



**SEANAD ÉIREANN**

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# SEANAD ÉIREANN

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

### PUBLIC HEALTH (ALCOHOL) BILL 2015 —REPORT

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

\*1. In page 5, to delete lines 23 to 30, and in page 6, to delete lines 1 to 31 and substitute the following:

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

1. (1) This Act may be cited as the Public Health (Alcohol) Act 2017.
- (2) Subject to *subsections (3) to (6)*, 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 12* (other than *subsections (10) to (12)*), *subsections (7) to (11) of section 13*, *sections 15 and 16* and *subsection (3)(d) of section 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 3 years after the date on which the order concerned is made).
- (4) *Subsections (1) to (3) of section 13* and *sections 14, 19 and 20* 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).
- (5) *Section 18* (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).
- (6) The Minister shall, before making an order under this section in relation to—
  - (a) *section 13*, insofar as it relates to broadcast advertisements, or
  - (b) *section 19*,consult with the Minister for Communications, Climate Action and Environment and the Broadcasting Authority of Ireland.”.

2. In page 7, between lines 22 and 23, 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, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

3. In page 7, between lines 34 and 35, 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, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

4. In page 8, between lines 5 and 6, 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, Niall Ó Donnghaile, Fintan Warfield, Alice-Mary Higgins, Colette Kelleher, David Norris, Grace O’Sullivan.*

- \*5. In page 9, line 32, to delete “(3) or (4)” and substitute “(3), (4) or (5)#”.

[# *These are references to the subsections proposed to be inserted by amendment 1.*]

6. In page 10, line 21, after “20(1),” to insert “21(4)#,”.

—*Senators Frances Black, Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, 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 15.*]

- \*7. In page 14, to delete lines 8 to 12 and substitute the following:

“**12.** (1) Subject to *subsection (2)*, it shall be an offence for a person to sell, to a person who is in the State, an alcohol product the container of which does not bear in the prescribed form—”.

- \*8. In page 14, to delete lines 25 to 27 and substitute the following:

“(3) It shall be an offence for a person to sell, to a person who is in the State,”.

9. In page 15, line 39, 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, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

10. In page 17, between lines 28 and 29, 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.”.

—*Senators Keith Swanick, Catherine Ardagh.*

11. In page 17, between lines 34 and 35, to insert the following:

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

—*Senators Ivana Bacik, Kevin Humphreys, Gerald Nash, Aodhán Ó Riordáin, Frances Black.*

12. In page 20, lines 3 and 4, to delete “or within 200 metres of the perimeter of the grounds,”.

—*Senators Michael McDowell, Victor Boyhan.*

13. In page 20, lines 5 and 6, to delete “or within 200 metres of the perimeter of a place where an early years service is carried on”.

—*Senators Michael McDowell, Victor Boyhan.*

14. In page 20, lines 7 and 8, to delete “or within 200 metres of the perimeter of such playground”.

—*Senators Michael McDowell, Victor Boyhan.*

15. In page 23, between lines 13 and 14, 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 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, Niall Ó Donnghaile, Fintan Warfield, Colette Kelleher, David Norris, Grace O’Sullivan.*

\*16. In page 23, line 20, to delete “one year” and substitute “2 years”.

—*Senators Keith Swanick, Catherine Ardagh.*

\*17. In page 23, to delete lines 24 to 27 and substitute the following:

“(I) which is separated from the remainder of the premises by means of a physical barrier which has a minimum height of not less than 1.2 metres and through which alcohol products and advertisements for alcohol products are not visible,”.

18. In page 23, lines 25 to 27, to delete all words from and including “through” in line 25 down to and including line 27.

—*Senators Keith Swanick, Catherine Ardagh.*

\*19. In page 24, to delete line 6.

\*20. In page 24, line 9, to delete “storage units” and substitute “enclosed storage units”.

\*21. In page 24, to delete lines 14 and 15 and substitute the following:

“(III) the maximum height of each of which shall be 2.2 metres and each of which shall, to a height of not less than 1.5 metres from the lowest point of the unit, be made of a material through which alcohol products and advertisements for alcohol products are not visible when the unit concerned is closed, and”.

22. In page 24, to delete lines 14 and 15.

—*Senators Keith Swanick, Catherine Ardagh.*

\*23. In page 24, line 25, to delete “both.” and substitute “both,”.

\*24. In page 24, between lines 25 and 26, to insert the following:

“or

(c) advertisements for alcohol products and the exposure for sale of alcohol products are exclusively confined to—

(i) not more than 3 storage units (which shall be adjacent to each other) in the premises to which the off-licence is attached—

- (I) that may indicate that it or they contain alcohol products,
  - (II) that shall not contain anything other than alcohol products and advertisements for alcohol products,
  - (III) the maximum width of each of which shall not exceed 1 metre and the maximum height of each of which shall not exceed 2.2 metres,
- or
- (ii) one point of sale area in the premises to which the off-licence is attached which shall contain a storage unit—
    - (I) that may indicate it contains alcohol products,
    - (II) that shall not be accessible to members of the public,
    - (III) that shall not contain advertisements for alcohol products, and
    - (IV) from which alcohol products shall not be visible to members of the public when closed, and which shall remain closed when not in use,
- or to both.”.

**25.** In page 24, to delete lines 30 and 31 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”.

—*Senators Keith Swanick, Catherine Ardagh.*

**\*26.** In page 24, line 36, to delete “one year” and substitute “2 years”.

—*Senators Keith Swanick, Catherine Ardagh.*

**27.** In page 25, line 5, after “not” to insert “immediately”.

—*Senators Keith Swanick, Catherine Ardagh.*

**28.** In page 25, between lines 33 and 34, to insert the following:

- “(e) prohibiting certain marketing practices, including selling an alcohol product by retail, or supplying an alcohol product to, or inviting an offer to purchase by, a member of the public of an alcohol product where part of the consideration to be given to the purchaser is a gift, token, trading stamp, coupon or other document or thing that may be exchanged for or used as payment or payment in part for certain goods.”.

—*Senators Rose Conway-Walsh, Máire Devine, Paul Gavan, Pádraig Mac Lochlainn, Niall Ó Donnghaile, Fintan Warfield.*

**\*29.** In page 35, line 17, after “19,” to insert “20,”.