

THE TOBACCO CONTROL BILL, 2014.

MEMORANDUM.

1. Object of the Act

The object of this Act is to-

- (1) protect the present and future generations from the devastating health, social, economic, and environmental consequences of tobacco use and exposure;
- (2) give effect to the obligations Uganda has undertaken to protect her people against tobacco-related harms;
- (3) to promote health and other human rights as a Party to the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC) and other related treaties.
- (4) regulate the manufacture, sale, labelling, promotion, advertising, distribution, public use of tobacco products, and sponsorship of tobacco products and to provide for other related matters, in order to -
 - (a) ensure that Uganda meets her obligations as provided for in WHO FCTC and its implementing guidelines;
 - (b) recognize, promote, and protect the right to health and the right to life as fundamental human rights;
 - (c) protect the health of the population in light of the conclusive scientific evidence demonstrating the debilitating illness, disease, disability and death caused by tobacco use and exposure to tobacco smoke and to address tobacco-related environmental and social harms;
 - (d) ensure protection of the public from exposure to second hand tobacco smoke;
 - (e) ensure protection of minors from inducement to use of tobacco and its products;
 - (f) ensure that the population is adequately informed about the risks of tobacco use and exposure to tobacco smoke and the benefits of quitting and not smoking and to create an environment where no smoking and the absence of tobacco promotion is the norm;
 - (g) ensure that tobacco products and tobacco industry practices are regulated;
 - (h) protect the environment from degradation caused by tobacco related activities;

- (i) ensure that public health policies related to tobacco control are insulated from commercial and other vested interests of the tobacco industry.

2. Defects in the existing law.

The existing legal framework for tobacco control i.e. the Tobacco (Control and Marketing) Act Cap. 35 and the National Tobacco Corporation Act, Cap.316 do not match up with Uganda's obligations as a party to the World Health Organisation Framework Convention on Tobacco Control. The laws were enacted in 1967 and 1978 respectively and as such they have been overtaken by government's policy change in so far as tobacco control is concerned. Thus this bill seeks to have the said laws repealed.

3. Provisions of the Bill

The Bill is divided into ten parts and contains six schedules.

Part I of the Bill incorporates clauses 1 and 2 providing for preliminary matters relating to commencement and interpretation of the words and phrases used in the Bill.

Part II of the Bill in clauses 3 to 6, deal with, among others the establishment of the Tobacco Control Committee, the tenure of the committee, its functions and also creates the secretariat to the committee.

Clause 3 establishes the Tobacco Control Committee and provides for where the representatives are to be drawn from.

Clause 4 provides that their tenure shall be for a period of three years and they are eligible for re-appointment for one term only.

Part III of the Bill in clauses 10 to 12 deal with the rights to tobacco free environment.

Clause 10 imposes a responsibility on a person consuming a tobacco product to ensure that he or she does not expose another person to tobacco smoke.

Clause 11 prohibits smoking within 100 meters of any public place, work place means of public transport or any other place that provides services primarily to a minor.

Clause 12 provides for the display of notices. They shall be placed in a conspicuous place with a clear and prominent message in a language commonly used in the area that smoking is prohibited and a penalty prescribed.

Part IV of the Bill provides for a comprehensive ban on tobacco advertising, promotion and sponsorship.

Clause 13 puts a ban on comprehensive tobacco advertising, promotion and sponsorship.

Part V incorporating clause 14 provides for packaging and labelling of tobacco products to be in conformity with the requirements prescribed by the Minister by statutory instrument.

Part VI of the Bill puts restrictions on the sale, supply and use of tobacco products.

Clause 15 enumerates the places where tobacco and its products is not to be sold.

Clause 16 restricts the supply of tobacco and its products to minors and puts strict liability on a person found contravening this section.

Part VII of the Bill deals with regulation of tobacco products, tobacco product contents and emissions disclosures.

Clause 17 provides that restricts the importation, manufacture, distribution and sale of tobacco and its products to be in conformity with the statutory instrument to be issued by the Minister.

Part VIII of the Bill provides for insulation of public health policies from commercial and other vested interests of the tobacco industry.

Clause 18 imposes a duty on Government to protect the public in the implementation of this Act and of any public health policy related to tobacco control.

Clause 19 limits government's interaction with the tobacco industry to matters of regulation.

Clause 20-22 prohibits partnerships and endorsements with the tobacco industry, voluntary contributions from the industry and incentives or privileges to tobacco businesses.

Clause 23 prohibits a person to engage in an occupational activity that may create a conflict of interest.

Part IX of the Bill provides for enforcement.

Clause 25 provides that the Minister shall appoint a person or class of persons to be authorized officers.

Under clauses 26-28, the authorised officers have the power to enter any place or premise to conduct a search, they also have power to carry out inspection in accordance with the Act; and they also have the power to issue a warrant.

Under clause 29, the authorised officers have power to use records that they can access.

Clause 33 prohibits a person from obstructing an authorised officer from carrying out his or her duties.

Under clause 34, an authorised officer is given authority to seize an article or items which he or she believes on reasonable grounds, that this Act has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

Clause 35 provides for the storage and removal of the seized article or item.

Clause 38 provides for the order of restoration by the High Court if on hearing of the application the court is satisfied that the applicant is entitled to possession of the tobacco, tobacco product or item seized and that the item or tobacco or its product are not required in evidence.

Clause 39 provides for forfeiture of the tobacco, tobacco product or item to the state and may be destroyed or disposed of as the Minister may direct.

Part X of the Bill provides for miscellaneous provisions of the Bill.

Clause 40 provides for offences by legal entities. It makes a nominated officer, director, general manager, secretary or other similar officer of the legal entity, without prejudice to the liability of legal entities liable.

Clause 41 provides for the offences by and relating to officers and persons employed to carry out the provisions of the act.

Clause 42 creates an offence to persons who make false or misleading statements.

Clause 43 mandates a manufacturer, importer, supplier or distributor of tobacco or a tobacco product to periodically or upon request to provide reports to the Tobacco Control Committee as provided in the sixth schedule.

Clause 44 gives the Minister power to designate an area a non smoking area.

Clause 45 gives the Minister power to make regulations by statutory instrument having consulted with the committee.

Clause 46 provides for amendment of schedules by the Minister by statutory instrument.

Clause 47 provides for transition.

Clause 48 provides for protection from retaliation.

Clause 49 provides for repeal of the Tobacco (Control and Marketing) Act, Cap.35 and the National Tobacco Corporation Act, Cap. 316.

First Schedule provides for the value of the currency point to be twenty thousand shillings.

Second Schedule provides lists the public places or work places in which smoking is prohibited.

Third schedule provides an indicative list of forms, media and means of tobacco advertising, promotion and sponsorship prohibited under the Act.

Fourth Schedule provides the non-exhaustive, indicative list of places in which the selling of tobacco product is prohibited.

Fifth schedule provides for the meetings of the committee

Sixth schedule provides for the contents of reports by the tobacco industry to the committee.

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THE TOBACCO CONTROL BILL, 2014.

Arrangement of Clauses.

Clauses

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2. Interpretation.

PART II – THE TOBACCO CONTROL COMMITTEE.

