

TOBACCO CONTROL ACT

CHAPTER 30:04

Act

15 of 2009

Amended by

12 of 2012

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
<i>1-6</i>	..
<i>7-14</i>	..
<i>15-18</i>	..
<i>19-22</i>	..
<i>23-38</i>	..

Index of Subsidiary Legislation

	<i>Page</i>
Tobacco Control Regulations (LN 6/2014) 	26

Note on Commencement—Section 2

The various sections of this Act came into operation on 17th February 2010 and 5th August 2013. (*See* Legal Notices Nos. 24/2010 and 154/2013, respectively).

CHAPTER 30:04

TOBACCO CONTROL ACT

ARRANGEMENT OF SECTIONS

SECTION

PART I

PRELIMINARY

1. Short title.
2. Commencement.
3. Act inconsistent with Constitution.
4. Interpretation.

PART II

ADMINISTRATIVE

5. Unit established in Ministry.
6. Function of Unit.
7. Function of authorised officers.
8. Power of authorised officers.
9. Identification of authorised officers.
10. Licensing procedure and transitional period.
11. Information required in reports.

PART III

PROHIBITIONS

12. Non-smoking areas.
13. Prohibition on sales by minors.
- 13A. Prohibition on use of a child to buy tobacco products.
14. Prohibition on self-service displays.
15. Prohibition on public displays.
16. Prohibition on self-service sales of tobacco products.
17. Prohibition on sales of tobacco products in certain places.
- 17A. Vendor of tobacco products to display sign.
18. Prohibition on toy or candy cigarettes.
19. Prohibition against tobacco advertising.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

20. Prohibition against incentive promotions and free supply of tobacco products.
21. Sponsorship.
22. Other forms of promotion.

PART IV

PACKAGING AND LABELLING

23. Conformity with packaging and labelling requirements.
24. Labelling.
25. Constituents and additives disclosure on tobacco product packages.
26. Deceptive or misleading information.
27. Multiple packaging.
28. Requirements for name, licence number, etc., on package.
29. Requirements for tamper-proof packaging and labelling.
30. Language of labelling information.
31. Labelling of individual units.
32. Minimum package size for smokeless tobacco products.

PART V

MISCELLANEOUS

33. Compliance with Act.
34. Evidence.
35. Protection for employees.
36. Penalties and liabilities.
37. Penalties where non-prescribed.
38. Regulations and Orders.

FIRST SCHEDULE.

SECOND SCHEDULE.

CHAPTER 30:04

TOBACCO CONTROL ACT

An Act to prevent tobacco use by children; regulate tobacco use by individuals; enhance public awareness of the hazards of tobacco use and ensure that individuals are provided with information to make more fully informed decisions about using tobacco; protect individuals from exposure to tobacco smoke; prohibit and restrict promotional practices; prevent smuggling of tobacco; provide for regulation of tobacco products to mitigate against the harmful effects of tobacco; and provide for other related matters. 15 of 2009.

*[ASSENTED TO 23RD DECEMBER 2009]

WHEREAS the use of tobacco products is responsible for numerous debilitating and fatal diseases: Preamble.

And whereas smoke from tobacco products is a serious health threat to persons exposed to the smoke, causing serious diseases in adults and children:

And whereas most smokers who start smoking at a very young age are not aware of the extent and nature of the harm caused by tobacco products, and because of the addictive properties of nicotine, are often unable to quit even when they are highly motivated to do so:

And whereas the marketing of tobacco products through product design, promotion, packaging, pricing and distribution, is known to contribute to the demand for tobacco products:

And whereas resolving to align national laws with the World Health Organisation Framework Convention on Tobacco Control, the following measures are undertaken to protect the health and well-being of all the people:

And whereas it is enacted *inter alia*, by subsection (1) of section 13 of the Constitution that an Act to which this section

*See Section 2 for Commencement.

applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

PART I

PRELIMINARY

- Short title. **1.** This Act may be cited as the Tobacco Control Act.
- Commencement. **2.** (1) Sections 1 to 9 and sections 12 to 22 of the Act came into operation on 17th February 2010.
24/2010.
154/2013. (2) Sections 10, 11 and sections 23 to 38 of the Act came into operation on 5th August 2013.
- Act inconsistent with Constitution. **3.** This Act has effect even though inconsistent with sections 4 and 5 of the Constitution.
- Interpretation. **4.** In this Act—
“additive” means any substance, chemical, compound, or component, other than tobacco or water, that is introduced into a tobacco product during processing, manufacturing, or packaging, including, as applicable, those contained in the paper, filter, portion pouch, or similar part of the tobacco product, its package or accessories;
“authorised officer” means a police officer, customs officer or public health inspector;
“bulk packaging” means packaging containing at least ten thousand cigarettes or cigars, or packaging containing more than two hundred grammes of other tobacco products;

