

**BELIZE:**

**TOBACCO CONTROL BILL, 2025**

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**BELIZE:**

**BILL**

**for**

**AN ACT** to provide for the adoption and implementation of the tobacco control policies in accordance with the World Health Organization Framework Convention on Tobacco Control which aims to protect present and future generations from the devastating harms of tobacco use and exposure to tobacco smoke; to prevent tobacco use by children; to protect workers and the public from exposure to tobacco smoke; to enhance public awareness of the hazards of tobacco use and exposure to tobacco smoke; to ensure that individuals are provided with information to make fully informed decisions about the use of tobacco; to create a national coordinating mechanism for tobacco control; and to provide for matters connected therewith or incidental thereto.

*(Gazetted ....., 2025)*

**BE IT ENACTED**, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

**PART I**

*Preliminary*

1. This Act may be cited as the

Short title.

**TOBACCO CONTROL BILL, 2025.**

2. In this Act—

Interpretation.

“authorised officer” means a police officer, customs officer, public health inspector, Bureau of Standards inspector or any other person appointed as such under section 24;

“Belize National Tobacco Control Plan” means a strategic framework developed by a department within the Ministry responsible for public health which delineates the approach and initiatives of Belize for tobacco control;

CAP. 295. “Bureau of Standards” means the Belize Bureau of Standards established under section 3 of the Standards Act;

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

“Committee” means the National Tobacco Control Committee established under section 4;

“Convention” means the World Health Organization Framework Convention on Tobacco Control;

“cross-border” with respect to tobacco advertising, promotion, and sponsorship means that which originates within the territory and enters another territory or could be received in another territory, including by means such as, but not limited to, placement on the internet or through broadcasts or other communication technologies, as well as that which originates outside the territory and enters the territory or could be received within the territory;

CAP. 40. “Director of Public Health and Wellness” means the person appointed under section 3 of the Public Health (Reform) Act;

CAP. 36.01. “educational institution” means an institution recognised by the Ministry responsible for education as providing schooling and education and training, including an institution that provides pre-school, primary, secondary, post-secondary or tertiary education within the meaning of the Education and Training Act;

“electronic delivery system” includes an electronic nicotine delivery system and an electronic non-nicotine delivery system;

“electronic nicotine delivery system” means a heterogenous class of products that use an electronically powered coil to heat and turn a liquid containing nicotine into an aerosol, which is inhaled by the user;

“electronic non-nicotine delivery system” means a heterogenous class of products that use an electronically powered coil to heat and turn a liquid not containing nicotine into an aerosol, which is inhaled by the user;

“Government” includes any–

- (a) government ministry or department;

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- (b) governmental, semi-governmental or quasi-governmental institution, body, board, commission, committee, work group, or other entity;
  - (c) entity working on behalf of, or to further the interests of, the Government; or
  - (d) natural persons working for or on behalf of the Government, whether elected or appointed;

“heated tobacco product” means any tobacco product that produces aerosols containing nicotine and other chemicals, which are inhaled by users, through the mouth;

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

“Minister” means the Minister responsible for public health;

“Ministry” means the Ministry responsible for public health;

“outdoor space” means any space that is not enclosed;

“outside packaging and labelling” means packaging and labelling used in the retail sale of tobacco products;

“person responsible” means the owner, manager, or other person in charge of the public place, workplace, or means of public transport;

“public place” means any place accessible to the general public or place of collective use, regardless of ownership or right of access;

“public transport” means any form or mode of transportation, publicly or privately owned, used to carry members of the public for hire or reward, whether domestically or internationally;

“publish” means to make known publicly by any method or means;

“seller” means any person who supplies any tobacco product for a fee or other consideration, and includes any distributor, wholesaler, importer, exporter and retailer;

“smoke” means to inhale, exhale, hold or otherwise have control over an ignited tobacco product or a heated, but not ignited, tobacco product that produces an emission of any sort, or to operate or otherwise have control over an electronic delivery system that produces an emission of any sort;

“tobacco advertising and promotion” means any form of commercial communication, recommendation, or action with the aim, effect, or likely effect of promoting a tobacco product or tobacco use directly or indirectly;

“tobacco control” means a range of supply, demand and harm reduction strategies that aim to improve the health of the population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

“tobacco industry” means a tobacco manufacturer, wholesale distributor or importer of tobacco products;

“tobacco product” means any product entirely or partly made of the tobacco leaf as raw material which is manufactured to be used for smoking, sucking, chewing, snuffing or consumption by any other means, and includes an electronic delivery system, and any heated tobacco product and its devices and accessories;

“tobacco smoke” means the smoke emitted from burning the end of a cigarette or other tobacco product usually in combination with the smoke exhaled by the smoker;

“tobacco sponsorship” means any form of contribution to any event, activity, organisation, or individual that has the aim, effect, or likely effect of promoting a tobacco product or tobacco use directly or indirectly;

“unit packaging and labelling” means the packaging and labelling in which a tobacco product is directly placed;

“workplace” means any place used by one or more persons during employment or work, whether done for compensation or as a volunteer, and includes all attached or associated spaces commonly used during the course of work or incidentally, as well as work vehicles.