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5. Functions of the Committee.
6. Meeting of Committee.
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8. Functions of the Secretariat.
9. Protection from the liability.

PART III – TOBACCO SMOKE FREE ENVIRONMENT.

10. Rights to tobacco smoke free environment.
11. Prohibition of smoking in public places, workplaces and means of public transport.
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PART IV – COMPREHENSIVE BAN ON TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP.

13. Comprehensive ban on all tobacco advertising, promotion and sponsorship.

PART V - TOBACCO PRODUCT PACKAGING AND LABELING.

14. Packaging and labelling of tobacco and tobacco products.

PART VI – RESTRICTIONS ON THE SALE, SUPPLY AND USE OF TOBACCO PRODUCTS.

15. Sale and display of tobacco and tobacco products.
16. Prohibition of supply of tobacco and tobacco products to and by minors.

PART VII – REGULATION OF TOBACCO PRODUCTS; TOBACCO PRODUCT CONTENTS AND EMISSIONS DISCLOSURES.

17. Regulation of tobacco and tobacco products.

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23. Prevention and management of conflicts of interest.

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<i>First Schedule</i>	Currency point.
<i>Second Schedule</i>	Indicative list of public places in which smoking is prohibited.
<i>Third Schedule</i>	Indicative list of the forms, media and means of tobacco advertising, promotion and sponsorship prohibited.
<i>Fourth Schedule</i>	Non-exhaustive, indicative list of places in which the selling of tobacco product is prohibited.
<i>Fifth Schedule</i>	Meetings of the Committee.
<i>Sixth Schedule</i>	Contents of reports by the tobacco industry to the committee.

A BILL for an Act

ENTITLED

THE TOBACCO CONTROL ACT 2014

An Act to control the demand for consumption of tobacco and its products, to control the supply of tobacco and its products to the population; to protect the environment from effects of tobacco production and consumption and exposure to tobacco smoke; to promote the health of persons and reduce tobacco related illness and death; to protect persons from the socio-economic effects of tobacco production and consumption; to promote research, surveillance and exchange of information on tobacco control; to insulate tobacco control policies, laws and programs from interference by the tobacco industry; to strengthen coordination, partnerships and collaboration for tobacco control; to establish a national tobacco control committee; to fulfil Uganda's obligation and commitment as a party to the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC) and to repeal the Tobacco (Control and Marketing) Act, Cap. 35 and the National Tobacco Corporation Act, Cap. 316 and to provide for other related matters.

PREAMBLE

WHEREAS the World Health Organisation Framework Convention On Tobacco Control was signed at the United Nations Headquarters in New York on the 5th day of March 2004 on behalf of the Republic of Uganda as a member of the World Health Organisation;

AND WHEREAS Uganda ratified the convention on the 20th day of June 2007 in accordance with Article 123 of the Constitution of the Republic of Uganda, Section 3(b) (ii) of the Ratification of Treaties Act and Article 35 of the World Health Organisation Framework Convention On Tobacco Control;

AND FURTHERWHEREAS it is expedient to give the force of law to the convention in Uganda;

NOW THEREFORE be it enacted by Parliament as follows:

PART II— PRELIMINARY.

1. Commencement date.

This Act shall come into force on a date appointed by the Minister, by statutory instrument, and different dates may be appointed for the commencement of different provisions.

2. Interpretation.

In this Act, unless the context otherwise requires-

“additive” means any substance chemical compound or component other than tobacco or water, that is introduced in the tobacco product during processing, manufacturing or packaging including, as applicable, those obtained in the paper, filter, portion pouch, or similar part of the tobacco product, its package or accessories and shall include any residues of pesticides fungicides and other chemicals used during tobacco growing, harvesting, curing, storing or other stages of preparing the tobacco products for consumption;

“authorized agency” means any Ministry, department, parastatal agency, local government council or public office in which or upon which any law vests functions of control or management of any segments of tobacco control.

“authorized officer” means a public officer or other person upon whom any law vests functions of; ensuring public health, public safety, inspection and investigation, testing, examining the manufacturing process, searching, seizing and detaining, sampling, tracking and tracing, maintenance of law and order and other functions as authorized by the Minister;

“brand name” means a name by which a tobacco product is marketed or sold;

“committee” means the Tobacco Control Committee established under Section 3;

“conflict of interest”, means a conflict between the public duties and private interests of any person working in or on behalf of government in any capacity where that person has tobacco-related interests which could improperly influence, the performance of his or her official duties and responsibilities;

“cross border advertising” with respect to tobacco advertising, promotion, and sponsorship means that advertisement which originates from within the territory of Uganda to another territory or could be received in another territory, including by means such as, but not limited to, placement on the internet or through broadcasts or other communications technologies, as well as

that which is originated from outside the territory of Uganda to or is designed to be used in the territory;

“constituents” means chemicals, including particles, vapors and gases found in tobacco or tobacco product;

“content” means constituents with respect to processed tobacco, and ingredients with respect to tobacco products;

“currency point” has the meaning assigned to it in the First Schedule to this Act;

“enclosed or indoor ” means any space covered by a roof or enclosed by one or more walls or sides, regardless of the type of material used for the roof, walls or sides, and regardless of whether the structure is permanent or temporary

“electronic nicotine delivery systems” means an electronic device that can be used to deliver nicotine vapour or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

“emissions” are substances that are released when a tobacco product is used as intended; in the case of cigarettes, and other combusted products, emissions are the substances found in the smoke; in the case of smokeless tobacco products for oral use, emissions are the substances released during the process of chewing or sucking; and in the case of nasal use, refer to substances released by particles during the process of snuffing;

“exporter” means any person who sends or arranges to send a tobacco product outside Uganda for sale or supply in another country;

“Government”or “Government authority” includes Governmental and semi- or quasi-Governmental institutions, bodies, boards, commissions, committees, work groups, or entities;

“health warnings and messages” means prescribed text and accompanying full colour pictures required by the Ministry to be displayed on tobacco packaging and labelling that convey the health and other consequences of tobacco use and exposure to tobacco smoke and any other tobacco control messages as prescribed by the Minister;

“importer” means any person who receives or arranges for the receipt of a tobacco product from another country for sale in this country;

“ingredients” mean tobacco, components, including materials used to manufacture those components, additives, processing aids, residual substances found in tobacco, following storage and processing and substances that migrate from the packaging material into the product;

“manufacturer” means a legal entity, that manufactures, fabricates, produces, processes, packages and/or labels tobacco products, and includes any entity that is associated with manufacture, any entity that controls or is controlled by the manufacturer, or that is controlled by the same entity that is controlled by the manufacturer;

“media” means broadcast, print, electronic and any other avenues of communicating to the public;

“Minister” means Minister responsible for health;

“Ministry” means Ministry responsible for health;

“minor” means any person below the age of 21 years;

“occupational activity” includes any kind of employment, contract, consultancy, or other work, or service activity, whether it is gainful or not;

“open space” or “outdoor space” means any space that is not enclosed, as that term is defined in this act;

“outside packaging” means any packaging in the retail sale of tobacco products, including multiple packages of tobacco products such as cartons, and includes any label and other written or graphic information on or in it;

"package" means any covering, wrapper, container, or other enclosure that contains a tobacco product;

