



# **DÁIL ÉIREANN**

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## **AN BILLE SLÁINTE POIBLÍ (ALCÓL), 2015 PUBLIC HEALTH (ALCOHOL) BILL 2015**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE SLÁINTE POIBLÍ (ALCÓL), 2015 —ROGHCHOISTE

### PUBLIC HEALTH (ALCOHOL) BILL 2015 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 7, between lines 7 and 8, to insert the following:

“ “Audiovisual Media Services Directive” means Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services;

“audiovisual media service” has the same meaning as it has in Article 1 of the Audiovisual Media Services Directive;”.

—Louise O'Reilly.

2. In page 7, between lines 19 and 20, to insert the following:

“ “information society service” has the same meaning as it has in Article 1 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services;”.

—Louise O'Reilly.

3. In page 7, between lines 27 and 28, to insert the following:

“ “media service provider” has the same meaning as it has in Article 1 of the Audiovisual Media Services Directive;”.

—Louise O'Reilly.

4. In page 8, line 19, to delete “and”.

—Louise O'Reilly.

5. In page 8, line 20, to delete “profit);” and substitute “profit);”.

—Louise O'Reilly.

[SECTION 2]

6. In page 8, between lines 20 and 21, to insert the following:

“(e) supply for the purpose of promoting the use of another service, and  
(f) supply in the purchase of another good or service;”.

—Louise O'Reilly.

SECTION 8

7. In page 10, line 5, after “20(1),” to insert “21(4)\*,”.

—Louise O'Reilly.

[\*This is a reference to the subsection proposed to be inserted by amendment No. 31]

SECTION 11

8. In page 12, between lines 16 and 17, to insert the following:

“(d) data from health services relating to alcohol related presentations at health facilities,”.

—Louise O'Reilly.

SECTION 12

9. In page 13, line 31, after “form” to insert “, in both the English and Irish language,”.

—Stephen S. Donnelly.

10. In page 13, to delete lines 36 and 37.

—Sean Sherlock.

11. In page 14, line 6, after “container” to insert the following:

“or to the sale of an alcohol product in a premises licensed under Part IV of the Act of 1943. An alcohol product sold in a premises licensed under Part IV of the Act of 1943 shall be accompanied by a document or other communication to the purchaser of the matters set out in *paragraphs (i) to (v) of subsection (1)*”.

—Billy Kelleher.

12. In page 14, line 13, after “form” to insert “, in both the English and Irish language,”.

—Stephen S. Donnelly.

13. In page 14, to delete lines 18 and 19.

—Danny Healy-Rae, Michael Collins.

14. In page 14, line 35, after “displayed” to insert “, in both the English and Irish language,”.

—Stephen S. Donnelly.

15. In page 15, line 13, to delete “*paragraphs (i) and (ii)*” and substitute “*paragraphs (i), (ii) and (iii)*”.

—An tAire Sláinte.

[SECTION 12]

16. In page 15, lines 15 and 16, to delete “, where at least one third of the printed material will be given over to evidence-based health warnings”.

—An tAire Sláinte, Sean Sherlock, Danny Healy-Rae, Michael Collins.

17. In page 15, between lines 38 and 39, to insert the following:

“(d) data from health services relating to alcohol related presentations at health facilities,”.

—Louise O'Reilly.

18. In page 16, between lines 28 and 29, to insert the following:

- “(17) (a) This section shall not apply to the sale of alcohol products in a tax-free shop to travellers departing the State.
- (b) “Tax-free shop” means a tax-free shop within the meaning of Article 14 of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC.
- (c) A tax-free shop shall, in the prescribed manner, inside the premises, display a notice or notices in the prescribed form, which shall include in the prescribed form, in both the English and Irish language—
- (i) a warning that is intended to inform the public of the danger of alcohol consumption,
- (ii) a warning that is intended to inform the public of the danger of alcohol consumption when pregnant,
- (iii) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,
- (iv) details of a website, to be established and maintained by the Executive, providing public health information in relation to alcohol consumption, and
- (v) confirmation that a document specifying the matters set out in *paragraph (d)* is available for inspection on request at the premises concerned.
- (d) The document referred to in *paragraph (c)(v)* shall specify the following:
- (i) the quantity in grams of alcohol of each quantity, measure or unit of every alcohol product that is for sale in the licensed premises concerned, and
- (ii) the energy value expressed in kilojoules and kilocalories of each quantity, measure or unit of every alcohol product that is for sale in the licensed premises concerned.”.

—Stephen S. Donnelly.

SECTION 13

19. In page 17, line 13, to delete “and”.

—An tAire Sláinte.

[SECTION 13]

20. In page 17, to delete lines 14 and 15.

—Sean Sherlock.

