

A Bill for an Act to Repeal the Tobacco (Control) Act 1990 Cap.t16 Laws of the Federation and to Enact the National Tobacco Control Bill 2008 to Provide for the Regulation or Control of Production, Manufacture, Sale, Advertising, Promotion and Sponsorship of Tobacco or Tobacco Products in Nigeria and for Other Related Matters.

Sponsor: Senator Adeleke Olorunnimbe Mamora (Lagos East)

Part I — Preliminary Commencement, Short Title, Establishment and Interpretation

**Short Title.**

1. This Act may be cited as the National Tobacco Control Act, 2008 and shall come into operation upon the expiration of six months from the date of assent.

**Establishment of National Tobacco Control Committee.**

2.—(1) There is established a Committee to be known as the National Tobacco Control Committee (NATOCC)

(2) The composition, proceedings of the Committee and the role of the Minister of Health are provided for under Schedule 1 of this Act.

**Interpretation.**

3. In this Act, unless the context otherwise provides—

"advertisement" includes—

(a) Any public statement, communication, representation or reference that promotes or publicizes tobacco or a tobacco product or encourages use or draws attention to the nature, properties, advantages or uses of the product;

(b) The use of any advertisement or promotion aimed at the public of a tobacco product manufacturer's company name where the name or any part of the name is used as or is included in a tobacco product trademark;

(c) Product stacking and product displays of any kinds or size;

"Accessory" means a product that may be used in the consumption of a tobacco product and includes a pipe, cigarette holder, cigar clip, lighter or matches;

"Additive" means any substance, chemical, compound or component other than tobacco or water, that is introduced into a tobacco product during processing, manufacturing or packaging, including as applicable, those contained in the paper, filter, portion pouch or similar part of the tobacco product, its package, or accessories. The term 'addictive' also shall include any residues of pesticides, fungicides and other chemicals used during tobacco growing, harvesting, curing, storing or other stages of preparing tobacco products for consumption the intended use of which results or may reasonably be expected to result directly or indirectly in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring, coloring transporting or holding.

“Authorized officer" has the meaning assigned to it by section 23 of this Act;

"Brand element" includes a brand name, manufacturer's name, trade mark, trade name, logo, graphic arrangement, design, colours, motto or slogan or any other element that is reasonably associated with, or that evokes a product, a service or a brand of product or service, and includes any portion of a brand element.

"Brand preference advertising" means advertising that promotes a -tobacco product by means of its brand characteristics;

"cigarette" means any product which consists wholly or partly of cut, shredded or manufactured tobacco, or of any tobacco derivative or substitute, rolled up in paper or any other material and capable of being used immediately for smoking.

"cinema" means or has the meaning assigned to it in the Films and Video Censors Board Act (Part IX, 66);

"competent bodies" means appropriate bodies established under the Nigerian law pursuant to this Act and the World Health Organization Framework Convention on tobacco Control Conference of Parties;

"Committee" means the National Tobacco Control Committee (NA TOCC) established pursuant to section 2 of this act;

"Dwelling place" means where people, live and or work with tolls or machines

"Electronic communication" includes communication through the radio, television, telephone, internet, and any other electronic means

"Emission" means any substance produced when tobacco or a tobacco product is produced, processed and used;

"Entity" includes a company, corporation, firm, partnership, association, society, trust or other organization, whether incorporated or not;

"FCTC" means the World Health Organization Framework Convention on Tobacco Control.

"Fund" means the Tobacco Control Fund established under schedule I of this act;

"Harmful constituent" means nicotine, tar or any other constituent of a tobacco product or of tobacco smoke which the Minister may under section 4(a) prescribe;

"Health Institution" means a Hospital, Nursing home, convalescent home, maternity home, Primary health center, health center, dispensary or other Institution where health or other medical services are rendered free of charge or upon payment of a fee;

"illicit trade" means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase of tobacco or its products including any practice or conduct intended to facilitate such activity;

"Ingredients" means the substances added during the manufacturing process or from agricultural practices;

"Information Advertising" means advertising that provides factual information to the consumer about a product and its characteristics, availability, price or brands"

"legal entity" includes a non-governmental organization and any other body recognized in law as having a separate entity from that of its members;

"Lifestyle advertising" means advertising that associates a product with, or evokes a positive or negative emotion about or image of, a way of life such as one that include glamour, sensuality, recreation, excitement, vitality, risk or daring, or similar characteristics;

"Magistrate" has the meaning assigned 'to it in the Magistrates Courts Act and for the purposes of this Act, means a magistrate above the rank of senior magistrate.

“Manager; in relation to —

(a) A cinema or theatre includes an assistant manager, a person holding an office analogous to that of a manager or the cinema or theatre of any person in charge or in control thereof.

(c) A specified building, includes the owner, occupier, Lessee or the person in charge or in control thereof;

"Manufacture" means the processing of a tobacco products to include the packaging, labeling, distribution and importation of tobacco product for sale in Nigeria;

"Manufacturer" in respect of tobacco products includes any entity that is involved in the manufacture, including an entity that controls or is controlled by the manufacturer, or that is controlled by the same entity that controls the manufacturer;

"Minister" means the Minister, Federal Ministry of Health for the time being responsible for matters relating to public health;

"Package" means the container" receptacle or wrapper in which tobacco products are sold or distributed including the carton in which multiple packages are stored;

"Prohibited smoking area" means a place in which smoking is prohibited under section 4 and schedule II of this act.

"Promotion" means a representation, including an advertisement, whether direct or indirect, including any communication of information about a product or services and its price and distribution, that is likely to influence and shape attitudes, beliefs and behaviour about the product or service or that is intended to or has the effect of inducing customers to use tobacco products, underestimate the dangers of tobacco consumption, or create recognition of or goodwill for the tobacco manufacturer. Promotion also includes sponsorship activities.

