

Tobacco (Control of Advertisements and Sale) (Amendment) Bill

Bill No. 0/2017.

Read the first time on 2017.

A BILL

i n t i t u l e d

An Act to amend the Tobacco (Control of Advertisements and Sale)
Act (Chapter 309 of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the
Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Tobacco (Control of Advertisements and Sale) (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Tobacco (Control of Advertisements and Sale) Act (called in this Act the principal Act) is amended —

- (a) by deleting the words “or substitute” in the definition of “cigarette” and substituting the words “or tobacco substitute”;
- 10 (b) by deleting the definitions of “tobacco product” and “tobacco substitute” and substituting the following definitions:

“tobacco product” means —

- (a) a cigarette or cigar, or any other form of tobacco;
- 15 (b) a tobacco derivative;
- (c) a tobacco substitute; or
- (d) a mixture containing any form of tobacco or a tobacco derivative or tobacco substitute,
- 20 but does not include a therapeutic product registered under the Health Products Act (Cap. 122D);

“tobacco substitute” means an article, object or thing that contains nicotine, but does not include any of the following:

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- (a) a cigarette or cigar, or any other form of tobacco;
- (b) a tobacco derivative;
- 30 (c) a mixture containing any form of tobacco or a tobacco derivative;

(d) a therapeutic product registered under the Health Products Act;” and

(c) by inserting, immediately after the definition of “unauthorised advertisement”, the following definition:

5 ““under-aged person” means —

(a) in the 12-month period commencing on the date prescribed by the Minister, an individual who has not attained 19 years of age;

10 (b) in the 12-month period immediately following the period mentioned in paragraph (a), an individual who has not attained 20 years of age; and

15 (c) at any time after the period mentioned in paragraph (b), an individual who has not attained 21 years of age;”.

Amendment of section 10

3. Section 10 of the principal Act is amended —

20 (a) by deleting the words “a person below the age of 18 years” in subsection (1)(a), (b) and (c) and substituting in each case the words “an under-aged person”;

(b) by deleting the words “below the age of 18 years” in subsection (2)(a) and (b) and substituting in each case the words “an under-aged person”; and

25 (c) by deleting the words “persons below age of 18 years” in the section heading and substituting the words “under-aged persons”.

Amendment of section 11

4. Section 11 of the principal Act is amended —

30 (a) by deleting the words “below the age of 18 years” in subsections (1) and (2) and substituting in each case the words “an under-aged person”; and

- (b) by deleting the words “young persons” in the section heading and substituting the words “under-aged persons”.

Amendment of section 13

- 5 **5.** Section 13(4) of the principal Act is amended by deleting the words “persons below the age of 18 years” and substituting the words “under-aged persons”.

Amendment of section 15

- 6.** Section 15 of the principal Act is amended —

- 10 (a) by deleting the words “or distribute, sell or offer for sale in Singapore” in subsection (1) and substituting the words “or distribute, sell, offer for sale or possess for sale in Singapore”;
- 15 (b) by deleting the words “such other tobacco product” in subsection (1)(b) and substituting the words “any tobacco product”;
- (c) by deleting the words “such tobacco product” in subsection (1)(c) and (d) and substituting in each case the words “any tobacco product”;
- 20 (d) by deleting the words “such product or class of products” in subsection (1)(c) and (d) and substituting the words “the tobacco product or class of tobacco products”;
- 25 (e) by deleting the words “or distribute, sell or offer for sale in Singapore such tobacco product” in subsection (2) and substituting the words “or distribute, sell, offer for sale or possess for sale in Singapore, any tobacco product”;
- (f) by inserting, immediately after subsection (2), the following subsection:
- “**(2A)** A person must not —
- 30 (a) subject to subsection (3), possess in Singapore, other than for the purpose of sale in Singapore;
- (b) purchase in Singapore; or

- (c) use in Singapore,
any tobacco product mentioned in subsection (1) or (2).”;
- (g) by deleting the words “Subsections (1) and (2) shall not apply” in subsection (3) and substituting the words
5 “Subsections (1), (2) and (2A)(a) do not apply”; and
- (h) by deleting subsection (6) and substituting the following subsection:
- “(6) A person who contravenes subsection (2A) shall be
10 guilty of an offence and shall be liable on conviction to a fine not exceeding \$300.”.

Amendment of section 16

7. Section 16 of the principal Act is amended —
- (a) by deleting the words “or distribute, sell or offer for sale in
15 Singapore,” in subsections (1) and (2) and substituting in each case the words “or distribute, sell, offer for sale or possess for sale in Singapore,”;
- (b) by inserting, immediately after subsection (2), the following subsection:
- “(2A) A person must not —
20 (a) possess in Singapore, other than for the purpose of sale in Singapore;
(b) purchase in Singapore; or
(c) use in Singapore,
any item mentioned in subsection (1) or (2).”;
- 25 (c) by inserting, immediately after subsection (5), the following subsections:
- “(6) A person who contravenes subsection (2A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$300.

(7) It is not necessary for an item mentioned in subsection (1) or (2) to contain tobacco or a tobacco product or tobacco substitute.”.

Amendment of section 34

- 5 **8.** Section 34(3) of the principal Act is amended by deleting the words “below the age of 18 years” and substituting the words “an under-aged person”.

Amendment of section 35

- 9.** Section 35 of the principal Act is amended —

- 10 (a) by deleting subsection (1) and substituting the following subsections:

15 “(1) Subject to subsection (1A), all fees, charges and other moneys recovered or collected by the Chief Executive or an authorised officer under this Act are to be paid to the Authority.

 “(1A) All composition sums collected by the Chief Executive or an authorised officer under section 34 are to be paid into the Consolidated Fund.”; and

- 20 (b) by deleting the words “to be paid to Authority” in the section heading.