

THE TOBACCO CONTROL ACT

(ACT OF 2020)

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**A BILL
ENTITLED**

AN ACT to Provide for facilitating the preservation of the health of all persons by, restricting the use of tobacco products and relevant products and the adoption and implementation of tobacco control policies in accordance with the World Health Organization (WHO) Framework Convention on Tobacco Control, which aims to protect the population from the harmful effects of tobacco use and exposure to tobacco smoke; preventing the use of tobacco by children; enhancing public awareness of the hazards related to the use of tobacco products and relevant products in recognition of the fact that consumption of those products adversely impacts the health of individuals; prohibiting and restricting the advertising, promotion and sponsorship of tobacco products and relevant products; and provide for other related matters.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:-

PART I. Preliminary

Short title and commencement.

1. This Act may be cited as the Tobacco Control Act, 2020, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Interpretation.

2. – (1) In this Act –

“additive” means any substance, other than tobacco or nicotine that is, added to a tobacco product or nicotine product during processing, manufacturing or packaging, or a constituent that can be activated or added by a person at the time of consumption;

“advertising and promotion” in relation to tobacco products or related products, means any form of commercial communication, recommendation or action with the aim, effect or likely effect of

promoting a tobacco product or relevant product or the use of tobacco or nicotine directly or indirectly; and for this purpose, “promoting” means the practice of fostering awareness of, and positive attitudes towards, a tobacco product or relevant product, brand or manufacturer, for the purpose of selling the tobacco product or relevant product or encouraging the use of the tobacco product or relevant product, through various means, including discount, incentives, rebates, free distribution, promotion of brand elements through related events and products through a public medium of communication;

“authorized officer” means –

- (a) a constable;
- (b) a customs officer appointed under the Customs Act;
- (c) an inspector appointed under the Standards Act;
- (d) a Medical Officer (Health);
- (e) an inspector as appointed for the purpose of the Public Health Act; or
- (f) a member of the Jamaica Defence Force assigned to serve in its naval force;
- (g) any other person so designated, from time to time, by the Minister or in any relevant enactment;

“brand element” includes a brand name, manufacturer’s name, trademark, logo, graphic arrangement, design, color, motto or slogan that is associated with, or involves a product or service or a brand of product or service;

“constable” means a member of the Jamaica Constabulary Force;

“child” means a person under the age of eighteen years;

“constituents” in relation to a tobacco product means –

- (a) in the case of a smoked tobacco product, the chemicals found in the product itself, including the particles, vapours, gases and other emissions found in the smoke; and
- (b) in the case of a smokeless tobacco product, the chemicals found in the product itself;

“Convention” means the World Health Organization Framework Convention on Tobacco Control, adopted by the 56th World Health Assembly held in Geneva, Switzerland, on 21 May, 2003 and coming into force 27 February, 2005 and as in force in relation to Jamaica;

“design feature” means a characteristic of the design of a tobacco product that has an immediate causal link with the testing and measuring of its contents and emissions;

“electronic non-nicotine delivery system” means an electronically operated product designed to deliver an aerosol to users by heating a solution of substances that does not contain nicotine; and any solutions intended for use with or in the product;

“emissions” means substances that are released from tobacco products or nicotine products;

“enclosed” in relation to any space means any space that is covered by a roof or enclosed by one or more walls or sides, regardless of the type of material used for the roof, wall or sides and whether the structure is temporary or permanent;

“government company” means a company registered under the Companies Act, being a company in which the Government or an agency of the Government, is in a position to direct the policy of

that company;

“graphic” means any –

- (a) symbol;
- (b) sign;
- (c) logo;
- (d) mark;
- (e) trademark;
- (f) pattern;
- (g) emblem;
- (h) design;
- (i) drawing or sketch;
- (j) picture; or
- (k) any other mark, sign or indicia,

of a tobacco product or its seller’s identification;

“graphic health warning” means a health warning containing the words and images as set out in the First Schedule;

“health warning” means information relating to the harmful effects of tobacco products and nicotine addiction and any other appropriate messages in such form and manner as may be prescribed;

“ingredients” with respect to –

- (a) a tobacco product, means tobacco, any additives, and any other substances or elements present in a finished tobacco product, including paper, filter, ink, capsules, adhesives and any processing aids, residual substances, and other substances that migrate from the packaging;
- (b) a nicotine product, means the substance or mixture,

**First
Schedule.**

nicotine and any additives contained therein;

“lifestyle advertising” means advertising that associates a tobacco product or relevant product with, or evokes a positive or negative emotion about, or image of, a way of life such as one that includes glamour, sensuality, recreation, excitement, vitality, risk or daring;

“manufacture” means –

- (a) producing;
- (b) packaging; and
- (c) labelling,

of tobacco products and relevant products;

“manufacturer” means a person who produces, prepares, packages or labels a tobacco product or relevant product;

“Medical Officer (health)” has the meaning assigned to it under the Public Health Act;

“nicotine device” means a device manufactured for consuming a nicotine product by producing an aerosol or vapour for inhalation, and includes any item or part made for use with the device, including any tank, capsule or pod that connects to the device, save and except for a nicotine product contained in any tank, capsule or pod, whether or not sold separately;

“nicotine product” means a substance or mixture containing nicotine, other than a tobacco product;

“occupational activity” means any form of employment or occasional, temporary or permanent service activity, whether paid or unpaid, full-time or part time, temporary, occasional or permanent;

“outdoor smoking area” means an area established pursuant to section

12(2);

“package” means any covering, wrapper, container, carton, bag or other enclosure that contains a tobacco product or relevant product, including labels and other written or graphic information regarding same;

“person” includes any –

- (a) individual;
- (b) firm or partnership;
- (c) company registered under the *Companies Act*;
- (d) franchise;
- (e) organization;
- (f) agency; or
- (g) other association or institution;

“place of assembly for the use of the public” means any public space being used for gathering by individuals;

“public body” means a ministry or department of Government, including a statutory body or authority, a government company, and an agency designated as an executive agency under the Executive Agencies Act;

“public conveyance” means any form or mode of transportation which carries passengers, for hire or reward, but does not include privately-operated vehicles, not used for commercial purposes;

“public place” means any –

- (a) structure;
- (b) facility;
- (c) place of assembly; or
- (d) other place,

available to be used collectively by the public, including a Government office and a space or a building of any type regardless of the ownership of, or right of access to, any such place, office, space or building;

“relevant product” means a nicotine product or a nicotine device;

“retail packaging and labelling” means any packaging and labelling, excluding transparent wrappers, used in the retail sale of a tobacco product or relevant product, and includes individual (unit) packages, cartons and covers;

“seller” means any person who sells or supplies a tobacco product or relevant product for a fee or other consideration;

“smoke” means to inhale or exhale or handle a lit tobacco product or relevant product producing an aerosol or vapour;

“supply” means to sell, give, exchange, convey, deliver, import, export, furnish or transfer possession of, or title to, any tobacco product or relevant product for the purpose of obtaining financial or business gain, or arrange or offer to do so, whether for a fee or other consideration or without charge;

“tobacco control” means a range of supply, demand and harm reduction strategies which aim to improve the health of the population by eliminating or reducing the consumption of tobacco products, nicotine addiction and exposure to emissions from the consumption of tobacco products or relevant products;

“tobacco device” means a device manufactured for consuming a tobacco product by producing an aerosol or vapour for inhalation by means which do not involve igniting the tobacco, and includes any item or part manufactured for use with the device, whether or

not sold separately;

“tobacco industry” means tobacco manufacturers, wholesale distributors, importers and exporters of tobacco products;

“tobacco product” means a product, other than a nicotine product, made entirely or partly from tobacco leaf as raw material and which is manufactured for smoking, chewing, inhaling, snuffing or consuming by other means, and includes a tobacco device;

“tobacco smoke” means the smoke or other emissions released from a tobacco product;

“tobacco sponsorship” means any form of contribution to any event, activity, organization or individual that has the aim, effect or likely effect of promoting directly or indirectly –

- (a) a tobacco product or relevant product;
- (b) the use of tobacco or nicotine; or
- (c) a manufacturer or seller of a tobacco product or relevant product;

“tourist establishment” has the meaning assigned to it by the Public Health (Tourist Establishments) Regulations, 2000;

“workplace” means any area or place used by persons during their employment, work or contract for services and includes –

- (a) vehicles used in the course of employment or for work purposes;
- (b) connected annexed places or common areas; and
- (c) residences, used for commercially-operated childcare activities;

“youth” means a person between the ages of fifteen and twenty four years.

(2) For the purposes of this Act, the terms “entrance” and “exit” do not include parking lots, gateways or driveways.

(3) For the purposes of this Act, a conflict of interest arises, where a person who is employed or engaged in any occupational activity with a public body –

(a) has a direct or indirect interest; or

(b) is directly or indirectly involved,

in the manufacture or supply of a tobacco product or relevant product which could improperly influence the duties and responsibilities of the person as it relates to the person’s employment or engagement with the public body.

Object of Act.