"Public Place" means any indoor, enclosed, or partially enclosed area which is open to the public or to which members of the public ordinarily have access to, and includes indoor workplace and a public conveyance/transport, indoor public places and other public places; Such public places shall include but not limited to:

*(as described under Schedule II)*

"Public service vehicle" means a vehicle having at least two wheels used for the carriage of passengers or goods;

*(as described under Schedule II)*

"Retailer" means a person who is engaged in a business that includes the sale of any tobacco product to customers;

"regional economic integration organization" means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;

"Sell" includes—

(a) Barter or exchange;

(b) Offer or expose for sale, barter or exchange;  
direct or indirect pecuniary benefit;

(d) Supply or offer to supply, gratuitously but with a view of gaining or maintaining customer, or otherwise with a view for commercial gain;

"Smoke Constituent" means any chemical or chemical compound including vapours , and grasses found in mainstream or side stream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product

"Smoking" means inhaling or exhaling the smoke of any tobacco product and includes the holding of, or control over, any ignited tobacco product or device containing an ignited tobacco product;

"Specially designated smoking area" means an area provided under section 22;

"Sponsorship" means a form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

"Tobacco" means the tobacco plant, including the seeds and the leaves;

"Tobacco product" means a product composed, in whole or in part, of tobacco, including tobacco leaves and any extract of tobacco leaves intended for use by smoking, inhalation, chewing, sniffing or sucking and includes cigarette papers, tubes and filters;

"tobacco advertising and promotion" means any form of commercial communication recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

"tobacco control" means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

"tobacco industry" means tobacco manufacturers, wholesale distributors and importers of tobacco products including any re-packer or re-labeler, who—

(i) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

"Tobacco Related Illness" means any illness, disease, or condition resulting in whole or in part from tobacco use or exposure to tobacco smoke, and includes any illness, disease, or condition exacerbated by tobacco use or exposure to tobacco smoke.

"Tobacco Smoke, Second Hand Smoke or Environmental Tobacco Smoke" means the smoke or other emissions released from a tobacco product or the smoke exhaled by a person smoking a tobacco product.

"Vending machine" means a machine or device that is constructed to contain tobacco products and which can automatically retail any tobacco product upon the insertion of a coin, token or similar object into the machine or device.

"Tobacco Sponsorship" means the direct or indirect public attribution acknowledgment, association, identification or: display of a tobacco manufacturer, seller, brand, or product, or of any indica of a tobacco manufacturer, seller brand, or product with, on, or in connection with—  
(a) an entertainment, sporting, recreational, educational, cultural, fashion, or other event, show or activity, or work;

(b) any person or team participating in such an event, show, activity, or work, including their equipment, clothing, and accessories;

(c) activities in bars, nightclubs, restaurants, entertainment venues, and other similar venues;

(d) a service provided or contribution made by a tobacco manufacturer or seller; or

(e) a building, institution, stadium, or other public place, other than one exclusively used to manufacture or sell tobacco products.

Part II — Tobacco Products Prohibition

### **Prohibition of Tobacco and Tobacco Products.**

4.—(1) No person shall manufacture, import or distribute tobacco or tobacco product that does not conform to the requirements of this Act or any regulations made there under.

(2) Every packet and package of tobacco for retail or wholesale in Nigeria shall carry the statement "Sales only allowed in Nigeria" and shall also state the country of origin.

*Labeling of Tobacco Products for sale in Nigeria.*

(3) Every packet and package of tobacco for export from Nigeria shall bear the statement "Manufactured in Nigeria for export only"

(4) Every packet and package of tobacco made in or traveling through Nigeria shall include the following, permanently affixed under the wrapping on each tobacco products packet and package, at the time of manufacture;

(i) Name and license number of the manufacturer/wholesaler/importer/exporter;

(ii) Serial number, date, location and country of manufacture;

(iii) Clearly visible "tax" stamp or marking,

(5) Any person who contravenes the provision of subsection 4 above commits an offence and shall, on conviction, be liable to a fine not exceeding one million naira, or to imprisonment for term not exceeding 2 years or to both.

**Supply of Tobacco Products**

**5.—**(1) No person below the age of eighteen years (18 years) shall sell or be sold tobacco or tobacco products.

(a) No person shall furnish, deliver, offer or sell tobacco to a person who produces a document mentioned in subsection(2) as a proof that he or she is 18 years of age or older if it appears that the document has been altered or is otherwise unsatisfied as to the legitimacy of the document.

(b) It shall be unlawful for a parent, legal guardian or other person acting in place of a parent or legal guardian or person who is responsible for the care and welfare of a minor under the age of 18 years to allow that minor to possess any cigarettes made of tobacco or of any other substance which can be smoked, any cigarette paper or tobacco in any form, including but not limited to smokeless tobacco.

(2) Subject to subsection (3) a person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand naira, or to imprisonment for a term not exceeding six months, or to both.

(3) Notwithstanding the provisions of subsection (1), it shall be a defense to an offence under this section, if it is established that the accused person attempted to verify that the young person was at least eighteen years of age by asking for and being shown any of the documents specified in subsection (4) for the purpose of verifying the age of the young person, and believed on reasonable grounds that the documentation was authentic.

(4) For the purpose of this section the following documentation may be used to verify a person's age —

(i) A national identity card issued by the Federal Republic of Nigeria containing the persons photograph, date of birth and signature;

(ii) A driving license or international passport issued by the Federal Republic of Nigeria or any other country;

(iii) Birth certificate or Age Declaration in any court of competent jurisdiction.

(iv) Any other documentation as prescribed.

(5) No person shall manufacture and/or sell objects including and not limited to sweets, snacks and toys that resemble tobacco products/cigarettes and/or that would reasonably appeal to persons less than eighteen years.

(6) A person who contravenes the provisions of subsection (5) above commits an offence and shall, on conviction, be liable to a fine not exceeding twenty five thousand naira or to imprisonment for a term not exceeding 6 months, or to both.

**Display of signs.**

6.—(1) Every retailer shall post, in the prescribed place and manner, signs in the prescribed form and with the prescribed content, that inform the public that the sale or the availing of a tobacco product to a person under the age of eighteen years is prohibited by law. The sign shall contain any of the prescribed health messages.

(2) The owner or occupier of any enclosed public place and place of collective use, or employer, as applicable, and the owner or operator of any public conveyance, shall post signs prominently on the premises or in the conveyance stating that smoking is not permitted. This shall be done in the prescribed manner contained in this Law.

