

- (b) dalam perenggan (b), dengan memotong perkataan “yang dibekalkan atau ditawarkan untuk dibekalkan semasa apa-apa perdagangan atau perniagaan”.

### **Kecualian**

7. Perenggan 8A(1)(a) Peraturan-Peraturan ini hendaklah tidak terpakai kepada mana-mana pengilang atau pengimport hasil tembakau yang telah mengisytihar harga jualan runcit apa-apa hasil tembakau mengikut Peraturan-Peraturan Kawalan Hasil Tembakau (Pindaan) (No. 2) 2009 [*P.U. (A) 447/2009*] sebelum tarikh permulaan kuat kuasa Peraturan-Peraturan ini.

Dibuat 20 Julai 2010

[K.K.(S) 280/5/7; PN(PU<sup>2</sup>)418/XV]

DATO' SRI LIOW TIONG LAI  
*Menteri Kesihatan*

## **FOOD ACT 1983**

### **CONTROL OF TOBACCO PRODUCT (AMENDMENT) REGULATIONS 2010**

IN exercise of the powers conferred by section 36 of the Food Act 1983 [*Act 281*], the Minister makes the following regulations:

### **Citation**

1. These regulations may be cited as the **Control of Tobacco Product (Amendment) Regulations 2010**.

### **Amendment of regulation 2**

2. The Control of Tobacco Product Regulations 2004 [*P.U. (A) 324/2004*], which are referred to as the “principal Regulations” in these Regulations, are amended in regulation 2—

- (a) in the definition of “retail selling price”, by substituting for the words “declared by the manufacturer or importer” the words “approved by”; and

(b) by inserting after the definition of “theatre” the following definition:

‘ “place of work” has the same meaning assigned to it under section 3 of the Occupation Safety and Health Act 1994 [Act 514];’.

#### **Amendment of regulation 8A**

3. The principal Regulations are amended by substituting for regulation 8A the following regulation:

##### **“Retail selling price of tobacco product**

8A. (1) Every manufacturer or importer of a tobacco product shall submit an application in writing to the Director on—

- (a) the retail selling price of any tobacco product, within fourteen days after the date of coming into operation of these Regulations; and
- (b) the retail selling price of any tobacco product introduced after the date of coming into operation of these Regulations,

Provided that, the tobacco product referred to in paragraph (b) shall include any tobacco product which is introduced in domestic trade under a new brand name or using a new blend or formulation in its production or a new cigarette design, but does not include a change in the design or dimension of its packaging or change in wording, description or information or image, graphic, logo, colour or numerical design of the label or number of stick.

(2) The manufacturer or importer shall submit an application in writing to the Director every time there is a change to the retail selling price of any tobacco product referred to in subregulation (1) due to the following circumstances:

- (a) any increase in the retail selling price of the tobacco product; or
- (b) any downward adjustment of the retail selling price of the tobacco product.

(3) The Director shall, on application having been duly made in accordance with subregulations (1) or (2), approve or refuse to approve the application and where the Director refuses to grant his approval, he shall notify the manufacturer or importer in writing of his refusal.

(4) Every retail selling price approved by the Director under this regulation shall take effect from the date of such approval.

(5) The downward adjustment of the retail selling price of the tobacco product referred to in paragraph (2)(b) shall be subject to the following conditions:

- (a) every manufacturer or importer cannot conduct such adjustment more than three times in a calendar year;
- (b) an adjustment cannot be conducted more than thirty days in one adjustment; and
- (c) the difference between the adjusted retail selling price under paragraph (2)(b) and the retail selling price as referred to in subregulation (1) or paragraph (2)(a), shall not be more than five percents.

(6) Any manufacturer or importer who contravenes this regulation commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.”.

#### **Amendment of subregulation 9(2)**

4. Subregulation 9(2) of the principal Regulations is amended by inserting after the word “years” the words “or to both.”.

#### **Amendment of regulation 11**

5. Regulation 11 of the principal Regulations is amended in subregulation (1)—

- (a) in paragraph (s), by deleting the word “or” at the end of that paragraph;
- (b) in paragraph (t), by substituting for the full stop the word “; or”; and
- (c) by inserting after paragraph (t) the following paragraph:

“(u) in any air conditioned place of work with a centralized air conditioned system.”.

#### **Amendment of subregulation 15(1)**

6. Subregulation 15(1) of the principal Regulations is amended—

- (a) in paragraph (a), by deleting the words “supplied or offered to be supplied in the course of any trade or business”; and
- (b) in paragraph (b), by deleting the words “supplied or offered to be supplied in the course of any trade or business”.

## Saving

7. Paragraph 8A(1)(a) of these Regulations shall not apply to any manufacturer or importer of tobacco product who had declared the retail selling price of any tobacco product in accordance with the Control of Tobacco Product (Amendment) (No. 2) Regulations 2009 [P.U. (A) 447/2009] before the date of coming into operation of these Regulations.

Made 20 July 2010

[K.K.(S) 280/5/7; PN(PU<sup>2</sup>)418/XV]

DATO' SRI LIOW TIONG LAI  
*Minister of Health*

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH  
PERCETAKAN NASIONAL MALAYSIA BERHAD,  
KUALA LUMPUR  
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA