



**An Bille Sláinte Poiblí (Táirgí Tobac agus Táirgí Ionanálaithe Nicitín) (Leasú)
(Uimh. 2), 2026**

**Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment)
(No. 2) Bill 2026**

Mar a tionscnaíodh

As initiated



**AN BILLE SLÁINTE POIBLÍ (TÁIRGÍ TOBAC AGUS TÁIRGÍ IONANÁLAITHE
NICITÍN) (LEASÚ) (UIMH. 2), 2026**
**PUBLIC HEALTH (TOBACCO PRODUCTS AND NICOTINE INHALING
PRODUCTS) (AMENDMENT) (NO. 2) BILL 2026**

Mar a tionscnaíodh

As initiated

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ACT REFERRED TO

Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 (No. 35)



**AN BILLE SLÁINTE POIBLÍ (TÁIRGÍ TOBAC AGUS TÁIRGÍ IONANÁLAITHE
NICITÍN) (LEASÚ) (UIMH. 2), 2026**
**PUBLIC HEALTH (TOBACCO PRODUCTS AND NICOTINE INHALING
PRODUCTS) (AMENDMENT) (NO. 2) BILL 2026**

Bill

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entitled

An Act to regulate, in the public interest, the number of premises in the State that are being used for the purpose of the sale by retail of tobacco products or nicotine inhaling products, for that purpose to amend the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 and to provide for related matters.

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Be it enacted by the Oireachtas as follows:

Amendment of section 12 (determination of application for licence) of Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023

1. Section 12 of the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 is amended in subsection (2) by the insertion of “, subject to subsection (3) and to section 12A,” after “the Executive shall”.

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Amendment of Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 - insertion of new section 12A

2. The Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 is amended by inserting the following section after section 12:

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“Refusal of licence in certain circumstances

12A. (1) This section applies in respect of each of the following:

- (a) an application under section 11 for a licence to sell by retail tobacco products, or to sell by retail both tobacco products and nicotine inhaling products, on premises that are intended to be used primarily for the purpose of the sale by retail of tobacco products;
- (b) an application under section 11 for a licence to sell by retail nicotine inhaling products, or to sell by retail both nicotine inhaling products and tobacco products, on premises that are intended to be used primarily for the purpose of the sale by retail of nicotine inhaling products;
- (c) an application under section 11 for a licence to sell by retail both tobacco products and nicotine inhaling products on premises that

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are intended to be used primarily for the purpose of the sale by retail of both tobacco products and nicotine inhaling products.

- (2) The Executive may refuse to grant a licence under section 12 if it considers that—
- (a) in respect of an application to which subsection (1)(a) relates, the approval of the application would be contrary to the public interest, having regard to the number of premises in the locality that are already being used primarily for the purpose of the sale by retail of tobacco products or both tobacco products and nicotine inhaling products, 5 10
 - (b) in respect of an application to which subsection (1)(b) relates, the approval of the application would be contrary to the public interest, having regard to the number of premises in the locality that are already being used primarily for the purpose of the sale by retail of nicotine inhaling products or both nicotine inhaling products and tobacco products, or 15
 - (c) in respect of an application to which subsection (1)(c) relates, the approval of the application would be contrary to the public interest, having regard to the number of premises in the locality that are already being used primarily for the purpose of the sale by retail of tobacco products or nicotine inhaling products, or both tobacco products and nicotine inhaling products. 20
- (3) The Executive shall, as soon as is reasonably practicable after the coming into operation of the *Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) (No. 2) Act 2026*, prepare a policy statement for the purpose of regulating the number of premises in the State that are used primarily for the purpose of the sale of tobacco products, nicotine inhaling products or both tobacco products and nicotine inhaling products. 25
- (4) A policy statement under subsection (3)— 30
- (a) shall specify principles and methodologies for the purpose of regulating the number of premises in the State that are used primarily for the purpose of the sale by retail of each of the following: 35
 - (i) tobacco products;
 - (ii) nicotine inhaling products;
 - (iii) both tobacco products and nicotine inhaling products,
 - (b) may specify particular principles and methodologies in respect of premises that are used primarily for the purpose of the sale by retail of particular classes of tobacco product or nicotine inhaling product, 40
 - (c) may specify particular principles and methodologies in respect of a particular area in the State or a particular class of areas in the State,

and

- (d) may include such other matter as the Executive considers appropriate.
- (5) In preparing a policy statement under this section, the Executive shall have regard to the following: 5
 - (a) the public interest in reducing the consumption of tobacco products and nicotine inhaling products;
 - (b) the public interest in reducing the exposure of tobacco products and nicotine inhaling products to members of the public;
 - (c) such other matter as the Executive considers appropriate. 10
- (6) The Executive shall, from time to time as it thinks appropriate, review a policy statement prepared under subsection (3) and make such revisions to it as it thinks appropriate.
- (7) The Executive shall publish a policy statement prepared or revised under this section on a website maintained by it or on its behalf. 15
- (8) In this section, ‘premises’ includes any shop, store, kiosk or other place that is situated within a premises.”.

Short title, citation and commencement

- 3. (1) This Act may be cited as the Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) (No. 2) Act 2026. 20
- (2) This Act comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Health may appoint by order.

An Bille Sláinte Poiblí (Táirgí Tobac agus
Táirgí Ionanálaithe Nicitín) (Leasú)
(Uimh. 2), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil, ar mhaithe le leas an phobail, an lín áitreabh sa Stát atá in úsáid chun táirgí tobac nó táirgí ionanálaithe nicitín a mhiondíol, chun na críche sin do leasú an Achta Sláinte Poiblí (Táirgí Tobac agus Táirgí Ionanálaithe Nicitín), 2023 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Seanadóir Maire Ní Bhroinn a thug isteach,
13 Deireadh Fómhair, 2026*

Public Health (Tobacco Products and
Nicotine Inhaling Products) (Amendment)
(No. 2) Bill 2026

BILL

(as initiated)

entitled

An Act to regulate, in the public interest, the number of premises in the State that are being used for the purpose of the sale by retail of tobacco products or nicotine inhaling products, for that purpose to amend the Public Health (Tobacco Products and Nicotine Inhaling Products) Act 2023 and to provide for related matters.

*Introduced by Senator Maria Byrne,
13th October, 2026*

BAILE ÁTHA CLIATH
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