(3) Every sign required to be under subsection (1) shall —

(a) Be displayed on a surface measuring not less than 18" by 12" in size;

(b) Bear the word "WARNING" in capital letters followed by the prescribed health warning which shall appear in conspicuous and legible type and shall be black on a white background or white on a black background and shall be enclosed by a rectangular border that is the same colour as the letters of the statement;

(c) Be in English and/or in the predominant language of the area within which the sign is posted.

(4) Any person (s), who hinders, obstructs, threatens or abuses or assaults a manager or owner of a prohibited smoking area in the execution of the powers conferred by this section commits an offence and may be arrested without a warrant by such manager or by a police officer or other authorized officer.

(5) A retailer who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand naira, or to imprisonment for a term not exceeding six months, or to both.

**Obligation to Ensure Compliance.**

(6) It shall be the duty of the owner or occupier of any enclosed public place of collective use, employer, and the owner or operator of any public conveyance, as applicable, to take all reasonable steps to ensure that no person smokes in violation of the provision of this Part. Taking reasonable steps includes but is not limited to:

(a) Asking an offending person who continues to smoke to leave the premises or the conveyance when this can be done safely; refusing further service; in the case of an employee, disciplining, including dismissing the offending person from employment; and seeking the assistance of law enforcement personnel in cases where the offending persons refuses to stop smoking or leave the premises or conveyance.

b) No owner or operator of any enclosed place, anywhere as applicable shall permit the placement of ashtrays in any place under their control",

c) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction be liable to a fine not exceeding fifty thousand naira, or to imprisonment for a term not exceeding twelve months or both.

(7) It shall be an offence for any person carrying on business to sell cigarettes to any person other than in pre-packed quantities of 10 or more cigarettes in their original packages.

(8) In this context "original package" means the sealed and unbroken wrap or package in which the cigarettes were supplied for the purpose of retail sale by the manufacturer or importer; and "package" means any box, carton or other container.

(9) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty five thousand naira or to imprisonment for a term not exceeding six months, or to both.

**Vending Machines.**

7.—(1) No person shall permit a tobacco product to be sold by way of an automatic vending Machine.

(2) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction be liable to a fine not exceeding fifty thousand naira, or to imprisonment for a term not exceeding twelve months or both.

**Number of cigarettes a package can contain.**

8.—(1) No person shall sell cigarettes except in package containing at least 20 cigarettes, or such other minimum number of cigarettes, not being less than ten, as may be prescribed.

(2) No person shall sell a tobacco product other than cigarette that is prescribed for the purpose of this subsection, except in a package that contains at least 20 units of the product, or such other minimum number of units of the product, not being less than ten, as may be prescribed.

(3) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding twenty five thousand naira or to imprisonment for a term not exceeding six months, or to both.

**Self service display delivery.**

9.—(1) No person shall sell a tobacco product by means of a display that permits a person to handle the tobacco product before paying for it.

(2) A person who contravenes the provisions of this section commits an offence and shall, be liable to a fine not exceeding twenty five thousand naira, or to imprisonment for a term not exceeding six months, or to both.

**Prohibition of Mailing Tobacco & Products.**

10.—(1) No person shall, for consideration, cause a tobacco product to be delivered or sent by mail or other delivery unless the delivery is between manufactures or retailers.

(2) No person shall advertise an offer to deliver or mail a tobacco product anywhere within the Federal Republic of Nigeria.

(3) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction be liable to a fine not exceeding fifty thousand naira, or to imprisonment for a term not exceeding six months, or to both.

**Information required on packages.**

11.—(1) No person shall manufacture, sell, distribute, or import a tobacco product unless the package containing the product and unit packet displays, in the prescribed form and manner, such information as may be prescribed with respect to the product and its emissions and the hazards or effects arising from the use of the product or from its emissions.

(2) Every package containing a tobacco product shall—

(a) have at least two un-obscured health warning labels and/or health messages, covering 50% of the principal display or total surface area, and both located on the lower portion of the pack or package directly underneath the cellophane or other clear wrapping;

(b) bear the word "WARNING" appearing in capital letters and all text shall be large, clear, visible and legible 17- point type, unless the text of the label statement would occupy more than

seventy percent of such area, in which case the text may be of a smaller but conspicuous type size, provided that at least sixty percent of such area is occupied by the required text; and (c) bear text that is black on a white background or white on a black background in a manner that contrasts by typography, layout or colour with all other printed material on the package.

(3) All the warning labels specified in the Schedule shall be randomly displayed in each twelve- month period on a rotational basis and in as equal a number of times as is possible, on every successive fifty packages of each brand of the product and shall be randomly distributed in all areas within the Federal Republic of Nigeria in which the products is marketed.

(4) The Minister may, by notice in the gazette, prescribe that the warning, required under this section, be in the form of pictures or pictograms and may prescribe the required pictures or pictograms.

(5) Every package containing a tobacco product shall bear such statement as to the tar, nicotine and other constituents as may be prescribed and such statement shall be placed directly on the right hand side of the package, underneath the cellophane or other clear wrapping in a conspicuous and prominent format and shall be limited to the disclosure of the contents and not their quantities.

(6) Every manufacturer, or importer, shall provide inside every package, in the prescribed form and manner, a leaflet that displays the information required by regulations about the tobacco product and its emissions and about the hazards and health effects arising from the use of the product and from its emissions.

(7) Any person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand naira, or to imprisonment for a term not exceeding two years, or to both.

### Part III — Promotion

#### **Prohibition of Advertisement of Tobacco and Prohibition.**

**12.—**(1) No person shall promote tobacco or tobacco products in any form of Tobacco

(2) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand naira, or to imprisonment for a term not exceeding three years, or to both.

#### **False promotion.**

**13.—**(1) No person shall promote tobacco or a tobacco product by any means, including by means of the packaging, that are false, misleading or deceptive or that are likely to create an erroneous impression about the characteristics, health effects, health hazards or social effects of the tobacco product or its emissions.

(2) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to fine not exceeding one hundred thousand naira, or to imprisonment for a term not exceeding three years or to both.