3. The object of this Act is to ensure compliance with the Convention by controlling the manufacturing, supply, advertisement, promotion and use of tobacco products or relevant products, including exposure to tobacco smoke, so as to –

(a) protect the health of each person in Jamaica by restricting the use of tobacco products and relevant products, and exposure to tobacco smoke;

(b) protect persons who consume tobacco products or relevant products from inducements to use the products and consequent dependence on them and to inform persons of the risks to themselves in relation to the use of the products and of exposing others to emissions from the products;

(c) protect the health of children by preventing their access to tobacco products or relevant products;

(d) prevent the initiation of the use of tobacco products or relevant products by children and non-users of tobacco products and

- relevant products;
- (e) inform, educate and communicate to the public, the harmful health, environmental, economic and social consequences of the use of tobacco products and relevant products;
 - (f) encourage cessation of the use of tobacco products or relevant products; and
 - (g) promote research and the dissemination of information on the hazardous effects of the use of tobacco products and relevant products, and the health risks, including the addictive characteristics, associated with such use.

PART II. Administration

Powers of Minister.

4. – (1) Notwithstanding the provisions of any other enactment, the Minister may –
- (a) prescribe the maximum permissible levels of tar, nicotine and such other contents and emissions of tobacco products or relevant products as the Minister may specify;
 - (b) by Order, published in the *Gazette*, prohibit the addition and use of any constituent or ingredient in the production of tobacco products or relevant products;
 - (c) prescribe the testing standards to be used in regulating the components and test devices that are used with tobacco products and nicotine products;
 - (d) prescribe the methods to be used in testing tobacco products, tobacco smoke and relevant products and their emissions;
 - (e) prescribe the information which manufacturers of tobacco products and relevant products and sellers shall provide, including information on, or relating to, tobacco smoke, emissions from

relevant products, sales, advertising and promotion data, product composition, ingredients, hazardous properties and brand elements;

- (f) subject to the provisions of this Act, prescribe controls in relation to the labelling, packaging, sale, distribution or advertising of tobacco products and relevant products, so as to –
- (i) ensure that the user of a tobacco product or relevant product is not misled as to its quality, quantity, character, value, composition or effect;
 - (ii) prevent injury or harm to the health of the users of the tobacco products or relevant products.

(2) The Minister may by Order published in the *Gazette*, regulate any design feature of relevant products.

Government to undertake comprehensive nationwide education and information campaign.

5. The Minister shall seek to implement measures to –
- (a) promote public awareness about the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and the harmful effects of tobacco products and relevant products and their emissions;
 - (b) encourage demand reduction measures involving the development of a national tobacco cessation strategy and the dissemination of tobacco dependence treatment guidelines, through a comprehensive nationwide education and information campaign; and
 - (c) provide training, sensitization and offer awareness programmes on tobacco control for community workers, social workers, media professionals, educators and other concerned persons.

Education and information campaign to be carried out in

6. The education and information campaign referred to in section 5 shall be carried out in all schools and other institutions of learning and at all

schools, etc.

workplaces and in all communities throughout Jamaica.

PART III. *Protection of Tobacco Control Policies*

Policy of the Government in relation to tobacco control.

7. – (1) The public health policy of the Government which relates to tobacco control shall provide for –

- (a) the development and implementation of a national strategy for tobacco control;
- (b) the protection of the public against the influence of, and interference by, commercial and other vested interests of the tobacco industry; and
- (c) ensuring that there is transparent and documented interactions between Government and the tobacco industry.

(2) Pursuant to subsection (1)(c), the Minister shall ensure that all records and documents relating to the interactions and communications between the Government and the tobacco industry be made available to the public.

(3) Subsection (2) shall not apply to any record or document which may be promotional in nature or prohibited from disclosure, by virtue of any enactment.

Limited interactions with the tobacco industry by a person who has responsibility for tobacco control.

8. – (1) A person who acts on behalf of or for the benefit of a public body which has responsibility for tobacco control, shall not, whether in the person's individual capacity or otherwise interact in any manner whatsoever, with a person in the tobacco industry in furtherance of a business activity, except where it is strictly necessary so to do, in order to ensure the effective regulation of the tobacco industry, a tobacco product or relevant product.

(2) All interactions referred to under subsection (1) shall be transparent and documented.

(3) A person who contravenes this section commits an offence and shall on summary conviction before a Judge of a Parish Court be liable to a fine not exceeding one million dollars or to a term of imprisonment not exceeding three months.

Prohibition on partnerships and endorsements of the tobacco industry, acceptance of voluntary contribution, etc.

9. – (1) A person employed with a public body shall not –

- (a) enter into, support or endorse a partnership of any kind with the tobacco industry, including taking part in any initiatives or participating in, or endorsing, any activities of the tobacco industry which advance or appears to advance the interests of the tobacco industry;
- (b) enter into any agreement, memorandum of understanding or voluntary arrangement with the tobacco industry or support or endorse any code of conduct established by the tobacco industry, in the place of legally enforceable tobacco control measures;
- (c) accept from the tobacco industry, any direct or indirect financial or resource contribution or become involved in, or endorse, in any manner, any initiative, campaign or programme directly or indirectly related to tobacco control, including but not limited to, youth access and education programmes and public education campaigns; or
- (d) accept from the tobacco industry, any proposals, drafts or offers of assistance towards the development or implementation of any tobacco control policy.

(2) A person employed with a public body shall not solicit or accept contributions of any kind from the tobacco industry.

(3) A person employed with a public body shall not—

- (a) provide any incentive, benefit, privilege or preferential tax

exemption in relation to manufacturing or advertising and promotion of tobacco products or relevant products to a person in the tobacco industry;

- (b) invest in the tobacco industry or any related ventures;
- (c) establish or operate a tobacco manufacturing, wholesale, retail or import business.

(4) A person who contravenes any of the provisions of this section commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable to a fine not exceeding one million dollars or to a term of imprisonment not exceeding three months.

Assignment of duties by a public body and making of disclosure, etc.

10. – (1) A person employed with a public body shall not engage in any occupational activity, which may create a conflict of interest.

(2) Pursuant to subsection (1), the Minister may establish guidelines to provide for the manner in which the engagement in occupational activity may create a conflict of interest.

(3) A person who seeks employment with a public body shall be required to make such disclosure in relation to any current or prior occupational activity or any other affiliation with the tobacco industry or, such other activity as may be prescribed, for the purpose of determining whether a conflict of interest exists or is likely to exist in relation to the person.

(4) Where a person contravenes subsection (1) or (3), the person in charge of the public body may refer the matter to the relevant disciplinary body for appropriate action.

PART IV. Notification

Notification prior to engaging in manufacturing

11. – (1) Subject to the provisions of this Part, every supplier, manufacturer, importer or exporter who proposes to supply, manufacture,

or supply of tobacco products or relevant product.

import, or export a tobacco product or relevant product shall notify the Minister of the intention so to do.

(2) Pursuant to subsection (1), a notice shall be provided in such form and manner as may be prescribed and shall contain the following information –

- (a) the name and address of the supplier, manufacturer, importer or exporter;
- (b) where the supplier, manufacturer, importer or exporter is a company or a registered business, a copy of the Certificate of Incorporation of the company or the Business Registration Certificate of the business, (as the case may be);
- (c) the address of the premises where any activity relating to the manufacture, supply, import or export of the tobacco product or relevant product is to be carried out; and
- (d) the type of activity that the seller, manufacturer, importer or exporter intends to be engaged in at the premises.

(3) The Minister shall cause to be kept a record of every notice provided under subsection (2).

(4) The Minister shall, as soon as practicable, after receipt of notification in accordance with this section, cause the notification to be verified by the duly designated officer and thereafter –

- (a) cause the particulars of the notification to be entered into a register which shall be kept by the duly designated officer for this purpose in such form and manner as may be prescribed; and
- (b) issue the supplier, manufacturer, importer or exporter with a tobacco identification number, in such form and manner as may be prescribed, for use in the transaction of any business relating to the

supply, manufacture, import or export of tobacco products or relevant products.

(5) The register to be kept under subsection (4) shall include the following information –

- (a) the type of activity for which notification has been verified, (hereinafter referred to as the “notified activity”);
- (b) the address at which the notified activity is to be carried out;
- (c) the name of the supplier, manufacturer, importer or exporter engaged in the notified activity;
- (d) in the case where the supplier, manufacturer, importer or exporter engaged in the notified activity is a person, a description of the constituting document and the registration number or other unique reference identifier (if any) of that document; and
- (e) any other matter relating to the notified activity which the Minister may by order published in the *Gazette*, declare should be included in the register.

(6) The register shall be available for inspection by members of the public, upon payment of the prescribed fee.

(7) A person shall, before engaging in any activity other than the activity for which the person has given notice under this section, notify the Minister of the intention of the person to engage in such other activity and the Minister shall, after causing verification of the notification in accordance with subsection (4), cause the particulars in the register relating to the person to be amended accordingly.

(8) A person who contravenes subsection (1) or (7) commits an offence and shall, on summary conviction before a Judge of a Parish

Fifth Schedule. Court, be liable to the penalty specified in the Fifth Schedule.

(9) Notwithstanding the provisions of this Part, a person who has been engaged in the business of supplying, manufacturing, importing or exporting tobacco products or relevant products prior to the date of commencement of this Act, shall have a transitional period of six months from the date of commencement of this Act, to notify the Minister in accordance with subsection (1).

PART V. Tobacco Smoke-free Environment

Prohibition of smoking in enclosed public place, enclosed workplace, etc.

Second Schedule.

12. – (1) No person shall smoke a tobacco product or relevant product in or within a five metre radius of the entrance, exit, window or ventilation intake of an enclosed public place, an enclosed workplace, a public conveyance or any place listed in the Second Schedule.

