



SEANAD ÉIREANN

AN BILLE SLÁINTE POIBLÍ (PACÁISTIÚ CAIGHDEÁNAITHE TOBAC), 2014 PUBLIC HEALTH (STANDARDISED PACKAGING OF TOBACCO) BILL 2014

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE SLÁINTE POIBLÍ (PACÁISTIÚ CAIGHDEÁNAITHE TOBAC), 2014 —AN COISTE

PUBLIC HEALTH (STANDARDISED PACKAGING OF TOBACCO) BILL 2014 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 6

1. In page 7, line 27, to delete “20 May 2017” and substitute “20 July 2016”.

—*Senator Jillian van Turnhout.*

2. In page 7, line 27, to delete “20 May 2017” and substitute “20 July 2015”.

—*Senator Marc Mac Sharry.*

3. In page 7, line 28, to delete “20 May 2016” and substitute “20 May 2015”.

—*Senator Marc Mac Sharry.*

4. In page 7, line 34, to delete “20 May 2017” and substitute “20 July 2016”.

—*Senator Jillian van Turnhout.*

5. In page 7, line 34, to delete “20 May 2017” and substitute “20 July 2015”.

—*Senator Marc Mac Sharry.*

SECTION 7

6. In page 8, between lines 13 and 14, to insert the following:

“(g) not contain any item incorporated into the packaging other than as provided for by law.”.

—*Senators John Crown and Sean D. Barrett.*

7. In page 8, line 18, to delete “law.” and substitute the following:

“law;

(d) the text ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

8. In page 8, line 20, after “name” where it thirdly occurs to insert “subject to a character limit of 15”.

—*Senator Marc Mac Sharry.*

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9. In page 8, line 21, after “concerned” to insert “subject to a character limit of 15”.

—*Senator Marc Mac Sharry.*

10. In page 8, line 35, after “shape” to insert the following:

“being not more and not less than a height of 8.5 centimetres, a width of 5.5 centimetres and a depth of 2 centimetres”.

—*Senator Marc Mac Sharry.*

11. In page 9, between lines 5 and 6, to insert the following:

“(7) Subject to *subsection (2)* a cigarette packet shall include printed the following text: ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

12. In page 9, line 22, after “name” to insert “, and also whether the name shall be in uppercase, lowercase, or any mix thereof”.

—*Senators John Crown and Sean D. Barrett.*

SECTION 8

13. In page 10, to delete lines 7 and 8 and substitute the following:

“(a) an alpha-numeric code as prescribed by the Minister.”.

—*Senator Marc Mac Sharry.*

14. In page 10, line 10, after “size,” to insert “whether the name shall be in uppercase, lowercase, or any mix thereof,”.

—*Senators John Crown and Sean D. Barrett.*

SECTION 9

15. In page 10, between lines 31 and 32, to insert the following:

“(g) not contain any item incorporated into the packaging other than as provided for by law.”.

—*Senators John Crown and Sean D. Barrett.*

16. In page 10, line 36, to delete “law.” and substitute the following:

“law;

(d) the text ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

17. In page 11, between lines 24 and 25, to insert the following:

“(7) Subject to *subsection (2)* a cigarette packet shall include printed the following text: ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

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18. In page 12, line 3, after “name” to insert “, and also whether the name shall be in uppercase, lowercase, or any mix thereof”.

—*Senators John Crown and Sean D. Barrett.*

SECTION 10

19. In page 12, between lines 25 and 26, to insert the following:

“(g) not contain any item incorporated into the packaging other than as provided for by law.”.

—*Senators John Crown and Sean D. Barrett.*

20. In page 12, line 30, to delete “law.” and substitute the following:

“law;

(d) the text ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

21. In page 13, between lines 17 and 18, to insert the following:

“(7) Subject to *subsection (2)* a cigarette packet shall include printed the following text ‘National Smokers Quitline 1800 201 203 - www.quit.ie’.”.

—*Senator Marc Mac Sharry.*

22. In page 13, line 32, after “name” to insert “, whether the name shall be in uppercase, lowercase, or any mix thereof”.