## PART II

### *Guiding Principles*

**3.** This Act shall be interpreted in a manner that aligns with the Convention, and in a manner that respects, protects and fulfils the rights of every human being to the highest attainable standard of health.

## PART III

### *National Tobacco Control Committee*

4.—(1) There is established a National Tobacco Control Committee comprising fifteen members appointed by the Minister.

Establishment of  
Committee.

- (2) The members of the Committee shall be—
- (a) the Director of Public Health and Wellness;
  - (b) Technical Advisor, Health Education and Community Participation Bureau;
  - (c) Technical Advisor, National Drug Abuse Control Council;
  - (d) Technical Advisor, Epidemiology;
  - (e) Technical Advisor, Environmental Health;
  - (f) a representative from the Ministry responsible for finance;
  - (g) a representative from the Ministry responsible for education;
  - (h) a representative from the Attorney General's Ministry;
  - (i) a representative from the Customs and Excise Department;
  - (j) a representative from the Belize Bureau of Standards;
  - (k) a representative from the Belize National Sports Council;
  - (l) a representative from the University of Belize;
  - (m) a representative from the Belize Cancer Society;
  - (n) a representative from media; and
  - (o) a community representative.

(3) Each member of the Committee shall be appointed for a term of two years and is eligible for re-appointment.

(4) The appointment of members and every change in membership of the Committee shall be published in the *Gazette*.

(5) The Minister shall not appoint any person who works for, or furthers the interests of, the tobacco industry as a member of the Committee.

5.—(1) A member of the Committee may resign by giving the Minister one month's notice in writing.

Resignation and  
removal of a  
member of the  
Committee.

(2) The Minister may remove a member of the Committee from office on being satisfied that the member—

- (a) is, for whatever reason, permanently incapable of performing the functions of a member;
- (b) has been absent, without leave of the Committee, for three consecutive meetings of the Committee; or
- (c) has neglected the duties of a member.

(3) The Minister may appoint another person to serve in the place of a member who resigns or is removed from the Committee.

(4) A person appointed in place of a member pursuant to sub-section (3) shall hold office for the unexpired term of office of that member.

Procedures of  
Committee.  
Schedule I.

**6.** Subject to the provisions of Schedule I and the other provisions of this Act, the Committee may adopt such rules as may be necessary to establish its procedures and govern the manner of its operations and members.

Functions of the  
Committee.

**7.** The Committee shall—

- (a) advise, assist and make recommendations to the Minister and the Cabinet, on matters related to tobacco control;
- (b) advocate for policy, legislative development and implementation of measures related to tobacco control in compliance with the Convention;
- (c) provide information to the Minister on emerging global and local tobacco issues;
- (d) provide technical assistance to individuals and groups developing programmes and offering services on the control of tobacco use;
- (e) provide oversight and be responsible for the monitoring and evaluation of the Belize National Tobacco Control Plan;
- (f) ensure that in setting and implementing public health policies with respect to tobacco control, these policies are protected from commercial and other vested interests of the tobacco industry or any entity or person working to further its interests;
- (g) provide information on the periodic reporting on compliance with the Convention;

- (h) promote participation of the individuals and communities (civil society) in developing, implementing and evaluating tobacco control programmes which are socially and culturally appropriate to the needs and perspectives of the individuals and communities;
- (i) address gender specific risks in developing tobacco control strategies; and
- (j) any other matter on tobacco control and related matters as the Minister or the Cabinet may direct.

**8.**—(1) The Minister may, by Order published in the *Gazette*, delegate to any Minister of State appointed to assist the Minister, the exercise or performance of all or any of powers or functions conferred upon the Minister under the provisions of this Act.

Minister may delegate functions.

(2) A delegation under sub-section (1) is revocable by the Minister and the delegation of the exercise of a power or the performance of a function shall not preclude its exercise or performance by the Minister.

(3) The provisions of this Act shall apply in relation to a power or a function delegated under this section as they would apply where the power or function is exercised or performed by the Minister.

(4) The provisions of this section shall apply notwithstanding the provisions of section 59 of the Interpretation Act in respect to the power to delegate authority.

CAP. 1.

## PART IV

### *Protection From Exposure To Second-Hand Smoke*

**9.**—(1) A person shall not smoke in the following indoor places—

- (a) in any indoor workplace;
- (b) in any part of any public place that is an indoor space, including by way of illustration but in no way limited to those places listed in Schedule II;
- (c) on any means of public transport, whether or not it is carrying a member of the public; or
- (d) on any means of transport at the time transporting a child.

Places where smoking is prohibited.

Schedule II.