#### **Endorsements and Testimonials.**

**14.—**(1) No person shall promote a tobacco product by means of a testimonial or an endorsement.

(2) For the purpose of this section the depiction of a person, character or animal, whether real or fictional, including and not limited to literary, dramatic, musical, cinematographic, educational or artistic works, productions or performances that use or depict a tobacco product or a tobacco

product-related brand element. Whatever the mode or form of its expression, shall be considered to be a testimonial for, or an endorsement of the product.

(3) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand naira, or to imprisonment for a term not exceeding three years or both.

**Promotion by advertisement.**

**15.—**(1) Subject to this Part, no person shall promote a tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product, its package or a brand element or one that evokes a tobacco product or element, or that depicts a tobacco product manufacturer.

(2) No person shall advertise any tobacco product on any satellite, electronic and print medium or by any other form of communication including but not limited to newspaper adverts, bill boards, leaflets, posters, point of sale adverts, branding of vehicles, mobile adverts facilities, films, brand placements, Home videos, cultural events, musical events, sports events, events by unions or associations and branding of walls, restaurants.

(3) No person shall promote tobacco or a tobacco product by means of lifestyle advertising.

(4) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand naira, or to imprisonment for a term not exceeding three years, or to both.

**Promotion by sponsorship.**

**16.—**(1) No person shall—

(a) advertise tobacco, a tobacco product or a tobacco manufacturer or seller by means of organizing, promoting or sponsoring a sporting, cultural, artistic, recreational, educational or entertainment programme, event or similar activity; or

(b) promote a tobacco product at any sporting, cultural, artistic, recreational, educational or entertainment event or activity; or

(c) advertise tobacco or a tobacco product by means of organizing, promoting or sponsoring or entertainment event or activity.

(2) A person who contravenes any of the provisions of this section commits an offence and shall, on convictions, be liable to a fine not exceeding five hundred thousand naira, or to imprisonment for a term not exceeding three years, or to both.

**Display of Manufacturers Name.**

**17.** The name of a manufacturer or tobacco product-related brand name may only appear on a permanent facility if such facility is owned or used or leased by the manufacturer.

**Accessories.**

**18.—**(1) No manufacturer, distributor or retailer shall manufacture, distribute or sell an accessory that displays a tobacco product-related brand element or the name of the manufacturer.

(2) A person who contravenes any of the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand naira, or to imprisonment for a term not exceeding three years, or to both.

**Displays on non-tobacco products.**

**19.—**(1) No person shall display a tobacco brand element on a non-tobacco product.

(2) No person shall on behalf of another person, with or without consideration furnish, publish, broadcast or otherwise disseminate, promote non-tobacco products bearing tobacco related-brand element

3) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding six months, or to both.

**Sales Promotion.**

**20.—**(1) No manufacturer, distributor or retailer shall—

(a) offer or provide any consideration, whether directly or indirectly, for the purchase of a tobacco product, including a gift to a purchaser or a third party, bonus, premium, cash rebate or right to participate in a game, lottery or contest;

(b) furnish a tobacco product without monetary consideration or in consideration of the purchase of a product or service or the performance of a service; or

(c) Furnish an accessory that bears a tobacco product-related element without monetary for a term not exceeding or a product of service or the performance of a service.

(2) A person who contravenes the provisions of this section commits an offence and shall on conviction, be liable to a fine not exceeding one hundred thousand naira or to imprisonment for a term not exceeding six months, or to both.

**Adverts in the Media.**

**21.—**(1) No person shall, on behalf of another person, with or without consideration, publish, broadcast or otherwise disseminate any promotion that is prohibited by this Part, or participate in any of those activities.

originates outside Nigeria, or any other communication that originates outside Nigeria, promote any product, the promotion of which is regulated under this Part, or disseminate promotional material that contains a tobacco-related brand element in a manner that is contrary to the requirements of this part.

(3) Any person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand naira or to imprisonment for a term not exceeding three years or to both.

**Displays at None smoking Areas.**

**22.—**(1) The manager or owner of a prohibited smoking area shall cause to be displayed therein, clear and prominent notices in both English and local language stating that smoking is prohibited and the prescribed penalty therefore.

(2) Every notice under subsection (1) shall be in such form and of such size, and shall be posted in such place as may be prescribed.

(3) A manager or owner of any prohibited smoking area may order any person who smokes within such area or within the immediate vicinity of the entrance to the area to cease smoking forthwith, indicating the penalty therefore and any person failing, refusing or neglecting to comply with such order may be required by the manager or owner to leave such area.

(4) Any manager or owner of clubs and bars who desire for such to be designated as smoking areas shall apply with the prescribed fees to the Committee for approval with the relevant restrictions.

(5) Any person (s) who hinders, obstructs, threatens or abuses or assaults a manager or owner of a prohibited smoking area in the execution of the powers conferred by this section commits an offence and may be arrested without a warrant by such manager or by a police officer or other authorized officer.

(6) A person who commits an offence under subsection (4) shall, on conviction, be liable to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding six months, or to both. For corporate offenders, the fine is two million Naira (x2,000,000.00).

#### Part V — Enforcement

##### **Enforcement by authorized officers.**

**23.—**(1) The Committee may, from time to time, by notice in the Federal Government Gazette, appoint any person or class of persons to be authorized officers for purposes of this Act upon issuance of a certificate of appointment to every person appointed under this section.

(2) Notwithstanding the provisions of this section, the following officers shall be deemed to be authorized officers for the purpose of this Act—

(a) Public health officers appointed under the Public Health Act;

(b) any other person upon whom any written law vests functions of the maintenance of law and order e.g. police, civil defense and;

(c) Any Nigerian concerned about tobacco control issue.

##### **Powers of officers.**

**24.—**(1) In carrying out the provisions of this act, an authorized officer may—

(a) examine a tobacco product or any thing referred to in that section;

(b) require any person in such place to produce for inspection, in manner and form requested by the officer, the tobacco, tobacco product or thing;

(c) open or require any person in the place to open any container or package found in the place that the officer believes on reasonable grounds contains tobacco, the tobacco product or thing;

(d) take or require any person in the place to produce a sample

of the tobacco, tobacco product or thing; e) conduct any test or analysis or take any measurements; or

(f) require any person found in the place to produce for inspection or copying any written or electronic information that is relevant to the administration or enforcement of this Act; or

(g) Seize any tobacco product or thing in relation to which he/she believes on reasonable grounds that this Act has been breached and a full inventory thereof shall be made at the place and time of such seizure by the officer.