—*Senators John Crown and Sean D. Barrett.*

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23. In page 14, between lines 3 and 4, to insert the following:

“Retail packaging of cigars

11. (1) Subject to *subsection (2)*, a cigar packet shall—

- (a) in respect of the outer surface thereof, be of a prescribed colour with a matt finish,
- (b) in respect of the inner surface thereof, be of a prescribed colour,
- (c) not bear a mark or trade mark other than in accordance with *subsections (3) and (4)*,
- (d) not have any decorative ridges, embossing or other embellishments on the outer surface thereof,
- (e) not contain an adhesive that is coloured or non-transparent,
- (f) not contain any inserted items or affixed items other than as provided for by law,
- (g) not contain any item incorporated into the packaging other than as provided for by law.

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- (2) *Paragraphs (a) and (c) of subsection (1)* shall not apply to the following:
- (a) health warnings;
 - (b) a bar-code or other similar identification mark that is in accordance with regulations under *subsection (5)*;
 - (c) such other items as are provided for by law.
- (3) Subject to *subsection (4)*, the following may be printed on a cigar packet:
- (a) a brand name or business name or company name; and
 - (b) a variant name for the cigar concerned.
- (4) A name referred to in *subsection (3)* shall be printed in accordance with regulations under *subsection (10)* and may be printed—
- (a) once on the front outer surface of the cigar packet,
 - (b) once on the top outer surface of the cigar packet, and
 - (c) once on the bottom outer surface of the cigar packet,
- provided that the name does not obscure or interfere with health warnings on the cigar packet.
- (5) A bar-code or other similar identification mark may be printed once on a cigar packet in such form and manner as may be prescribed by the Minister, including the colour, dimensions, specifications and positioning of such bar-code or mark, provided that the bar-code or mark does not convey any information to the consumer (including any information conveyed by means of electronic communication).
- (6) A cigar packet shall—
- (a) be cuboid in shape, the edges of which may be rounded or bevelled,
 - (b) be made of carton or soft material,
 - (c) not contain an opening that can be re-closed or re-opened after it is first opened other than—
 - (i) a flip-top lid provided the lid is hinged at the back of the packet, or
 - (ii) a shoulder-box hinged-lid.
- (7) *Subsections (1) to (5)* shall apply with all necessary modifications to any other form of outside packaging of cigars.
- (8) A wrapper that covers a cigar packet or any other form of outside packaging of cigar shall—
- (a) be transparent,
 - (b) not be coloured,
 - (c) not have any decorative ridges, embossing or other embellishments,
 - (d) not bear a trade mark or mark other than a tear-strip that is in accordance with

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regulations under *subsection (9)*,

- (e) not have any affixed item, other than as provided for by law.
- (9) The Minister may prescribe the manner in which a tear-strip may be printed on a wrapper under *subsection (8)(d)*, including the colour, dimensions, specifications, and positioning of a tear-strip on the wrapper.
- (10) The Minister may prescribe the manner in which a name referred to in *subsection (3)* may be printed on a cigar packet or any other form of outside packaging of cigars, including the colour, font type, font size, positioning, whether the name shall be in uppercase, lowercase, or any mix thereof and appearance of such a name.
- (11) In prescribing matters referred to in *subsection (1)(a)* or *(b)* or *subsection (10)*, the Minister shall have regard to—
 - (a) the need to decrease the appeal of cigars,
 - (b) the need to increase the effectiveness of health warnings on retail packaging of cigar, and
 - (c) the need to reduce the ability of retail packaging of cigars to mislead consumers about the harmful effects of smoking.
- (12) This section applies to the retail packaging of cigars that are intended for sale by retail in the State.
- (13) *Subsection (6)* applies to the retail packaging of cigars that are intended to be placed on the market.
- (14) For the purpose of this section “cigar” means a roll of tobacco that can be consumed via a combustion process and is further defined in Article 4(1) of Directive 2011/64/EU, or a “cigarillo” as is defined in Article 8(1) of Council Directive 2007/74/EC (2).”

