Draft of 24.02.2026

ACT

of ……

amending the Act on protection of health against the consequences of consumption of tobacco and tobacco products[1)]

Article 1. The Act of 9 November 1995 on the protection of health against consequences of consumption of tobacco and tobacco products (Journal of Laws [Dziennik Ustaw] of 2024, item 1162; and of 2025, items 427 and 799) is hereby amended as follows:

1) in Article 2, the following subparagraph 20b is added after subparagraph 20a:

2) ‘20b) disposable electronic cigarette – an electronic cigarette that is not a electronic cigarette refillable by means of a refill container or a tank, or rechargeable with single use cartridges;’;

in Article 3a(2):

a) the introduction to the enumeration is replaced by the following:

‘Where it is not possible to effect service at the address for electronic service within the meaning of Article 2(1) of the Act of 18 November 2020 on electronic service (Journal of Laws of 2026, item 3) to the manufacturer or importer:”,

b) subparagraph 2 shall read as follows:

‘2) the notices referred to in paragraph 5 and in Article 7d(3) and (4), Article 8aa(6) and (8), Article 8ab(5), Article 10(7)(1) and (8), Article 11b(7) and (9), Article 11e(5), Article 11f(1d)(1) and (1e), and Article 11ha(6)’;

3) the following paragraph 3 is added in Article 7:

‘3. The placing on the market of disposable electronic cigarettes shall be prohibited.’;

4) after Article 7a, the following Article 7aa is added:

‘Article 7aa. 1. The placing on the market of nicotine-containing products that are not tobacco products or related products shall be prohibited.

2. The provisions of paragraph 1 shall not apply to:

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1)This Act was notified to the European Commission on … under number …, in accordance with § 4 of the Cabinet Regulation of 23 December 2002 concerning the manner in which the national notification system of standards and legal acts functions (Journal of Laws, item 2039; and of 2004, item 597), which implements the provisions of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services (harmonisation) (OJ L 241, 17.9.2015, p. 1).

1) medicinal products authorised to be placed on the market under the Act of 6 September 2001 – Pharmaceutical Law (Journal of Laws of 2025, items 750, 905, 924, 1416, 1537 and 1795);

2) medical devices within the meaning of Article 2(1) of Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1, as amended[2)]) as well as medical devices within the meaning of Article 2(2) of Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176, as amended[3)]);

3) food within the meaning of Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ EC L 31 of 1.2.2002, p. 1, as amended[4)] – Official Journal of the EU, Polish Special Edition, Chapter 15, Volume 6, p. 463) and feed within the meaning of Article 3(4) of that Regulation.";

5) in Article 11c:

a. in (1):

b. – subparagraph 1 is replaced by the following:

i. '1) Nicotine-containing liquid and nicotine-free liquid should only be placed in refill containers or disposable cartridges specifically designed for this purpose;',

c. – the following subparagraph 1a is added after subparagraph 1:

'1a) the capacity of refill containers must not exceed 10 ml, and the capacity of disposable cartridges or tanks must not exceed 2 ml;',

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2) Amendments to the aforementioned Regulation were published in the OJ L 117 of 3.5.2019, p. 9, OJ L 334 of 27.12.2019, p. 165, OJ L 130 of 24.4.2020, p. 18, OJ L 241, 8.7.2021, p. 7, OJ L 311, 2.12.2022, p. 94, OJ L 70, 8.3.2023, p. 1, OJ L 80, 20.3.2023, p. 24, OJ L 2023/2197, 20.10.2023, OJ L 2024/568, 14.2.2024, OJ L 2024/1860 of 9.7.2024, OJ L 2025/1920 of 23.9.2025 and OJ L 2025/2457 of 12.12.2025.

3) Amendments to the aforementioned Regulation were published in the OJ L 117 of 3.5.2019, p. 11, OJ L 334, 27.12.2019, p. 167, OJ L 233, 1.7.2021, p. 9, OJ L 19, 28.1.2022, p. 3, OJ L 70, 8.3.2023, p. 3, OJ L 80, 20.3.2023, p. 24, and OJ L 2024/1860, 9.7.2024.

4)Amendments to the Regulation were published in OJ EU L 245, 29.9.2003, p. 4 – Official Journal of the EU, Polish Special Edition, Chapter 15, Volume 7, p. 614, OJ L 100 of 8.4.2006, p. 3, OJ L 179 of 7.7.2007, p. 59, OJ L 60 of 5.3.2008, p. 17, OJ L 188 of 18.7.2009, p. 14, OJ L 189 of 27.6.2014, p. 1, OJ L 327 of 12.11.2014, p. 9, OJ L 37 of 13.2.2015, p. 24, OJ L 35 of 10.2.2017, p. 10, OJ L 117 of 5.5.2017, p. 1, OJ L 198 of 25.7.2019, p. 241, OJ L 231 of 6.9.2019, p. 1, OJ L 2024/908 of 20.3.2024 and OJ L 2025/2457 of 12.12.2025.

b) after paragraph 1, the following paragraphs 1a and 1b are added:

1a ‘1a. Tests to verify that electronic cigarettes or refill containers on the market comply with the requirements set out in paragraph 1 may be carried out by the competent authorities of the State Sanitary Inspectorate and the Trade Inspectorate in the laboratory of the State Sanitary Inspectorate, the Pharmaceutical Inspectorate, the Trade Inspectorate or the National Institute of Public Health NIH – National Research Institute.