(h) An authorized officer may not enter a dwelling place except with the consent of the occupant or under the authority of a warrant issued under section 25.

(i) No person shall obstruct or hinder, or knowingly make a false or misleading statement to an officer who is carrying out duties under this Act.

(2) A person who commits an offence under subsection (24) shall, on conviction, be liable to a fine not exceeding fifty thousand naira or to imprisonment for a term not exceeding six months, or to both. For corporate offenders, the fine is Two million Naira (x2,000,000.00).

##### **Search warrants Procurement.**

**25.—**(1) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorizing the officer named in the warrant to enter and inspect a dwelling place, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

(a) the dwelling place is place referred to in part 1 section 3.

(b) entry to the dwelling place is necessary for the administration or enforcement of this Act;

(c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) An officer executing the warrant shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorized in the warrant

#### **Restoration of seized product.**

**26.**—(1) Any person from whom tobacco, a tobacco product or thing was seized may, within sixty days after the date of seizure, apply to the High Court in the State where the seizure has taken place, for an order of restoration, and shall send notice containing the prescribed information to the Minister within the prescribed time and in the prescribed manner.

#### **Restoration Order.**

**27.**—(1) The High Court may order that the tobacco, tobacco product or thing be restored immediately to the applicant if, the court is satisfied that—

(a) The applicant is entitled to possession of the tobacco, tobacco product or thing seized; and

(b) The tobacco, tobacco product or thing seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

#### **Forfeiture.**

**28.**—(1) Where—

(a) no application has been made under this act, or an application has been made but on the hearing of such application no order for restoration is made;

(b) where a person has been convicted of an offence under this Act in respect of which tobacco, a tobacco product or thing has been seized under this Act;

(c) an officer has seized tobacco, a tobacco product or thing and the owner or the person in whose possession it was at the time of seizure consents in writing to its forfeiture.

(2) The tobacco, tobacco product or thing is forfeited to the State and may be destroyed or disposed of as the Minister/Committee may direct.

#### **Regulations.**

**29.**—(1) The Minister may on recommendation of the Committee make Regulations—

(a) for prescribing anything required by this Act to be prescribed; (b) prohibiting anything required by this Act to be prohibited; (c) generally for effective implementation of the objects and provisions of this Act.

#### **General penalty.**

**30.**—(1) (1) Any person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding five hundred thousand naira or to imprisonment for a term not exceeding three years or to both. For a corporate body the fine shall not be less than Two million Naira (x2,000,000.00).

#### **Nature and Trial of offences.**

**31.**—(1) Offences under this Act shall be cognizable offences and shall be tried in the Federal or High Court of the State where the contravention is alleged to have taken place.

#### **Officers of corporations.**

**32.** Where a corporation, registered society or other legal entity commits an offence under this Act, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence and shall on conviction, be liable to the penalty provided for by this

act in respect of the offence committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

**Offences by employees or agents.**

**33.** In any prosecution for an offence under this Act, it shall be sufficient proof of the offence, to establish that the offence was committed by an employee or agent of the accused, whether or not the employee is identified or has been prosecuted for the offence.

**Certified copies and certificate or report of officer as proof.**

**34.** In any prosecution for an offence under this Act, a copy of any written or electronic information obtained during an inspection under this Act and certified to be a true copy thereof shall be admissible in evidence and shall, in the absence of evidence to the contrary, be proof of its contents.

**35.** Subject to the provisions of this Act, a certificate or report purporting to be signed by an officer stating that the officer analyzed anything to which this Act applies and stating the results of the analysis, shall be admissible in evidence in any prosecution for an offence under this Act without proof of the signature or official character of the person appearing to have signed the certificate or report.

**Notice to produce.**

**36.** The certificate or report may not be received in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced notice of not less than seven days of that intention together with a copy of the certificate or report.

**Attendance of officer.**

**37.** The party against whom the certificate or report provided for under this Act is produced may, with leave of the court, require the attendance of the officer for purposes of cross examination.

**Evidentiary proceedings.**

**38.** In a prosecution for a contravention of any of the provisions of this Act—

(a) information on a package indicating that it contains a tobacco product is, in the absence of evidence to the contrary, proof that the package contains a tobacco product; and

(b) a name or address on a package purporting to be the name or address of the person by whom the tobacco product was manufactured is, in the absence of evidence to the contrary, proof that it was manufactured by that person.

**Part V1 — Causes of Action, Liability and Related Matters**

**Action by Government.**

**39.—**(1) Government has a direct and distinct action against any manufacturer, distributor, agent or persons acting with, by or under their authority and any affiliates whose conduct or business is inextricably linked with that of the manufacturer in the design, creation, marketing, manufacture, distribution and or management of tobacco products to recover the cost of health care expended on account of medical attention and other relevant healthcare costs associated with tobacco consumption either as a causative or contributory factor.

(2) An action under this subsection is brought by the Government in its own right and not on the basis of a subrogated claim.

(3) In an action under subsection (1), the Government may recover the cost of health care expended whether or not there has been any recovery by other persons who have suffered

damage caused or contributed to by a tobacco related disease, injury, death or wrong contributed to by the actions, conduct, business and or product of the defendant.

(4) In an action under (1), the Government may recover the cost of health care expended:

(a) for particular individual persons,

(b) on an aggregate basis, for a population of persons as a result of exposure to a type of tobacco product.

(c) On an aggregate basis based on acceptable records or industry standard aggregation formulas or based on data and or information extrapolated from reputable and trusted sources.

(5) If the Government seeks in an action under subsection (1), to recover the cost of health care costs on an aggregate basis,

(a) It is not necessary

(i) to identify particular individual persons

(ii) to prove the cost of health care for particular individual persons.

(b) the health records and documents of particular

(c) a person is not compellable to answer questions with respect to the health of, or the provision of health care benefits for , particular individual persons.