“person responsible for the premises” means the owner, manager, or other person in charge of the public place, workplace, or means of public transport;

“public office holder” means an appointed or elected government official, representative, advisor, or employee within any branch of government at the national level or at the level of the local government;

“public place” includes an area, permanent or temporary, fixed or mobile, that is accessible to the general public or for collective use by the general public regardless of ownership or right of access;

“public transport” means any means of transport used for the carriage of members of the public;

“publish” means to make public to at least one other person by any means;

“relevant or related to tobacco control” includes tax, levies, price, trade, agriculture and other policies that affect or are likely to affect tobacco control policies;

“responsible for tobacco control” or “responsibility for tobacco control” includes being involved in or contributing to, or being in a position to be involved in or contribute to, the development, implementation, administration, or enforcement of tobacco control policies, or those relevant or related to tobacco control, within any branch of government at the national or sub-national levels;

“smoking” means possessing or controlling a lit or heated tobacco product regardless of whether the smoke is being actively inhaled or exhaled;

“smokeless tobacco product” means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for chewing, sucking or snuffing or any other means of oral consumption;

“subsidiary”, means any business in the tobacco industry in which another tobacco corporation has a controlling share and includes any corporation organized and chartered under the laws of another State;

“supplier” means a person who sells, offers to sell, displays for sale, gives, or in any other way transfers possession of a tobacco product for a commercial purpose or who offers to transfer possession for a fee or other consideration or as a sample, gift, prize, or without charge;

“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” means a tobacco plant including its seeds and leaves;

“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 and includes any commercial communication, act or practice that promotes or is likely to promote a tobacco manufacturer, wholesaler, distributor, or importer;

“tobacco control” means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

“tobacco control policies” includes formulation, implementation, administration, or enforcement of tobacco control policies, laws, regulations, programmes, or initiatives, and includes policies relevant or related to tobacco control;

“tobacco industry” means-

(a) for the part ii and part IX “tobacco manufacturers, wholesale distributors and importers of tobacco products and any person or entity working on their behalf or to further their interests, or

(b) for Part VIII and section 43, tobacco manufacturers, wholesale distributors and importers of tobacco products;

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

“tobacco smoke, second hand smoke or environmental 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, organization, or individual that has the aim, effect, or likely effect of promoting a tobacco product or tobacco use directly or indirectly;

“trade mark” includes any trademark and any recognizable variation of it;

“workplace” means an area, permanent or temporary, in which a person performs duties of employment or work, regardless of whether the work is done for compensation or on a voluntary basis and includes private offices, common areas and any other area which generally is used or frequented during the course of employment or work;

PART II: THE TOBACCO CONTROL COMMITTEE.

3. Establishment of the Committee.

(1) There is established a committee to be known as the Tobacco Control Committee.

(2) The Committee shall consist of a representative(s) from the:

- (a) Office of the Prime Minister who shall be the chairperson of the Committee;
- (b) Ministry responsible for health;
- (c) Ministry responsible for trade;

- (d) Ministry responsible for education
- (e) Ministry responsible for internal affairs;
- (f) Ministry responsible for foreign affairs;
- (g) Ministry responsible for agriculture;
- (h) Ministry responsible for finance;
- (i) Ministry responsible for information;
- (j) Ministry responsible for gender, labour and social development;
- (k) Ministry responsible for local government;
- (l) Ministry responsible for environment;
- (m) Uganda Revenue Authority;
- (n) Uganda National Bureau of Standards;
- (o) Uganda Bureau of Statistics;
- (p) Uganda Communications Commission;
- (q) National Environmental Management Authority;
- (r) civil society which shall be represented by two members engaged in tobacco control, nominated by a forum of organizations engaged in tobacco control.

(3) A member referred to in paragraphs (b) to (i) shall be appointed by the Minister of the respective Ministry and shall not be below the rank of principal.

(4) A member referred to in paragraphs (m) to (p) shall be appointed by the respective head of the organization.

(5) A member of the Committee shall not have any affiliation with the tobacco industry, or any person or entity furthering the interests of the tobacco industry or its subsidiaries.

(6) A member referred to in sub section 1 (b) shall be the secretary to the committee.

(7) Notwithstanding the provisions of sub section (2), members of the committee shall elect one person from among their number to be the vice chairperson of the committee but the chairperson and vice chairperson shall not be of the same gender.

- (8) A person shall not be qualified to be appointed chairperson or vice chairperson of the committee unless that person-
- (a) is of high moral character and proven integrity;
 - (b) holds a degree from a university recognized in Uganda; and
 - (c) possesses the relevant qualifications and experience in public administration.
- (9) The secretary to the committee shall convene a meeting not later than one month from the commencement of this Act, at which the members of the committee shall elect a vice chairperson.

4. Tenure of office.

- (1) The members of the committee shall hold office for three years and are eligible for re-appointment for one more term only.
- (2) A member may-
- (a) at any time before the expiry of his or her term resign his or her office by giving written notice to the appointing authority and copying it to the Chairperson and to the Minister where the Minister is not the appointing authority.
 - (b) be removed from office by the minister where the member-
 - (i) fails to attend three consecutive meetings of the committee without notice in writing to the chairperson;
 - (ii) is incapacitated by physical or mental illness and is incapable of performing his or her duties as a member of the committee for a period of not less than six months;
 - (iii) is convicted of an offence and sentenced to a term not less than six months without the option of a fine;
 - (iv) has any affiliation with the tobacco industry, or any person or entity furthering the interests of the tobacco industry or its subsidiaries.

5. Functions of the Committee.

- (1) The committee shall be the national coordinating mechanism for purposes of the effective implementation of the WHO-FCTC.
- (2) The committee shall subject to this Act -
 - (a) development and implement tobacco control policies, strategies, plans, programs and projects, in accordance with the WHO FCTC and its implementing guidelines, and protocols;
 - (b) coordinate and monitor tobacco control interventions;
 - (c) amend and formulate policies relating to tobacco control;
 - (d) mobilize resources for tobacco control;
 - (e) monitor interference and insulate tobacco control related policies from commercial and other vested interests of the tobacco industry;
 - (f) advise the Minister on the implementation of tobacco control measures;
 - (g) perform any other function incidental to the effective implementation of the provisions of this Act as may from time to time be assigned by the Prime Minister.

6. Meetings of the committee.

- (1) The provisions of the Fifth Schedule to this Act shall have effect with regard to meetings of the committee.
- (2) Subject to this Act and to any direction given in writing by the Minister, the committee may regulate its own procedure.

7. The secretariat.

- (1) There shall be a Secretariat of the Committee stationed in the Ministry.
- (2) The secretariat shall be headed by the National Focal point Person for Tobacco Control.
- (3) The secretariat may have other public officers as may be transferred or seconded to it by the Minister, to carry out functions as may be assigned in the instrument of transfer or secondment.

8. Functions of the Secretariat.

The functions of the secretariat are to-

- (a) coordinate the meetings of the Committee;
- (b) provide technical support for the implementation of tobacco control interventions within the Ministry and other sectors;
- (c) produce and disseminate information on tobacco control;
- (d) perform any other duties related to tobacco control; and
- (e) perform any other functions as may from time to time be assigned by the Committee.

