



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

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

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*Leasuithe  
Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 1

\*1. In page 5, between lines 19 and 20, to insert the following:

#### **“Short title and commencement**

1. (1) This Act may be cited as the Public Health (Alcohol) Act 2016.
- (2) Subject to *subsections (3) to (8)*, this Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) *Section 11* (other than *subsections (10) to (12)*), *sections 14 and 15* and *subsection (3) (d) of section 17* shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than 3 years after the date on which the order concerned is made).
- (4) *Subsections (1) to (3) of section 12* shall come into operation—
  - (a) other than insofar as they relate to broadcast advertisements, on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than one year after the date on which the order concerned is made), and
  - (b) insofar as they relate to broadcast advertisements, on such day or days as the Minister, following consultation with the Minister for Communications, Climate Action and Environment and the Broadcasting Authority of Ireland, may by order or orders appoint (being a day or days not earlier than one year after the date on which the order concerned is made).
- (5) *Subsections (7) to (11) of section 12* shall come into operation—
  - (a) other than insofar as they relate to broadcast advertisements, on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than 3 years after the date on which the order concerned is made), and
  - (b) insofar as they relate to broadcast advertisements, on such day or days as the Minister, following consultation with the Minister for Communications, Climate Action and Environment and the Broadcasting Authority of Ireland, may by order

[SECTION 1]

or orders appoint (being a day or days not earlier than 3 years after the date on which the order concerned is made).

(6) *Section 18* shall come into operation on such day or days as the Minister, following consultation with the Minister for Communications, Climate Action and Environment and the Broadcasting Authority of Ireland, may by order or orders appoint (being a day or days not earlier than one year after the date on which the order concerned is made).

(7) *Sections 13 and 18* shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than one year after the date on which the order concerned is made).

(8) *Section 17* (other than *subsection (3)(d)*) shall come into operation on such day or days as the Minister may by order or orders appoint (being a day or days not earlier than 18 months after the date on which the order concerned is made).”.

*[Acceptance of this amendment involves the deletion of section 1 of the Bill.]*

SECTION 2

\*2. In page 6, between lines 7 and 8, to insert the following:

“ “Act of 2009” means the Broadcasting Act 2009;”.

\*3. In page 6, to delete line 25 and substitute the following:

“(a) clothing (other than children’s clothing).”.

4. In page 6, between lines 34 and 35, 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;”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

\*5. In page 6, line 36, to delete “Broadcasting Act 2009” and substitute “Act of 2009”.

\*6. In page 6, after line 37, to insert the following:

“ “clothing” includes footwear;”.

7. In page 7, between lines 8 and 9, 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;”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan,*

[SECTION 2]

*Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield,  
Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O'Sullivan.*

8. In page 7, between lines 16 and 17, to insert the following:

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

*—Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan,  
Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield,  
Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O'Sullivan.*

9. In page 8, line 9, to delete “profit);” and substitute the following:

“profit), and

(e) supply for the purpose of promoting the use of another service, and

(f) supply in the purchase of another good or service;”.

*—Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan,  
Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield,  
Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O'Sullivan.*

SECTION 4

- \*10. In page 8, between lines 18 and 19, to insert the following:

**“Applicant to provide written notice to Executive**

4. (1) An applicant for—

(a) a certificate for the grant or renewal of a licence under the Licensing Acts 1833 to 2011, or

(b) the grant or renewal of a certificate of registration under the Registration of Clubs Acts 1904 to 2007,

shall give one month’s notice in writing (or such shorter period of notice as the Executive may in the special circumstances of the case agree to accept) of the application to the Executive, and the Executive may appear, be heard and adduce evidence in respect of the application at the hearing.

- (2) In any case where a certificate is not required for the renewal of a licence under the Licensing Acts 1833 to 2011, the applicant for such renewal shall give one month’s notice in writing (or such shorter period of notice as the Executive may in the special circumstances of the case agree to accept) of the application for renewal to the Executive and if the Executive objects to such application, the Executive may appear, be heard and adduce evidence in respect of the application for a certificate provided for by section 4(7) or 4(8) (as the case may be) of the Courts (No. 2) Act 1986.”.

