



AN BILLE SLÁINTE POIBLÍ (TOBAC), 2001
PUBLIC HEALTH (TOBACCO) BILL, 2001

EXPLANATORY MEMORANDUM

Object of the Bill

The object of the Bill is to provide a new, more comprehensive and strengthened legislative basis for regulating and controlling the sale, marketing and smoking of tobacco products and for enforcing such controls.

The Bill contains three parts. The main provisions are summarised below.

Part 1 (Sections 1 — 8)

This Part contains standard provisions regarding short title, commencement and expenses of the Minister and definitions of key terms used in the Bill. Provision is also made for the laying of regulations made by the Minister before each House of the Oireachtas. This Part also includes offences and penalties provisions and provides for repeals.

Part 2 (Sections 9 — 32)

This Part provides for the establishment of the Tobacco Control Agency by the Minister and identifies its main functions. The Agency will generally advise and assist the Minister on tobacco control measures and will monitor and co-ordinate the implementation of such measures. The Agency will have a wide range of other functions relating to advising and assisting the Minister in relation to the control and regulation of the manufacture, sale, marketing and smoking of tobacco products. The Agency will have a chairman and eleven members and the Bill contains clear provisions in relation to the disclosure by members of the Agency and by its staff of certain interests and a prohibition of unauthorised disclosure of confidential information.

The Bill also provides for the establishment by the Agency of committees to advise it in relation to the performance of any or all of its functions and for the establishment of a Tobacco Free Council, drawn from a wide spectrum of interests, to be consulted by the Agency in relation to the performance by the Agency of its functions.

The existing Office of Tobacco Control, currently operating on an administrative basis, will continue to function pending the establishment of the Agency on a statutory basis.

Part 3 (Sections 33 — 52)

This Part provides for a comprehensive ban on tobacco advertising (with limited exceptions) and on all forms of sponsorship by the tobacco industry.

The Bill also provides for the establishment, by the Tobacco Control Agency, of a register of all persons who carry on, in whole or in part, the business of selling tobacco products by retail and for the charging of a fee by the Agency for such registration.

This Part of the Bill also includes a prohibition of certain marketing practices:

- the sale, by retail, of cigarettes in packets of less than 20 cigarettes,
- the manufacture, supply or sale of oral smokeless tobacco products,
- the sale of confectioneries, normally intended for children, which resemble a tobacco product,
- the sale or supply of tobacco products which do not bear a warning as may be prescribed by the Minister,
- the sale or supply of a tobacco product which does not bear a number in such form as may be prescribed by the Minister that enables the lot or batch from which the product originated and the date and place of its manufacture to be ascertained, and
- certain sales promotion devices.

The Bill also provides that the Minister may prescribe standards and requirements to be complied with in the manufacture and sale of tobacco products. In addition, the Agency may require a manufacturer to provide information relating to the composition or properties of tobacco products and may also require the carrying out of tests on tobacco products. The Agency may, subject to certain requirements, publish such information and the results of such tests.

This Part also prohibits certain claims in relation to tobacco products and the sale of tobacco product by means of self service. A derogation from the general ban on the sale of tobacco products by self service will be made for tobacco vending machines in licensed premises which will be subject to regulations to be made under the Bill. There is a prohibition on the sale of tobacco products to persons under 18 years of age and a provision whereby the Minister can prohibit or restrict smoking in specified places.

The Bill contains comprehensive enforcement provisions and gives authorised officers powers of entry, inspection, the taking of records and samples and the carrying out of examinations and tests.

*An Roinn Sláinte agus Leanaí.
Iúil, 2001.*