“child” means an individual under the age of eighteen years;

“constituents” means, in relation to—

(a) smoked tobacco products, the chemicals, including the particles, vapours and gases found in the smoke; and

(b) smokeless tobacco products, the chemicals found in the product itself;

“Convention” means The World Health Convention on Tobacco Control of 2003;

“enclosed”, in relation to a space, means any space covered by a roof completely or substantially enclosed, with the term substantially enclosed meaning more than fifty per cent closed to the outside air;

“factual information” means the brand name, manufacturer’s name, type of product, prescribed messages, constituents, additives, disclosures and price information;

“graphic” means any symbol, sign, logo, mark, trademark, pattern, emblem, design, crèche, or any other indicia of tobacco product or seller identification;

“manufacturer” means a person who manufactures, fabricates, produces, processes, packages or labels tobacco products;

“message” means a warning or other information about the health effects of tobacco use or exposure to tobacco smoke;

“Minister” means the Minister to whom responsibility for health is assigned;

“Ministry” means the Ministry with responsibility for health;

“package” means any covering, wrapper, container, carton or other enclosure that contains a tobacco product including labels and other written or graphic information on or in it;

“person” includes any individual, proprietor, firm, partnership, corporation, franchise, organisation, agency, association or institution;

“public conveyance” means any form or mode of transportation that carries passengers for hire or reward, whether domestically or internationally;

“public place” means any place accessible to the general public or place of collective use, regardless of ownership or right of access;

“Regulations” means Regulations made under this Act;

“seller” means any person who supplies any tobacco product for a fee or other consideration, and includes any manufacturer, distributor, wholesaler, importer, exporter and retailer;

“smoking” means inhaling, exhaling or handling an ignited or heated tobacco product or a tobacco product producing emissions by any means;

“supply” means to sell, give, exchange, convey, consign, deliver, furnish, or transfer possession of, or title to, any tobacco product for the purpose of obtaining financial or business gain, or arrange or offer to do so, whether for a fee or other consideration or without charge;

“tobacco advertising and promotion” means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

“tobacco product” means any product entirely or partly made from the leaf of the tobacco as raw material which is manufactured to be used for smoking, sucking, chewing or snuffing;

“tobacco smoke” means the smoke or other emissions released from a tobacco product or the smoke exhaled by a person smoking a tobacco product;

“tobacco sponsorship” means any form of contribution to any event, activity, organisation, or individual that has the aim, effect or likely effect of promoting a tobacco product or tobacco use directly or indirectly;

“Unit” means the Unit referred to in section 5;

“work” includes work done for compensation and voluntary work;
“workplace” means any place used by persons during their employment or work and includes vehicles, common areas, and any other area which is generally used during the course of employment or work, but does not include private residences or private vehicles.

PART II

ADMINISTRATIVE

5. (1) The Minister shall establish a Unit within the Ministry which shall be responsible for— Unit established in Ministry.

- (a) developing and implementing, in collaboration with civil society, a national strategic approach to tobacco control;
- (b) undertaking impact assessment of national policies and programmes aimed at controlling consumption and production of cigarettes and other tobacco products;
- (c) designing and disseminating messages for inclusion on tobacco packages;
- (d) reporting on Trinidad and Tobago’s progress to the World Health Organisation and at international conferences hosted for signatories to the Convention;
- (e) monitoring activities nationally to ensure compliance with and enforcement of this Act; and
- (f) considering and evaluating applications for licences on behalf of the Minister.

(2) The Unit shall be headed by a Director appointed by the Minister and who shall be responsible to the Permanent Secretary of the Ministry.

(3) The Unit shall be provided with adequate staff with the requisite qualifications and experience for the discharge of its functions.

Function of Unit.

6. (1) The Unit shall establish and carry out evidence-based programmes to inform the public of—

- (a) the dangers and addictiveness of tobacco use and the dangers of exposure to tobacco smoke;
- (b) the benefits of quitting and strategies to quit smoking;
- (c) the tobacco industry and on the health, economic and environmental effects of tobacco production and manufacturing;
- (d) any other information it determines to be effective in highlighting the health effects, social and environmental costs of tobacco and for increasing public and consumer awareness of pertinent tobacco related issues; and
- (e) alternative income earning opportunities for small retailers.

(2) The Unit shall—

- (a) make educational and cessation materials available to municipal corporations, health care workers and facilities, schools, the media, non-governmental organisations and such other entities as it deems appropriate;
- (b) develop evidence-based educational programmes and materials appropriate to the population at large;
- (c) establish evidence-based tobacco use cessation programmes, including diagnosis, counselling and treatment services and, as appropriate, access to nicotine replacement therapies; and
- (d) train authorised officers.

Function of authorised officers.

7. The Unit may request authorised officers to carry out inspections and investigations.

Power of authorised officers.