[SECTION 7]

SECTION 7

\*11. In page 9, line 17, after “18(1),” to insert “18(3),”.

12. In page 9, line 17, after “18(1),” to insert “19(4),#”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

[#This is a reference to the subsection proposed to be inserted by amendment 38.]

\*13. In page 9, line 31, after “18(1),” to insert “18(3),”.

SECTION 10

14. In page 11, between lines 25 and 26, to insert the following:

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

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

SECTION 11

15. In page 13, between lines 11 and 12, to insert the following:

“(iii) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,”.

—*Senator Gerald Nash.*

16. In page 13, between lines 11 and 12, to insert the following:

“(iii) a warning that is intended to inform the public that alcohol causes cancer,”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

17. In page 13, between lines 30 and 31, to insert the following:

“(c) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers,”.

—*Senator Gerald Nash.*

18. In page 13, between lines 30 and 31, to insert the following:

“(c) a warning that is intended to inform the public that alcohol causes cancer,”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

[SECTION 11]

19. In page 14, between lines 1 and 2, to insert the following:

“(c) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers.”.

—*Senator Gerald Nash.*

20. In page 14, line 26, to delete “concerned;” and substitute the following:

“concerned, where at least one third of the printed material will be given over to evidence-based health warnings;”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

21. In page 15, between lines 8 and 9, to insert the following:

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

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

SECTION 12

\*22. In page 16, to delete line 15 and substitute the following:

“(b) a fixture or fitting on or attached to a premises the subject of an on-licence;”.

23. In page 16, between lines 18 and 19, to insert the following:

“(e) a premises which is defined as a visitor centre which may or may not attach to a manufacturing licensed premises, such a visitor centre being defined as a tourism attraction the purpose of which is to generate tourism based on the manufacturing process of an alcohol product.”.

—*Senator Keith Swanick.*

24. In page 16, between lines 24 and 25, to insert the following:

“(c) a warning that is intended to inform the public of the direct link between alcohol and fatal cancers;”.

—*Senator Gerald Nash.*

\*25. In page 18, to delete lines 9 to 14 and substitute the following:

“(b) an advertisement or public service announcement in relation to road safety produced by the Road Safety Authority or the Department of Transport, Tourism and Sport, or

(c) an advertisement or public service announcement providing public health information in relation to alcohol consumption sponsored or produced by the Executive or the Department of Health.”.

[SECTION 13]

SECTION 13

26. In page 18, to delete lines 21 to 37, and in page 19, to delete lines 1 to 12 and substitute the following:

“(2) 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.

(3) In this section—

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

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O'Sullivan.*

- \*27. In page 18, to delete line 22 and substitute the following:

“(a) in a park or open space owned or maintained by a local authority or the Commissioners of Public Works in Ireland.”.

SECTION 14

28. In page 19, between lines 12 and 13, to insert the following:

**“Prohibition of Sports Sponsorship**

14. (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.

(3) In this section “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 racing track or a motor racing track.”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O'Sullivan.*

*[Acceptance of the amendment involves the deletion of section 14 of the Bill.]*

SECTION 15

*Section opposed.*

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O'Sullivan.*

SECTION 16

- \*29. In page 20, to delete line 18.



[SECTION 17]

SECTION 17

- \*30. In page 20, line 30, after “import” to insert “for sale in the State”.
- \*31. In page 20, line 33, to delete “or”.
- \*32. In page 20, to delete lines 34 and 35 and substitute the following:
- “(c) a publication containing an advertisement that contravenes *subsection (2) of section 12*, or
  - (d) a publication containing an advertisement that contravenes *subsection (7) of section 12*.”.
- \*33. In page 21, line 2, to delete “or” where it secondly occurs.
- \*34. In page 21, line 4, to delete “alcohol products.” and substitute “alcohol products, or”.
- \*35. In page 21, between lines 4 and 5, to insert the following:
- “(c) a specialist publication the content of which relates solely to alcohol products.”.