(2) Notwithstanding subsection (1), the owner or operator of –

- (a) a bar, restaurant or club; or
- (b) a tourist establishment,

may establish outdoor smoking areas, which accord with the provisions of subsections (3), (4), (5) and (7).

(3) Pursuant to subsection (2), the owner or operator shall cause all outdoor smoking areas at the bar, restaurant, club or tourist establishment –

- (a) to be open-sided;
- (b) where covered by a roof, to have only such columns as are necessary to support the roof;
- (c) to be located at a distance of at least ten metres from any structure or area where smoking is prohibited;
- (d) to be located in an area where access by persons, other than those who are engaged in smoking, is not necessary;
- (e) to be physically separated from, and structurally unconnected to, areas where smoking is prohibited.

(4) The owner or operator shall ensure that there is no –

- (a) distribution, promotion, branding or sale of tobacco products or relevant products; or
- [(b) form of entertainment, organized by the owner or operator,]

in the outdoor smoking areas established under subsection (3).

(5) The owner or operator shall ensure that –

- (a) no child is permitted to enter, or stay in, any outdoor smoking area;
- (b) a person using the outdoor smoking area is advised that the staff of the bar, restaurant, club or tourist establishment does not offer or perform any service in that area; and
- (c) smoking is prohibited altogether in the outdoor smoking area, when it is being cleaned or otherwise serviced by the staff of the business.

(6) Nothing in this section shall prevent the owner or operator from prohibiting smoking elsewhere on the premises where the bar, restaurant, club or tourist establishment is conducted.

(7) The owner or operator shall take all reasonable efforts to ensure that the provisions of this section are complied with and shall –

- (a) order a person contravening this section to immediately cease smoking, indicating the penalty for contravention;
- (b) require a person who fails or refuses to comply with such order to leave the public place; and
- (c) inform a constable if the person fails to comply with paragraph (a) or (b).

(8) An owner or operator who contravenes subsection (7)(a) or (b) shall have his approval for engaging in the activity or enterprise suspended by the relevant authority for a period not exceeding twelve months.

(9) For the purposes of subsection (8), “relevant authority” means the public body or other authority responsible for supervising, regulating and granting permits, licences or other approvals for the conduct of an activity or enterprise”.

**Display of no smoking signs.
Second Schedule.**

13. – (1) Every owner or operator of an enclosed public place, an enclosed workplace or any other premises mentioned in the Second Schedule shall ensure that –

- (a) there is displayed in a prominent position at each entrance to the premises, “No Smoking” signs as specified by this Act and set out in the Third Schedule;
- (b) in addition to the places mentioned in paragraph (a), equivalent signs are placed in at least one other prominent place at the enclosed public place, enclosed workplace or other premises.

Third Schedule.

(2) The size of each “No Smoking” sign shall be at least 216 mm x 279 mm.

(3) Notwithstanding anything to the contrary in this Act, the owner or operator of any enclosed public place, enclosed workplace or other premises, including the tourist establishment or national heritage site, may display at the enclosed public place, enclosed workplace or other premises, including the tourist establishment or national heritage site, “No Smoking” signs of the size and appearance required or specified to be placed in public conveyances, in accordance with subsection (4), and, in the case of a tourist establishment, such signs may be placed at –

- (a) the reception area;
- (b) the entrances to all other main buildings; and
- (c) all dining areas.

(4) In the case of a public conveyance, the owner or operator of

the public conveyance shall ensure that at least one "No Smoking" sign is prominently displayed in each compartment of the public conveyance and the sign shall be at least 76 mm x 229 mm in size.

(5) A person who contravenes the provisions of subsection (1) or (4) commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Fifth Schedule.

PART VI. *Tobacco Products or Relevant Products and Sales*

Conformity with requirements.

14. – (1) A person shall not supply, manufacture or import a tobacco product or relevant product unless the tobacco product or relevant product conforms with the requirements of this Act or any regulations made under this Act.

(2) A person who contravenes this section commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Protection of children.

15. – (1) A person shall not supply a tobacco product or relevant product to a child.

(2) A person shall not supply an electronic non-nicotine delivery system to a child.

(3) Every seller shall, at all times, cause to be displayed in a prominent place on that part of the premises where tobacco products or relevant products are offered for sale, a sign that informs the public that the sale or availing of a tobacco product or relevant product to a child is prohibited by law, and such sign shall be displayed on a surface measuring not less than 12" by 8" in size.

(4) A person or a seller who contravenes the provisions of subsection (1), (2) or (3), commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to a fine not

Fifth Schedule. exceeding one million dollars, or to the penalty specified in the Fifth Schedule.

(5) Notwithstanding the provisions of subsections (1) and (2), it shall be a defence to an offence under this section if it is established that the person charged with the offence attempted to verify the age of the person requesting the sale and was presented with any of the documents specified in subsection (6) for the purpose of verification and believed, on reasonable grounds, that the document was authentic.

(6) For the purposes of this section, the documents are –

- (a) a national identification card;
- (b) a driver's licence issued in Jamaica or any other country;
- (c) a passport issued by the Government of Jamaica or any other country; or
- (d) such other documentation as the Minister may by Order prescribe.

(7) A person shall not import, manufacture or supply any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products or relevant products, or which imitate tobacco products or relevant products.

(8) A person who contravenes the provisions of subsection (7) commits an offence and shall, on summary conviction before a Judge of a

Fifth Schedule. Parish Court, be liable to the penalty specified in the Fifth Schedule.

Prohibition on use of child to supply tobacco products or relevant products. 16. – (1) A person shall not use or cause a child to be used, or hire a child, including as a courier, in order to supply any tobacco product or relevant product.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Display of graphic health warning.

17. – (1) Every seller who supplies a tobacco product or relevant product shall, at all times, cause also to be displayed at the point of sale, a graphic health warning in accordance with the First Schedule.

First Schedule.

(2) A seller who contravenes the provisions of subsection (1) commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Prohibition on public and self-service displays.

18. – (1) No person shall sell a tobacco product or relevant product in such a manner so as to allow any person to handle the tobacco product or relevant product without the assistance of a sales clerk or other employee or agent of the seller, prior to purchase.

(2) No person shall display a tobacco product or relevant product in such a manner as to cause it to be visible to the public.

(3) Subsection (2) shall not apply to an individual who incidentally or accidentally displays a tobacco product or relevant product which is being carried or used by the individual.

(4) A person who contravenes subsection (1) or (2) commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Fifth Schedule.

Prohibition on sale of tobacco products or relevant products in certain places.

19. – (1) No person shall sell or offer for sale, a tobacco product or relevant product in any of the following places and within such distance as may be prescribed in relation to such places –

- (a) facilities where healthcare services are provided;
- (b) sports, athletic or other similar facilities for use by the public;
- (c) public places;
- (d) educational facilities;
- (e) childcare facilities; and
- (f) such other places as may be prescribed by the Minister by Order.

(2) A person who contravenes subsection (1) commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable to a fine not exceeding one million dollars or to a term of imprisonment not exceeding three months.

**Information
required on
packages, etc.**

20. – (1) No person shall manufacture or supply a tobacco product or nicotine product unless the label on the package containing the tobacco product or nicotine product displays the graphic health warning specified under subsections (2) and (3).

(2) Pursuant to subsection (1), all tobacco products and nicotine products shall contain, the following information on the label that is permanently affixed on their packages –

- (a) graphic health warnings advising the users of the tobacco products and relevant products, of the risk to health posed by the use of the tobacco products and nicotine products, in accordance with the standards specified in the First Schedule; and
- (b) a national operated toll free number where persons who wish to quit smoking may access advice and other resources in relation thereto.

**First
Schedule.**

(3) The size of the area of the graphic health warning mentioned in subsection (2) shall be at least sixty *per centum* of each principal display surface of the package of each tobacco product or nicotine product.

(4) This section shall apply in relation to the sale of individual sticks of tobacco and electronic nicotine delivery systems only to the extent that the seller of such individual sticks and electronic nicotine delivery systems shall display prominently, signs setting out the health warnings specified in standards 17 and 21 and in the First Schedule.

(5) A person who contravenes any of the provisions of this section

commits an offence and shall, on summary conviction before a Judge of a

Fifth Schedule. Parish Court, be liable to the penalty specified in the Fifth Schedule.

**Obscuring
warnings.**

21. – (1) No person shall provide any product or use any device or other item that is intended to be used to cover, obscure, mask, alter or otherwise disguise, the graphic health warnings on the package of a tobacco product or relevant product or any information or health warning that is required on the package or label of a tobacco product or relevant product.

(2) The prohibition under subsection (1) shall include the designing of the product package in such a way that parts of the package cover or obscure the messages thereon.

(3) A person who contravenes subsection (1) commits an offence and shall on summary conviction before a Judge of a Parish Court, be liable

Fifth Schedule. to the penalty specified in the Fifth Schedule.

**Multiple
packaging.**

22. – (1) A manufacturer and importer shall ensure that all packaging used in the retail sale of a tobacco product or relevant product permanently displays the prescribed health warnings, declarations, constituents and additives disclosures and any other required information.