9. Protection from liability.

An employee of the Secretariat or any other person acting on behalf of the Committee shall not be held personally liable in respect of any act or omission done in good faith in the performance of his or her functions under this Act.

PART III-TOBACCO SMOKE-FREE ENVIRONMENT.

10. Right to tobacco smoke-free environment

- (1) Every person has a right to a tobacco smoke-free environment.
- (2) A person consuming a tobacco product shall ensure that he or she does not expose another person to tobacco smoke.

11. Prohibition of smoking in public places, workplaces, and means of public transport.

- (1) A person shall not smoke in any part of any public place, workplace, or in any means of public transport as prescribed in the Second Schedule to this Act.
- (2) A person shall not smoke in any outdoor space that is-
 - (a) within 100 meters of any public place, workplace, means of public transport or any other place that provides services primarily to a minor;
 - (b) within 100 meters of any window, door, or air intake mechanism of any public place or workplace or any waiting area or queue, including but not limited to.
 - (c) within 100 meters from the place of service or consumption of food or drink; or

- (d) designated as a nonsmoking area by the person responsible for the premises.
- (3) A person responsible for a public place, workplace or means of public transport shall take all reasonable effort to ensure the observance of subsection (1) and (2).
- (4) A person responsible for a premise shall-
 - (a) order any person who is found contravening this section to immediately cease smoking, indicating the penalty for contravention ;
 - (b) require a person who fails or refuses to comply with paragraph (a) to leave the place or disembark from the means of public transport immediately, where practical;
 - (c) cause arrest or contact a law enforcement agent or other authority if a person fails to comply with a caution prescribed under paragraph (a) or (b).
- (5) A person responsible for the premise shall ensure there are no ashtrays or any other items that suggest smoking in a public place, indoor areas of the premise and any outdoor area where smoking is prohibited.
- (6) A person who –
 - (a) contravenes the provisions of this section commits an offence and is liable on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding two months or both;
 - (b) A person responsible for the premises, and any managing agent of such person who continuously contravenes subsections (2) and (3), shall have his or her license for the premise revoked by the authorised agency or such a premise shall be closed for a period of not less than six months.

12. Display of notices.

- (1) A person responsible for a premise where smoking is prohibited shall display in a conspicuous place, a clear and prominent notice in the English language and the language commonly used in the area, that smoking is prohibited together with the prescribed penalty.
- (2) A notice required under this section shall be in such form, size, format, and content, and shall be displayed or posted in such places as shall be prescribed by the Minister in regulations.

- (3) A person responsible for the premises who contravenes this section commits an offence and is liable on conviction, to a fine not exceeding ten currency points or, to imprisonment for a term not exceeding two months or both.
- (4) A person who continuously contravenes the provisions of this section shall have his or her licence revoked or suspended by the authorised agency for a period not less than six months.
- (5) Where a violation of this section is committed by a corporation, partnership or other entity, the manager, director, officer or their legal representative shall bear responsibility for the costs incurred during the enforcement process.

PART IV - COMPREHENSIVE BAN ON TOBACCO ADVERTISING, PROMOTION, AND SPONSORSHIP.

13. Comprehensive ban on tobacco advertising, promotion and sponsorship.

- (1) All forms, methods and means of tobacco advertising, promotion or sponsorship, including cross-border tobacco advertising, promotion or sponsorship as provided for in the third schedule to this Act are prohibited.
- (2) A person shall not-
 - (a) initiate any tobacco advertising, promotion, or sponsorship including cross-border tobacco advertising, promotion or sponsorship;
 - (b) produce, publish or make accessible any material for tobacco advertising, promotion, or sponsorship including cross-border tobacco advertising, promotion or sponsorship;
or
 - (c) engage or participate in any tobacco advertising, promotion, or sponsorship.
- (3) A person involved in the production, placement, publication or dissemination of any information shall take reasonable steps to prevent the production, placement, publication or dissemination of tobacco advertisement, promotion or sponsorship.
- (4) This section applies to all domestic and cross border tobacco advertising, promotion and sponsorship, including that initiated, produced, published, disseminated or engaged in by a national of this country in another territory.
- (5) Notwithstanding the provisions of subsection (1), the following may be allowed-

- (a) plain black-and-white price lists, as prescribed, made available on request where tobacco products are sold, provided the price lists contain no material other than the product brand name, package quantity, and price, as well as the prescribed health warnings and any other information that may be required by the Ministry;
 - (b) the name of the manufacturer, product, and brand on tobacco product packages, subject to any conditions imposed in regulations;
 - (c) tobacco product information communicated in such a manner to be accessible only to persons within the commercial tobacco trade who need the information to make trading decisions;
 - (d) tobacco manufacturers' newsletters destined for and distributed only to the manufacturer's employees, contractors, suppliers, or other business partners; and
 - (e) depiction of tobacco products or tobacco use in the media where the depiction is justified for educational purposes of tobacco control;
- (6) A person shall not employ any means to convey any information that is false, misleading or deceptive or likely to create an erroneous impression about a tobacco product's characteristics, health effects, hazards or emissions.
- (7) A person who violates a provision of this section commits an offence and is liable on conviction to-
- (a) a fine not less than one hundred currency points or imprisonment for a term not less than one year or both;
 - (b) where a person convicted under this section is a corporate entity, the court may in addition to the penalty stipulated-
 - (i) impose a fine of not less than one thousand currency points; or
 - (ii) order for the surrender of any proceeds of sale of such product to Government; or
 - (iii) suspend a trading licence of that person for a period of not less than six months and
 - (c) in addition to the penalty prescribed in section 13(7)(b), court may order the seizure, forfeiture or destruction of any prohibited material at the cost of the offender.
- (8) For purposes of this section, a director, manager or officer of a corporate entity, may be personally held liable for the offence committed.

PART V - TOBACCO PRODUCT PACKAGING AND LABELLING.

14. Packaging and labeling of tobacco products

- (1) A person shall not import, manufacture, distribute, sell or offer for sale a tobacco product in Uganda unless the unit packet, package of tobacco product or outside packaging and labeling of such product conforms to the packaging and labeling requirements prescribed by the Minister by statutory instrument.
- (2) Subject to subsection (1), the text and pictures comprising the health warnings and messages shall appear together and shall occupy no less than 75% of each principal display area of the unit packet, package of tobacco product or outside packing, and shall not include the space taken up by any border surrounding the health warnings and messages.
- (3) A person shall not label or package a tobacco product by any means including any term, descriptor, trademark, figurative or other sign that are false, misleading, deceptive or likely to directly or indirectly create an erroneous impression about the product's characteristics, health effects, hazards or emissions.
- (4) A person who violates a provision of this section commits an offence and is liable on conviction to-
 - (a) a fine not less than one hundred currency points or imprisonment for a term not less than one year or both;
 - (b) where a person convicted under this section is a corporate entity, the court may in addition to the penalty stipulated-
 - (i) impose a fine of not less than one thousand currency points; or
 - (ii) order for the surrender of any proceeds of sale of such product to government; or
 - (iii) suspend a trading licence of that person for a period of not less than six months.
 - (c) in addition to the penalty prescribed in section 14(4)(b), court shall order the seizure, forfeiture or destruction of any prohibited material at the cost of the offender.
- (5) For purposes of this section, a director, manager or officer of a corporate entity, may be personally held liable for the offence committed.