SECTION 18

- \*36. In page 21, between lines 9 and 10, to insert the following:

**“Broadcast watershed**

18. (1) A person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on a television programme service between the hours of 3.00 am and 9.00 pm.
- (2) A person shall not broadcast, or cause to be broadcast, an advertisement for an alcohol product on a sound broadcasting services on a week-day between the hours of—
- (a) midnight and 10.00 am, or
  - (b) 3.00 pm and midnight.
- (3) A person who contravenes *subsection (1) or (2)* shall be guilty of an offence.
- (4) In this section—
- “sound broadcasting service” has the same meaning as it has in the Act of 2009;
  - “television programme service” has the same meaning as it has in the Act of 2009.”.
- \*37. In page 21, to delete lines 13 to 16 and substitute the following:
- “(2) It shall not be an offence to advertise an alcohol product—
    - (a) immediately before, or during an interval to, the screening of a film that has been certified by the Director of Film Classification as fit for viewing by persons aged 18 years or more, or
    - (b) in a licensed premises in a cinema.”.

[SECTION 19]

SECTION 19

38. In page 21, between lines 16 and 17, to insert the following:

**“Advertising on the Internet**

19. (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 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.”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan,  
Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield,  
Colette Kelleher, David Norris, Grace O’Sullivan.*

39. In page 21, between lines 16 and 17, to insert the following:

**“Advertising on television**

19. (1) Advertising or promotion of an alcohol product or brand shall not be shown on television before 9pm.
- (2) Advertising or promotion of an alcohol product or brand shall not be shown during or around televised sport at any hour of the day.”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan,  
Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield,  
Colette Kelleher, David Norris, Grace O’Sullivan.*

[SECTION 19]

40. In page 21, between lines 16 and 17, to insert the following:

**“Advertising on radio**

19. (1) Advertising or promotion of an alcohol product or brand shall not be broadcast on radio before 9pm.
- (2) Advertising or promotion of an alcohol product or brand shall not be broadcast during or around televised sport at any hour of the day.”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

41. In page 21, line 18, after “section,” to insert “instruct the review board to”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

SECTION 20

42. In page 21, between lines 19 and 20, to insert the following:

**“Review Board**

20. (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 *sections 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.”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

43. In page 21, line 23, to delete “one year” and substitute “two years”.

—*Senator Keith Swanick.*

[SECTION 20]

44. In page 21, lines 28 to 30, to delete all words from and including “through” in line 28 down to and including line 30.

—*Senator Keith Swanick.*

45. In page 22, to delete lines 17 and 18.

—*Senator Keith Swanick.*

46. In page 22, to delete lines 33 and 34 and substitute the following:

“(a) any premises where the only non-licensed business carried on is the exposure for sale and the sale of:

(i) non-alcoholic beverages,

(ii) ice,

(iii) cigarettes, tobacco, cigars and matches, or”.

—*Senator Keith Swanick.*

47. In page 23, line 3, to delete “one year” and substitute “two years”.

—*Senator Keith Swanick.*

48. In page 23, line 9, after “not” to insert “immediately”.

—*Senator Keith Swanick.*

SECTION 21

- \*49. In page 23, lines 36 and 37, to delete all words from and including “to” in line 36 down to and including line 37 and substitute “in a manner likely to encourage the consumption of alcohol products in a harmful way.”.

SECTION 23

- \*50. In page 27, between lines 18 and 19, to insert the following:

“(2) When performing a function under this Act, an authorised officer may, subject to any warrant under *subsection (4)*, be accompanied by such number of authorised officers or members of the Garda Síochána as he or she considers appropriate.”.

TITLE

- \*51. In page 5, line 8, after “containers,” to insert the following:

“to provide that an applicant for the grant or renewal of a licence under the Licensing Acts 1833 to 2011 and an applicant for the grant or renewal of a licence under the Registration of Clubs Acts 1904 to 2008 shall notify the Health Service Executive of the application.”.

52. In page 5, line 9, after “products,” to insert “generally and in relation to children,”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Trevor Ó Clochartaigh, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*