

THE PROHIBITION OF ELECTRONIC CIGARETTES (PRODUCTION, MANUFACTURE,  
IMPORT, EXPORT, TRANSPORT, SALE, DISTRIBUTION, STORAGE AND  
ADVERTISEMENT) ACT, 2019

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ACT NO. 42 OF 2019

[05th December, 2019.]

An Act to prohibit the production, manufacture, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes in the interest of public health to protect the people from harm and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019.

(2) It shall be deemed to have come into force on the 18th day of September, 2019.

**2. Declaration as to expediency of control by Union.**—It is hereby declared that it is expedient in the public interest that the Union should take under its control the electronic cigarettes industry.

**3. Definitions.**—In this Act, unless the context otherwise requires,—

(a) “advertisement” means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, print, electronic media, internet or website or social media and includes through any notice, circular, label, wrapper, invoice or other document or device;

(b) “authorised officer” means—

(i) any police officer not below the rank of sub-inspector; or

(ii) any other officer, not below the rank of sub-inspector, authorised by the Central Government or the State Government by notification;

(c) “distribution” includes distribution by way of samples, whether free or otherwise and the expression “distribute” shall be construed accordingly;

(d) “electronic cigarette” means an electronic device that heats a substance, with or without nicotine and flavours, to create an aerosol for inhalation and includes all forms of Electronic Nicotine Delivery Systems, Heat Not Burn Products, e-Hookah and the like devices, by whatever name called and whatever shape, size or form it may have, but does not include any product licensed under the Drugs and Cosmetics Act, 1940 (23 of 1940).

*Explanation.*—For the purposes of this clause, the expression “substance” includes any natural or artificial substance or other matter, whether it is in a solid state or in liquid form or in the form of gas or vapour;

(e) “export” with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(f) “import” with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(g) “manufacture” means a process for making or assembling electronic cigarettes and any part thereof, which includes any sub-process, incidental or ancillary to the manufacture of electronic cigarettes and any part thereof;

(h) “notification” means a notification published in the Official Gazette;