8. (1) Subject to subsection (2), authorised officers shall have the power to—

- (a) examine, open, and cause to be tested any equipment, tools, materials, packages or

anything the authorised officer reasonably believes is used or is capable of being used for the manufacture, including packaging and labelling, storage, distribution, advertising or promotion of tobacco products;

- (b) examine any manufacturing operation or process carried out on the premises;
- (c) examine and make copies of, or from, any books, documents, notes, files, including electronic files, or other records that the authorised officer reasonably believes might contain information relevant to determining compliance with this Act;
- (d) interview any person the authorised officer believes may have information relevant to making a compliance determination; and
- (e) take samples of tobacco products or components of products, and their packaging, from any business where they are found, to have them tested.

(2) Only authorised officers who are either customs officers or police officers shall have the power after obtaining the consent of the owner, manager or lessee or after obtaining a warrant to—

- (a) enter the premises of any business place where tobacco is manufactured, sold, transported, received, distributed, supplied, or otherwise found or is likely to be found, or to have been present during the previous six days, but for the purposes of enforcing this Act, authorised officers may enter any public place, workplace or means of public transportation to conduct inspections or investigations at any time during business or operating hours or at any other necessary time;
- (b) stop, search, and detain any aircraft, ship, vehicle or other means of transport or storage in

which the authorised officer reasonably believes bulk packaging of tobacco products are or were contained or conveyed, and examine, open, and take samples; and

- (c) seize and detain from any business or order the storage without removal or alteration of any tobacco product or other item the authorised officer reasonably believes does not comply with this Act.

(3) In acting under subsection (2)(c), the authorised officer shall provide the person in possession of the tobacco products or other items with a written record in respect of the tobacco products or other items seized and detained and the grounds for same.

(4) Where any seized and detained tobacco product or other item is determined to have met the legal requirements, it shall be returned to the premises from which it was seized within thirty working days of seizure.

(5) Where any seized and detained tobacco product or other item does not meet the legal requirements, it may be confiscated and kept as evidence in legal proceedings.

(6) No authorised officer shall abuse his authority or his position for personal or financial gain.

Identification of authorised officers.

9. (1) In exercising their functions under this Act, authorised officers shall present proof of identity.

(2) No person shall deny, obstruct or hinder an authorised officer in the performance of his duties.

Licensing procedure and transitional period.

10. (1) No person shall manufacture, import, export or distribute tobacco products at wholesale without first having been issued a licence.

(2) Notwithstanding subsection (1), persons engaged in the business of manufacturing, importing, exporting or distributing tobacco products at wholesale prior to the coming into force of this Act shall have a transitional period of nine months to obtain a licence from the date this Act comes into force.

(3) The Minister shall serve as the licensing authority under this Act.

(4) The application fees set out in the First Schedule shall be paid to the Comptroller of Accounts or any other Revenue Office and the receipt shall be submitted with the application. First Schedule.

(5) An application for a licence under this Act shall be addressed to the Minister and submitted in duplicate.

- (6) The application shall contain the following particulars:
- (a) the name, place of business and the nature of business of the applicant;
 - (b) the name and address of the manufacturer of the tobacco product;
 - (c) the trade name and registration number of the tobacco product; and
 - (d) any other particulars as prescribed by Regulations.

- (7) A licence once granted—
- (a) shall be prominently displayed at the establishment of the holder; and
 - (b) is valid for a period of three years.

(8) Where an application for a licence is denied, the applicant shall cease manufacturing, importing, exporting or selling tobacco products immediately upon notification of same.

(9) Where a person applies for the grant of a licence after the expiry of the transitional period referred to in subsection (2), the applicant may continue to manufacture, import, export or distribute tobacco products at wholesale until notice is received by the applicant that the application is approved or denied, as the case may be.

- (10) Subject to subsection (1), no person shall—
- (a) sell any tobacco product to; or
 - (b) purchase or acquire any tobacco product from,
- any manufacturer, distributor, importer, exporter or wholesaler who is not licensed under this Act.

Information
required in
reports.

11. (1) Every manufacturer and importer of tobacco products shall submit to the Minister on an annual basis reports containing the information required under this Act and Regulations.

(2) Annual reports shall include information prescribed by Regulations, including but not limited to information on—

- (a) import and export;
- (b) business sales, marketing and distribution;
- (c) new products or brands;
- (d) constituents, additives, and of toxic constituents and additives in smoke, expressed in their individual concentrations and as a ratio to nicotine; and
- (e) product packaging and labelling,

of all tobacco products.

(3) Reports shall be made on the basis of products prepared and tested in accordance with the methods prescribed in Regulations.

(4) Reports shall be submitted in the form and manner as prescribed by Regulations.

(5) No person shall disclose any information contained in the Report unless required by the provisions of this Act or any other written law or by Order of the Court.

(6) A person who contravenes subsection (5) is liable on summary conviction to a fine of five thousand dollars and to imprisonment for three years.