PART VI—RESTRICTIONS ON THE SALE, SUPPLY AND USE OF TOBACCO PRODUCTS.

15. Sale and display of tobacco and tobacco products.

- (1) A person shall not sell, arrange to sell, enable, facilitate a sale or buy tobacco or a tobacco product in a place specified in the Fourth Schedule to this Act.
- (2) A person shall not import, manufacture, distribute, possess, sell or offer for sale an electronic nicotine delivery system or a smokeless tobacco product.
- (3) A person shall not display or make visible a tobacco product at any point of sale, other than being visible momentarily at the time of a sales transaction.
- (4) A person shall not sell a tobacco product using any of the following methods –
 - (a) through an automated vending machine;
 - (b) by delivery, mail order or via the internet, telecommunication, or any other means by which the age of the person cannot be ascertained;
 - (c) as a duty-free item ;
 - (d) any other means by which the purchaser and seller are not in the same physical location; or
 - (e) any other means as may be prescribed by the minister by statutory instrument.
- (5) A person shall not import, manufacture, distribute, sell or offer for sale a unit packet of tobacco or a tobacco product unless the packet is intact and contains 20 sticks of cigarettes or 20 sticks of cigarillos or 20 sticks of any other tobacco product or 100 grams of tobacco or a tobacco product.
- (6) Notwithstanding subsection (5), the Minister may by statutory instrument prescribe other requirements.
- (7) A person who violates any provision of this section commits an offence and is liable on conviction to-
 - (a) a fine not less than one hundred currency points or imprisonment for a term not less than one year or both;
 - (b) where a person convicted under this section is a corporate entity, the court shall in addition to the penalty stipulated-
 - (i) impose a fine of not less than one thousand currency points;
 - (ii) order for the surrender of any proceeds of sale of such product to Government; or
 - (iii) suspend a trading licence of that person for a period of not less than six months.

- (c) in addition to the penalty prescribed in subsection (4)(b), court may order the seizure, forfeiture or destruction of any prohibited material at the cost of the offender.
- (8) For purposes of this section, a director, manager or officer of a corporate entity, may be personally held liable for the offence committed.

16. Prohibition of supply of tobacco products to and by minors.

- (1) A person shall not employ or involve a minor in the cultivation, harvesting, growing, curing, manufacturing, importation, distribution, selling or offer for sale or purchase of tobacco or a tobacco product or in any other tobacco related activity.
- (2) A person shall not import, manufacture, distribute, sell or offer for sale a sweet, snack, toy, or any other object in the form of tobacco or a tobacco product including an object which resembles, mimics or imitates a tobacco product which may appeal to a minor.
- (3) It shall not be a defence for a person charged for an offense under this section to claim that he or she did not know that the person was a minor.
- (4) A person who violates any provision of this section commits an offence and is liable on conviction to-
- (a) a fine of not less than one hundred currency points or imprisonment for a term not less than one year or both;
 - (b) Where a person convicted under this section is a corporate entity, the court may in addition to the penalty stipulated-
 - (i) impose a fine of not less than one thousand currency points; or
 - (ii) order for the surrender of any proceeds of sale of such product to Government; or
 - (iii) suspend a trading licence of that person for a period of not less than six months.
 - (c) in addition to the penalty prescribed in subsection (4)(b), court shall order the seizure, forfeiture or destruction of any prohibited material at the cost of the offender.

- (5) For purposes of this section, a director, manager or officer of a corporate entity, may be personally held liable for the offence committed.

PART VII REGULATION OF TOBACCO PRODUCTS; TOBACCO PRODUCT CONTENTS AND EMISSIONS DISCLOSURES.

17. Regulation of tobacco products.

- (1) A person shall not import, manufacture, distribute, sell or offer for sale a tobacco product unless the tobacco product conforms to the tobacco product standards on contents and emissions requirements prescribed by the Minister by statutory instrument.
- (2) A person shall not import, manufacture, distribute, sell or offer for sale a tobacco product unless the person prior to the importation, manufacture, distribution, sale or offer for sale and subsequent thereto remains compliant with the tobacco products contents, constituents, emissions or other disclosure requirements as prescribed by the minister by statutory instrument.
- (3) A person who violates any provision of this section commits an offence and is liable on conviction to-
- (a) a fine not less than one hundred currency points or imprisonment for a term not less than one year or both;
 - (b) where a person convicted under this section is a corporate entity, the court may in addition to the penalty stipulated-
 - (i) impose a fine of not less than one thousand currency points;
 - (ii) order for the surrender of any proceeds of sale of such product to Government; or
 - (iii) suspend a trading licence of that person for a period of not less than six months;
 - (c) in addition to the penalty prescribed in subsection (3)(b), court shall order the seizure, forfeiture or destruction of any prohibited material at the cost of the offender.

PART VIII-INSULATION OF PUBLIC HEALTH POLICIES FROM COMMERCIAL AND OTHER VESTED INTERESTS OF THE TOBACCO INDUSTRY.

18. Duty of Government.

- (1) In the implementation of this Act and of any public health policy related to tobacco control, it shall be the duty of Government to-

- (a) Protect the public against the influence of and interference by the commercial and other vested interests of the tobacco industry.
 - (b) ensure that there is transparency in her interactions with the tobacco industry.
 - (c) subject to paragraph (b), interactions with the tobacco industry, shall be limited to those necessary for the regulation of tobacco products and the tobacco industry and shall be open to the public.
- (2) Meetings held between the Government and the tobacco industry shall be convened by an authorized agency, when necessary, by giving timely and advance notice and an agenda of the meeting to the public.
- (3) All records and documents related to the interactions, communications and contacts held between the Government and the tobacco industry shall be forwarded to the tobacco control committee by the authorised agency in a timely manner.

19. Government interactions with the tobacco industry.

A person, body or entity that contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not interact with the tobacco industry except where it is strictly necessary for effective regulation of the tobacco industry or the tobacco product and such interactions must be transparent

20. Prohibition on partnerships and endorsements of the tobacco industry.

A person, body or entity that contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not participate in, support, endorse or accept-

- (1) A partnership of any kind with the tobacco industry, including with respect to initiatives or activities of the tobacco industry described, characterized, implied, or likely to be perceived as socially responsible;
- (2) any non-binding or non-enforceable agreement, memorandum of understanding, voluntary arrangement, or tobacco industry code of conduct in the place of legally enforceable tobacco control measures;

- (3) any direct or indirect financial or resource contribution or involvement in any manner in any initiative, campaign, or programme directly or indirectly related to tobacco control or public health, including but not limited to, youth access and education programmes, public education campaigns, and other initiatives; or
- (4) any proposals, drafts, or offers of assistance with the development or implementation of any tobacco control policies.

21. Prohibition on voluntary contributions from the tobacco industry.

A person, body or entity that contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not solicit or accept contributions from the tobacco industry.

22. Prohibition on incentives or privileges to tobacco businesses

A person, body or entity that contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not-

- (1) provide any incentive, benefits, privileges or preferential tax exemptions to the tobacco industry;
- (2) invest in the tobacco industry or related ventures;
- (3) establish or operate a tobacco manufacturing, wholesale or import business; or
- (4) give any incentive or offer a privilege related to any phase of the production or marketing of tobacco products or growing of tobacco.