—*Senators John Crown and Sean D. Barrett.*

24. In page 14, between lines 3 and 4, to insert the following:

“Retail packaging of electronic cigarettes

11. (1) Subject to *subsection (2)*, an electronic cigarette packet shall—
- (a) in respect of the outer surface thereof, be of a prescribed colour with a matt finish,
 - (b) in respect of the inner surface thereof, be of a prescribed colour,
 - (c) not bear a mark or trade mark other than in accordance with *subsections (3) and (4)*,
 - (d) not have any decorative ridges, embossing or other embellishments on the outer surface thereof,
 - (e) not contain an adhesive that is coloured or non-transparent,

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- (f) not contain any inserted items or affixed items other than as provided for by law,
 - (g) not contain any item incorporated into the packaging other than as provided for by law.
- (2) *Paragraphs (a) and (c) of subsection (1)* shall not apply to the following:
- (a) a bar-code or other similar identification mark that is in accordance with regulations under *subsection (5)*;
 - (b) such other items as are provided for by law.
- (3) Subject to *subsection (4)*, the following may be printed on an electronic cigarette packet:
- (a) a brand name or business name or company name; and
 - (b) a variant name for the electronic cigarette concerned.
- (4) A name referred to in *subsection (3)* shall be printed in accordance with regulations under *subsection (10)* and may be printed—
- (a) once on the front outer surface of the electronic cigarette packet,
 - (b) once on the top outer surface of the electronic cigarette packet, and
 - (c) once on the bottom outer surface of the electronic cigarette packet.
- (5) A bar-code or other similar identification mark may be printed once on an electronic cigarette packet in such form and manner as may be prescribed by the Minister, including the colour, dimensions, specifications and positioning of such bar-code or mark, provided that the bar-code or mark does not convey any information to the consumer (including any information conveyed by means of electronic communication).
- (6) An electronic cigarette packet shall—
- (a) be cuboid in shape, the edges of which may be rounded or bevelled,
 - (b) be made of carton or soft material,
 - (c) not contain an opening that can be re-closed or re-opened after it is first opened other than—
 - (i) a flip-top lid provided the lid is hinged at the back of the packet, or
 - (ii) a shoulder-box hinged-lid.
- (7) *Subsections (1) to (5)* shall apply with all necessary modifications to any other form of outside packaging of electronic cigarettes.
- (8) A wrapper that covers an electronic cigarette packet or any other form of outside packaging of electronic cigarettes shall—
- (a) be transparent,
 - (b) not be coloured,

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- (c) not have any decorative ridges, embossing or other embellishments,
 - (d) not bear a trade mark or mark other than a tear-strip that is in accordance with regulations under *subsection (9)*,
 - (e) not have any affixed item, other than as provided for by law.
- (9) The Minister may prescribe the manner in which a tear-strip may be printed on a wrapper under *subsection (8)(d)*, including the colour, dimensions, specifications, and positioning of a tear-strip on the wrapper.
- (10) The Minister may prescribe the manner in which a name referred to in *subsection (3)* may be printed on an electronic cigarette packet or any other form of outside packaging of electronic cigarettes, including the colour, font type, font size, positioning, whether the name shall be in uppercase, lowercase, or any mix thereof and appearance of such a name.
- (11) This section applies to the retail packaging of electronic cigarettes that are intended for sale by retail in the State.
- (12) *Subsection (6)* applies to the retail packaging of electronic cigarettes that are intended to be placed on the market.
- (13) For the purpose of this section “electronic cigarette” means a product that can be used for consumption of nicotine-containing vapour via a mouth piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a tank, or rechargeable with single use cartridges.”.

—Senators John Crown and Sean D. Barrett.

25. In page 14, between lines 3 and 4, to insert the following:

- “11. (1) Notwithstanding any other section, each cigarette packet shall contain, inside the packaging, covering the cigarettes, in a manner that does not obscure or interfere with health warnings on the cigarette packet, a single piece of white paper, which for the purpose of this section this paper shall be referred to as a “health information sheet”, and shall have on it the following text, “These cigarettes contain the following toxic agents”.
- (2) This health information sheet shall list all additives, ingredients or chemicals within this tobacco product which have carcinogenic, mutagenic or reprotoxic properties.
- (3) If such an additive, ingredient or chemical has such an effect it shall be listed using the name prescribed by *subsection (5)* and followed by the following text:
- (a) if the additive, ingredient or chemical is carcinogenic;
“CARCINOGENIC”,
 - (b) if the additive, ingredient or chemical is mutagenic;
“MUTAGENIC”,
 - (c) if the additive, ingredient or chemical is reprotoxic;

“REPROTOXIC”.