PART III

PROHIBITIONS

Non-smoking
areas.

12. (1) No person shall smoke or hold a lighted tobacco product in any enclosed public place, enclosed workplace, or public conveyance including but not limited to any place listed in the Second Schedule.

Second
Schedule.

(2) Where a person contravenes subsection (1), the manager, owner or lessee of the place where the contravention occurred who authorised or acquiesced in the act, that manager, owner or lessee is deemed to have committed the offence and shall also be held personally liable.

(3) A person who contravenes this section commits an offence and is liable, on summary conviction, to a fine of ten thousand dollars and to imprisonment for six months.

13. No person shall sell any tobacco product to any person under the age of eighteen years.

Prohibition on sales by minors.
[12 of 2012].

13A. No person shall use or cause a child to be used, or hire a child including as a courier, in order to sell, buy or deliver any tobacco product.

Prohibition on use of a child to buy tobacco products.
[12 of 2012].

14. No person shall sell any tobacco product in such a way that a consumer may handle the product without the assistance of a sales clerk or other employee or agent of the seller prior to purchase.

Prohibition on self-service displays.

15. (1) No person shall display tobacco products in such a way that they are visible to the public, but the prohibition against public displays of tobacco products shall not apply to individuals incidentally or accidentally displaying tobacco products during carrying or use.

Prohibition on public displays.

(2) This section shall not apply to cigarette dispensers provided by the manufacturer, except that such devices shall not be used for the purposes of advertisement or the promotion of tobacco products and shall meet the requirements prescribed by Regulations.

16. (1) No person shall purchase any tobacco product through any self-service means, including the mail, the internet or automatic vending machines.

Prohibition on self-service sales of tobacco products.

(2) The Minister may by Order prohibit any other means of sale where the age of the purchaser of a tobacco product cannot be verified at the point of sale.

Prohibition on sales of tobacco products in certain places.

17. No person shall sell tobacco products in any of the following places:

- (a) facilities where health care services are provided;
- (b) sports, athletic or recreational facilities;
- (c) government buildings;
- (d) educational facilities; and
- (e) any other place prescribed by Regulations.

Vendor of tobacco products to display sign. [12 of 2012].

17A. Every vendor of tobacco products shall at all times cause to be displayed in a prominent place in that part of the premises where tobacco products are offered for sale, a sign, written in large, bold, legible, upper case characters, that reads as follows:

“THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED”

Prohibition on toy or candy cigarettes.

18. (1) No person shall—

- (a) import or manufacture; or
- (b) sell, display for sale, distribute or supply,

any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or which imitate tobacco products.

(2) A person who contravenes subsection (1)(b) commits an offence and is liable—

- (a) on summary conviction, to a fine of ten thousand dollars and to imprisonment for six months; or
- (b) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for one year.

Prohibition against tobacco advertising.

19. (1) No person shall initiate, produce, publish, engage or participate in any tobacco advertising, promotion or sponsorship.

(2) Notwithstanding subsection (1), a person may advertise a tobacco product by information advertising or brand-preference advertising by way of—

- (a) a publication that is provided by mail and addressed to an adult smoker who is identified by name;

- (b) a publication that has an adult readership of not less than eighty-five per cent as determined by a recognised survey; and
- (c) signs in a place where children are not permitted by law.

(3) Subsection (2) does not apply to lifestyle advertising or advertising that could be construed on reasonable grounds to be appealing to children.

(4) In this section—

“brand preference advertising” means advertising that promotes a tobacco product by means of its brand characteristics;

“information advertising” means advertising that provides factual information to the consumer about—

- (a) a product and its characteristics; or
- (b) the availability or price of a product or brand of product;

“lifestyle advertising” means advertising that associates a product with, or evokes an emotion about, or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.

20. No person shall offer or provide any direct or indirect consideration for the purchase or use of a tobacco product, including a bonus, premium, cash rebate or right to participate in a game, lottery or contest, but nothing in this section shall prohibit the giving of any normal trade discount or normal trade rebate, or providing compensation for monitoring compliance with this Act.

Prohibition against incentive promotions and free supply of tobacco products.

21. This Act prohibits tobacco sponsorships and tobacco advertising and promotion, where the name of a sponsoring entity is publicised.

Sponsorship.

22. (1) No person shall sell, display for sale, supply, or advertise any non-tobacco product or service that contains either on the product, or in any advertisement of the product, a depiction of a tobacco product except where the person held the intellectual property rights to that product prior to the commencement of this Act.

Other forms of promotion.

(2) For the purposes of this section, a non-tobacco product shall include a building, facility, premises, or business that is not a building, facility or business that manufactures tobacco products exclusively.

PART IV

PACKAGING AND LABELLING

Conformity with packaging and labelling requirements.