23. Prevention and management of conflict of interest

- (1) A person who contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not engage in any occupational activity that may create a conflict of interest .
- (2) Conflict of interest shall be taken to arise where a person referred to in sub section (1)-
 - (a) deals with a matter in which he or she has interest and where he or she is in a position to influence the matter, directly or indirectly, in the course of his or her duty;

- (b) by virtue of the official position the person holds and the services he or she offers to a person or private body is or are in conflict with his or her official duties.
- (3) A person shall not be assigned a position to contribute to, or likely to contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control activities if that person has engaged in any occupational activity with the tobacco industry within less than two years of being in such a position.
- (4) A person who contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not engage in any occupation activity with the tobacco industry within a period of twenty four months of leaving Government service, and shall be bound by the confidentiality clause with respect to any matter involving tobacco control policy or programme development or implementation as prescribed by the Minister by statutory instrument.
- (5) A person previously engaged in any occupational activity with the tobacco industry, seeking employment in a body, private or public, that contributes to, or is likely to contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control, shall disclose the nature and extent of his or her duties during the period when he or she engaged in any occupation activity with the tobacco industry.
- (6) A person who contributes to, or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall, by written notice, within a period of seven days of acceptance to engage in any occupational activity with the tobacco industry, disclose his or her intention to the tobacco control committee.
- (7) A person who contravenes the provisions of this section commits an offense and is liable to-
- (a) be warned or cautioned;
 - (b) demotion;
 - (c) suspension;

- (d) dismissal;
- (e) vacate office; or
- (f) a fine of not less than one hundred currency points or imprisonment for a term not less than one year or both.

- (8) (a) In addition to the penalty prescribed in subsection (7), the court may, having regard to the loss suffered by the government or public body, order a person to pay by way of compensation to Government or public body such sum as in the court's opinion is just;
- (b) The order issued under this subsection shall be deemed to be a decree under section 25 of the Civil Procedure Act and shall be executed in the manner provided under section 39 of that Act.

24. Punishment.

A person who contravenes the provisions of sections 20, 21, or 22 commits an offense and is liable on conviction to-

- (a) cancellation of partnership, or endorsement or memorandum of understanding or any other agreement;
- (b) forfeiture of the contribution from the tobacco industry;
- (c) revocation of incentive, benefit, privilege or preferential tax exemptions

PART IX – ENFORCEMENT.

25. Appointment of authorized officers.

- (1) The Minister may, by notice in the Gazette, appoint a person or class of persons to be authorized officers for purposes of this Act.
- (2) The Minister shall issue a certificate of appointment to every person appointed under this section.
- (3) Notwithstanding the provisions in subsection (2), the following officers shall be deemed to be authorized officers for the purposes of this Act -
 - (a) public health officers appointed under the Public Health Act;

- (b) environmental inspectors appointed or designated by the National Environment Management Authority (NEMA);
- (c) standards inspectors appointed under the National Bureau of Standards Act;
- (d) customs officers appointed under the Customs Tariff Act; and
- (e) any other person upon whom any written law vests functions of the maintenance of law and order.

26. Places where authorized officers may enter.

- (1) For the purpose of ensuring compliance with this Act, an authorized officer may, at any time, enter any place or premise, in which the authorized officer believes on reasonable grounds that -
 - (a) tobacco or a tobacco product is or has been produced, manufactured, tested, stored, labeled, sold or used;
 - (b) there are items or substances used in the production, manufacture, testing, packaging, labeling, promotion or sale of a tobacco product;
 - (c) there is information relating to the production, manufacture, testing, packaging, labeling, promotion or sale of a tobacco product.
- (2) An authorized officer entering a premise under this section shall, if so required, identify him or herself to a person who is in charge of the premise or place.

27. Inspection powers of authorised officers.

- (1) In carrying out an inspection or investigation in accordance with the provisions of this Act, an authorized officer may -
 - (a) examine a tobacco product or anything referred to it in this Act;
 - (b) require a person in such place or premise to produce for inspection, in the manner and form requested by the officer, the tobacco, tobacco product or item being regulated under this Act;
 - (c) open or require a person in the place or premise to open any container or package found in the place that the officer believes on reasonable grounds contains tobacco, the tobacco product or item regulated under this Act;

- (d) take or require a person to produce a sample of the tobacco or tobacco product found in any premise or place and submit the samples to any tests he or she may consider necessary;
 - (e) require any person found in the place or premise to produce, for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of this Act; or
 - (f) confiscate or destroy, a tobacco or tobacco product or item that does not conform to the provisions of this Act.
- (2) Destruction of tobacco or a tobacco product or item referred to in sub section (1) (f) shall be carried out in conformity with the standards or environmentally friendly methods prescribed under the National Environment Act, Cap.153.

28. Powers to issue warrant.

- (1) Upon an ex-parte application, a magistrate or judge of the High Court, may issue a warrant authorizing the authorized officer named in the warrant to enter and inspect a dwelling place or premise, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that -
- (a) entry to the dwelling place or premise is necessary for the administration or enforcement of this Act;
 - (b) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.
- (2) The time of such entry shall be between six o'clock in the morning and six o'clock in the afternoon of any day of the week.
- (3) For purposes of this section, a dwelling place shall be a building or other place in which people live.

29. Use of records.

In carrying out an inspection in a place, an authorized officer may –

- (a) use or cause to be used any computer system in the place to examine data contained in or available on the computer system that is relevant to the implementation or enforcement of this Act;
- (b) reproduce the data in the form of a print-out or other intelligible output and take it for examination or copying;

- (c) use or cause to be used any copying equipment in the place to make copies of any data, record or document;
- (d) scrutinize any other record system in use in a place.

30. Use of force.

An authorized officer executing the warrant issued under section 28 shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorized in the warrant.

31. Certificate of analysis.

An authorized officer who has analyzed or examined tobacco, a tobacco product or item under this Act, or a sample of it, shall issue a certificate or report setting out the result of the analysis or examination.

32. Assistance to officers.

The owner or a person in charge of a place, or premise or a person found in a place to be inspected by an authorized officer shall -

- (a) provide necessary assistance to enable the authorized officer carry out his or her duties under this Act; and
- (b) furnish the authorized officer with such information, materials or any other item as the officer requires for the purpose for which entry into the place has been made.

33. Obstruction.

- (1) A person shall not obstruct or hinder or knowingly make a false or misleading statement to an authorized officer.
- (2) A person shall not obstruct another in the discharge of his or her duties.

34. Seizure.

During an inspection an authorized officer may seize any tobacco, a tobacco product or item by means of which or in relation to which the officer believes, on reasonable grounds, that this Act has been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

35. Storage and removal.

An authorized officer may direct that any tobacco, tobacco product or item seized by him or her be kept or stored in the place where it was seized or that it be transferred to another place.

36. Interference with a seized product or item.

Unless directed by an authorized officer, a person shall not remove, alter or interfere with, in any manner, with any tobacco, tobacco product or other item seized.

