PROTECTION OF CHILDREN (NICOTINE INHALING PRODUCTS) (JERSEY) REGULATIONS 2016

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Jersey

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THE STATES, in pursuance of Article 2 of the Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009, have made the following Regulations –

Commencement [see endnotes]

1 Interpretation

In these Regulations –

"appropriate practitioner" means a person of a description or class specified by Order under Article 57(1)(b) of the Medicines Law;

"Medicines Law" means the Medicines (Jersey) Law 1995;

"medical device" means any instrument, apparatus, appliance, software, material or other article, whether used alone or in combination, together with any accessories, including the software intended by its manufacturer to be used specifically for diagnosis or therapeutic purposes or both and necessary for its proper application, which –

(a) is intended by the manufacturer to be used for human beings for the purpose of –

(i) diagnosis, prevention, monitoring, treatment or alleviation of disease,

(ii) diagnosis, monitoring, treatment, alleviation of or compensation for an injury or handicap,

(iii) investigation, replacement or modification of the anatomy or of a physiological process, or

(iv) control of conception; and

(b) does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, even if it is assisted in its function by such means,

including devices intended to administer a medicinal product or which incorporate as an integral part a substance which, if used separately, would be a medicinal product and which is liable to act upon the body with action ancillary to that of the device;

"medicinal product" has the same meaning as in Article 2 of the Medicines Law;

"nicotine cartridge" means a cartridge which –

(a) contains a substance which is not tobacco but consists of, or contains, nicotine; and

(b) is intended to form part of a nicotine inhaling device;

"nicotine inhaling device" means a device which –

(a) is intended to enable nicotine to be inhaled through a mouth piece (regardless of whether the device is also intended to enable any other substance to be inhaled through a mouth piece); but

(b) is not tobacco, cigarette papers or a device intended to be used for the consumption of ignited tobacco;

"nicotine inhaling product" means a nicotine inhaling device, nicotine cartridge or nicotine refill substance;

"nicotine refill substance" means a substance which –

(a) is not tobacco but consists of, or contains, nicotine; and

(b) is intended to be used to refill a nicotine inhaling device;

"prescription only medicine" means a medicinal product specified in an Order under Article 57(1)(a) of the Medicines Law;

"supply" includes the act of selling and the act of making a gift.

2 Prohibition on supply of nicotine inhaling products to children

The supply of any nicotine inhaling product to any person under the age of 18 years is prohibited except where Regulation 3 or 4 applies.

3 Exception for supply of nicotine inhaling products indicated for the treatment of persons aged under 18

(1) Regulation 2 does not apply to the supply of a nicotine inhaling product which –

(a) is an authorized medicinal product; and

(b) is indicated for the treatment of persons of the age of the person to whom the product is supplied.

(2) For the purposes of this Regulation –

(a) a medicinal product is "authorized" if a product licence granted for the purposes of Article 8 of the Medicines Law is in force which is applicable to it; and

(b) a nicotine inhaling product is indicated for the treatment of persons of a particular age if it is described as such –

(i) in the clinical particulars for the product in accordance with paragraph 9(d) of Schedule 1 to the Medicines (Applications for Licences for Products for Human Use) (Jersey) Order 1997, or

(ii) in accordance with paragraph (4).

(3) The reference to a "product licence" in paragraph (2)(a) includes a valid United Kingdom product licence or a valid marketing authorization which has effect as if it were a product licence in accordance with Article 7(2) of the Medicines Law.

(4) Where a medicinal product is authorized by virtue of a product licence described in paragraph (3), a nicotine inhaling product is indicated for the treatment of persons of a particular age if it is described as such in accordance with Regulation 5(2)(a)

of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 of the United Kingdom.

4 Exception for supply of nicotine inhaling products as if they were prescription only medicines

Regulation 2 does not apply to supply of a nicotine inhaling product where –

(a) the nicotine inhaling product is a medicinal product or a medical device; and

(b) the circumstances of the supply are such that, if the nicotine inhaling product were a prescription only medicine, its supply would be permitted under Article 57 of the Medicines Law (including any exemption under that Article).

5 Citation

These Regulations may be cited as the Protection of Children (Nicotine Inhaling Products) (Jersey) Regulations 2016.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Protection of Children (Nicotine Inhaling Products) (Jersey) Regulations 2016	R&O.50/2016	3 May 2016

Table of Endnote References

There are currently no endnote references