23. (1) No person shall sell, offer for sale, supply or import any tobacco product that is not packaged and labelled in a manner that complies with the requirements of this Act and Regulations.

(2) No seller shall acquire tobacco products that are not packaged and labelled in a manner that complies with the requirements of this Act and Regulations.

Labelling.

24. (1) All tobacco products shall contain, permanently affixed on their packages, messages as prescribed by Regulations.

(2) Prescribed messages shall be attributed to the relevant authority.

(3) No person may sell or supply any product, device, or other item that is intended to be used, or that can be used to cover, obscure, mask, alter, or otherwise detract from the prescribed messages on tobacco product packages and this prohibition includes design of the product package in such a way that parts of the package itself or accessories can cover or obscure the messages.

Constituents and additives disclosure on tobacco product packages.

25. (1) All tobacco products shall contain, permanently affixed on their packages, a list of the constituents and additives specified, and in a manner as prescribed by Regulations.

(2) A person who fails to comply with this section commits an offence and is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment, to a fine of five hundred thousand dollars and to imprisonment for one year.

26. (1) No tobacco product package or label shall contain any information that is false, misleading, deceptive, or is likely or intended, directly or indirectly, to create an erroneous impression about the characteristics, health effects or other hazards of the tobacco product or its emissions.

Deceptive or misleading information.

(2) No tobacco product package may make any claim stating, suggesting, or implying that its use or exposure to its smoke is not hazardous or is less hazardous than other tobacco products or brands.

(3) This prohibition includes, but is not limited to, the use of—

- (a) words or descriptors, whether or not part of the brand name, such as “light”, “ultra light”, “mild”, “low tar”, “slim” or similar words or descriptors;
- (b) any graphics associated with, or likely or intended to be associated with, such words or descriptors; and
- (c) any product package design characteristics, associated with, or likely or intended to be associated with, such descriptors.

27. If any tobacco product is placed in multiple layers of packaging, all messages, constituents and additives disclosures shall be permanently affixed to the package in which the tobacco product ultimately is intended for consumer use, as well as to any external packaging, including cartons.

Multiple packaging.

28. (1) Tobacco product manufacturers, exporters and importers, as applicable, shall ensure that bulk packaging contains the tracking, tracing and tax status labelling information required by this section.

Requirements for name, licence number, etc., on package.

(2) The following information shall be presented in a visible manner, and shall be permanently affixed under the

cellophane or other wrapping on all the sides of each tobacco product package, including each carton, at the time of manufacture:

- (a) name and licence number of the manufacturer, as applicable, wholesaler, importer and exporter;
- (b) unique manufacturer serial number, date of manufacture and location;
- (c) name of the country in which it was manufactured;
- (d) name of the country in which the product is intended for sale; and
- (e) any additional information as may be required by Regulations.

Requirements for tamper-proof packaging and labelling.

29. (1) Tobacco product manufacturers shall design their product packaging and labelling in such a way as to make them tamper-proof, using the best available technology.

(2) Manufacturers, importers, exporters, wholesalers and retailers shall exercise all reasonable and necessary precautions to prevent tampering with such information while the products are under their control or supervision.

Language of labelling information.

30. The labelling information on a tobacco product to be sold in Trinidad and Tobago shall be printed in English.

Labelling of individual units.

31. (1) Smoked tobacco products may be sold as individual units provided that they are individually labelled as required.

(2) The Minister may make Regulations to provide for a contravention of this section.

Minimum package size for smokeless tobacco products.

32. (1) Smokeless tobacco products shall be contained in a package of at least twenty grams.

(2) No person shall sell any portion of a smokeless tobacco product package, or sell any smokeless tobacco product other than as part of a complete and intact package that meets the minimum weight requirement.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of twelve thousand dollars and to imprisonment for six months.

PART V

MISCELLANEOUS

33. No person shall manufacture, import, sell or commercially supply or distribute any tobacco product unless it conforms with this Act and Regulations. Compliance with Act.

34. In any legal action for non-compliance with this Act or Regulations, the following shall apply: Evidence.

- (a) an affidavit or certificate of analysis under oath by an analyst who tested any tobacco product or component which is the subject of the proceedings, shall be admissible on its mere production as *prima facie* proof of the violations shown by the examination or analysis of the tobacco product or component, but the accused shall be notified in writing in advance of the intent to produce such an affidavit or certificate of analysis and may compel the analyst's presence at the hearing;
- (b) copies from any record, book, or document certified by the Ministry as true and correct copies shall be deemed admissible into evidence as authentic;
- (c) where any tobacco product or component is found in any premises used for the manufacture, import, export, distribution, supply, or sale of such products, such product or component shall be presumed to be intended for manufacture, import, export, packaging, distribution, or sale, as the case may be;

- (d) any tobacco product from the same lot or batch shall be presumed to possess the same characteristics as those products from the same lot or batch found on the premises or at another location under the control of the owner or operator of the premises, but if there is no lot or batch number on the products as required under the Act, any tobacco product found on the premises shall be presumed to possess the same characteristics as other tobacco products found on the premises or at another location under the control of the owner or operator of the premises; and
- (e) the person identified on the label or packaging of any tobacco product as the manufacturer, importer, exporter, distributor or wholesaler shall be presumed to have manufactured, imported, distributed or sold the tobacco product, respectively.

