

UGANDA Tobacco Control Bill 2014



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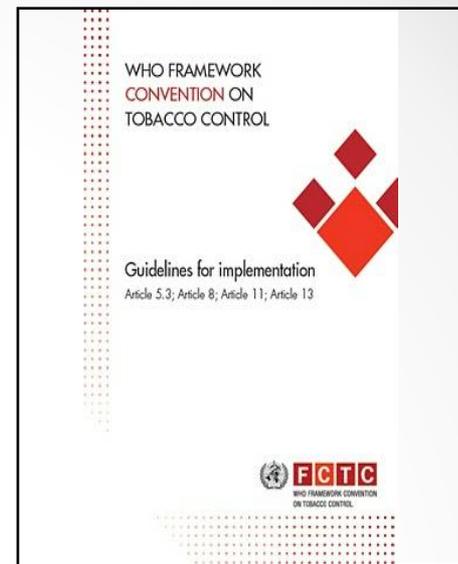
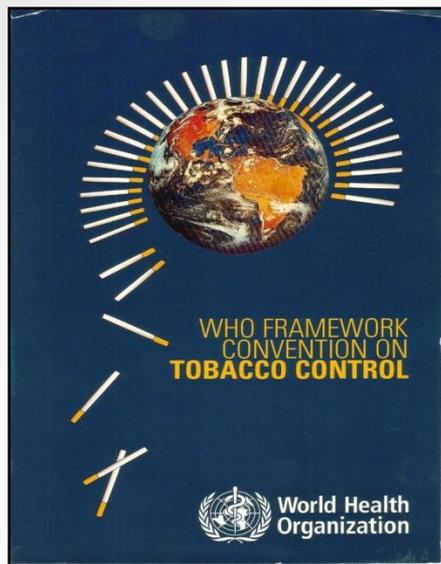
UNTOCA
UGANDA NATIONAL TOBACCO
CONTROL ASSOCIATION
"A Tobacco Free Society"

Presentation Outline

- Background
- Object of the Bill
- Preliminary
- Key Provisions
- Schedules
- Reference

The context of the Bill

- Tobacco is the only legally available consumer product which kills people when it is used entirely as intended.(WHO, 2011)
- No other consumer product kills 1 in 2 of its long-time users.(WHO, 2011)
- Tobacco kills more than 6 million people each year. By 2030, the number of deaths will increase to 8 million each year.(WHO,2011)
- Tobacco-related illnesses account for 1 in 10 adult deaths worldwide. By 2030, 80% of those deaths will be in low- and middle-income countries.(WHO, 2011)
- Tobacco use is the leading preventable risk factor for all Non-Communicable Diseases (NCDs). (Beaglehole, R et al: The Lancet, 2011)



It is for these reasons that 184 Parties have signed and ratified the WHO Framework Convention on Tobacco Control (FCTC)- the world's first and only public health treaty designed to reduce tobacco harms.

The WHO Framework Convention on Tobacco Control (WHO FCTC) is the first treaty negotiated under the auspices of the World Health Organization. It is an evidence-based treaty that reaffirms the right of all people to the highest standard of health. developed in response to the globalization of the tobacco epidemic.

Legal justification for the Bill

- Uganda ratified the FCTC in June 2007 and is obligated to domesticate this convention.
- The 1995 Constitution of the Republic of Uganda guarantees the right to health, right to a clean environment and a right to life.
- The existing legal framework for tobacco control does not protect citizens against the harms of tobacco use and exposure of tobacco smoke in line with the FCTC and its implementation guidelines.
- Tobacco control strategies are multisectorial, which requires a new legal mechanism for coordination based on the FCTC , hence the Tobacco Control Bill now before Parliament.

Object of the Bill

The Object of the bill is to-

- protect the present and future generations from the devastating health, social, economic, and environmental consequences of tobacco use and exposure;
- give effect to the obligations Uganda has undertaken to protect her people against tobacco-related harms;
- 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.
- 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.
- Protect against tobacco industry influence in tobacco control policy development and implementation.

Pertinent issues to note about the Tobacco Control Bill

- The Bill does not ban the sale or use of tobacco products, but rather regulates the consumption of tobacco products and exposure to tobacco smoke.
- The Bill does not ban the growing of tobacco.

Summery of the Tobacco Control Bill

- The Bill is divided into;
- 10 Parts
- 49 Clauses
- 6 schedules

The Tobacco Control Committee

- Provides for establishment of a Tobacco Control (TC) Committee which will comprise of 17 government bodies and a civil society representative.
- Outlines the functions of the TC committee which will include among others; coordination, development and implementation of TC policies, advising the Minister, protecting policies from TI interference
- Provides criteria for appointment of representatives of members to the TC committee
- Provides criteria for filling certain key positions on the TC committee
- Provides for establishment of a Secretariat to be hosted at MoH and outlines its functions which include; organising meetings, offering technical support to TC efforts, awareness raising and offers its officials protection from liability
- Provides for the tenure of TC committee

100% Smoke-Free Environments

- Ensures protection of people against exposure to the hazards of tobacco smoke to promote and protect people's right to health, life, safe and healthy environment.
- Requires all indoor public places, indoor workplaces and public transport to be 100% smoke-free including outdoor space that is within 100m of places declared smoke-free.
- Gives the Minister statutory powers to designate any other place as a smoke-free place.
- Outlines responsibilities of a smoker and a person responsible for a public place, workplace and means of public transport.
- States the responsibilities of a person in charge of a public place, workplace or public transport in relation to this provision.
- The penalty attached to breach of this provision is 10 currency points or imprisonment for two months or both.

