



CIGARETTES AND THE LAW

Cigarettes and Young People

It is not illegal for people under 18 to smoke cigarettes or e-cigarettes (vapes).

However, there are laws that limit young people's access to them, and penalties for selling or supplying cigarettes and vapes to young people.



The law also prohibits the sale or supply of nicotine pouches to anyone.

Buying Cigarettes

What age can I buy cigarettes?

It is against the law for anyone to sell or give cigarettes or vapes to you if you are under 18 years old.

It is also illegal to give a young person any other type of tobacco product such as a cigar, snuff, or anything that

a tobacco product is contained in (like a cigarette packet).

It is against the law to sell to or give a young person any other type of vape product, including any parts that make up a vape like a battery or cartridge.



Even if a product does not actually contain tobacco, it is illegal to sell or supply that product to someone under 18 if it is designed to be smoked.

Did you know...

Vapes and vaping products may only be sold in a pharmacy to help people quit smoking or manage nicotine addiction.

Vapes containing nicotine may only be sold to adults without a prescription.

Confiscating Cigarettes

Can anyone confiscate my cigarettes?

Police and teachers at a school that you attend can confiscate your cigarettes, tobacco or vape products if you are under 18. They must destroy the confiscated items and they don't have to pay you anything for them.

Smoking Cigarettes

Is it illegal to smoke in some places?

Yes. It is an offence to smoke or vape in enclosed public places, workplaces and shared areas.

It is illegal to smoke or vape in a car if there is someone younger than 16 years old in the vehicle.



It is also an offence to smoke or vape in or near a range of public areas, including public transport areas (bus stops, tram stops, railway stations, taxi ranks and airports), public playgrounds, schools, early childhood centres, hospitals, outdoor swimming pools, and on beaches near jetties and the red and yellow patrol flags.

Keep an eye out for signs like this before lighting up.



If you're caught smoking or vaping in a smoke-free or vape-free area, you may:

- be given an informal caution,
- be given an expiation fee (fine) on the spot, or
- have to go to court and pay a fine.

If you have been given a fine or you have to go to court, call the Legal Helpline on 1300 366 424 between 9:00 am and 4:30 pm Monday to Friday for legal advice and information.

If you would prefer to text, visit our website at lsc.sa.gov.au and click on the Legal Chat icon in the bottom right-hand corner.



Can I get in trouble for smoking while I'm wearing a school uniform?



Some schools have rules about how you should behave when wearing a school uniform. If your school has these kinds of rules, you may get in trouble for smoking or vaping in school uniform (whether you are over 18 years old or not).

You can ask your school for information about its uniform and smoking policies.

If you're under 18, your teacher can confiscate cigarettes, tobacco or vape products from you, even if you are not on school grounds.

Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email cle@lsc.sa.gov.au

To apply for legal aid online, visit www.lsc.sa.gov.au

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