

TOBACCO CONTROL AMENDMENT BILL 2018

SAMOA

Explanatory Memorandum

Object and Reasons:

1. The Bill seeks to amend the Tobacco Control Act 2008 (“Principal Act”).
2. The object of the Bill is to establish a tobacco licensing regime to regulate tobacco licensing fees for manufacturers, importers, distributors, nightclubs owners and hotels and to prescribe these tobacco annual licensing fees through Regulations.

Clauses:

- Clause 1: - provides for the short title and commencement date.
- Clause 2: - amends section 2 of the Principal Act by inserting new definitions and terms.
- Clause 3: - inserts new part 2A which provides for the establishment of the National Tobacco Control Committee.
- Clause 4: - repeals section 18(1)(a) of the Principal Act.
- Clause 5: - substitutes section 21(3) of the Principal Act which states that no manufacturer, distributor, importer or retailer of a tobacco product shall provide promotional discounts and internet sales of tobacco products.

- Clause 6:** - inserts new section 23A which provides that a person under the age of 21 years is prohibited from selling any tobacco product.
- Clause 7:** - amends section 24 of the Act by inserting a new subsection (2A) that the Chief Executive Officer may prescribe the permitted weight and size of a cigarette in a packet that is permitted to be sold by retailers.
- Clause 8:** - inserts new section 29A which states that the Ministry may conduct testing audits of tobacco products. The intention is to carry out on the spot testing without warning to the manufacturers and importers. The testing of tobacco products is done at manufacturers and importers facilities at the cost of the manufacturer or importer.
- Clause 9:** - inserts new Part 5A which provides for a new licence scheme under the Act. The licence scheme will require manufacturers, importers and distributors of tobacco products to be licenced in order to distribute tobacco products.
- Clause 10:** - amends section 35 of the Principal Act by inserting new subsection (2) which provides for specific matters that can be prescribed by regulations.

Clause 11: - inserts new section 35A which provides for fees to be prescribed by Regulations.

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(Hon TUITAMA Dr. Talalelei Tuitama)

MINISTER OF HEALTH