

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

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Bill No: 7/2010

Read the first time: 26th April 2010

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Expenditure of Public Money

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

Bill No. 7/2010

Read the first time on 26th April 2010.

An Act to amend the Smoking (Control of Advertisements and Sale of Tobacco) Act (Chapter 309 of the 2003 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 may be cited as the Smoking (Control of Advertisements and Sale of Tobacco) (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of long title

2. The long title to the Smoking (Control of Advertisements and Sale of Tobacco) Act (referred to in this Act as the principal Act) is amended by deleting the word “smoking” and substituting the words “any tobacco product or its use”.

Amendment of section 1

3. Section 1 of the principal Act is amended by deleting the words “Smoking (Control of Advertisements and Sale of Tobacco) Act” and substituting the words “Tobacco (Control of Advertisements and Sale) Act”.

Amendment of section 2

4. Section 2 of the principal Act is amended —

- (a) by deleting the definition of “advertisement relating to smoking” and substituting the following definition:

“ “advertisement relating to any tobacco product” means any advertisement referred to in section 3(1) which has not been approved under section 3(2);”;

- (b) by deleting the words “for smoking” in the definition of “cigarette”;

- (c) by inserting, immediately after the definition of “cigarette”, the following definition:

“ “emission” means any substance that is produced when a tobacco product is used;”;

- (d) by inserting, immediately after the definition of “newspaper”, the following definitions:

“ “packaging”, in relation to any product or article, means any container and any other packaging material in which or with which the product or article is supplied, and includes —

- (a) the box, carton, cylinder, packet, pouch, tin or other receptacle which contains the product or article;
- (b) where any such receptacle is or is to be contained in one or more other receptacles, each of the other receptacles;
- (c) wrapper or wrapping of any nature or form;
- (d) any accompanying leaflet, brochure or other written material; and
- (e) any written, printed or graphic representation that appears on or with, or is attached to, the product or article or any part of its packaging;

“premises” includes any place or building or part thereof;” and

- (e) by deleting the definition of “tobacco product” and substituting the following definitions:

““tobacco product” means any cigarette, cigar or any other form of tobacco, or any tobacco derivative or substitute, including any mixture containing tobacco, or any tobacco derivative or substitute, but excludes any medicinal product registered under the Medicines Act (Cap.176);

“tobacco substitute” means any article, object or thing that contains nicotine, but excludes tobacco, tobacco derivatives and any medicinal product registered under the Medicines Act;

“use”, in relation to any tobacco product, means smoking, chewing, inhaling, ingesting or otherwise introducing the tobacco product or any of its constituents or emissions into the human body (whether by oral means or otherwise);”.

Amendment of section 3

5. Section 3 of the principal Act is amended —

- (a) by deleting the word “smoke” in subsection (1)(a) and substituting the word “use”;
- (b) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

“(b) relating to any tobacco product or its use in terms which are calculated, expressly or impliedly, to lead to, induce, urge, promote or encourage the use of the tobacco product; or”;

- (c) by deleting paragraph (a) of subsection (2);
- (d) by deleting the words “for the purpose of smoking” in subsection (3); and
- (e) by deleting the word “smoking” in the section heading and substituting the words “tobacco products”.

Amendment of section 9

6. Section 9(1) of the principal Act is amended by inserting, immediately after the

word “goods” wherever it appears, the words “or services”.

Amendment of section 11

7. Section 11 of the principal Act is amended —

- (a) by deleting the words “smokes or chews” in subsection (1) and substituting the word “uses”;
- (b) by deleting the words “smoking or chewing or about to smoke or chew” in subsection (2) and substituting the words “using or about to use”;
- (c) by deleting the words “place, premises or building or part thereof” in the definition of “public place” in subsection (3) and substituting the word “premises”; and
- (d) by deleting the words “smoking, etc.,” in the section heading and substituting the words “use of tobacco products”.

Amendment of section 12

8. Section 12 of the principal Act is amended —

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

“(1) No person shall —

- (a) import or permit the import of any cigarette for the purpose of sale;
- (b) distribute or permit the distribution of any cigarette for the purpose of sale;
- (c) sell or offer to sell, or permit the sale of or offer for sale of, any cigarette; or
- (d) possess any cigarette for the purpose of sale,

except in a package that contains not less than the prescribed number of cigarettes.

(1A) Subsection (1) shall not apply to the import of cigarettes into Singapore solely for the purpose of taking them out of Singapore, whether on the same conveyance on which they were brought into Singapore or on another conveyance and whether or not they are landed and kept in any place in Singapore pending their being taken out of Singapore.”;

- (b) by inserting, immediately before the definition of “package” in subsection (3), the following definitions: