



Tuvalu

## TOBACCO CONTROL (AMENDMENT) ACT 2016

Act No.004 of 2017

I assent

Hon. Sir Iakoba Tacia Italeli  
Governor General

Dated 11<sup>th</sup> April, 2017

### AN ACT TO AMEND THE TOBACCO CONTROL ACT 2008

**1 Short Title and Commencement**

This Act may be cited as the Tobacco Control (Amendment) Act 2016 and will come into force on a date to be appointed by the Minister by Notice.

**2 Amendments to definition of "tobacco product"**

Section 3 of the Act is amended as follows-

(i) Repeal the definition of "tobacco product" and substitute with the following-

"**Tobacco product** means any product containing tobacco in any form, in an amount that is more than an incidental ingredient or component, and that is intended for human consumption and includes all parts and materials, such as filters, rods, portion pouches, electronic nicotine delivery systems, and similar matter, as applicable. The term tobacco product includes raw tobacco that has not been processed or prepared for consumption;"

**3 Amendments to section 11 of the Tobacco Control Act 2008**

Section 11 of the Act is amended as follows:

(i) Repeal the title of section 11 and substitute with the following "Prohibition of people under 18 years to sell or buy tobacco products."

(ii) Insert a new sentence to section 11(1) as follows-

"A person under 18 years of age must not sell or buy tobacco products."

(iii) Section 11(5) is repealed in its entirety and substituted with the following-

"No person shall supply a tobacco product to a person under the age of 18 years, whether in exchange for payment or not. Any person under the age of 18 years is prohibited from consuming any tobacco product."

**4 Amendments to section 18 of the Tobacco Control Act 2008**

Insert a new section 18A after section 18 of the Act as follows:

**"18A Restriction of Sale of certain tobacco products**

(1) Any person who sells by retail or offers for sale by retail-

(a) loose cigarettes; or

(b) loose tobacco

commits an offence and is liable to a fine not exceeding \$1,000 in the case of a body corporate, and a fine not exceeding \$500 in the case of an individual.

(2) Any manufacturer, importer, distributor, individual or retailer who imports or sells-

(a) cigarettes in a package that contains fewer than 20 cigarettes; or

(b) tobacco in a package that contains less than 30 grams of tobacco

commits an offence and is liable to a fine not exceeding \$1,000 in the case of a body corporate, and a fine not exceeding \$500 in the case of an individual.

(3) Any enforcement officer is authorized to take or confiscate all the tobacco products that are found in contrary to subsections (1) and (2).

**5 Insert new section 39 to Act**

The principal Act is amended by inserting a new section 39 as follows-

**"39 Licence required for Manufacturers, Importers and Distributors of tobacco products"**

(1) No manufacturer, importer, distributor or person, partnership, corporation or other entity shall manufacture, import, produce, or distribute tobacco

products without first obtaining a Tobacco control manufacture or Importation licence.

(2) The Minister shall make regulations prescribing the process of applying for a licence, licence fees and necessary conditions for the grant of a licence.

(3) A licence once granted shall be valid for a period of up to one calendar year.

(4) Any person who operates without a licence commits an offence and is liable upon conviction-

(a) in the case of a body corporate, to a fine not exceeding \$1,000;

(b) in the case of an individual, to a fine not exceeding \$500.