(d) despite paragraphs (b) and (c) , on an application of a statistically meaningful sample of the documents referred to in paragraph (b) and the order must include directions concerning the nature , level of detail and type of information to be disclosed, and

(e) if an order is made under paragraph (d), the identity of particular individual persons must not be disclosed and all identifiers that disclose or may be used to trace the names or identities of any particular individual persons must be deleted from any documents before the documents are disclosed.

#### Part VII — Recovery of Health Care Benefits

##### **Recovery on an aggregate basis.**

**40.** The Government shall be entitled to recover the cost of health care services provided to particular individuals on an aggregate basis for a population of persons on account of any tobacco-related illnesses or at the risk of suffering from any tobacco related illness.

To recover the costs of health care services on an aggregate basis, the Government shall prove by a preponderance of the evidence on the balance of probabilities that:

(a) the defendant breached a common law, equitable, statutory or other duty or obligation owed to persons in Nigeria who have used tobacco or have been exposed to tobacco smoke, or who might use any particular tobacco product or become exposed to its smoke;

(b) such use or exposure can cause or contribute to illness or disease; and

(c) during all or part of the period of breach of duty, the type of tobacco product manufactured by the defendant was offered for sale in Nigeria.

##### **Proof required.**

**41.** In an action to recover the costs of health care services on an aggregate basis, there shall be a rebuttable presumption that use of tobacco or exposure to its smoke by any person in the population would not have occurred but for the defendant's breach of duty and that the use or exposure caused or contributed to illness or disease or the risk of illness or disease in a portion of the population.

In an action by the Government on an aggregate basis, the health care records, treatment records, records showing the costs of health care services provided, and related documents pertaining to particular individuals shall not be compellable, unless such documents are relied upon by an

expert witness for the government; provided, however, that a court may order discovery of a statistically meaningful sample of documents upon application by a defendant; provided, further, that such order shall provide direction on the nature, level of detail, and type of information to be disclosed while also providing that any information that identifies or potentially identifies particular individuals shall first be deleted if determined appropriate by the Court.

In an action by the on an aggregate basis, no person shall be compelled to answer questions with respect to the health of, or provision of health care services to, any particular individual provided health care services on account of a tobacco-related illness or because of the risk of suffering from a tobacco-related illness; provided, however, that a court may order discovery of a statistically meaningful sample of documents upon application by a defendant, and such order shall provide direction on the nature, level of detail, and type of information to be disclosed, while further providing that any information that identifies or potentially identifies particular individuals shall first be deleted if determined appropriate by the Court.

**Presumption.**

**42.** Statistical information and information derived from epidemiological, sociological, and other relevant scientific studies, including information derived from sampling, shall be admissible as evidence for the purposes of establishing causation and quantifying damages or the costs of health care services in relation to any action brought by the government, or by an individual on his or her own behalf or as member of a class of plaintiffs suffering from a tobacco-related illness, or at risk of suffering from a tobacco related illness.

**Individualized records.**

**43.** In the case of more than one defendant, there shall be a rebuttable presumption that each defendant's portion of liability in relation to the aggregate amount of damages is equal to its average market share in the type of tobacco product that is the subject of the litigation; provided, however that each defendant shall remain jointly and severally liable for any damages recovered, as long as more than a de minimis quantity of the defendant's tobacco products were used by the plaintiff.

**Individual testimony.**

**44.** Any person harmed by the use or exposure to tobacco smoke, or who is at risk of suffering from a tobacco related - illness shall have a cause of action against the manufacturer of the product that caused or contributed to the harm or the risk of harm. Any such action may be brought by the individual on his or her own behalf, or on behalf of an affected class of individuals. In any such action, the following shall apply:

**Statistical and related information.**

**45.** There shall be an irrebuttable presumption that a plaintiff who began using a tobacco product before attaining the age of 18 years lacked the capacity to understand, consent to, and assume any risk associated with using the product, even if he/she was provided by any person with information about the risks of using tobacco. Any proffered evidence or legal argument by any defendant that the plaintiff assumed the risk was contributory negligent, or should be not entitled to recovery under any similar theory, shall be inadmissible if the Plaintiff proves, on the balance of probabilities, that:

**Individual testimony.**

(a) he or she started using tobacco before he or she reached the age of 18 years.

**Statistical and related information.**

(b) he or she made a reasonable attempt to quit at some time during his or her period of use. In considering the question of whether a reasonable effort to quit was made, the highly addictive nature of tobacco products shall be taken into account.

**Defendants' portion of liability.**

**46.** If any Plaintiff proves by a preponderance of evidence that he or she was exposed to and was aware of any tobacco-related advertising or other forms of promotion during his or her time of tobacco use, there shall be a rebuttable presumption that his or her ability to understand and incorporate fully the true risks of using tobacco was undermined by the tobacco related advertising and promotion. For any Plaintiff for which a presumption under this subsection is not successfully rebutted, a claim of assumption of the risk, contributory negligence, or other similar legal argument denying entitlement to recover damages shall not defeat a claim for damages. There shall be an irrebuttable presumption that anyone who used a tobacco product described or implied by its label, design, or otherwise, or in advertising, to be 'low tar', 'light' 'mild', or of a similar nature, was deceived or misled into thinking that use of that product was safer or less harmful than using a full strength tobacco product.

**Part VIII — Tobacco Control Fund**

**Tobacco Control Fund.**

**47.** The Minister shall establish a Fund to be known as the Tobacco Control Fund

The Fund shall consist of:

- (a) such sums as may be appropriated by the National Assembly;
- (b) such sums as may be realized from property forfeited to the Government under section... of this Act;

**Private Right of Action By Individuals.**

- (c) sums received, including and not limited to fees, contributions, gifts or grants from or by way of testamentary bequest by any person or persons, such entities being completely unrelated to tobacco companies and their and Classes of Individuals affiliates;
- (d) moneys earned or arising from any investment of the fund pursuant to section ;
- (e) sums borrowed by the Fund, including loan funds, for the purpose of meeting any office obligations or discharging any office functions; and

**Establishment of the Tobacco Control Fund.**

- (f) all other sums which may in any manner become payable to or vested in, the Fund.

For the purpose of this section "loan funds" means such sums as may be made available from time to time by the Government by way of loan.