Comprehensive Ban on Tobacco Advertising, Promotion and Sponsorship

- Offers protection to the population especially minors, from the misleading tobacco industry promotional messages that entice them to use tobacco.
- Prohibits all forms of tobacco advertising, promotion and sponsorship including Corporate Social Responsibility activities
 - except certain limited legitimate forms of communications including price lists in black and white; name of a manufacturer, product and brand; manufacturers newsletter to partners...
- Prohibits point of sale advertising, including tobacco product displays
- States penalties for breach of this part which includes fines, imprisonment, suspension of license, seizure of proceeds and seizure, forfeiture and destruction of prohibited materials

Tobacco Product Packaging and Labelling

- Provides for combined picture and text health warnings covering 75% of the front and back of a tobacco product package
- Bans labelling or packaging a tobacco product in a manner that is false, misleading, deceptive or intended to create an erroneous impression about a tobacco product (e.g., colors, terms or other signs)
- Gives the Minister statutory powers to prescribe packaging and labelling requirements for tobacco products
- Describes penalties attached to breach of this part i.e. fines, imprisonment, suspension of license, seizure of proceeds and seizure, forfeiture and destruction of prohibited materials

Restriction on the Sale, Supply and Use of Tobacco Products

- Prohibits the sale of tobacco products to and by minors
- Prohibits the sale of cigarette packs with less than 20 sticks or 100 grams of tobacco
- Bans the importation, manufacture, distribution, possession and sale of electronic nicotine delivery system and all forms of smokeless tobacco products
- Bans the display of any tobacco product at point of sale to decrease the appeal of the products to children and adolescents
- Bans the sale of tobacco products through vending machines, mail order or internet and telecommunication
- Gives the Minister the authority to prescribe any other means by which tobacco products may not be sold
- Describes penalties for breach of this part which includes: fines, imprisonment, suspension of license, seizure of proceeds and seizure, forfeiture and destruction of prohibited materials

Product Regulation

- Seeks to reduce the appeal, addictiveness and overall toxicity of tobacco products which has been proven to have a direct bearing on the initiation of tobacco use.
- Gives the Minister powers to prescribe requirements related to testing and disclosure of tobacco products contents, constituents and emissions.
- Provides for testing and measuring of contents, constituents and emissions of tobacco products.
- Provides for disclosure of information regarding contents, quantities and emissions of tobacco products to Gov't authorities.
- Penalties attached to non-compliance under this part include: fines, imprisonment, suspension of license, seizure of proceeds and seizure, forfeiture and destruction of prohibited materials.

Protect against Tobacco Industry Interference

- Provides for protection of tobacco control policy making and implementation processes from tobacco industry interference.
- Requires transparency in any necessary interactions between tobacco industry and Government.
- Limits interaction between tobacco industry and Government related to regulation of tobacco products while providing for public participation and documentation of the proceedings.
- Prohibits partnerships between tobacco industry and Government including corporate social responsibility initiatives and non-binding or non-enforceable agreements.
- Bars anyone involved in tobacco control legislation from soliciting or accepting contributions from the tobacco industry.
- Provides for tobacco-related prevention and management of conflict of interest.

Enforcement

- Sets the criteria for appointment of authorized officers.
- Specifies Places where authorized officers may enter.
- Describes inspection powers of authorised officers .
- Describes powers to issue warrant.
- Provides guidance on use of records.
- Provides guidance on use of force.
- Provides guidance of issuance of certificate of analysis.
- Provides guidance on assistance to officers.

Enforcement (Cont'd)

- Prohibits obstruction of authorized officers.
- Provides guidance on seizure.
- Provides guidance on storage and removal.
- Prohibits interference with a seized product or item
- Provides guidance on restoration of seized product or thing
- Provides guidance on order for restoration
- Provides guidance on forfeiture of seized tobacco products or items

Miscellaneous

- Provides guidance on handling offences by legal entities.
- Provides guidance on handling offences by and relating to officers and persons employed to carry out the provisions of the Act.
- Provides guidance on offences related to making false or misleading statements under the act.
- Provides guidance on tobacco industry reporting to the Tobacco Control Committee.
- Provides for guidance on development of tobacco control Regulations.
- Provides for guidance on amendment of schedules.
- Provides guidance on transitional issues.
- Provides for guidance on protection from retaliation.
- Provides guidance on repeals.

Schedules

- **First schedule** provides interpretation of currency point – one currency point is equivalent to UShs20,000
- **Second schedule** provides a Non-exhaustive, indicative list of public places or workplaces in which smoking is prohibited
- **Third schedule** provides indicative list of the forms of tobacco advertising, promotion and sponsorship prohibited under the Act
- **Fourth schedule** provides a Non-exhaustive, indicative list of places in which the selling of tobacco product is prohibited
- **Fifth schedule** provides guidance on handling of Committee meetings
- **Sixth schedule** outlines items to be captured in tobacco industry reports to the Committee

Reference

- 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, 201

THANK YOU!