(2) The packaging referred to in subsection (1) –

(a) applies only to packaging used in the retail trade of a tobacco product or relevant product; and

(b) does not include –

(i) external cases or containers not used in the retail trade as part of the retail packaging of the tobacco product or relevant product;

(ii) such cases or containers used solely for the purpose of shipping the tobacco product or relevant product and which do not form a part of the packaging of the tobacco product

or relevant product,

so however that, such external cases or containers shall not, thereafter be used in the retail trade as packaging for the retail sale of the tobacco product or relevant product.

(3) A person who contravenes any of the provisions of this section commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to the penalty specified in the Fifth Schedule.

Language of labelling information.

23. The labelling information on a tobacco product or relevant product to be sold in any part of Jamaica shall be printed in the *English* language.

PART VII. Advertising and *Promotion and Sponsorship*

Ban on tobacco advertising and promotion.

24. – (1) All advertising and promotion of tobacco products or relevant products or tobacco sponsorship is prohibited.

(2) Without prejudice to the generality of subsection (1), no person shall –

- (a) initiate any advertising and promotion of tobacco products or relevant products or tobacco sponsorship;
- (b) produce or place any advertising and promotion of tobacco products or relevant products or tobacco sponsorship content;
- (c) display any advertising and promotion of tobacco products and relevant products or tobacco sponsorship content, including tobacco product display or relevant product display at retail points of sale;
- (d) disseminate, when the person is aware of or is in a reasonable position to become aware of, any advertising and promotion of tobacco products or relevant products or tobacco sponsorship content; or
- (e) engage or participate in any advertising and promotion of tobacco

products or relevant products or tobacco sponsorship content as a media or event organizer, celebrity or other participant, or as a recipient of any sponsorship contribution or intermediary that facilitates any such contribution.

(3) The prohibition in subsection (1) includes any advertising and promotion of tobacco products or relevant products or tobacco sponsorship that promote or is likely to promote the tobacco industry whether directly or indirectly.

(4) Where any person who has management or control over the publication or dissemination of content through analogue or digital media or communications becomes, or reasonably should be, aware of any content prohibited under this section, that person shall remove or disable access to the prohibited content.

(5) The prohibition on advertising of tobacco products, relevant products or tobacco sponsorship shall not apply to the following –

- (a) depictions of tobacco products or relevant products or their use in media where the depiction is purely incidental or is justified by reasons of historical accuracy or legitimate journalistic, artistic or academic expression;
- (b) political, social, or scientific commentary about tobacco products or relevant products or their use;
- (c) reporting of information that is necessary for business administration or for required corporate reporting;
- (d) product information made accessible to persons within the tobacco industry who require the information for trading decisions, and only to the extent access is limited to those persons; and
- (e) a tobacco manufacturer's newsletter destined exclusively for the

manufacturer's employees, contractors, suppliers and business partners, and only to the extent access is limited to those persons.

(6) No person shall employ any means with respect to any of the items listed in subsection (5) that are false, misleading, deceptive, or likely to create an erroneous impression about the characteristics, health effects, hazards, or emissions of a tobacco product or relevant product.

(7) No person shall receive any payment or other consideration from a person operating or employed in the tobacco industry, or any person acting on behalf of or in the interest of the tobacco industry, with respect to any activity under subsection (5)(a) and (b).

(8) The Minister may prescribe any additional requirements, conditions, and restrictions in relation to subsection (5).

(9) A person who contravenes this section commits an offence and shall on summary conviction before a Judge of a Parish Court be liable to the penalty specified in the Fifth Schedule.

Fifth Schedule.

(10) Without limiting in any way the broad application of this section, the Fourth Schedule provides a non-exhaustive list of examples, for illustrative purposes only, of prohibited advertising and promotion of tobacco products and relevant products and tobacco sponsorship.

Fourth Schedule.

(11) The Minister may, by Order published in the *Gazette*, amend the Fourth Schedule.

PART VIII. Reports and Information

Information required.

25. – (1) Every manufacturer, importer or exporter of a tobacco product or relevant product shall submit to the Minister, on or before the 31st day of March in each year, a report in such form and manner as may be prescribed which shall include the following details in relation to the supply of a tobacco product or a relevant product –

- (a) the name, street address and contact information of—
 - (i) the principal place of business of the manufacturer, importer or exporter; and
 - (ii) each manufacturing facility, importing and exporting warehouse and in-house laboratory services;
- (b) imports and exports;
- (c) new products or brands;
- (d) constituents, additives and of toxic constituents as well as emissions in their individual concentrations and their ratio to nicotine;
- (e) product packaging and labelling;
- (f) the brands sold or distributed to wholesalers and retailers;
- (g) the distribution and supply chain;
- (h) the prices for each stock keeping unit of tobacco product or relevant product; and
- (i) the locations of and distributor offices and the transportation units including fleet and licence numbers.

(2) Pursuant to subsection (1), reports shall be made on the basis of products prepared and tested in accordance with such methods as may be prescribed.

(3) A person who contravenes the provisions of this section commits an offence and shall, on summary conviction before a Judge of a **Fifth Schedule.** Parish Court, be liable to the penalty specified in the Fifth Schedule.

(4) Where, pursuant to the provisions of this section, a manufacturer, importer or exporter is required to provide information on the contents used in the manufacture of tobacco products to the Minister, that information shall be disclosed by —

- (a) product type for each brand within a brand family;

- (b) quantities of each constituent *per* unit of each tobacco product or relevant product, including those constituents present in the product's components for each brand within a brand family;
- (c) characteristics of the tobacco leaves used, including –
 - (i) type;
 - (ii) *percentage* of re-constituted tobacco used; and
 - (iii) *percentage* of expanded tobacco used;
- (d) any changes to tobacco product constituent when a change is made;
- (e) a statement setting out the purpose of the inclusion of a constituent in the tobacco product; and
- (f) in relation to each constituent, the name, address and other contact information of the supplier of each constituent.

Disclosure of product characteristics.

26. At the request of the Minister, a manufacturer shall –
- (a) disclose information on design features, including the results of tests conducted by the tobacco industry;
 - (b) submit to the Minister, a copy of the laboratory report where a laboratory test was performed for the measurement of a particular design feature, as well as proof of accreditation of the laboratory which performed the analysis; and
 - (c) notify the Minister of any change to the design features of a particular brand of tobacco product, and submit the updated information advising when the change was effected, to the Minister.

PART IX. Enforcement

Function of authorized officers.

27. – (1) Authorized officers shall conduct inspections in accordance with the provisions of this Act.

(2) In exercising the functions under section 28, an authorized officer shall present proof of identification.

(3) The production by an authorized officer of any proof of identification issued to him shall, unless the contrary is proved, be sufficient authority for the authorized officer to do any thing which he is authorized by this Act to do.

(4) An authorized officer shall not abuse his authority or his position for personal or financial gain.

Power of authorized officers.

28. – (1) Subject to subsection (2), authorized officers shall have the power to –

- (a) examine, open, and cause to be tested any equipment, tools, materials, packages or anything the authorized officer reasonably believes is used or is capable of being used for the manufacture, distribution or promotion of tobacco products or relevant products;
- (b) examine any manufacturing operation or process carried out on the premises where a tobacco product or relevant product is manufactured;
- (c) examine and make copies of, or from, any document that the authorized officer reasonably believes might contain information relevant to determining compliance with this Act;
- (d) interview any person whom the authorized officer believes may have information relevant to making a determination in relation to compliance in accordance with this Act; and
- (e) take samples of tobacco products or relevant products or components of these products, and their packaging, from any business where they are found, to have them tested.

[(2) Subject to subsection (3), an authorized officer who is either a

customs officer, Medical Officer (Health) or constable shall have the power, after obtaining the consent of the owner or operator of any premises or other place where tobacco products or relevant products are manufactured, stored and distributed or after obtaining a warrant in accordance with subsection (3), to –

- (a) enter such premises or other place where tobacco products or relevant products are manufactured, distributed, supplied, or otherwise found or is likely to be found, or to have been present for a period of at least six days prior to obtaining the warrant, but for the purposes of enforcing this Act, an authorized officer may enter any public place, workplace or means of public conveyance to conduct inspections or investigations at any time during business or operating hours or at any other necessary time;
- (b) stop, board, enter in or remain in, search and detain, any aircraft, vehicle or other means of transport or storage in which the authorized officer reasonably believes bulk packaging of tobacco products or relevant products are or were contained or conveyed, and examine, open, and take samples; and
- (c) seize and detain from any premises or other place or order the storage without removal or alteration of any tobacco product or relevant product or other item which the authorized officer reasonably believes is being kept in contravention of this Act.

(3) Only authorized officers who are members of the Jamaica Defence Force assigned to serve in its naval force shall have the power to stop, search and detain any ship in which they reasonably believe bulk packaging of tobacco products or relevant products are, or were contained or conveyed, and examine, open and take samples and seize and detain any

ship or order the storage without removal or alteration if any tobacco product or relevant product or other item which is believed to be kept in contravention of this Act.

(4) Subject to subsection (5), where a Judge of a Parish Court is satisfied by information on oath that there are reasonable grounds for suspecting that tobacco products or relevant products are to be found on any premises or other place specified in the information, the Judge of that Parish Court may issue a search warrant which may authorize an authorized officer named in the warrant to enter the premises or other place specified in the warrant, with such assistance and by such force as is necessary and reasonable to –

- (a) enter the premises or other place;
- (b) search the property for tobacco products or relevant products; and
- (c) seize property found in the course of the search that the authorized officer believes on reasonable grounds to be, tobacco products or relevant products.