Protection for employees.

35. No employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee or deny that employee a benefit on the ground that the employee testifies against an employer in an action brought under this Act.

Penalties and liabilities.

36. (1) In any action for non-compliance with this Act or Regulations, the following penalties may be imposed:

- (a) suspension, revocation or limitation of licences;
- (b) removal by an authorised officer of an offending person from the premises or public conveyance, and confiscation and forfeiture of any tobacco products in violation of the provisions of this Act; and
- (c) confiscation and forfeiture of—
 - (i) any item that contains a tobacco advertising and promotion prohibited under this Act;

- (ii) any tobacco product packaged or labelled in a manner that does not conform with this Act;
- (iii) all tobacco products owned by or under the control of the person found to have committed a violation of sections 10, 13 to 17, 20 and 31 to 33;
- (iv) equipment, machinery, raw materials, components, packaging and labelling materials, and any other items used to manufacture tobacco products;
- (v) all tobacco products or components that fail to conform with the product requirements under this Act;
- (vi) all tobacco products for which all applicable taxes and duties have not been paid or that otherwise have not legally entered the jurisdiction; and
- (vii) all non-tobacco products that fail to conform with section 18.

(2) For any continuing violation, each day the violation continues shall constitute a separate offence.

(3) Where any person derives any monetary or financial benefit directly or indirectly from any act or omission that constitutes a violation under this Act, Regulations or other applicable law, including any imposing duties and taxes, all proceeds so gained shall be forfeited in addition to any other penalty imposed.

(4) Where a corporate person contravenes this Act, the corporate director or other corporate officer who authorised or acquiesced in the act or who knew or, using due diligence, ought to have known that the commission or omission constituted a contravention, that director or other corporate officer as the case may be, is deemed to have committed the offence and shall be held personally liable.

Penalties where non-prescribed. [12 of 2012].

37. (1) Any person who contravenes sections 13 to 17A commits an offence and is liable—

(a) on summary conviction, to a fine of—

(i) fifty thousand dollars and to imprisonment for three months for the first offence;

(ii) one hundred thousand dollars and to imprisonment for six months for the second offence; and

(iii) one hundred thousand dollars and to imprisonment for nine months for the third offence; or

(b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for one year.

(2) A person who contravenes any provision of this Act for which there is no penalty prescribed, commits an offence and is liable—

(a) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment, to a fine of two hundred thousand dollars and to imprisonment for one year.

Regulations and Orders.

38. (1) The Minister may make Regulations subject to affirmative resolution of Parliament—

(a) prescribing requirements and standards for tobacco product constituents, including emissions of smoked products, additives and product design and specifying methods for testing and measuring compliance with the performance standards and requirements prescribed; and

(b) generally for carrying out the purposes of this Act.

(2) The Minister may by Order, subject to affirmative resolution of Parliament, amend the Schedules.

FIRST SCHEDULE

Section 10(4).

APPLICATION FOR LICENCE FEES

	\$
Manufacturer	12,000
Wholesaler	6,000
Distributor	6,000
Importer	6,000
Exporter	6,000

SECOND SCHEDULE

Section 12.

NON-SMOKING AREAS

- (a) public transportation terminals
- (b) workplaces
- (c) retail establishments including bars, restaurants and shopping malls
- (d) clubs
- (e) cinemas
- (f) concert halls
- (g) sports facilities
- (h) pool and bingo halls
- (i) publicly owned facilities rented out for events
- (j) any other facilities that are accessible to the public.

SUBSIDIARY LEGISLATION

TOBACCO CONTROL REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

PRELIMINARY

1. Citation.
2. Interpretation.
3. Commencement.

PART II

LABELLING

4. Labelling requirements.

PART III

HEALTH MESSAGES

5. Requirements for health messages.
6. Sets to be used to display health messages.
7. Declaration to be placed on packs and cartons.
8. Manufacturing date and batch number.

PART IV

CIGARETTE DISPENSERS

9. Cigarette dispensers.
10. Seller to display sign.

PART V

MISCELLANEOUS

11. Cartons of cigarettes.

SCHEDULE 1.

SCHEDULE 2.

SCHEDULE 3.

