



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

Meabhrán Míniúcháin
Explanatory Memorandum



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

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to amend the Public Health (Tobacco) Acts 2002 to 2024 to introduce a “smokefree generation” measure, whereby the sale and supply of tobacco products, nicotine products and nicotine inhalation products will be prohibited to persons born on or after 1 January 2009 (thus turning 18 on or after 1st January, 2027).

This measure establishes a rolling age restriction, ensuring that the specified cohort will never be legally permitted to purchase such products over their lifetime.

Policy Background

The Bill reflects an emerging international public health approach aimed at reducing smoking prevalence and nicotine dependency, particularly among young people. It is informed by similar legislative models previously adopted or proposed in jurisdictions such as New Zealand and the United Kingdom.

Ireland has adopted a range of tobacco control measures since the enactment of the Public Health (Tobacco) Act 2002, including workplace smoking bans, plain packaging, advertising restrictions and retail registration. This Bill builds on that framework with the objective of achieving a tobacco-free society.

Overview of the Bill

The Bill provides for:

- A prohibition on the sale or supply of tobacco and nicotine products to persons born on or after 1 January 2009;
- The creation of offences relating to proxy purchasing of such products for those persons;
- Strengthened obligations on retailers to verify age and display appropriate signage;
- The extension of the existing retail registration system to cover nicotine products and nicotine inhalation products;
- The application of existing enforcement powers and penalties to the new offences;
- A requirement for periodic review of the operation of the measure.

Provisions of the Bill

Section 1 – Interpretation

This section amends the interpretation provisions of the Principal Act to insert definitions of “nicotine product”, “nicotine inhalation product” and “specified cohort”. It also updates the collective citation of the Acts.

Section 2 – Prohibition on sale and supply to specified cohort

This section inserts a new section 37A into the Principal Act, making it an offence to sell or supply relevant products to persons born on or after 1 January 2009. The prohibition applies irrespective of the person’s age at the time of sale.

Section 3 – Proxy purchasing

This section inserts a new section 37B to make it an offence for a person to purchase or attempt to purchase tobacco or nicotine products on behalf of a member of the specified cohort.

Section 4 – Amendment of obligations on retailers

This section strengthens existing obligations on retailers by requiring them to take reasonable steps to verify that a purchaser is not a member of the specified cohort. It also provides for the prescription of acceptable forms of identification and updated signage requirements.

Section 5 – Licensing of retailers dealing in nicotine products

This section extends the existing retail registration framework to include nicotine products and nicotine inhalation products, and provides for refusal, suspension or cancellation of registration for non-compliance.

Section 6 – Authorised officers

This section extends the powers of authorised officers under the Principal Act to cover enforcement of the new provisions introduced by this Bill.

Section 7 – Fixed payment notices

This section applies existing fixed payment notice provisions to offences created under the Bill, allowing for proportionate enforcement.

Section 8 – Penalties

This section provides that offences under the new provisions will attract penalties equivalent to those already applicable for offences under the tobacco control legislation.

Section 9 – Regulations

This section enables the Minister to make regulations to give full effect to the Act, including provisions relating to identification, signage, licensing and enforcement.

Section 10 – Review

This section provides for periodic review of the operation and effectiveness of the smokefree generation measure, with reports to be laid before the Houses of the Oireachtas.

Section 11 – Short title, collective citation and commencement

This section provides for the short title of the Act, its inclusion within the collective citation of the Public Health (Tobacco) Acts, and enables the Minister for Health to commence the provisions by order.

*Malcolm Byrne, TD,
Meán Fómhair, 2026.*