(5) A warrant shall not be issued under subsection (3) unless the authorized officer has given to the Judge of a Parish Court, on oath, any further information that the Judge of that Parish Court may require concerning the grounds on which the issue of the warrant is sought, and such warrant issued shall include –

- (a) a statement of the purpose for which the warrant is issued and the nature of the offence committed;
- (b) a description of the tobacco product or relevant product of the property to be seized;
- (c) the time not being later than twenty eight days, upon the expiration of which the warrant ceases to have effect; and

(d) a statement as to whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night.

(6) Where the authorized officer acts in accordance with subsection (2)(c), he shall provide the person found in possession of the tobacco products, relevant products or other items with a written record in respect of the tobacco products, relevant products or other items seized and detained and the grounds for seizure or detention.

(7) Where any seized and detained tobacco product, relevant product or other item is determined to have met the legal requirements under this Act, it shall be returned to the premises or other place from which it was seized within thirty working days of seizure.

(8) A person may, within sixty days of the seizure of any tobacco product, relevant product or other item, under this Act, apply to the court for an order for the release of the tobacco product, relevant product or other item.

(9) Upon receipt of an application under subsection (8), the court may, unless the tobacco product, relevant product or other item is required as an exhibit in court proceedings or reasonably required for further investigation into an offence, order –

(a) the payment into court of a bond or other security in the total aggregate value of –

(i) the fair market price of the tobacco product, relevant product or other product to be released;

(ii) the total maximum fines provided for the offences charged or likely to be charged; and

(b) the release of the vessel, item or thing upon receipt of the bond or

other security.

(10) The court may, in such special circumstances as it considers fit, taking into account the gravity of the offence alleged, release any tobacco product, relevant product or other product for an amount less than that prescribed under subsection (9).

(11) Any tobacco product, relevant product or other item seized under this section or any security that has been paid under subsection (9) shall be held until any legal proceedings under this Act has been disposed or discontinued and all fines imposed have been paid.

(12) Where any thing that is seized under this section is of a perishable nature, that thing may, at the direction of the court, by such person as the court may, on an application or on its own motion appoint (hereinafter referred to as "the appointed seller") be sold and the proceeds of sale shall be deposited in the court until any proceedings under this Act have been disposed of or discontinued.

(13) Where after making reasonable efforts, the appointed seller is unable to sell the thing of a perishable nature referred to in subsection (12), or where that thing is unfit for sale, the appointed seller may dispose of them in such manner as the appointed seller thinks fit.

Recovery of expenses incurred in conducting inspections.

29. – (1) Subject to subsection (2), all expenses incurred by an authorized officer on behalf of a public body, in the exercise of his powers under section 28, may be recovered by the public body from the person upon whom the powers have been exercised as a simple debt, in the Parish Court, without limit to the amount.

(2) The amount recoverable on behalf of the public body shall be only such amount that exceeds any amount budgeted by the public body to meet expenses such as those contemplated for inspections conducted under

this Act.

(3) Any expenses recoverable pursuant to this section from an owner of premises may be recovered from the operator for the time being of such premises, and that operator shall be entitled to deduct any sum paid by him in respect of such expenses, and in respect of the costs of the recovery thereof, out of the rent, licence, fee or other amount payable for use of the premises from time to time becoming due to the owner in respect of the premises, as if the same has been actually paid to the owner as part of that amount.

Obstructing or hindering an authorized officer in the performance of his functions.

30. – (1) No person shall deny, obstruct or hinder an authorized officer in the performance of his duties.

(2) A person who contravenes subsection (1) commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to a fine not exceeding one million dollars, or to a term of imprisonment not exceeding three months.

PART X. *Fixed Penalty Regime*

Fixed penalty. Sixth Schedule.

31. – (1) This section shall apply to an offence specified in the Sixth Schedule.

(2) An authorized officer may give to any person whom the authorized officer has reason to believe has committed an offence to which this section applies, a notice in writing in the prescribed form, offering that person the opportunity to discharge any liability to conviction of that offence by payment of a fixed penalty under this section.

(3) A person shall not be liable to be convicted of the offence if the fixed penalty is paid in accordance with this section and the requirement in respect of which the offence was committed is complied with before the expiration of fifteen days following the date of the notice referred to in

subsection (2) or such longer period (if any) as may be specified in that notice, or before the date on which the proceedings have begun whichever event last occurs.

(4) Where a person is given notice under this section in respect of an offence, proceedings shall not be taken against the person for that offence until the end of fifteen days following the date of the notice, or such longer period (if any) as may have been specified therein.

(5) In subsections (3) and (4), “proceedings” means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2) and “convicted” shall be construed in like manner.

(6) The payment of a fixed penalty under this section shall be made to the Collector of Taxes specified pursuant to subsection (7), and in any proceedings, a certificate that payment of a fixed penalty was made to the Collector of Taxes by a date specified in the certificate shall, if the certificate purports to be signed by the Collector of Taxes, be admissible as *prima facie* evidence of the facts stated therein.

(7) A notice under subsection (2) shall –

- (a) specify the offence alleged;
- (b) give such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (c) specify –
 - (i) the period (whether fifteen days or a longer period) during which, by virtue of subsection (4), proceedings will not be initiated for the offence; and
 - (ii) the amount of the fixed penalty and the Collector of Taxes to whom and the address at which it may be paid; and

(d) require the person in the event the fixed penalty is not paid within the period specified in the notice under paragraph (c), to attend before the court having jurisdiction to try the offence to answer the charge on such date as may be specified, being a date not earlier than ten days after the period specified in subsection (3), and that requirement shall constitute a summons for the person to attend court to answer the charge if the fixed penalty is not paid within the period specified in the notice under subsection (3).

Sixth Schedule.

(8) The fixed penalty for the offences specified in the Sixth Schedule shall be the penalty specified therein in relation to such offences.

(9) In any proceedings for an offence to which this section applies, no reference shall be made after the conviction of an accused to the giving of any notice under this section or to the payment or non-payment of a fixed penalty under this section unless in the course of the proceedings or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice, or as the case may be, to such payment.

(10) The Minister may, by order, make provision as to any matter incidental to the operation of this section, and in particular, any such order may prescribe –

- (a) the form of notice under subsection (2);
- (b) the nature of the information to be furnished to the Collector of Taxes along with any payment; and
- (c) the arrangements for the Collector of Taxes to furnish to the authorized officer, information with regard to any payment pursuant to a notice under this section.

PART XI. *Miscellaneous and General Provisions*

Offences for which no penalty is provided.
Fifth Schedule.

32. – (1) A person who commits an offence under this Act, for which no penalty is otherwise provided is liable on summary conviction before a Judge of a Parish Court to the penalty specified in the Fifth Schedule.

(2) Where a body corporate contravenes this Act, the director or other corporate officer who authorized or acquiesced in the act or who knew or, who, using due diligence or care, ought to have known that the commission or omission constituted an offence, commits an offence and shall be personally liable.

(3) Where a person is convicted of an offence against or arising under this Act –

- (a) the provisions of section 3(1) and (3) of the Criminal Justice (Reform) Act shall apply in respect of the sentencing options of the court before which the charges are heard; and
- (b) the conviction shall not form a part of the criminal record of that person (other than a corporate body involved in the import, export, sale or distribution of tobacco products or relevant products), for the purposes of the Criminal Records (Rehabilitation of Offenders) Act.

Evidence.

33. In any legal action for non-compliance with the provisions of this Act, the following shall apply –

- (a) any tobacco or tobacco products or relevant products from the same lot or batch shall be deemed to possess the same characteristics as those products from the same lot or batch found –
 - (i) on a public conveyance;
 - (ii) on premises; or
 - (iii) at another location,

under the control of the driver of the public conveyance, the owner or operator of the premises or other location, as the case may be, so however that, if there is no lot or batch number on the tobacco product or relevant product, any tobacco or tobacco product or relevant product found on the public conveyance, premises or at the other location shall be deemed to possess the same characteristics as other tobacco products or relevant products found on the public conveyance, premises or other location under the control of the driver, owner or operator of the premises, as the case may be; and

- (b) every person identified on the label or packaging of any tobacco product or relevant product as the manufacturer is *prima facie*, taken to have manufactured or sold the tobacco product or relevant product, respectively, as the case may be.

Protection of employees.

34. – (1) An employer who operates a business in the tobacco industry shall not dismiss, suspend, demote, discipline, harass or otherwise disadvantage his employee or deny that employee a benefit, on the ground that the employee testified against the employer in any proceedings brought under this Act.

(2) An employer who contravenes subsection (1) commits an offence.

Revocation of Regulations.

35. The Public Health (Tobacco Control) Regulations, 2013, are hereby revoked.

Transitional.

36. – (1) Every person whose operations are subject to this Act, is hereby granted a period of six months from the date of commencement of this Act to bring the operations of that person into full compliance with the provisions of this Act.

(2) The provisions of this Act shall not apply in respect of any tobacco product or relevant product –

(a) which was purchased, ordered or acquired; or

(b) the arrival in Jamaica of which has been pending for, at least nine months prior to the date of commencement of this Act.

(3) The arrival of tobacco products or relevant products in Jamaica shall be treated as pending where an application has been made to the relevant customs, trade, import or other authorities and the matter has either been determined in favour of the importer or is under consideration.