21. In page 17, line 15, after “cancers,” to insert “and”.

—An tAire Sláinte.

22. In page 17, line 20, to delete “*paragraphs (a) and (b)*” and substitute “*paragraphs (a), (b) and (c)*”.

—An tAire Sláinte.

23. In page 17, line 27, to delete “*paragraphs (a) and (b)*” and substitute “*paragraphs (a), (b) and (c)*”.

—An tAire Sláinte.

24. In page 17, lines 31 and 32, to delete “*paragraphs (a), (b) and (d)*” and substitute “*paragraphs (a), (b), (c) and (d)*”.

—An tAire Sláinte.

25. In page 18, line 4, after “*subsection (2)(b)*” to insert “, a warning under *subsection (2)(c)*”.

—An tAire Sláinte.

SECTION 14

26. In page 19, to delete lines 10 to 27 and substitute the following:

“14. (1) Advertising, indirect advertising and other sales promotion of an alcohol product is prohibited if it is carried out or aimed at the general public in public places.”

—Louise O'Reilly.

27. In page 20, between lines 12 and 13, to insert the following:

“ “public place” means a public place within the meaning of the Criminal Justice (Public Order) Act 1994;”

—Louise O'Reilly.

SECTION 15

28. In page 20, between lines 13 and 14, to insert the following:

**“Prohibition of Sports Sponsorship**

15. (1) Alcohol sponsorship will be phased out by 31st December 2023.

(2) In this section—

“sponsorship” means any form of public or private contribution to any sports event, sports area, association or person with the aim or direct or indirect effect of promoting an alcohol product or brand or alcohol consumption;

“sports area” means an area, whether indoors or outdoors, where participants participate in sporting activities, or competitors compete in sporting competitions, and includes a playing pitch or area, a swimming pool, an athletics track, a dog or horse

[SECTION 15]

racing track or a motor racing track.”.

—Louise O'Reilly.

*Section opposed.*

—Louise O'Reilly.

SECTION 16

*Section opposed.*

—Louise O'Reilly.

SECTION 18

29. In page 22, lines 6 and 7, to delete “*Subsections (1), (2) and (3) (other than paragraphs (a), (b) and (c) of subsection (2) and subsection (3))*” and substitute the following:

“*Subsection (1), paragraphs (c) and (d) of subsection (2) and paragraphs (a) and (b) of subsection (3)*”.

—An tAire Sláinte.

SECTION 19

30. In page 22, to delete lines 15 to 18 and substitute the following:

“(2) A person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on a sound broadcasting service between the hours of 3.00 a.m. and 9.00 p.m.”.

—Louise O'Reilly.

SECTION 21

31. In page 22, between lines 30 and 31, to insert the following:

**“Advertising on the Internet**

21. (1) A person shall not advertise, or cause to be advertised, an alcohol product by means of an information society service unless all reasonable steps are taken to ensure that the advertising cannot be viewed by children.
- (2) In determining whether a person has taken all reasonable steps to ensure that advertising cannot be viewed by children the court or the jury, as the case may be, shall have regard to—
- (a) whether age verification controls have been used to prevent access by children to the advertisement,
  - (b) whether demographic targeting has been used to ensure that the advertisement is not displayed to children,
  - (c) whether the advertisement has been labelled or registered in a way which permits it to be blocked by parental filtering software,
  - (d) whether the advertisement invites users to share it with others, and
  - (e) the cost of implementing the measures and the state of technological

[SECTION 21]

development.

(3) *Subsection (1)* shall not apply to advertising by means of an audiovisual media service unless the media service provider is established in the State in accordance with Article 2(3) of the Audiovisual Media Services Directive or under the jurisdiction of the State in accordance with Article 2(4).

(4) A person who contravenes *subsection (1)* shall be guilty of an offence.”

—Louise O'Reilly.

32. In page 22, line 32, after “section,” to insert “instruct the review board to”.

—Louise O'Reilly.

SECTION 22

33. In page 22, after line 33, to insert the following:

**“Review Board**

22. (1) The Minister shall, not later than 3 months after the commencement of this section, establish an advertising review board.

(2) For the purposes of this section—

(a) the review board shall develop advertising regulations that are independent from the alcohol industry,

(b) the review board will prepare an annual summary of the complaints received under *section 12 to 18*,

(c) the review board shall have a minimum of five members, of which—

(i) two of the five board members are public health experts nominated by the Minister, and

(ii) no member of the board may, at the time of or during the term of his or her appointment to the board, be a current employee or member of the alcohol beverages industry, or have been an employee or member of that industry during the period of five years prior to the date of his or her appointment.”

—Louise O'Reilly.