Where by an order under subsection (2) (b) any immovable property is assigned to the Fund, the Minister shall deal with the property in such manner as he thinks first and may sell the property and use the proceeds of sale for the purposes for which the Fund is established.

The Fund shall be used for meeting the capital and current expenditure relating to—

- (a) research, documentation and dissemination of information on tobacco and tobacco products;
- (b) promoting national cessation and rehabilitation programs; and
- (c) any other matter incidental to the matters stated in paragraphs (a) and (b).

**Control of the Fund.**

**48.** Subject to this Part, the Fund shall be administered by the Committee.

The Committee may with the approval of the Minister for the time being responsible for finance, invest or place on a deposit account any of the money's of the Fund and any interest on moneys so invested or deposited shall be placed to the credit of the Fund.

The Committee shall —

- (a) impose conditions as to the use to be made of any expenditure authorized by the Committee and such conditions may impose any reasonable prohibitions, restrictions or requirements concerning such use or expenditure;
- (b) cause to be kept proper books of account and other books and records in relation to the Fund as well as to all the various activities and undertakings of the Fund; and
- (c) transmit to the Controller and Auditor-General in respect of each financial year and within four months after the end of such financial year, a statement of account relating to the Fund specifying income to the Fund in such details as the Treasury may from time to time direct in accordance with the Public Audit Act, including any investment or deposit made under section 60 (2) and shall furnish such additional information as may be deemed sufficient and necessary for the purpose of examination and audit by the Controller and Auditor General under the Public Audit Act, and every statement of account shall include details of the balance between the assets and liabilities of the Fund, and indicate the financial status of the Fund, as at the end of the financial year concerned.

**The Minister and the Fund.**

49. The Committee shall advise the Minister on such matters, as may be referred to it by the Minister, relating to the administration of the Fund and any other matter incidental to or relating to its function.

Part IX — Control by Government

**Government Control.**

50. The Ministry responsible for education, utilizing official information provided by the Ministry of Health, shall integrate instruction on the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke in subjects taught in public and private schools, including formal, non-formal and indigenous learning systems.

(1) Tobacco control education and information dissemination shall form part of healthcare services provided by healthcare providers;

**Minister and the Fund.**

(2) For the purposes of subsection (1), the Government shall provide training for the healthcare providers to acquire the skills for proper dissemination, education and counseling techniques on tobacco cessation.

**The Health Minister and other Ministers.**

51. The Minister may, in consultation with the Ministers responsible for matters relating to agriculture, trade and industry, finance, education, information, foreign affairs, internal affairs and any other relevant Ministry formulate the policy framework regarding:

(a) the multi-disciplinary and multi-sectoral implementation of this Act; and

**Tobacco Control integrated in education curriculum.**

(b) any other matter which is necessary or expedient to prescribe in order to achieve or promote the objects of this Act.

**Role of the Minister of Finance.**

52. The Minister of Finance shall:

(1) make and implement tax policies on tobacco products and where appropriate price policies so as to contribute to the objectives of this Act;

**Collaboration with other Ministries.**

(2) prohibit or restrict, as appropriate, any sale to or importation of tax-free tobacco products by international travelers, entities or organizations.

**Minister of Agriculture.**

**53.**—(1) The Minister of Agriculture shall establish policies to promote and ensure economically viable alternative crops for tobacco products;

(2) The Government, through the relevant Ministries, shall put in place policies to promote and ensure economically viable alternatives for tobacco farmers, and workers.

Part X — Miscellaneous Provision

Repeal.

**54.**—(1) The Tobacco Smoking (Control) Act NO.20 of 1990/CAP. T6, Laws of the Federation of Nigeria, 2004 is repealed.

**Domestication.**

**55.**This Act Domesticates the World Health Organization Convention on Tobacco Control Framework

First Schedule

(1) There is established a Committee to be known as the National Tobacco Control Committee (NATOCC) which shall consist of:

(a) The Minister of Health as Chairperson

(b) The Director of Public Health FMOH or his/her representative - Member

(c) The Director of Hospital Services FMOH or his/her representative - Member

(d) The National Coordinator NCD & Tobacco control focal person - Secretary of the Committee

(e) A representative of each of the following relevant Federal Ministries, statutory bodies and groups namely;

Federal Ministries of—

(i) Justice;

(ii) Environment;

(iii) Health;

(iv) Finance;

(v) Customs service;

(vi) Nigerian Police Force;

(vii) Agriculture;

(viii) Education;

(ix) Science and technology;

(x) Nigeria Medical Association;

(xi) Nigerian Bar Association;

(xii) Nigerian Union of Journalists;

(xiii) Representative of the National Tobacco Control Alliance (NTCA);

(xiv) DG NAFDAC or his/her representative;

(xv) National Drug Law Enforcement Agency (NDLEA);

(xvi) Advertisement Practitioners Council of Nigeria (APCON);

(xvii) Consumer Protection Council (CPG) ;

(xviii) Standard Organization of Nigeria (SON);

(xix) Civil Defense Corps.

(2) No member of the Committee shall be affiliated in any manner to the tobacco industry or its subsidiaries.

(3) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and shall be liable to a fine not exceeding fifty thousand naira or imprisonment for a period not exceeding One year or both.

(4) The Secretary of the Committee shall, within thirty days of the commencement of this Act, convene the first meeting of the agency.

(5) A member of the Committee other than an ex officio member or chairperson, shall subject to this section, hold office for a period of three years, subject to re-appointment for a further term of three years.

(6) A member of the Committee, may—

(a) At any time resign from office by notice in writing to the Minister; or

(b) Be removed from office by the Minister if the member—

(i) Is absent from three consecutive meetings of the agency without the permission of the chairperson or;

(ii) Is convicted of an offence and sentenced to imprisonment.

(iii) Is incapacitated by reason of prolonged physical or mental illness from performing his or her duties or;

(iv) Is adjudged bankrupt or has entered into a scheme or arrangement with his creditors;

(v) Is discovered to be directly/indirectly affiliated with tobacco industries or its subsidiaries

(7) The quorum at a meeting of the agency shall be twelve members.