1b. Where the authorities referred to in paragraph 1a find that electronic cigarettes or refill containers on the market do not meet the requirements set out in paragraph 1, they shall forward this information to the Trade Inspectorate for the purpose of carrying out an inspection in accordance with Article 11j.’,

c) paragraph 3 is replaced by the following:

1a ‘3. The unit packet and any outside packaging of electronic cigarettes and refill containers shall display a list of all components of the product in descending order by weight, information on the nicotine content of the product and the amount of nicotine per dose, an e-cigarette identifier (EP-ID) within the meaning of Commission Implementing Decision (EU) 2015/2183, a batch number and child protection warnings, and the unit packet of electronic cigarettes and refill containers shall be accompanied by a leaflet with instructions in Polish.’;

6) in Article 11f, after paragraph 1, the following paragraphs 1a to 1e are added:

‘1a. For the purposes of determining whether the electronic cigarettes or refill containers, or a given type thereof, referred to in paragraph 1 are likely to constitute a serious risk to human health, the President of the Office may require a laboratory test to be carried out on the composition or emissions of those products. The costs of laboratory testing shall be borne by the manufacturer, importer or distributor of electronic cigarettes or refill containers from which a sample of the product has been taken as referred to in paragraph 1d.

1b. The test referred to in paragraph 1a shall be carried out in the laboratory of the State Sanitary Inspectorate, the Pharmaceutical Inspectorate, the Trade Inspectorate or the National Institute of Public Health NIH – National Research Institute.

1c. At the request of the President of the Office, the competent authority of the State Sanitary Inspectorate shall take a sample of electronic cigarettes which may be used for the consumption of nicotine-containing vapour or of refill containers with nicotine-containing liquid, enabling the test referred to in paragraph 1a to be carried out.

1d. A manufacturer, importer or distributor of electronic cigarettes that can be used to consume nicotine-containing vapour, or of refill containers with nicotine-containing liquid, is required to:

1) submit, at the request of the President of the Office, to the designated laboratory a sample of this product to enable the test referred to in paragraph 1a within 14 days of the date of receipt of the request;
2) allow, at the request of the competent authority of the State Sanitary Inspectorate, to take a sample of that product to enable the test referred to in paragraph 1a to be carried out.

1e. The test referred to in paragraph 1a is subject to a one-off fee equal to the amount of two times the average monthly remuneration in the enterprise sector, excluding profit-related bonuses for the previous year, as announced by the President of the Central Statistical Office. The fee shall constitute state budget revenue. The fee shall be paid by the manufacturer, importer or distributor of electronic cigarettes or refill containers from which the sample was taken, in the manner specified in paragraph 1d, to the bank account indicated by the President of the Office within 14 days of the date of receipt of the request to pay the fee.';

7) in Article 11hb:

a) in paragraph 1, the following subparagraph 1a is added after subparagraph 1:

'1a) A nicotine pouch must not contain any ingredients that impart a smell or taste other than that of tobacco;',

b) after paragraph 1, the following paragraph 1a is added:

'1a. The unit packet and outside packaging of nicotine pouches shall display a list of all the product's ingredients in descending order by weight, as well as the tobacco product identifier (TP-ID) within the meaning of Commission Implementing Decision (EU) 2015/2186.',

c) paragraph 6 is replaced by the following:

'6. Unit packets and any outside packaging of nicotine pouches shall not include the elements or features referred to in Article 8(4)–(6), with the exception of Article 8(4)(1) as regards information on nicotine content.';

8) in Article 11i, paragraph 1 is replaced by the following:

'1. Unpaid, partially paid or not paid on time budgetary dues resulting from fees constituting revenue of the State budget referred to in Article 7d(4), Article 8aa(8), Article 8ab(5), Article 10(8), Article 11f(1e) and Article 11ha(6) shall be recovered in accordance with the provisions on administrative enforcement proceedings.';

9) in Article 12:

a) the following subparagraph 1a is added after subparagraph 1:

‘1a places on the market nicotine-containing products that are not tobacco products or related products, contrary to the prohibition referred to in Article 7aa(1),’,

b) the following subparagraph 5a is added after subparagraph 5:

‘5a) places disposable electronic cigarettes on the market contrary to the prohibition referred to in Article 7(3),’;

10) in Article 15a, in paragraph 1, the following subparagraph 6a is added after subparagraph 6:

‘6a) fails to comply with the obligations referred to in Article 11f(1d);’.

Article 2. 1. Six months after the date of entry into force of this Act, the notification referred to in Article 11b(1) and (16) of the Act amended in Article 1 concerning disposable electronic cigarettes shall become devoid of purpose.

2. Six months after the date of entry into force of this Act, no proceedings as referred to in Article 11b(11)(1) and (2) of the Act amended by Article 1 shall be initiated, and any proceedings already initiated shall be discontinued if the documentation shows that they relate to disposable electronic cigarettes.

3. The provisions of the Act, as amended by this Act, shall apply to proceedings referred to in Article 11f(1) and (3) of the Act amended by Article 1, which were initiated but not concluded before the date of entry into force of this Act.

Article 3. Disposable electronic cigarettes placed on the market before the date of entry into force of this Act may remain on the market for no longer than six months from the date of entry into force of this Act.

Article 4. Electronic cigarettes and refill containers which do not meet the requirements laid down in Article 11hb of the Act amended by Article 1, in the wording laid down by this Act, may remain on the market for no longer than six months from the date of entry into force of this Act.

Article 5. Nicotine pouches which do not meet the requirements laid down in Article 11hb(1) (1a), (1a) and (6) of the Act amended by Article 1, in the wording laid down by this Act, may remain on the market for no longer than six months from the date of entry into force of this Act.

Article 6. The Act shall enter into force six months after the day of announcement.