100
Email: publications@opw.ie
or through any bookseller.

€1.27