TOBACCO CONTROL REGULATIONS

6/2014.

made under section 38(1)

PART I

PRELIMINARY

1. These Regulations may be cited as the Tobacco Control Regulations. Citation.

2. In these Regulations— Interpretation.

“carton” means a box, container or package containing more than one pack of tobacco products;

“case” means a container designed for the transportation and storage of cartons, and which is intended for use in the wholesale trade;

“cigarette” means any roll of tobacco that is wrapped in—

(a) paper or any other material; or

(b) any material made from tobacco or its derivatives;

“health message” means an image set out in Schedule 1;

“pack” means a box, canister or any other container, other than a carton, in which a tobacco product is sold;

“packaging” means any outer covering or wrapping on a pack or carton;

“principal display surface areas” means the front and back of a pack or carton or such other part of a pack or carton which is intended to be conspicuous to the consumer; and

“wholesaler” means any person who buys tobacco products in bulk and resells them to another seller and includes a distributor.

3. These Regulations came into effect on 10th January 2015. Commencement.

PART II

LABELLING

Labelling requirements.

4. (1) The following information shall be displayed on the principal display surface areas of a pack or carton intended for sale in Trinidad and Tobago:

- (a) the type of tobacco product;
- (b) the net contents or the number of units per pack or carton;
- (c) the health messages required in accordance with Part III;
- (d) the name and address of the manufacturer; and
- (e) the declaration required in accordance with regulation 7 and Schedule 3.

Schedule 3.

(2) All health messages shall be printed on the pack or carton, and not on the packaging.

PART III

HEALTH MESSAGES

Requirements for health messages.

5. (1) The health messages shall be located on the lower half of the front and back panels of each pack and in such a way that the health message will not be damaged when the pack is opened.

(2) On conical shaped packs, the health messages shall cover half of the surface area, in a rectangular format and shall read vertically rising from the bottom or at the wider end up to two-thirds the height of the pack and such that the “front of pack” and “back of pack” parts of the health messages are placed equally opposite each other.

(3) On packs of other shapes, the health messages shall cover half of the principal display surface area, front and back in a rectangular format.

(4) The health messages shall be—

- (a) printed on the pack in a framed area, with the thickness of the frame being not more than 0.5 mm;

(b) reproduced from electronic images obtained from the electronic files approved and managed by the Unit used to generate the health messages in Schedule 1; and

Schedule 1.

(c) depicted, for differently shaped packs, in accordance with the instructions received with the electronic files.

(5) No statement relating to smoking or health, other than that prescribed in Schedule 3, shall be included in or on any pack or carton.

Schedule 3.

(6) Where a cigarette is intended to be sold individually, each cigarette shall be wrapped and the message “SMOKING IS DANGEROUS” shall be displayed conspicuously on the wrapper.

6. (1) The health messages shall be divided into two distinct sets and each set shall comprise twelve distinct health messages, as outlined at Schedule 1 as Set A and Set B, and the sets shall be rotated in accordance with Schedule 2.

Sets to be used to display health messages. Schedule 1. Schedule 2.

(2) The twelve health messages from a set in Schedule 1 shall be evenly distributed within every case.

7. The declaration in Schedule 3 shall—

(a) appear in a framed area—

- (i) on the side panel, on rectangular packs;
- (ii) on the portion of the side panel lower than the flip-top opening, on flip-top packs;
- (iii) adjacent to the health messages on packs, for other shapes; and
- (iv) on any side, for cartons, with the declaration area being at least 3 cm by 9 cm;

Declaration to be placed on packs and cartons. Schedule 3.

(b) be printed—

- (i) on each pack or carton of tobacco products;

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap: 30:04

Tobacco Control

[Subsidiary]

Tobacco Control Regulations

- (ii) in Avant Garde font, Medium BT, upper and lower case type or in an equivalent type with letters being 2 mm high; and
- (iii) in black on a yellow or white background.

Manufacturing date and batch number.

8. The manufacturing date and batch number shall be indicated on each pack or carton.

PART IV

CIGARETTE DISPENSERS

Cigarette dispensers.

9. (1) The display surface area of a cigarette dispenser shall not exceed 1 cubic metre.

(2) A cigarette dispenser shall be white or grey and shall be made of material that is opaque.

(3) A cigarette dispenser shall—

(a) not bear any trade marks, company logos or other identifying marks of tobacco products; and

(b) depict the health messages as set out in Schedule 1 and rotate them in accordance with Schedule 2.

Schedule 1.
Schedule 2.

(4) No more than one cigarette dispenser shall be provided per outlet.

Seller to display sign.

10. (1) A seller shall cause to be conspicuously displayed at all times, in a prominent place in that part of the premises where tobacco products are offered for sale, a sign in bold upper case letters, that reads as follows:

“THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED”

(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five hundred dollars.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

PART V

MISCELLANEOUS

11. The requirements of Part III apply to cartons except that each carton shall depict any three health messages from Schedule 1 on all six sides, with each of the three health messages appearing on opposite sides of each other.

Cartons of
cigarettes.

Schedule 1.