Minister may make Regulations.

37. – (1) The Minister may make Regulations generally for the better carrying out of the objects of the Act and in particular, but without prejudice to the generality of the foregoing, may make regulations –

(a) for prescribing anything required by this Act to be prescribed; and

(b) prescribing the imposition of fees;

(c) prohibiting anything required by this Act to be prohibited.

(2) Regulations made under subsection (1) shall be subject to affirmative resolution.

**Power of the Minister to increase monetary penalty and amend Schedules by order.
First Schedule.
Third Schedule.
Fourth Schedule. Fifth Schedule.**

38. The Minister may by order, subject to affirmative resolution –

(a) vary or amend the monetary penalties specified in this Act;

(b) amend the First Schedule, Third Schedule, Fourth Schedule and Fifth Schedule.

Review of the Act.

39. The provisions of this Act shall be reviewed by a Joint Select Committee of both Houses of Parliament not later than four years after the date of commencement of this Act.

FIRST SCHEDULE

(Sections 2, 17,
20 and 38)*Standards and Graphic Health Warnings on Retail Packaging
for Tobacco Products and Relevant Products*

PART I

*General Requirements for Labelling***General Requirements**

1. Every package and carton of tobacco products or relevant products intended for retail sale in Jamaica shall bear labels which shall carry, in legible form, the following information, in the *English* language –
 - (a) on the principal display panel of the package and carton –
 - (i) the common name of the goods, e.g. cigarettes, bidis or kretek, together with any trade name or brand;
 - (ii) an accurate statement of the net contents of the package, with respect to the number of cigarettes, bidis or kretek or other similar tobacco products or relevant products sold by units, and with respect to weight in grams for cigarette tobacco, pipe tobacco, smokeless tobacco and other types of loose tobacco; and
 - (iii) a health warning in conformity with the requirements specified in standards 4 – 23 herein;
 - (b) on the label of each retail package and carton of tobacco products or relevant products, the following additional information –
 - (i) for tobacco products or relevant products manufactured or packaged in Jamaica, the name and complete address of the manufacturer or distributor;
 - (ii) for tobacco products or relevant products imported into Jamaica in a pre-packaged form, the name and complete address of the foreign manufacturer and the distributor in Jamaica;
 - (iii) a declaration in conformity with requirements specified in standards 17 – 20 herein; and
 - (iv) the manufacturing date and batch number in conformity with requirements specified in standards 24 – 26 herein.
2. Where the name and address of the manufacturer or the distributor are not in English, translation of the name and address is not required, provided such information is stated in a form using the *English* alphabet.

3. Every package and carton of tobacco product or relevant product that is manufactured in Jamaica or intended for sale in Jamaica shall carry the following statement –

Sale only allowed in 'X', where 'X' represents the country in which the product is intended for retail sale.

PART II

Detailed Requirements

Health Warnings

A. General

4. – (1) All packages and cartons of tobacco products or relevant products produced for retail sale in Jamaica shall carry health warnings as specified in Parts III, IV and VII, as applicable, and in accordance with the requirements of standards 13 – 16 herein.

(2) Each health warning shall consist of two parts, designated as 'front of package' and 'back of package' in Parts III, IV and VII.

(3) The health warnings shall not be obscured by any other display component, unless required by law.

5. No statement relating to tobacco or nicotine use or health, other than that required herein shall be included on any package of tobacco products or relevant products.

6. Health warnings shall –

- (a) be printed on the package itself and not on the cellophane or detachable outer packaging or by adhesive labels or similar means;
- (b) appear in a framed warning area with maximum thickness of 0.5mm;
- (c) be reproduced from clear electronic images obtained from the electronic files used to generate the health warnings specified in Parts III, Parts IV and VII;
- (d) be adapted to meet the health warnings requirements herein and the packaging requirements stipulated herein; and
- (e) be reproduced in at least four colours as set out in Parts III, IV and VII.

7. The text of the health warning shall be printed in *English*.

B. Packages

8. The complete health warning, and only the health warning, shall be located in at least 80% of the top of both the front and back panels of each package, as specified in Parts III and IV, and in such a way that the health warning will not be permanently damaged when the package is opened.

9. The 'front of package' and 'back of package' parts of the health warning shall be placed on the front and back of packages respectively, as specified in Parts III and IV.

10. For conical packages, the health warning shall cover 80% of the surface area, in a rectangular format, and shall read vertically, rising from the bottom or at the wider end, up to 2/3 the height of the package and so that the 'front of package' and 'back of package' parts of the health warning are placed equally and opposite to each other.

11. Where packages of other shapes are used, the health messages and graphics shall cover 80% of the upper surface area of both the front and back panels, in a rectangular format.

C. Attribution

12. – (1) Where the manufacturer chooses to attribute the health warning to a third party, the health warning shall be attributed to the Chief Medical Officer.

(2) The optional attribution, if used, shall follow the health warning and shall be printed in Avant Garde, Medium BT, 7 point, upper and lower case type, or in an equivalent type. The letters shall be 2 mm in height as measured by capital letters.

D. Rotation of health warnings

13. – (1) The health warnings to be depicted on individual packages of tobacco products or relevant products in accordance with this standard shall be subdivided into two distinct sets.

(2) Each set shall be comprised of eight distinct health warnings. The two sets of health warnings are outlined in the Parts III, IV and VII of this standard as Item 17 Set A and Set B.

14. The eight health warnings from any Set in Parts III, IV or VII, shall as far as reasonably practicable, be evenly distributed within every case of stock-keeping units manufactured, imported, or distributed. Each case shall exclusively contain health warnings from the select Set in Part III, IV or VII.

15. Health warnings in Set A and Set B of Parts III, IV and VII shall be used alternatively. However, the exclusive use of a given Set shall be indexed to World "No Tobacco" Day on 31st May annually and the period for its exclusive use shall immediately follow that date.

16. Specifically, Set A and Set B shall be utilized and rotated alternately in the following manner and as outlined in Part V –

(a) Set A shall be used exclusively for a period of eight calendar months beginning on 1st June of calendar years ending with an even number;

(b) Set A shall be completely removed from the market by 31st May of

every calendar year ending with an odd number;

- (c) the introduction of Set B shall begin a transition on 1st February of that same year;
- (d) thereafter, for a period of 8 calendar months beginning on 1st June of every calendar year ending with an odd number, Set B shall be used exclusively;
- (e) Set B shall be completely removed from the market by 31st May of every calendar year ending with an even number; and
- (f) the introduction of Set A shall begin a transition on 1st February of that same year.

E. Declaration

17. The text of the declaration set out in Part VI shall be printed on every package, including each carton of smoked tobacco products or relevant products.

18. – (1) The declaration shall appear in an area (hereinafter called the “declaration area”) on the side panel of rectangular packages, or adjacent to the health warning on packages of other shapes.

(2) For rectangular packages, the declaration area shall be the full side panel, except that for flip top packages, the declaration area shall be the portion of the side panel which is lower than the flip top opening, as specified in Part VI.

(3) For cartons, the declaration area is permitted to be located on any side.

19. The information shall be printed in black on a yellow background or black on a white background as specified in Part VI, and in such a manner as to completely fill the declaration area.

20. The declaration area shall *not* be placed on the top or bottom of the package.

Smokeless Tobacco

21. The detailed requirements as set out in standards 4 to 16 apply to smokeless tobacco, except that –

- (a) the health warnings to be used shall be those specified in Part IV; and
- (b) the number of health warnings shall be four in each set,

for the purpose of complying with the specifications pertaining to the Rotation of the Health Warnings outlined herein.

F. Cartons of cigarettes

22. The requirements outlined in standards 4 – 7, and 12 – 20 apply to cartons of cigarettes, except that –

- (a) health warnings shall be depicted on all six sides of every carton;
- (b) each carton shall depict at least three health warnings;
- (c) health warnings may be printed on the manufacturer's medium of choice, provided they cannot be removed, washed away or erased;
- (d) only the health warnings taken from Part VII shall be used;
- (e) health warnings from Part VII shall be depicted on opposite sides to each other;
- (f) the health warning shall occupy at least 80% of each side of the carton on which they appear;
- (g) the declaration area on cartons of cigarettes shall be at least 2 cm x 6 cm.

G. Stickers

23. For packages of cigars and smokeless tobacco, the health warning and the declaration are permitted to be affixed as stickers, provided that such stickers cannot be removed and are indelible.

H. Manufacturing dates and batch numbers

24. The manufacturing date and the batch number shall be respectively indicated on each package of tobacco products or relevant products.

25. The date shall be printed on each package as follows: 'mm (or mmm) yyyy', where –

- (a) 'mm' is the month expressed in Arabic numerals;
- (b) 'mmm' is the month expressed as the first three letters of the month;
and
- (c) 'yyyy' is the year expressed in Arabic numerals.

26. – (1) The date and batch number specified in standards 24 and 25 shall appear in an area of the side panel of rectangular packages, opposite the declaration area.

(2) On packages of other shapes, the information shall appear

adjacent to the health warning.

(3) The information shall be printed in black on a white background or by means of contrasting colours surrounded by a 0.5 mm thick black border and in a type size of a height of no more than 2mm, as measured by capital letters.

I. "Best before" date

27. A –

- (a) best before date;
- (b) expiry date;
- (c) sell by date; or
- (d) similar date,

is not permitted on packages or cartons of tobacco products or relevant products.