(2) A person shall not smoke in the following outdoor places—

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- Schedule II.
- (a) any area within eight metres from a window of, ventilation inlet of, or doorway to, any public place or public workplace;
  - (b) anywhere on the premises that is five metres from the outside boundaries of any public place that is an indoor space, including but not limited to those listed in Schedule II;
  - (c) any waiting area in a public place, including but not limited to public transport stops, taxi and bus stands;
  - (d) any park, playground or amusement park;
  - (e) any public stadium arena, or any kind of public space used or designated for sports or performance;
- CAP. 331.
- (f) any historic or other site of archaeological or national significance declared under the National Institute of Culture and History Act;
  - (g) a public space for the service or consumption of food or drink;
  - (h) any public place where people are likely to congregate within close proximity to each other;
  - (i) any public place where smoking may pose a fire or other hazard; or
  - (j) any other outdoor public space specified in regulations.

(3) Any person who smokes in any place where smoking is prohibited under this section commits an offence and is liable on summary conviction to a fine of five hundred dollars for the first offence, and one thousand dollars for any second or subsequent offence.

Duties of person responsible for places.

**10.-(1)** Every person responsible for the premises specified in section 9 has a continuous duty to—

- (a) prominently post “no smoking” signs in the manner and form prescribed by the Minister;
- (b) remove all ashtrays and other things designed or used to facilitate smoking of tobacco products from all areas of the premises where smoking is prohibited;
- (c) supervise observance of the smoking prohibition; and

- (d) take reasonable steps to discourage and stop any person from smoking tobacco where it is prohibited, including asking the person not to smoke, discontinuing service, asking the person to leave the premises or public transport vehicle when it is safe to do so, and contacting law enforcement or other appropriate authority where necessary.

(2) Any person who owns or manages any indoor or outdoor place under section 9 commits an offence if that person contravenes the provisions of this section and is liable on summary conviction to a fine of fifty thousand dollars, and on subsequent convictions, to a fine of not less than one hundred thousand dollars.

11. The Minister may make regulations prescribing the design, content, placement and any other matter related to ‘no smoking’ signs.

No smoking signs.

## PART V

### *Packaging and Labelling of Tobacco Products*

12. A person shall not manufacture, import, distribute at wholesale, or sell any tobacco product unless the packaging and labelling of that tobacco product complies with the requirements under this Part and any regulations made under this Act.

Conformity with packaging and labelling requirements.

13.—(1) The unit and outside packaging and labelling of all tobacco products shall display permanently affixed, large, legible, and visible health warnings and messages comprised of legible text and corresponding images as prescribed by regulations.

Requirement for health warnings and messages.

(2) The health warnings and messages on a tobacco product shall be printed in English and shall occupy at least eighty per centum of each principal display area as prescribed by regulations.

(3) The visibility of the warnings shall be placed at or towards the top of each principal display.

(4) The health warnings and messages on the unit and outside packaging and labelling of any tobacco product shall not be susceptible to being, damaged, concealed, obstructed, disrupted, covered or changed by any other required packaging and labelling information, marking, or stamps, or by any package design, feature, opening or other mechanism, or by any thing supplied by the manufacturer, importer, wholesale distributor, or seller.

(5) A tobacco product manufacturer, importer, wholesale distributor or seller shall not be in contravention of sub-section (4) where, in the case of a flip top package, the health warnings and messages required to be placed at

the top of the principal display areas are temporarily disrupted upon normal opening of the package.

(6) The health warnings and messages displayed on the unit and outside packaging and labelling of all tobacco products shall rotate periodically in the manner prescribed by regulations.

Duty to display content and emissions information.

**14.—(1)** Nothing in this Part shall remove or diminish any duty of a tobacco manufacturer, importer, wholesale distributor, or seller, including, but not limited to, the duty to warn consumers about the health hazards arising from the use of tobacco products and exposure to tobacco smoke.

(2) The unit and outside packaging and labelling of any tobacco product shall display permanently affixed information on the content and emissions of the product as prescribed by regulations.

(3) The information in respect to the content and emissions of any tobacco product shall rotate periodically in the manner prescribed by regulations.

Prohibition on false, misleading, etc. packaging and labelling of any tobacco product and regulation of promotional features.

**15.—(1)** A tobacco product manufacturer shall not use the unit and outside packaging and labelling of any tobacco product, or the tobacco product itself, to promote the product by any means that is false, misleading, deceptive, or likely to create an erroneous impression about the characteristics, health effects, hazards or emissions of the product, including the use of any term, descriptor, trademark, figurative, colour or other sign of any kind, in whole or in part, that directly or indirectly creates, or is likely to create, the false impression that a particular tobacco product is less harmful than others.

(2) The prohibition in sub-section (1) includes, but is not limited to, the use of terms such as “light”, “ultra light”, “ultra”, “low tar”, “mild”, “extra”, “smooth”, “slim”, or “natural”.

(3) Quantitative information shall not be displayed or implied anywhere on or inside the unit or outside packaging or labelling of any tobacco product, or on the tobacco product itself, including when used as part of a brand name or trademark.