(8) The Minister shall preside at every meeting of the committee at which he/she is present, but if he/she absent, his/her representative shall preside, provided that in the absence of both the chairperson and or a representative, the members present shall elect one of themselves who shall, with respect to that meeting and the business transacted thereat, have the powers of the chairperson.

(9) Unless a unanimous decision is reached a decision on any matter before the Committee shall be by a majority of the votes of the members present and in the case of an equality of votes, the person presiding shall have the deciding vote.

(10) Subject to subsection (8), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members.

(11) The Committee may invite any person to attend its meeting for the purpose of assisting or advising it on any particular matter but such person shall have no right to vote.

(12) The committee shall meet not less than four times in every financial year and not more than three months shall elapse between the date of one meeting and the date of the next meeting.

(13). Subject to this Act and to any general or special directions in writing by the Minister, the Committee shall regulate its own proceedings.

#### **Report to the Committee.**

(1) Every manufacturer shall submit to the agency, a report in the prescribed manner and within the prescribed period, with the prescribed information about any promotion under this part.

#### **Role of the Minister of Health.**

(1) Notwithstanding the provisions of any other written law currently in force, the Minister, on the recommendation of the National Tobacco Control Committee, may—

- (a) Prescribe the permissible levels of tar, nicotine, and such other constituent of tobacco products or their emission, which levels shall not exceed the levels set by the World Health Organization and the FCTC;
- (b) Prohibit the addition of and use of harmful constituent(s) or ingredient(s) in the production of tobacco products;
- (c) Prescribe the methods to be used for testing tobacco products and their emission;
- (d) Prescribe such information that manufacturer shall provide to the Committee including and not limited to tobacco products and their emission; sales and advertising data; and information on products composition ingredients, hazardous properties and brand element;
- (e) Subject to this Act, control the labeling, packaging, sale, distribution, promotion or advertising of tobacco products, so as to —
  - (i) Ensure that the purchaser(s) and/or consumer(s) of a tobacco product is not misled as to its quality, quantity, character, value, composition, effect, merit or safety;
  - (ii) Prevent injury or harm to the health of the consumer.

(2) Any of the following rotating health messages shall be displayed on every package containing a tobacco product, sign or advertisement stipulated under the provisions of this Act—

- (i) Smoking harms people next to you;
- (ii) Tobacco use kills;
- (iii) Tobacco harms your unborn baby;
- (iv) Tobacco use causes cancer;
- (v) Tobacco use causes heart disease;
- (vi) Tobacco use causes lung disease;
- (vii) Tobacco use is addictive;
- (viii) This product can cause gum disease and tooth loss (includes smokeless tobacco products);
- (ix) This product can cause mouth cancer (includes smokeless tobacco products);
- (x) This product is not a safe alternative to cigarettes (for smokeless tobacco products);
- (xi) Tobacco use causes impotence;
- (xii) Tobacco use causes miscarriages;
- (xiii) Tobacco use causes infertility in women;
- (xiv) Tobacco use causes mental retardation in children;
- (xv) Tobacco use is injurious to health.

(3) The health messages in paragraph one above or any pictures or pictograms prescribed shall be displayed on every package containing a tobacco product in the manner prescribed under Section 19 or such other manner as may be prescribed in the Regulations under this Act.

(4) The Minister may upon the Committee's recommendation, adjust the format, type size, text type and display of any of the health message, picture or pictograms required under the provisions of this Act, if such change would promote greater understanding of the risks associated with the use of any tobacco product.

## Second Schedule

### *Prohibited smoking areas.*

(1) Every person has a right to a clean and healthy environment and the right to be protected from exposure to second hand smoke.

(2) Every person has a duty to observe measures to protect the health of non-smokers.

(3) Every head of family including and not limited to parent and or guardian is responsible for ensuring that the children are free from second hand smoke.

(4) No person shall smoke in any part of any enclosed or partially enclosed public place or workplace.

(5) Without prejudice to the generality of subsection (4) of the second schedule, no person shall smoke in;

(a) A school or a registered independent school, facilities where health care services are provided; sports, athletic, or recreational facilities; state government buildings and any other place prescribed by the Government of Nigeria and there shall be non access to tobacco products within the 1,000 (one thousand) metre radius of such facilities.

(b) Offices and workplace including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;

(c) Court building;

(d) Factories;

(e) Cinema halls, theaters, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;

(f) Hospitals, clinics and other health institution;

(g) Restaurants, hotels, bars or other eating place;

(h) Children's homes;

(j) Places of worship;

(k) Prisons;

(l) Police stations and cells;

(m) Public service vehicles;

- (n) Airports and aircrafts, passenger ships, commuter boats, trains, passengers vehicles, ferries or any other public conveyance;
- (o) Education facilities, Libraries and Schools;
- (p) Railway stations, airports, air fields, ports, motor parks and other public transport terminals;
- (q) Markets, shopping malls and retail and wholesale establishments;
- (r) Stadia, sports and recreational facilities and amusement park;
- (s) Public buildings, all government buildings, offices and gardens.
- (t) Public transportation (buses, cars, trains, canoes, ships, aircraft)
- (u) Motor parks
- (v) All government buildings & offices
  
- (w) Amusement parks
- (x) Public gardens
- (y) Market places.

(7) The Minister may by notice in the gazette and subject to such conditions as the committee may recommend, specify any other building or vessel or part thereof, or class being a place or places in which members of the public have access, as being a place or places in which smoking is prohibited either permanently or during such period or periods as he may specify.

(8) The person in control of the premises shall ensure that no person smokes in contravention of this section.

#### Explanatory Memorandum

This Bill seeks to provide a legal framework for the control of the production, manufacture, sale, labeling, advertising, promotion, sponsorship, use of tobacco products and exposure to tobacco smoke, in order to Protect the health of the individual in light of conclusive scientific evidence implicating tobacco production, use and exposure to tobacco smoke and tobacco products. Protect the health of persons under the age of eighteen years by preventing their access to tobacco products; Protect the purchasers or consumers of tobacco products from misleading and deceptive inducements to use tobacco and inform them of the risks and health consequences of using Tobacco products and exposing others to tobacco smoke Promote research and dissemination of information on the hazardous effects of tobacco products or their emissions as the minister may specify, which levels shall not exceed the levels by the World Health Organization;