SCHEDULE 1

HEALTH MESSAGES

SET A



SCHEDULE 1—Continued

SET A—Continued

3.	 <p>WARNING YOUR Smoke May Kill YOUR Children <small>Chief Medical Officer</small></p>	 <p>WARNING YOUR Smoke May Kill YOUR Children Second-hand smoke causes Asthma and other deadly diseases <small>Chief Medical Officer</small></p>
4.	 <p>WARNING Smoking Causes MOUTH CANCER <small>Chief Medical Officer</small></p>	 <p>WARNING Smoking Causes MOUTH CANCER It also causes bad breath, speech problems, and makes it difficult to eat and swallow <small>Chief Medical Officer</small></p>
5.	 <p>WARNING Smoking Causes IMPOTENCE <small>Chief Medical Officer</small></p>	 <p>WARNING Smoking Causes IMPOTENCE Smoking decreases the blood flow needed for an erection <small>Chief Medical Officer</small></p>
6.	 <p>WARNING Smoking Causes BLINDNESS <small>Chief Medical Officer</small></p>	 <p>WARNING Smoking Causes BLINDNESS Smoking causes irreversible damage to the eye. <small>Chief Medical Officer</small></p>

FRONT

BACK

7.		
8.		
9.		
10.		

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

34

Chap: 30:04

Tobacco Control

[Subsidiary]

Tobacco Control Regulations

SCHEDULE 1—Continued











SET B



UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015





	FRONT	BACK
3.		
4.		
5.		
6.		

SCHEDULE 1—Continued

SET B—Continued

FRONT

BACK

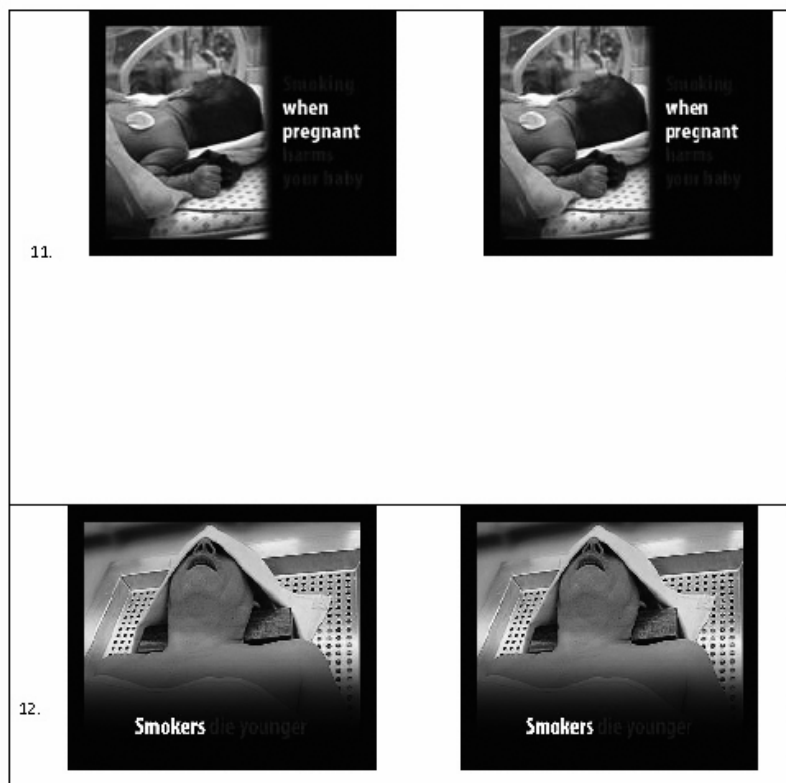
7.		
8.		
9.		
10.		

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

FRONT

BACK



LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap: 30:04

Tobacco Control

[Subsidiary]

Tobacco Control Regulations

SCHEDULE 2

SCHEDULE OF ROTATION OF HEALTH MESSAGES

Commencement of Regulations (Year 1)	Month
Use Set A exclusively	1
Use set A exclusively	2
Use set A exclusively	3
Use set A exclusively	4
Use set A exclusively	5
Use set A exclusively	6
Use set A exclusively	7
Use set A exclusively	8
Introduce set B, phase out Set A	9
Introduce set B, phase out Set A	10
Introduce set B, phase out Set A	11
Introduce set B, phase out Set A	12
(Year 2)	
Use set B exclusively	1
Use set B exclusively	2
Use set B exclusively	3
Use set B exclusively	4
Use set B exclusively	5
Use set B exclusively	6
Use set B exclusively	7
Use set B exclusively	8
Introduce set A, phase out Set B	9
Introduce set A, phase out Set B	10
Introduce set A, phase out set B	11
Introduce set A, phase out set B	12

SCHEDULE 3

DECLARATION

“Smoke from this product contains extremely addictive nicotine and toxic substances such as tar and carbon monoxide. No safe level of consumption exists for this product”.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015