(4) The Minister may, by regulations, specify additional prohibitions and requirements to prevent the promotion of tobacco products in any misleading manner, and to regulate promotional features in respect to the packaging and labelling of tobacco products, and the product itself, including but not limited to—

- (a) any features of retail packaging designed to change after retail sale, including—
  - (i) heat activated inks;

- (ii) inks or embellishments designed to appear gradually over time, including on the product itself;
  - (iii) inks that appear fluorescent in certain light, including on the product itself;
  - (iv) panels designed to be scratched or rubbed to reveal an image or text;
  - (v) removable or hidden tabs or panels; or
  - (vi) fold-out tables or panels; and
- (b) the use of logos, colours, brand images and other promotional information or features on, in, or as part of the packaging and labelling of any tobacco product, including inside and outside surfaces, and on or as part of the product itself, other than brand name or product name displayed in a specific colour and font as prescribed by regulations.

(5) The Minister may, by regulations, regulate the physical features of the unit and outside packaging and labelling of tobacco products, including but not limited to the dimensions, opening mechanisms, and shape, and the physical features of the product itself, including but not limited to the design, dimensions, and shape of the product itself.

(6) The prohibitions and requirements under this section shall not constitute grounds for the Registrar of Intellectual Property to—

- (a) refuse an application made under the Trade Marks Act to register a trade mark for any tobacco product; CAP. 257.
- (b) revoke the acceptance of an application for the registration of a trade mark for any tobacco product;
- (c) register the trade mark for any tobacco product subject to conditions or limitations; or
- (d) revoke the registration of a trade mark on any ground set out in section 46(1) of the Trade Marks Act. CAP. 257.

**16.** Notwithstanding section 15(4) and (5), the Minister may require plain packaging of tobacco products as may be prescribed by regulations. Plain packaging of tobacco product.

Regulation of tobacco product.

**17.—(1)** A person shall not manufacture, import, distribute at wholesale, or sell any tobacco product that does not meet all product requirements as tested by the method and in the manner prescribed by regulations.

(2) Where the Belize Bureau of Standards has issued standards covering any subject matter that is covered under this Act or any regulations made under this Act, the requirements under this Act and regulations made under this Act shall prevail in the event of any inconsistency or conflict.

(3) A person shall not manufacture, import, distribute at wholesale, or sell any tobacco product that—

- (a) has a characterising flavour or is represented, packaged, or labelled as having a characterising flavour or being flavoured;
- (b) contains a flavouring in any component or technical feature allowing modification of the smell or taste of the tobacco product or its smoke intensity;
- (c) contains one or more additives with properties associated, or likely to be associated, with energy or vitality, a health benefit, or reduced health risks, including but not limited to caffeine, amino acids, taurine, guarana, glucuronolactone, and any other stimulant, vitamin or mineral, or is packaged and labelled as containing any such additives or as having such properties;
- (d) contains an additive having colouring properties for emissions or for a component other than when used for—
  - (i) subject to the authority of the Minister to restrict or prohibit the display of a trademark;
  - (ii) whitening plug wrap paper; or
  - (iii) making tipping paper brown or bronze or creating a cork pattern on the tipping paper; or
- (e) is represented or suggested, including through any word, images, picture, symbol, scent, or other signs or signals as—
  - (i) having a characterising flavour;
  - (ii) being flavoured; or
  - (iii) containing any of the additives described under paragraph (c) or having any of the properties described under paragraph (c).

frequency and in the manner, including the content, format and all other details, as prescribed by regulations.

(2) In submitting the report under sub-section (1), the manufacturer and importer of a tobacco product shall use the testing methods, including methods to assess conformity with product standards, as prescribed by regulations.

(3) The Chief Executive Officer or Chair of the Board of the manufacturing or importing company, as the case may be, shall verify the information contained in the report under sub-section (1) and, as a part of the report, shall attest to the accuracy and completeness of the information supplied.

(4) Subject to sub-section (5), the Minister shall make information from the report under sub-section (1) readily accessible to the public.

(5) The Minister shall take reasonable action necessary to prevent disclosure of any information that may be protected by law and may be misleading or promotional.

## PART VI

### *Sale Requirements*

**19.**—(1) A person shall not sell a tobacco product to a child.

(2) A person shall not employ or use a child to sell, handle or ignite a tobacco product.

(3) Before any tobacco product sale, the seller shall ask for a picture identification card and shall verify that the purchaser has attained the age of eighteen years.

(4) A person who contravenes this section commits an offence and is liable to a fine of two hundred and fifty thousand dollars.

(5) For an offence under this section, it shall be a good defence to prove that the seller or employer diligently verified the age of the purchaser or employee and did not know, or reasonably could have known, that the purchaser or employee is a child.

(6) The Minister may make regulations to prescribe the form, content and placement of sale signage stating that tobacco sales to children are not allowed.

Prohibition on sales to and by a child.

Prohibition on sale of loose cigarettes.

**20.**—(1) All cigarettes shall be sold in an intact package containing not less than twenty sticks or individual units per package.