- (4) If an additive, ingredient or chemical has more than one carcinogenic, mutagenic or reprotoxic property it shall be listed on the health information sheet once for each effect.
- (5) The name used to describe the relevant additive, ingredient or chemical shall be the name recommended by the International Union of Pure and Applied Chemistry.
- (6) The Minister may prescribe the manner in which the text of a health information sheet may be printed, including the colour, font type, font size, positioning and appearance of the text, and also whether the text shall be in uppercase, lowercase, or any mix thereof.
- (7) Nothing, other than the text prescribed by this section, may be included on or in this health information sheet, by any means.”.

—*Senators John Crown and Sean D. Barrett.*

26. In page 14, between lines 3 and 4, to insert the following:

- “11.** (1) Notwithstanding any other section, each cigar packet shall contain, inside the packaging, covering the cigarettes, in a manner that does not obscure or interfere with health warnings on the cigar packet, a single piece of white paper, which for the purpose of this section this paper shall be referred to as a “health information sheet”, and shall have on it the following text, “These cigarettes contain the following toxic agents”.
- (2) This health information sheet shall list all additives, ingredients or chemicals within this tobacco product which have carcinogenic, mutagenic or reprotoxic properties.
 - (3) If such an additive, ingredient or chemical has such an effect it shall be listed using the name prescribed by *subsection (5)* and followed by the following text:
 - (a) if the additive, ingredient or chemical is carcinogenic;
“CARCINOGENIC”,
 - (b) if the additive, ingredient or chemical is mutagenic;
“MUTAGENIC”,
 - (c) if the additive, ingredient or chemical is reprotoxic;
“REPROTOXIC”.
 - (4) If an additive, ingredient or chemical has more than one carcinogenic, mutagenic or reprotoxic property it shall be listed on the health information sheet once for each effect.
 - (5) The name used to describe the relevant additive, ingredient or chemical shall be the name recommended by the International Union of Pure and Applied Chemistry.
 - (6) The Minister may prescribe the manner in which the text of a health information sheet may be printed, including the colour, font type, font size, positioning and appearance of the text, and also whether the text shall be in uppercase, lowercase, or any mix

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thereof.

- (7) Nothing, other than the text prescribed by this section, may be included on or in this health information sheet, by any means.
- (8) For the purpose of this section “cigar” means a roll of tobacco that can be consumed via a combustion process and is further defined in Article 4(1) of Directive 2011/64/EU, or a “cigarillo” as is defined in Article 8(1) of Council Directive 2007/74/EC (2).”.

—*Senators John Crown and Sean D. Barrett.*

27. In page 14, between lines 3 and 4, to insert the following:

- “11. (1) Notwithstanding any other section, each cigarette packet shall contain, inside the packaging, covering the roll-your-own tobacco, in a manner that does not obscure or interfere with health warnings on the packaging for the tobacco, a single piece of white paper, which for the purpose of this section this paper shall be referred to as a “health information sheet”, and shall have on it the following text, “These cigarettes contain the following toxic agents”.
- (2) This health information sheet shall list all additives, ingredients or chemicals within this tobacco product which have carcinogenic, mutagenic or reprotoxic properties.
 - (3) If such an additive, ingredient or chemical has such an effect it shall be listed using the name prescribed by *subsection (5)* and followed by the following text:
 - (a) if the additive, ingredient or chemical is carcinogenic;
“CARCINOGENIC”,
 - (b) if the additive, ingredient or chemical is mutagenic;
“MUTAGENIC”,
 - (c) if the additive, ingredient or chemical is reprotoxic;
“REPROTOXIC”.
 - (4) If an additive, ingredient or chemical has more than one carcinogenic, mutagenic or reprotoxic property it shall be listed on the health information sheet once for each effect.
 - (5) The name used to describe the relevant additive, ingredient or chemical shall be the name recommended by the International Union of Pure and Applied Chemistry.
 - (6) The Minister may prescribe the manner in which a the text of a health information sheet may be printed, including the colour, font type, font size, positioning and appearance of the text, and also whether the text shall be in uppercase, lowercase, or any mix thereof.
 - (7) Nothing, other than the text prescribed by this section, may be included on or in this health information sheet, by any means.”.

—*Senators John Crown and Sean D. Barrett.*

[SECTION 11]

- 28.** In page 14, line 6, after “prescribed” to insert “by the Minister by regulation”.

—*Senators John Crown and Sean D. Barrett.*