37. Restoration of seized product or item.

A person from whom tobacco, a tobacco product or item was seized may, within fourteen days after the date of seizure, apply to the High Court for an order of restoration.

38. Order for restoration.

The High Court may order that the tobacco, tobacco product or item be restored to the applicant if, on hearing the application, the court is satisfied that -

- (a) the applicant is entitled to possession of the tobacco, tobacco product or item seized; and
- (b) the tobacco, tobacco product or item seized is not and will not be required as evidence in any proceedings in respect of an offence under this Act.

39. Forfeiture.

Tobacco, a tobacco product or item shall be forfeited to the State and may be destroyed or disposed off as the Minister may direct where-

- (a) no application has been made under section 37, or an application has been made but on the hearing of such application no order for restoration is made;
- (b) a person has been convicted of an offence under this Act in respect of which tobacco, a tobacco product or item has been seized; or
- (c) an officer has seized tobacco, a tobacco product or item and the owner or the person in whose possession it was at the time of seizure consents in writing to its forfeiture.

PART X—MISCELLANEOUS.

40. Offences by legal entities.

- (1) Where an offence is committed by a legal entity, a person who, at the time the offence was committed—
- (a) was a nominated officer, director, general manager, secretary or other similar officer of the legal entity; or
 - (b) was acting or purporting to act in that capacity, is, without prejudice to the liability of the legal entity;

deemed to have committed the offence and is liable on conviction, for the penalty provided for by this Act in respect of the offence committed by the legal entity.

- (2) Subsection (1) shall not apply where—
- (a) the offence is committed without that person's consent or knowledge; and
 - (b) the person has exercised all diligence to prevent the commission of the offence as ought to have been exercised having regard to the nature of the person's functions and all the circumstances.

41. Offences by and relating to officers and persons employed to carry out the provisions of the Act.

- (1) An authorized officer or a person employed in enforcing the provisions of this Act who—
- (a) directly or indirectly asks for, or takes in connection with any of the officer's duties, any payment or reward whatsoever, whether pecuniary or otherwise, or promise or security for any such payment or reward, not being a payment or reward which the officer was lawfully entitled to receive; or
 - (b) enters into or acquiesces in any agreement to do or to abstain from doing, permit, conceal or connive at any act or thing whereby the implementation of the provisions of this Act is compromised,

commits an offence and is liable on conviction to a fine of not less than fifty currency points, or imprisonment of not less than one year, or both.

- (2) A person who—
- (a) directly or indirectly offers or gives an officer payment or reward whatsoever, whether pecuniary or otherwise, or a promise or security for any such payment or reward, not being a payment or reward which the officer was lawfully entitled to receive; or

- (b) proposes or enters into an agreement with an officer in order to induce the officer to do or to abstain from doing, permit, connive or conceal the implementation of the provision of this Act,

commits an offence and is liable on conviction to a fine of not less than fifty currency points, or imprisonment of not less than one year, or both.

- (3) Notwithstanding subsections (1) and (2), a person who volunteers information in relation to the violation of any provision of this Act, shall be offered protection, in accordance with the provisions of the Whistleblowers Protection Act, 2010.

42. Making false or misleading statements.

- (1) A person who—

- (a) makes a statement to an authorized officer or to the committee that is false or misleading in a material particular; or
- (b) omits from a statement made to an authorized officer or to the committee any matter or thing without which the statement is misleading in a material particular,

commits an offence and is liable on conviction to—

- (i) where the statement or omission was made knowingly or recklessly, a fine of not less than fifty currency points or to imprisonment for a term not exceeding one year or to both; or
- (ii) in any other case, a fine not exceeding fifty currency points.

- (2) Where a person convicted under this section is a corporate entity, the court may in addition to the penalty stipulated-

- (a) impose a fine of not less than one thousand currency points; or
- (b) suspend a trading licence of that person for a period of not less than six months.

43. Tobacco industry reporting to the Committee.

- (1) A manufacturer, importer, supplier or distributor of tobacco or a tobacco product shall provide reports to the Committee periodically or upon request, as provided in the Sixth Schedule to this Act.
- (2) A report required under subsection (1) or under any other provision of this Act shall contain the required information in relation to the prescribed regulations.

- (3) The information required under this section shall be made available to the public, as may be prescribed by regulations.
- (4) The secretariat to the committee shall maintain the reports for a period of at least five years and shall make information from the reports readily accessible to the public in a timely manner, while taking reasonable action necessary to prevent disclosure of any information that may be protected by law and any information that may be misleading or that may promote the tobacco business.

44. Minister to designate non smoking areas.

The Minister may by statutory instrument designate an area a non smoking area.

45. Regulations.

The Minister shall, in consultation with the Committee and by statutory instrument, make regulations -

- (a) for manufacture, packaging and labelling, importation, distribution and sale of tobacco products, reporting requirements for manufacturers and sellers;
- (b) for tobacco product testing and measuring methods that must be used in relation to required reports on product constituents and emissions and in relation to any product standards that may be prescribed;
- (c) prescribing or prohibiting anything required to be prescribed or prohibited by this Act; and
 - a) generally for the better carrying out and implementation of the provisions of this Act.

46. Amendment of Schedules.

The Minister may, by statutory instrument, amend the Schedules to this Act.

47. Transitional.

Unless otherwise prescribed by the Minister by statutory instrument, a person, manufacturer, importer, exporter, supplier or retailer shall not later than six months of commencement of this Act comply with the requirements of the Act.

48. Protection from retaliation.

It shall be unlawful for the Government, a business or entity, or a person to retaliate or discriminate against an employee, applicant, contractor, or other person because such person made a complaint, reported, disclosed, or opposed any conduct, activity, or practice that reasonably could be construed to be a violation of any provision of this Act or implementing

regulations or policies, or who brought a legal action, testified in any proceeding or hearing, or assisted or participated in any way in any investigation brought pursuant to this Act or other applicable law.

49. Repeal

The Tobacco (Control and Marketing) Act, Cap. 35 and the National Tobacco Corporation Act, Cap. 316 are repealed.

SCHEDULES

First Schedule.

Currency point.

One currency point is equivalent to twenty thousand shillings.

s.2.

Non-exhaustive, indicative list of public places or workplaces in which smoking is prohibited.

These places include but are not limited to;

1. Offices, office buildings and work places including individual offices, public areas, corridors, lounges, guest rooms, lodging, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas;
2. Court buildings;
3. Factories;
4. Hotels;
5. Bars and Restaurants;
6. Hospitals, clinics and other health institutions;
7. Education institutions of all levels;
8. Premises in which children are cared for;
9. Public places of worship;
10. Prisons;
11. Police cells;
12. Public service vehicles and other means of public transport;
13. Public transport terminals, including airports and airfields;
14. Retail establishments including markets and shopping malls;
15. Cinemas and theatrical performance halls;
16. Sports stadia.

Indicative list of the forms, media and means of tobacco advertising, promotion and sponsorship prohibited under the Act.