(2) All tobacco products shall be sold in an intact package containing not less than twenty cigarettes or thirty grammes of the tobacco product.

(3) A person who contravenes this section commits an offence and is liable to a fine of twenty thousand dollars.

## PART VII

### *Advertising, Promotion and Sponsorship*

Ban on tobacco advertising, promotion and sponsorship.

**21.**—(1) All forms, methods and means of tobacco advertising and promotion, including the commercial display of tobacco products and tobacco sponsorship are prohibited.

(2) A person commits an offence if that person—

- (a) initiates any tobacco advertising, promotion or sponsorship and is liable to a fine of one hundred thousand dollars, and for any subsequent violation, a fine twice the amount charged for the violation immediately preceding the subsequent violation;
- (b) produces, places, displays or publishes any tobacco advertising content, or promotes or sponsors any event contrary to this Part, and is liable to a fine of thirty thousand dollars and, for any subsequent violation, a fine twice the amount charged for the violation immediately preceding the subsequent violation;
- (c) disseminates tobacco advertising content when that person becomes or should reasonably become aware of any tobacco advertisement and promotion, and was in a position to remove the content or disable access to it but failed to do so, and is liable to a fine of fifty thousand dollars, and for any subsequent violation, a fine twice the amount charged for the violation immediately preceding the subsequent violation;
- (d) engages or participates in any tobacco advertising, promotion or sponsorship as a media or event organiser, athlete, celebrity, performer, artist or other participant, and is liable to a fine of fifty thousand dollars; and
- (e) serves as a recipient of any sponsorship contribution or intermediary that facilitates any such contribution, and is

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liable to a fine of twenty thousand dollars and for any subsequent violation, a fine twice the amount charged for the violation immediately preceding the subsequent violation.

(3) The prohibition in sub-section (1) includes any tobacco advertising, promotion and sponsorship that promotes, or is likely to promote, the tobacco industry, directly or indirectly.

(4) Where a person who has management or control over the publication or dissemination of content through analogue, digital media or communications becomes, or should reasonably become, aware of any tobacco advertisement and promotion scheduled to air contrary to the prohibition in sub-section (2) and takes no reasonable steps to prevent or reschedule the publication or dissemination of the content, that person commits an offence and is liable on summary conviction to—

- (a) a fine of twenty thousand dollars for the first offence;
- (b) a fine of five hundred dollars for every time the broadcast airs during the prohibited time; and
- (c) a fine of fifty thousand dollars for any subsequent offence.

(5) This section applies to all domestic and cross-border tobacco advertising, promotion and sponsorship.

(6) The prohibition on tobacco advertising, promotion and sponsorship shall not apply to the following—

- (a) depictions of tobacco products or tobacco use in media where the depiction is purely incidental or is justified by reasons of historical accuracy or legitimate journalistic, artistic expression or academic or educational purposes provided no payment or other consideration was offered or made in exchange for the depiction;
- (b) political, social or scientific commentary about tobacco products or tobacco use provided no payment or other consideration was offered or made in exchange for the commentary;
- (c) reporting of information that is necessary for business administration or for required corporate reporting or that is otherwise required by law to be reported, but only to the extent access is limited to the people who need to receive it for business administration or who require it to be reported by law;

- (d) product information made accessible to people within the tobacco industry who need the information for trading decisions, but only to the extent access is limited to those people; and
- (e) a newsletter of a tobacco manufacturer destined for and distributed only to employees, contractors, suppliers and business partners of the manufacturer, only to the extent access is limited to those people.

(7) The Minister may prescribe by regulations any additional requirement, condition or restriction in relation to sub-section (6).

Non-exhaustive list of forms of tobacco advertising, promotion, and sponsorship.

**22.**—(1) Without limiting in any way the broad application of section 21, Schedule III provides, for illustrative purposes only, a non-exhaustive list of forms of tobacco advertising, promotion and sponsorship prohibited under the Act.

Schedule III.

(2) The Minister may make regulations to expand the non-exhaustive list of forms of tobacco advertising, promotion and sponsorship in Schedule III.

## PART VIII

### *Corrective Action and Additional Provisions for Penalties*

Corrective action and additional penalties.

**23.**—(1) In addition to any penalty imposed under this Act, the court may order corrective action with the cost of the action borne or reimbursed by the defendant, including but not limited to—

- (a) public notification of the offence;
- (b) an order to cease and desist from any conduct that contravenes the Act;
- (c) where applicable, removal or blockage of prohibited tobacco advertising, promotion or sponsorship content;
- (d) invalidation of any contract, agreement or arrangement relating to tobacco advertising, promotion or sponsorship which is an offence under the provisions of the Act;
- (e) recall, removal, confiscation or destruction of any product, item, or material that fails to comply with the requirements of this Act or are intended to be used to facilitate an offence under this Act;

- (f) the return of any prohibited contribution;
  - (g) any ill-received gains or otherwise for facilitating or otherwise, a prohibition of this Act; and
  - (h) any other corrective action that the court wishes to impose.
- (2) Each day an offence continues shall constitute a separate offence.
- (3) Where any person derives any monetary or financial benefit directly or indirectly from any act or omission that constitutes an offence under this Act or any other applicable law, all proceeds so gained shall be forfeited in addition to any other penalty imposed.
- (4) Where a corporation, partnership, firm or other entity contravenes this Act, any manager, director or officer who authorised or acquiesced in the act, or who knew, or using due diligence, ought to have known, of the commission or omission commits the offence and is liable for all costs and fines associated with any enforcement or corrective action and for any term of imprisonment ordered.