J. Deceptive Labelling

28. A package or carton of tobacco products or relevant products shall not promote a tobacco product or relevant product by any means that is –

- (a) false;
- (b) misleading;
- (c) deceptive; or
- (d) likely to create an erroneous impression about its –
 - (i) characteristics;
 - (ii) health effects;
 - (iii) hazards; or
 - (iv) emissions,

including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates a false impression for any reason.

29. No package or carton of tobacco products or relevant products shall –

- (a) depict or state in words any of the following terms –
 - (i) light,
 - (ii) mild;

- (iii) low tar;
 - (iv) ultra;
 - (v) extra;
 - (vi) slim; or;
 - (vii) any other similar terms, in any language; or
- (b) depict –
- (i) a number to differentiate brands within a brand family; or
 - (ii) a number associated with a smoking machine yield,
- including use of such a number in a brand name.

K. Responsibility for Labelling

30. It shall be the responsibility of every person who sells or distributes tobacco products or relevant products to ensure that they are properly labelled, as required by this Standard.

PART III (Normative)

Graphic Health Warnings for Use on Packages of Smoked Tobacco Products or relevant product

[INSERT CONTENTS]

PART IV

Graphic Health Warnings for Use on Packages of Smokeless Tobacco Products or relevant product

[INSERT CONTENTS]

PART V

Rotation of Health Warnings

Rotation of Health Warnings

Even Year (e.g. 2008)	Month	Odd Year (e.g. 2009)
Set B exclusively	January	Set A exclusively

Introduce Set A, phase out set B	February	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	March	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	April	Introduce Set B, phase out Set A
Introduce Set A, phase out set B	May	Introduce Set B, phase out Set A
Set A exclusively	June	Set B exclusively
Set A exclusively	July	Set B exclusively
Set A exclusively	August	Set B exclusively
Set A exclusively	September	Set B exclusively
Set A exclusively	October	Set B exclusively
Set A exclusively	November	Set B exclusively
Set A exclusively	December	Set B exclusively

PART VI

(Normative) *Declaration*

D. 1 Text of declaration

The following text shall be used in the declaration area –

Smoke from this product contains extremely addictive nicotine and toxic substances such as tar and carbon monoxide. No safe level of consumption exists for this product.

D. 2 Appearance of declaration in declaration area for flip top package

[INSERT CONTENTS]

D. 3 Appearance of declaration in declaration area for non-flip top package

[INSERT CONTENTS]

PART VII

(Normative) *Graphic Health Warnings for Use on Cartons of Smoked*

Tobacco Products or relevant product

[INSERT CONTENTS]

SECOND SCHEDULE

**(Sections 12,
13 and 38)**

***Places Where Smoking or Holding Lit or Electronic Tobacco
Product or Relevant Product is Prohibited***

1. Health facilities, including pharmacies.
2. Sport, athletic and recreational facilities for the use of the public.
3. Educational institutions.
4. Bus stops.
5. Areas designated for use by children.

THIRD SCHEDULE

(Sections 13
and 38)

Form of "No Smoking" Signs



VIOLATORS ARE SUBJECT TO PROSECUTION
The Tobacco Control Act



**NO
SMOKING**

VIOLATORS ARE SUBJECT TO PROSECUTION
The Tobacco Control Act

FOURTH SCHEDULE

(Sections 24
and 38)*Indicative List of the Forms, Media, and Means of Tobacco Advertising, Promotion and Sponsorship Prohibited Under the Act*

1. Examples of prohibited forms of tobacco advertising, promotion, and sponsorship include –
- (a) communication through audio, visual or audio-visual means, such as print (for example, newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and COs, games (such as computer games, video games or online games), other digital communication platforms (such as the Internet and mobile phones) and theatre or other live performance;
 - (b) brand-marking, including in entertainment venues and retail outlets and on vehicles and equipment, such as by use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco product manufacturers or sellers, and colours or schemes of colours, in whole or part, and any other indicia associated with tobacco products, tobacco product manufacturers or sellers;
 - (c) product diversification through brand stretching, reverse brand-stretching and brand sharing, which would include placement of indicia associated or likely to be associated with a tobacco product or tobacco product manufacturer or seller on a non-tobacco product, item or service; and placement of any logo, slogan, trademark or brand name of a non-tobacco product or service on a tobacco product;
 - (d) product placement, such as the inclusion of, or reference to a tobacco product, service or trademark in the context of communication in return for payment or other consideration;
 - (e) provision or offer of prizes, gifts or discounted products, such as footwear, clothing and accessories (t-shirts, baseball hats *etc.*), key rings, cigarette lighters, CDs, other trinkets, or tobacco products, with the purchase of tobacco products;
 - (f) supply or offer of free samples of tobacco products, including in conjunction with marketing surveys and taste testing;
 - (g) incentives, promotions or loyalty schemes, such as redeemable coupons provided with purchase of tobacco products;
 - (h) competitions associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
 - (i) direct targeting of individuals with promotional, including informational material, such as direct mail, telemarketing, consumer surveys or research, or person-to-person conversation;

- (j) promotion of discounted products;
 - (k) payments or other contributions to retailers to encourage or induce them to sell tobacco products, including retailer incentive programmes, such as rewards to retailers for achieving certain sales volumes;
 - (l) payment or other consideration for the exclusive sale or prominent display of a particular product or manufacturer's product in a retail outlet or at a venue or event;
 - (m) provision of financial or other support to events, activities, individuals or groups, such as sporting or arts events, individual sports persons or teams, individual artists or artistic groups, welfare and other public interest organizations, Government institutions or organizations, politicians, and political candidates or political parties, whether or not in exchange for attribution, acknowledgement, or publicity, including corporate social responsibility activities of any kind;
 - (n) provision of financial or other support to venue operators, such as bars, clubs or other recreational venues, in exchange for building or renovating or decorating premises to promote tobacco products or the use or provision of awnings, sunshades, and similar items;
 - (o) sale of tobacco products with other products either packed together with a product that is not a tobacco product;
 - (p) distributed or supplied together with a product that is not a tobacco product, at a single price;
 - (q) commercial display of tobacco products at retail and vending machine sales;
 - (r) sale of tobacco products through the internet; and
 - (s) any other form of tobacco advertising, promotion or sponsorship by any method or means.
2. The forms, methods and means of advertising, promotion and sponsorship provided in the above list also apply to relevant products.

FIFTH SCHEDULE (Sections 13(5), 14(2),
15(4), 15(8), 16(2),
17(2), 18(4), 20(5),
21(3), 22(3), 24(9),
25(3), 32(1) and 38)

Offences and Penalties

Column 1	Column 2	Column 3
Brief Description of Offence	Section	Penalty
Before engaging in any activity other than the activity for which the person has given notice under the section, failing to notify the Minister of the intention to engage in such other activity.	11(5)	One hundred thousand dollars.
Being an owner or operator of an enclosed public place, an enclosed workplace or any other premises, (or public conveyance) failing to ensure that the prescribed "No Smoking" signs are prominently displayed at each entrance to the premises, and in at least one other prominent place at the premises and in the case of a public conveyance in each compartment of the public conveyance).	13(5)	<p>(a) For an individual –</p> <p>(i) a fine of two hundred thousand dollars, in the case of a first offence;</p> <p>(ii) a fine of five hundred thousand dollars, in the case of a second offence;</p> <p>(iii) a fine of one million dollars, in the case of a subsequent offence;</p> <p>(b) for a body corporate –</p> <p>(i) a fine of five hundred thousand dollars, in the case of a first offence;</p> <p>(ii) a fine of one</p>

million dollars,
in the case of a
second offence;

- (iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

Selling, manufacturing or importing a tobacco product or relevant product that does not conform with the prescribed requirements.

14(2) (a) For an individual –

- (i) a fine of two hundred thousand dollars, in the case of a first offence;

- (ii) a fine of five hundred thousand dollars, in the case of a second offence;

- (iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of five hundred thousand dollars, in the case of a first offence;

- (ii) a fine of one million dollars, in the case of a second offence;

- (iii) a fine of two million dollars, in the case of a subsequent offence.

As a seller, not causing to be displayed in a prominent place on that part of the premises where tobacco products or relevant products are offered for sale, the prescribed sign that informs the public that the sale or availing of a tobacco product or relevant product to a child is prohibited, contrary to section 15(3).

- 15(4) (a) For of an individual –
- (i) a fine of five hundred thousand dollars, in the case of a first offence;
 - (ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;
 - (iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;
- (ii) a fine of one million dollars, in the case of a second offence;
- (iii) a fine of two million dollars, in the case of a subsequent offence.

Importing, manufacturing or supplying any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products or relevant products, or which imitate tobacco products or relevant products, contrary to section 15(7).

15(8) (a) For an individual –

- (i) a fine of two hundred thousand dollars, in the case of a first offence;

(ii) a fine of five hundred thousand dollars, in the case of a second offence;

(iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

(i) a fine of five hundred thousand dollars, in the case of a first offence;

(ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;

(iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

Using a child as tobacco courier

16(2) (a) For an individual –

(i) a fine of five hundred thousand dollars, in the case of a first offence;

(ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;

(iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence;

(b) for a body corporate –

(i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;

(ii) a fine of one million dollars, in the case of a second offence;

(iii) a fine of two million dollars, in the case of a subsequent offence.