1. Communication through audio, visual or audiovisual means, such as print (for example, newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and CDs, games (such as computer games, video games or online games), other digital communication platforms (such as the Internet and mobile phones) and theatre or other live performance;
2. Brand-marking, including in entertainment venues and retail outlets and on vehicles and equipment, such as by use of words, designs, images, sounds and colours, including brand names, trademarks, logos, names of tobacco manufacturers or importers and colours or schemes of colours, in whole or part and any other indicia associated with tobacco products, manufacturers or importers;
3. Display or visibility of tobacco products at points of sale and any other commercial display of tobacco products;
4. Sales of tobacco products through vending machines and through the internet;
5. Product diversification through brand stretching and brand sharing;
6. Product placement, such as the inclusion of or reference to a tobacco product, service or trademark in the context of communication in return for payment or other consideration;
7. Provision or offer of gifts or discounted products with the purchase of tobacco products, such as key rings, T-shirts, baseball hats, cigarette lighters, CDs, other trinkets or tobacco products;
8. Supply or offer of free samples of tobacco products, including in conjunction with marketing surveys and taste testing;

9. Incentive promotions or loyalty schemes, such as redeemable coupons provided with purchase of tobacco products;
10. Competitions associated with tobacco products or brand names, whether requiring the purchase of a tobacco product or not;
11. Direct targeting of individuals with promotional, including informational material, such as direct mail, telemarketing, “consumer surveys” or “research” or person- to- person conversation;
12. Promotion of discounted products;
13. Sale or supply of toys or sweets or other non-tobacco products that resemble tobacco products;
14. Payments or other contributions to retailers to encourage or induce them to sell tobacco products, including retailer incentive programmes, such as rewards to retailers for achieving certain sales volumes;
15. Packaging and product design features;
16. Payment or other consideration in exchange for the exclusive sale or prominent display of a particular product or particular manufacturer’s product in a retail outlet or at a venue or an event;
17. Sale, supply, placement and display of products at educational establishments or at hospitality, sporting, entertainment, music, dance and social venues or events;
18. Provision of financial or other support to events, activities, individuals or groups, such as sporting or arts events, individual sportspeople or teams, individual artists or artistic groups, welfare and other public interest organisations, government institutions or organisations, politicians, and political candidates or political parties, whether or not in exchange for attribution, acknowledgement or publicity, including corporate social responsibility activities of any kind;

19. Provision of financial or other support to venue operators, such as pubs, clubs or other recreational venues, in exchange for building or renovating or decorating premises to promote tobacco products or the use or provision of awnings, sunshades and similar items; and

20. Any other form of tobacco advertising, promotion or sponsorship by any method or means.

Fourth Schedule.

s.15.

Non-exhaustive, indicative list of places in which the selling of tobacco product is prohibited.

1. Hospitals, clinics and other health institutions and within 500 meters from those premises;
2. Educational institutional of all levels and within 500 meters from those premises;
3. Premises in which children are cared for and within 500 meters from those premises;
4. Public places of worship and within 500 meters from those premises;
5. Prisons;
6. Police cells;
7. Public service vehicles and other means of public transport;
8. Public transport terminals, including airports and airfields and 500 meters from those premises;
9. Cinemas and theatrical performance halls and 500 meters from those premises ;
10. Sports stadia and 500 meters from those premises;

And any other place has shall be prescribed in the regulations.

Meetings of the committee.

1. The quorum at any meeting of the committee shall be seven members.
2. The chairperson shall preside at every meeting of the committee and in his or her absence, the vice chairperson shall preside and in the absence of both chairperson and vice chairperson, the members present shall elect one person from among their number to chair the meeting.
3. The committee shall meet for the discharge of business at such a time and place as the secretary, in consultation with the chairperson may appoint, and shall meet at least once in every three months.
4. Questions proposed at a meeting of the committee shall be determined by consensus but where consensus cannot be reached, then by a simple majority of members present and voting; and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.
5. The chairperson may invite any person not being a member of the committee to attend a meeting for the purpose of assisting or advising the committee on any relevant matter, but that person shall not vote on any matter at the meeting.
6. The proceedings of any meetings of the committee shall be valid notwithstanding any vacancy of its members or by reason of defect in the appointment of any of them.
7. The committee shall cause the minutes of the proceedings of its meeting to be recorded and kept, and the minutes of each meeting shall be approved by the committee at the next meeting and shall be signed by the chairperson and the secretary.
8. The chairperson of the committee shall submit to the Minister a copy of the minutes of each meeting as soon as the minutes have been approved by the committee for effective implementation.
9. Subject to this Act and to any direction in writing given by the minister, the committee may regulate its own procedure.

Sixth Schedule.

s.43.

Contents of reports by the tobacco industry to the committee.

1. quantity of tobacco or a tobacco product manufactured, imported or distributed by the manufacturer, importer or supplier, the quantity of this sold, and market share and revenues;
2. corporate taxes owed and paid;
3. contents and emissions of the tobacco product;
4. tobacco product revenues and profits, broken down by region and sector and, in the case of tobacco manufacturers, by wholesaler and retailer;
5. location, address and corporate name of all tobacco and non-tobacco subsidiaries, affiliates, joint ventures, partners, suppliers, and licensees;
6. litigation in which the corporation or its officers or directors or a subsidiary and its officers or directors is or was at any time during the litigation a party to the litigation;
7. any and all legal violations committed or prosecuted against the corporation or any of its officers or directors;
8. market share for all brands and brand families in all markets in the territory, including by age and sex, and globally;
9. information on tobacco product imports and exports, as specified in regulations, and import and export partners and locations;
10. all activities attempted or undertaken to influence the formulation or implementation of any policy or legislation directly or indirectly related to tobacco control or public health;
11. the identification of lobbyists and lobbying firms and all other persons, including employees used for the purpose of taking or attempting action to influence the formulation or implementation of any policy or legislation directly or indirectly related to tobacco control or public health, including issue advocacy advertising, along with an itemization of all costs incurred and payments made in regard to these activities;

12. membership in any trade or business associations, payments made to any trade or business associations, including not for profit associations, and the purpose(s) of any such payments;
13. payments made to any persons that engaged in any advocacy concerning tobacco control or public health policy or legislation;
14. any conference, seminar, workshop, training event, and other forum related directly or indirectly to tobacco, tobacco products, or tobacco control organised or supported in whole or in part, or attended, along with any other required information about the forums as may be prescribed in regulations;
15. any offeror payment provided to a scientist, researcher, journalist, and any other person specified in regulations and the purpose for the payment;
16. any offer or payment, gift, contribution of any kind, or perquisites made, given, or offered directly or indirectly to any public office holder responsible for tobacco control;
17. any offers or contribution or payment of any kind to any Government institution, body, board, commission, committee, work group, and other organ, and the purpose of the contribution or payment;
18. any contact initiated and any interaction with any public office holder having any responsibility for tobacco control;
19. any offer or payment made to any political party, candidate, campaign, or any person acting on their behalf; and
20. Any other information as may be prescribed in regulations.
21. Any other information that may be required by the Committee.

Cross references

Civil Procedure Act, Cap. 71.
Customs Tariff Act, Cap. 337.
National Environment Act, Cap. 153.
Public Health Act, Cap. 281.
Ratification of Treaties Act, Cap. 204.
Uganda National Bureau of Standards Act, Cap. 327
Whistle blowers Protection Act, 2010.
Tobacco (Control and Marketing)Act, Cap.35

National Tobacco Corporation Act, Cap.316