## PART IX

### *Inspection and Enforcement*

**24.** The Minister may appoint any number of persons either by name or by office as the Minister thinks fit as an authorised officer for the purpose of carrying into effect the provisions of this Act or any regulations made under this Act.

Appointment of authorised officers.

**25.—(1)** For the purposes of this Act, an authorised officer shall have the power to—

Powers of authorised officers.

- (a) enter any public place, workplace or means of public transportation to conduct inspections or investigations in relation to the objectives of this Act, at any time during business or operating hours or at any other reasonable or necessary time;
- (b) enter the premises of any business place where tobacco is manufactured, sold, transported, received, distributed, supplied, or otherwise found;
- (c) examine, open, and test any equipment, tools, materials, packages or anything the authorised officer reasonably believes is used or is capable of being used for the

manufacture, packaging and labelling, storage, distribution, advertising or promotion, of tobacco products;

- (d) examine any manufacturing operation or process carried out on the premises;
- (e) examine and make copies of any books, documents, notes, files, including electronic files, or other records that the authorised officer reasonably believes might contain information relevant to determining compliance with this Act;
- (f) take photographs, films, audio, videos or other recordings as reasonably required in connection with the administration of this Act;
- (g) interview any person the authorised officer believes may have information relevant to making a compliance determination;
- (h) take samples of tobacco products or components of any product and their packaging, from any business where they are found, to have them tested; and
- (i) seize and detain from any business or order the storage of, without removal or alteration, any tobacco product or other item the authorised officer reasonably believes does not comply with this Act.

(2) Authorised officers who are police officers and customs officers shall have the power to stop, search, and detain any aircraft, ship, vehicle or other means of transport or storage in which the authorised officer reasonably believes tobacco products intended for commercial purposes are or were contained or conveyed, and may examine, open, and take samples of the products to make a compliance determination.

(3) In acting under sub-section (1)(h), the authorised officer shall first provide the person in possession of the tobacco products or other items with written notice of the seizure and detention and the grounds for the seizure and detention.

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

(5) Where the Ministry has determined that any seized and detained tobacco or other item does not meet the legal requirements, it shall be

confiscated and kept as evidence in legal proceedings, after which it shall be destroyed following a final legal determination of non-compliance.

**26.**—(1) Every authorised officer shall be provided with a distinctive badge, tag or other identification device which may conveniently be carried by that authorised officer while engaged in the performance of duties under this Act.

Identification of authorised officers.

(2) In exercising any power conferred under this Act, an authorised officer shall produce identification to show that the officer is an authorised officer under this Act.

**27.**—(1) The person responsible for any place or vehicle entered by an authorised officer for the purposes of enforcing this Act and every person found in that place or vehicle shall give the authorised officer all reasonable assistance within the power of that person and shall provide the authorised officer with such information as the authorised officer may reasonably require.

Duty to cooperate with authorised officers.

(2) Any person who—

- (a) denies, obstructs or hinders an authorised officer in the performance of duties;
- (b) knowingly makes any false or misleading statement either orally or in writing to any authorised officer; or
- (c) removes, alters or interferes in any way with any article seized under this Act without the authority of the authorised officer,

commits an offence and is liable to a fine of fifty thousand dollars or imprisonment to five years or to both fine and imprisonment.

**28.**—(1) A person may make a complaint to the Ministry and may bring a legal action to compel compliance against any person in contravention of this Act or any regulations made under this Act, including an action to compel the Government to fulfil its inspection or enforcement functions under this Act.

Public complaints.

(2) Any legal action brought pursuant to sub-section (1) shall be exempted from costs which may otherwise be required, and where a decision is rendered on behalf of the person bringing the action, that person shall be entitled to recover from any opposing party to the action any costs incurred.

## PART X

### *Protection of Tobacco Control Policies*

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

**29.**—(1) A person who acts on behalf of, or for the benefit of, the Government shall not, whether in the individual capacity of that person or otherwise, interact in any manner with a person in the tobacco industry in furtherance of a business activity, except where it is strictly necessary to do so in order to ensure the effective regulation of the tobacco industry or tobacco products.