As a seller supplying a tobacco product or relevant product. Failing to display at all times, the prescribed graphic health warning.

17(2) (a) For an individual –

(i) a fine of two hundred and fifty thousand dollars, in the case of a first offence;

(ii) a fine of five hundred thousand dollars, in the case of a second offence;

(iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

(i) a fine of five

hundred
thousand
dollars, in the
case of a first
offence;

(ii) a fine of one
million dollars,
in the case of a
second offence;

(iii) a fine of one
million five
hundred
thousand
dollars, in the
case of a
subsequent
offence.

Selling a tobacco product or
relevant product so as to
allow persons to handle the
product without the assistance
of a sales clerk or other
employee or agent of a seller,
prior to purchase, contrary to
section 18(1).

18(4) (a) For an individual –

(i) a fine of five
hundred
thousand
dollars, in the
case of a first
offence;

(ii) a fine of seven
hundred and
fifty thousand
dollars, in the
case of a
second offence;

(iii) a fine of one
million dollars,
in the case of a
subsequent
offence;

(b) for a body corporate –

(i) a fine of seven
hundred and
fifty thousand
dollars, in the
case of a first
offence;

(ii) a fine of one
million dollars,
in the case of a

second offence;

- (iii) a fine of two million dollars, in the case of a subsequent offence.

Displaying a tobacco product or relevant product in such a manner in which it is visible to the public, contrary to section 18(2).

18(4)

(a) For an individual –

- (i) a fine of five hundred thousand dollars, in the case of a first offence;
- (ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;
- (iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;
- (ii) a fine of one million dollars, in the case of a second offence;
- (iii) a fine of two million dollars, in the case of a subsequent offence.

Manufacturing or supplying a tobacco product or nicotine product, the package for which does not display the

20(5)

(a) For an individual –

- (i) a fine of two hundred and

specified graphic health warning.

fifty thousand dollars, in the case of a first offence;

(ii) a fine of five hundred thousand dollars, in the case of a second offence;

(iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

(i) a fine of five hundred thousand dollars, in the case of a first offence;

(ii) a fine of one million dollars, in the case of a second offence;

(iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

Selling tobacco products or relevant products without displaying proper labelling signs.

20(5) (a) For an individual –

(i) a fine of two hundred thousand dollars, in the case of a first offence;

(ii) a fine of five hundred thousand dollars, in the

case of a
second offence;

- (iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of five hundred thousand dollars, in the case of a first offence;
- (ii) a fine of one million dollars, in the case of a second offence;
- (iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

Providing any product or using any device or other item that is intended to cover, obscure, mask, alter or otherwise disguise, the graphic health warnings on the package of a tobacco product or relevant product or any information on health warning that is required on the package or label of a tobacco product or relevant product.

21(3) (a) For an individual –

- (i) a fine of two hundred thousand dollars, in the case of a first offence;
- (ii) a fine of five hundred thousand dollars, in the case of a second offence;
- (iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of five hundred thousand dollars, in the case of a first offence;
- (ii) a fine of one million dollars, in the case of a second offence;
- (iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

Being a manufacturer or importer, failing to ensure that all packaging used in the retail sale of a tobacco product or relevant product permanently displays the prescribed health warnings, declarations, constituents and additives disclosures and any other required information.

22(3) (a) For an individual –

- (i) a fine of five hundred thousand dollars, in the case of a first offence;
- (ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;
- (iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

- (i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;

- (ii) a fine of one million dollars, in the case of a second offence;
- (iii) a fine of two million dollars, in the case of a subsequent offence.

Being a person who has management or control over the publication or dissemination of content through analogue or digital media or communications, failing to remove or disable access to prohibited advertising and promotional content relating to tobacco products or relevant products, after becoming, or after he or she should have been reasonably, aware of the content, contrary to section 24(4).

- 24(9) (a) For an individual –
- (i) a fine of five hundred thousand dollars, in the case of a first offence;
 - (ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;
 - (iii) a fine of one million dollars, in the case of a subsequent offence;
- (b) for a body corporate –
- (i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;
 - (ii) a fine of one million dollars, in the case of a second offence;
 - (iii) a fine of two million dollars, in the case of a subsequent offence.

Being a manufacturer, importer or exporter of a tobacco product or relevant product, failing to submit to the Minister, in relation to the tobacco product or relevant product, on an annual basis, the prescribed reports.

- 25(3) (a) For an individual –
- (i) a fine of five hundred thousand dollars, in the case of a first offence;
 - (ii) a fine of seven hundred and fifty thousand dollars, in the case of a second offence;
 - (iii) a fine of one million dollars, in the case of a subsequent offence;
- (b) for a body corporate –
- (i) a fine of seven hundred and fifty thousand dollars, in the case of a first offence;
 - (ii) a fine of one million dollars, in the case of a second offence;
 - (iii) a fine of two million dollars, in the case of a subsequent offence.

Offences with no other penalty

- 32(1) (a) For an individual –
- (i) a fine of two hundred thousand dollars, in the case of a first offence;
 - (ii) a fine of five hundred thousand

dollars, in the case of a second offence;

(iii) a fine of one million dollars, in the case of a subsequent offence;

(b) for a body corporate –

(i) a fine of five hundred thousand dollars, in the case of a first offence;

(ii) a fine of one million dollars, in the case of a second offence;

(iii) a fine of one million five hundred thousand dollars, in the case of a subsequent offence.

SIXTH SCHEDULE

(Sections 11, 13, 14, 15, 17, 18, 21, 22, 24 and 25)

Offences in respect of which a fixed penalty may be paid to the Collector of Taxes

Column 1	Column 2	Column 3
Brief Description of Offence	Section	Penalty
Being an owner or operator of an enclosed public place, an enclosed workplace or any other premises, (or public conveyance) failing to ensure that the prescribed "No Smoking" signs are prominently displayed at each entrance to the premises, and in at least one other prominent place at the premises and in the case of a public conveyance in each compartment of the	11(3)	\$100,000

public conveyance).		
Before engaging in any activity other than the activity for which the person has given notice under the section, failing to notify the Minister of the intention to engage in such other activity.	11(5)	\$100,000
Selling, manufacturing or importing a tobacco product or relevant product that does not conform with the prescribed requirements.	14(2)	\$150,000
As a seller, not causing to be displayed in a prominent place on that part of the premises where tobacco products or relevant products are offered for sale, the prescribed sign that informs the public that the sale or availing of a tobacco product or relevant product to a child is prohibited, contrary to section 15(3).	15(4)	\$100,000
Importing, manufacturing or supplying any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products or relevant products, or which imitate tobacco products or relevant products, contrary to section 15(7).	15(8)	\$100,000
As a seller supplying a tobacco product or relevant product. Failing to display at all times, the prescribed graphic health warning.	17(2)	\$100,000
Selling a tobacco product or relevant product so as to allow persons who handle the product without the assistance of a sales clerk or other employee or agent of a seller, prior to purchase, contrary to section 18(1).	18(4)	\$100,000
Displaying a tobacco product or relevant product in such a manner in which it is visible to the public, contrary to section 18(2).	18(4)	\$100,000
Manufacturing or supplying a tobacco product or nicotine product, the package for which does not display the specified graphic health warning.	20(5)	\$150,000

Selling tobacco products or relevant products without displaying proper labelling signs.	20(5)	\$75,000
Providing any product or using any device or other item that is intended to cover, obscure, mask, alter or otherwise disguise, the graphic health warnings on the package of a tobacco product or relevant product or any information on health warning that is required on the package or label of a tobacco product or relevant product.	21(3)	\$100,000
Being a manufacturer or importer, failing to ensure that all packaging used in the retail sale of a tobacco product or relevant product permanently displays the prescribed health warnings, declarations, constituents and additives disclosures and any other required information.	22(3)	\$250,000
Being a person who has management or control over the publication or dissemination of content through analogue or digital media or communications, failing to remove or disable access to prohibited advertising and promotional content relating to tobacco products or relevant products, after becoming, or after he or she should have been reasonably, aware of the content, contrary to section 24(4).	24(9)	\$250,000
Being a manufacturer, importer or exporter of a tobacco product or relevant product, failing to submit to the Minister, in relation to the tobacco product or relevant product, or on an annual basis, the prescribed reports.	25(3)	\$150,000

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to introduce a legislative framework for the adoption and implementation of tobacco control policies in accordance with the WHO Framework Convention on Tobacco Control to deal with tobacco control and takes into account current market practices relating to the advertising and promotion of tobacco products and relevant products and smoking generally.

This Bill adopts the provisions contained in the Public Health (Tobacco Control) Regulations, 2013 and further augments said provisions by providing for additional policy initiatives relating to the sale and supply of tobacco products and other relevant products.

In particular the Bill –

- (a) provides clear statements on the policy of the Government in relation to tobacco control;
- (b) prohibits the sale and supply of tobacco products and relevant products;
- (c) regulates the sale and supply of tobacco products and relevant products to children;
- (d) contains provisions for notification to be given by a supplier, manufacturer or importer prior to engaging in the manufacturing or supply of tobacco products or relevant products;
- (e) restricts the availability and display of tobacco products and relevant products;
- (f) ban advertising and promotion of tobacco products and relevant products; and

- (g) controls information signs relating to product availability.

A handwritten signature in black ink, appearing to read 'C. Tufton', with a long horizontal line extending to the right.

Christopher Tufton
Minister of Health and Wellness