

TOBACCO CONTROL (AMENDMENT) BILL, 2024

(Bill No. 4 of 2024)

OBJECTS AND REASONS

The Tobacco Control Act (Cap. 235) (the “Act”) enacted in 2009 regulates and controls tobacco products.

Subsequent to the enactment of the Act, new products similar to tobacco that do not contain tobacco and products that do contain tobacco but are not smoked or used in the traditional way have come about and are in use.

The innovation of such new products and the need to regulate them necessitate the following amendments to the Act —

- (a) to regulate electronic cigarettes which are currently freely marketed and sold to anyone;
- (b) to regulate the manufacturing, importation, supply, display, distribution or sale of electronic nicotine delivery devices or heated tobacco products;
- (c) to make it mandatory to have health warnings and messages as specified by regulations displayed on all individual packages and outer packages of the device and consumable for sale in Seychelles;
- (d) to regulate the sale of electronic nicotine product or heated tobacco product, including its consumables, that is labelled or advertised to produce any attractive flavours that may be appealing to minors and may encourage them to start smoking; and
- (e) to provide enabling provisions to prescribe for tracking, tracing and plain packaging of tobacco products in line with obligations under the Framework Convention on Tobacco Control and the Protocol to Eliminate Illicit Trade in Tobacco Products.

Dated this 6th day of May, 2024.

**PEGGY VIDOT
MINISTER OF HEALTH**

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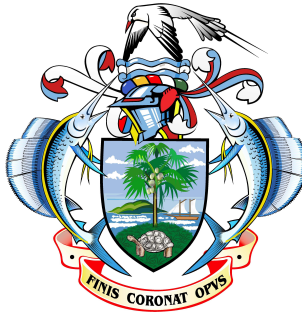
ARRANGEMENT OF SECTIONS

Sections

1. Short title
2. Amendment of section 2
3. Insertion of sections 13A, 13B, and 13C
4. Amendment of section 25
5. Amendment of section 27
6. Transitional provision

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A BILL

FOR

AN ACT TO AMEND THE TOBACCO CONTROL ACT, (CAP. 235).

ENACTED by the President and the National Assembly.

Short title

1. This Act may be cited as the Tobacco Control (Amendment) Act, 2023, and amends the Tobacco Control Act, (Cap. 235) (hereinafter referred to as the “principal Act”).

Amendment of section 2

2. The principal Act is amended in section 2 by —

- (a) repealing the definition of “advertisement” and substituting therefor the following —

“advertisement” means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print on billboards, windows, shop walls, vehicles, surfaces in public or private places, or in print media, electronic media, social media, internet or website and includes any notice, circular, label, wrapper, invoice or similar documents and the term “advertise” shall be construed accordingly;”;

- (b) repealing the definition of “tobacco product” and substituting therefor the following —

“ “tobacco” means any product obtained from the leaf or other parts of the *Nicotiana tobacum* plant or other related plants ;”;

- (c) inserting in the proper alphabetical order the following new definitions —

“Authority” means the Public Health Authority established under section 3 of the Public Health Authority Act, 2013 (Act 7 of 2013);

“electronic cigarette” means a product that —

- (a) can be used for the consumption of nicotine-containing vapour or aerosol via a mouth or a nose piece, or any component of that product, including a cartridge, a tank and a device without cartridge or tank, regardless of whether the product is disposable or refillable by means of a refill container, or a tank, or rechargeable with single use cartridges; and

(b) is not a medicinal product or medical device;

“electronic delivery device” means an electronic nicotine delivery device or an electronic non-nicotine delivery device that is not a medicinal product or medical device;

“electronic nicotine delivery device” means an electronically operated product designed to deliver an aerosol or vapour of nicotine to users;

“electronic non-nicotine delivery device” means an electronically operated product designed to deliver an aerosol or vapour that does not contain nicotine;

“nicotine” means nicotinic alkaloids;

“plain packaging” means measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standardised colour and font style;

“tracking and tracing” means systematic monitoring and re-creation of the route or movement of tobacco products taken through the manufacturing or supply chain;”.

Insertion of sections 13A, 13B, and 13C

3. The principal Act is amended by inserting after section 13, the following sections —

“Health warnings and messages for electronic nicotine delivery devices or heated tobacco products

13A.(1) A person who manufactures, imports, supplies, displays, distributes or sells an electronic cigarette or heated tobacco product consumable for sale in Seychelles shall ensure that health warnings and messages as specified by regulations

shall be displayed on all individual packages and outer packages of the device .

(2) For the purpose of clarity, subsection (1) shall not apply to a person who imports an electronic nicotine delivery device including its consumables or heated tobacco products for personal consumption.

Prohibition of advertising or promotion of attractive flavours in electronic nicotine delivery device or heated tobacco

13B.(1) A person shall not sell an electronic nicotine delivery device or heated tobacco product, including its consumables, that is labelled to identify, promote or advertise any attractive flavour other than tobacco or menthol.

(2) For the purpose of clarity, subsection (1) shall not apply to a person who imports electronic nicotine delivery devices and their consumables or heated tobacco products for personal consumption.

Application of part II, III and IV

13C. The provisions of Part II, III and IV shall apply mutatis mutandis to electronic nicotine cigarettes.”.

Amendment of section 25

4. Section 25(2) of the principal Act is amended by inserting after the figure 13 the figures “13A, 13B,”.

Amendment of section 27

5. Section 27 of the principal Act is amended by —

(a) repealing paragraph (f) and substituting therefor —

“(f) the imposition of fixed penalty or spot fines;”

- (b) inserting after item (h) the following paragraphs —
- “(i) the manner and form to implement a system to enable the tracking and tracing of tobacco products;
 - (j) the manner and form for the implementation of plain packaging measures;
 - (k) create offences and provide penalties therefor to a fine not exceeding level 6 on the standard scale and to imprisonment not exceeding 5 years or to both such fine and imprisonment.”.

Transitional provision

6. Notwithstanding anything to the contrary under this Act, the application of sections 13A and 13B shall commence on the expiration of a period of 6 months of the coming into force of this Act.