(2) Where any interaction is strictly necessary for effective regulation under sub-section (1), the Government shall ensure transparency of the interaction by requiring—

- (a) a member of the National Tobacco Control Committee to be present during the interaction as a witness without a conflict of interest; and
- (b) documentation of the interaction that provides sufficient detail to identify—
  - (i) the date, location, and method of interaction;
  - (ii) the parties involved;
  - (iii) the matters discussed or considered;
  - (iv) any decision taken;
  - (v) any follow-up action planned or anticipated; and
  - (vi) any other details as may be prescribed by the Minister.

(3) The Government shall not provide any incentive or privilege, including but not limited to grants, subsidies, loans, tax exemptions, reductions, or any other form of favourable tax treatment to any person to grow tobacco, establish or run a tobacco manufacturing, wholesale, import, export, or retail business, or to any phase of production, research and development, or marketing process.

Prohibition on partnerships, endorsement of, and voluntary contributions from, the tobacco industry.

**30.** A person who is employed with the Government shall not—

- (a) accept from the tobacco industry, any proposal, draft, or offer of assistance with the development or implementation of any tobacco control policy;
- (b) enter into, support a partnership of any kind with the tobacco industry, including taking part in any initiative or participating in, or endorsing, any activity of the tobacco industry which advances, or appears to advance, the interests of the tobacco industry;

- (c) 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 place of legally enforceable tobacco control measures;
- (d) accept any voluntary financial or other contribution of any kind, including any gift, favour, perquisite, from the tobacco industry,
 

provided that any contribution from the tobacco industry resulting from legal requirements or settlement of litigation shall not be considered a voluntary contribution;
- (e) become involved in, or endorse, in any manner, any initiative, campaign, program, or activity directly or indirectly related to tobacco control policy or public health, including, but not limited to, any youth access and education program, public education campaign or other initiative; or
- (f) participate in, support, or endorse any education, instruction, or training provided or funded in whole, or in part, by the tobacco industry.

**31.**—(1) A person who is employed with the Government shall not engage in any occupational activity which may create, or be perceived as, a conflict of interest.

Prevention and management of conflicts of interest and requirement for disclosure.

(2) A person who seeks employment or voluntary work or service of any kind involving the development or implementation of tobacco control policy with the Government shall be required to make disclosure in relation to any current or prior occupational activity or other affiliation with the tobacco industry, or any other activity as prescribed, for the purpose of determining whether a conflict of interest exists or is likely to exist in relation to the person.

(3) Any person required to make a disclosure under sub-section (2) shall truthfully and fully disclose all information required.

(4) The Minister may establish guidelines to provide for the manner in which the engagement in occupational activity may create, or be perceived as, a conflict of interest.

**32.**—(1) Every manufacturer, wholesale distributor, and importer of a tobacco product shall submit to the Minister a report in such form and manner and at such frequency as prescribed by regulations.

Tobacco industry reporting.

(2) The report under sub-section (1) shall contain any information as prescribed by regulations.

(3) The Chief Executive Officer or Chair of the Board of the manufacturing, distributing, or importing company, as the case may be, shall verify the information contained in the report and, as a part of the report, shall attest to the accuracy and completeness of the information supplied.

(4) Subject to sub-section (5), the Minister shall make information from the report under sub-section (1) readily accessible to the public.

(5) The Minister shall take reasonable action necessary to prevent disclosure of any information that may be protected by law and may be misleading or promotional.

## PART XI

### *Miscellaneous*

**33.**—(1) The Minister shall establish and carry out evidence-based programmes to inform the public of—

- (a) the dangers and addictiveness of tobacco use and of exposure to tobacco smoke;
- (b) the benefits of and strategies for quitting smoking;
- (c) information on the tobacco industry and on the health, economic and environmental effects of tobacco production and manufacturing; and
- (d) other information as the Minister determines to be effective in mitigating against the health effects, social and environmental costs of tobacco and for increasing public and consumer awareness of pertinent tobacco related issues.

(2) The Minister shall—

- (a) make public awareness, educational and tobacco use cessation materials available to municipal authorities, healthcare workers and facilities, schools, the media, non-governmental organisations and other appropriate entities;
- (b) in carrying out programmes under sub-section (1), develop evidence-based educational programmes and materials appropriate to the population at large and to priority populations; and

Public education awareness and tobacco use cessation programmes.

- (c) establish and carry out evidence-based tobacco use cessation programmes including diagnosis, counselling and treatment services and, as appropriate, access to nicotine replacement therapies.

**34.** The Minister may make regulations—

Regulations.

- (a) prescribing the names and types of public places where health of non-smokers shall be protected;
- (b) prescribing the criteria and procedures of signage required to be displayed in non-smoking areas;
- (c) prescribing minimum weight and quantity requirements for packaging;
- (d) prescribing the requirements with respect to plain packaging of tobacco products;
- (e) prescribing for a system of surveillance for data collection and exchange of information on a national, regional or international basis;
- (f) prescribing the sets of health warnings and messages to be displayed on the unit and outside packaging and labelling of tobacco products;
- (g) prescribing the minimum number of health warnings and messages to be included in a set;
- (h) prescribing the content, colour, size, font, print quality, layout, design, placement, display, language, and all other details related to the health warnings and messages and any other information required to be displayed in respect to unit and outside packaging and labelling of tobacco products;
- (i) prescribing the maximum period for display of a set of health warnings and messages before rotation of set is required;
- (j) prescribing the manner and any other relevant detail in respect to the rotation of health warnings and messages;
- (k) prescribing the descriptive contents and emissions information and the area where it should be displayed;
- (l) prescribing any other information required to be displayed or prohibited from being displayed on the packaging and labelling of tobacco products;

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- (m) prescribing any additional prohibition on misleading packaging and labelling and product features;
  - (n) prescribing any additional requirement, condition or restriction in respect to advertising, promotion, and sponsorship of tobacco products;
  - (o) prescribing the testing methods, including methods to assess conformity with product standards, for the testing of tobacco product content and emissions;
  - (p) prescribing the form, manner and frequency for submitting a report to the Minister;
  - (q) prescribing the information that is to be contained in the report to the Minister;
- Schedule III.
- (r) expanding the non-exhaustive list of forms of tobacco advertising, promotion and sponsorship in Schedule III; and
  - (s) prescribing all matters and things required or authorised by this Act to be prescribed or provided, for the carrying out of, or the giving full effect to, the provisions of this Act and its due administration.
- Negative resolution.
- 35.** Regulations made under this Act shall be subject to negative resolution.
- Public information.
- 36.** In making information readily available to the public as required under this Act, the Minister shall take reasonable precautions to protect the public from any information contained in any report from a tobacco manufacturer or seller that is or is likely to be misleading or promotional in nature.
- Reporting.
- 37.** Where an agency of the Government is required to report to any international organisation on any matter related to tobacco, tobacco products or tobacco control, that agency shall at the same time submit that information or report to the Ministry.
- Evaluation.
- 38.**—(1) The Committee is required to evaluate the effectiveness of the Act and the effectiveness of the inspection and enforcement programme, and this information shall be readily available to the public.
- (2) An evaluation report shall be prepared by the Committee for submission to the Minister.
- Severability.
- 39.** In the event any provision of this Act is found by a court of competent jurisdiction to be unconstitutional, illegal or otherwise invalid, all other provisions shall remain in full force or effect.

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**40.** This Act shall come into force on a date appointed by the Minister by Order published in the *Gazette*.

Commencement.

## SCHEDULE I

*[section 6]**Rules of Committee*

1. The Committee shall meet at least once every quarter and at such other times as may be expedient or necessary and at such time and on such days as the Committee may determine.

2.–(1) The Chairperson of the Committee shall be the Director of Public Health and Wellness.

(2) The Committee shall elect a Vice Chairperson from amongst its membership.

(3) The Ministry shall serve as the Secretariat of the Committee.

3.–(1) The Chairperson shall preside at all meetings of the Committee and in the absence of the Chairperson, the Vice Chairperson shall act as the chairperson at any meeting of the Committee.

(2) Where for any reason, the Chairperson or the Vice Chairperson is unable to preside at any meeting of the Committee, the members present shall elect one of their members to preside at the meeting.

(3) A *pro tempore* chairperson elected under sub-paragraph (2) above shall have all powers of the chairperson at that meeting, including the power of exercising a casting vote in addition to his original vote.

4.–(1) The quorum for any meeting of the Committee shall be seven members and the decision of the majority present at any meeting shall be the decision of the Committee.

(2) Where the voting is equal, the Chairperson presiding at the meeting shall have a casting vote.

5. The Chairperson shall ensure that a minute book is kept with proper and accurate records of the Committee's meetings, resolutions, decisions, proceedings, all business transacted at each meetings, and all other relevant information.

6. The Committee may co-opt one or more persons to attend any particular meeting of the Committee for the purpose of advising or assisting the Committee in its deliberations but such person shall have no voting rights.

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SCHEDULE II

*[section 9]*

*Examples of Public Places where Smoking is Prohibited*

1. Government buildings and compounds.
2. All health institutions and facilities, public or private.
3. All educational institutions and churches.
4. Public transportation, including terminals.
5. Child-care facilities.
6. Private business where the public accesses services including lobbies of banks, hotels, restaurants, bars, cafes and other eating or drinking establishments.
7. Entertainment facilities including clubs, cinemas, concert halls, theatres and game arcades.
8. Gaming machine venues and casinos.
9. Publicly owned facilities rented out for events.
10. Any other indoor place accessible to the public specified in the regulations.

## SCHEDULE III

*[section 22]*

*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 CDs, 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;

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- (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 organisations, Government institutions or organisations, 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; or distributed or supplied together with a product that is not a tobacco product, at a single price;

- (p) commercial display of tobacco products at retail and vending machine sales;
- (q) sale of tobacco products through the internet;
- (r) promotion or sale of any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or any products which imitate or resemble, in whole or part, tobacco products; and
- (s) any other form of tobacco advertising, promotion or sponsorship by any method or means.