

[HB. 11]

C 61

A BILL

FOR

AN ACT TO AMEND THE NATIONAL TOBACCO CONTROL ACT, 2015 TO CURE CERTAIN DEFECTS IN THE ACT, ENSURE ITS EFFECTIVE IMPLEMENTATION IN NIGERIA AND ADDRESS THE LACUNA THAT MAY BE EASILY EXPLOITED BY TOBACCO INDUSTRY IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Mohammed Tahir Manguno

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 **1. The National Tobacco Control Act, 2015 (hereafter called "the Principal Act") is amended as set out below.**

2 **2.-(a) Section 2 of the Principal Act is amended in subsection (1) (d) by introducing the following agencies to be represented as members of the Committee immediately after the Standards Organisation of Nigeria and renumbering accordingly:**

- 3 (x) Nigeria Police Force;
- 4 (xi) Nigeria Security and Civil Defence Corps;
- 5 (xii) Federal Ministry responsible for Youth Development; and
- 6 (xiii) Federal Ministry responsible for Tourism.

7 **(b) Section 2 of the Principal Act is further amended by deleting subsection (1) (h) and replace it with a new subsection as follows:**

8 **(h) a person appointed by the Minister as Chairperson of the Tobacco Control Unit shall also serve as Secretary to the Committee.**

9 **(c) Section 2 of the Principal Act is further amended by introducing a new subsection (5) as follows:**

10 **(5) The Chairperson of the Committee shall be a qualified Medical Doctor of not less than 10 years cognate experience or a Legal Practitioner**

to Amendment A Section 2

Commencement

Amendment of the Principal Act

Amendment of Section 2

Amendment of
Section 8

1 of not less than 10 years Post Call experience.

2 3.-(a) Section 8 of the Principal Act is amended in subsection (2) by
3 introducing new paragraphs (d), (e) and (f) as follows;

4 (d) 40% of all taxes, levies and excise collected on tobacco products
5 manufacture, importation and distribution;

6 (e) application and licence fees, fines and penalties from violations of
7 the provisions of this Act;

8 (f) sales of properties forfeited to the government as consequence of
9 violation of the provisions of this Act.

10 (b) Section 8 of the Principal Act is amended by introducing near
11 subsections (3) of section 8, thus:

12 3. (a) The Fund shall be used for the general administration of the Act;

13 (b) To defray the expenses of the National Tobacco Control
14 Committee.

Amendment of
Section 9

15 4.-(a) Section 9 of the Principal Act is amended in subsection (1) by
16 deleting the phrase except in room exclusively occupied by the smoker in
17 paragraph (a) of subsection 9; and also by deleting the phrase 'except in a
18 vehicle exclusively occupied by the smoker in paragraph (b) of subsection 9;
19 And also deleting the phrase 'with the permit or approval of the Committee in
20 paragraph (d) of subsection 9;

21 (b) Section 9 of the Principal Act is further amended by deleting
22 subsections 2, 3 and 4 of Section 9;

23 (c) Section 9 of the Principal Act is further amended in subsection 5 by
24 introducing new paragraphs (h), (i) and G) and renumbered accordingly as
25 follows;

26 (h) any service area;

27 (i) anywhere within 30 meters of any childcare facility, healthcare
28 facility, educational institution;

29 (j) anywhere within 30 meters of any playground, amusement park,

1 plaza, stadium, arena, any kind of performance space, or any public
2 gathering space.

3 5. Section 11 of the Principal Act is amended by deleting
4 subsection 3 of section 11.

Amendment of
Section 11

5 6.-(a) Section 12 of the Principal Act is amended in subsection (1)
6 by introducing a new paragraph (d) as follows;

Amendment of
Section 12

7 (d) in-country, local and cross-border advertisement, promotion or
8 sponsorship of tobacco or tobacco products is prohibited in Nigeria and
9 across its borders.

10 (b) Section 12 of the Principal Act is further amended by deleting
11 subsection (2) (b) of section 12.

12 (c) Section 12 of the Principal Act is further amended in subsection
13 (4) by inserting the words 'as may be prescribed by the Ministry' in
14 paragraph (a) immediately after the word 'information' in the last line of
15 paragraph (a).

16 7.-(a) Section 14 of the Principal Act is amended by substituting
17 the word "Section" with the word "Part" in line 1 of paragraph 1.

Amendment of
Section 14

18 (b) Section 14 of the Principal Act is further amended by
19 introducing a new paragraph (e) to subsection (2) as follows;

20 (e) "Non-compliance with section 13 of this Act shall lead to
21 suspension or revocation of licence, and a fine of N5,000,000.

22 8.-(a) Section 16 of the Principal is amended by deleting
23 subsection 1 of section 16.

Amendment of
Section 16

24 (b) Section 16 of the Principal is further amended in subsection (2)
25 by deleting the words "the applicable penalties for the violation of the
26 provisions of this Part are" - in paragraph (a) as a preamble to section 16.

27 (c) Section 16 of the Principal is further amended in subsection (2)
28 by deleting paragraph (b) of subsection (2) of section 16.

29 9. Section 17 of the Principal Act is amended by introducing a new
30 subsection (3) as follows;

Amendment of
Section 17

- 1 (3) tobacco and tobacco products standard shall be prescribed by a
- 2 Joint Committee of the Federal Ministry of Health and the Standards
- 3 Organisation of Nigeria.
- 4 **10.** Section 18 of the Principal Act is amended by deleting the words
- 5 "Standards Organisation of Nigeria" in the last line of subsection 1 and
- 6 substituting it with the words "Joint Committee of the Federal Ministry of
- 7 Health and Standards Organisation of Nigeria".
- 8 **11.** Section 20 of the Principal Act is amended by deleting the figure
- 9 "50%" in line 3 of subsection 1 and substituting it with the figure "80%".
- 10 **12.** Section 22 of the Principal Act is amended by deleting the phrase
- 11 "18 months" in line 3 of section 22 and substituting it with the phrase "6
- 12 months".
- 13 **13.** Section 28 of the Principal Act is amended by inserting the words
- 14 "and shall do so under oath" immediately after the word "specified" in the last
- 15 line of subsection (4) of section 28.
- 16 **14.** Section 29 of the Principal Act is amended by deleting the proviso
- 17 to subsection 1 of section 29.
- 18 **15.** Section 39 of the Principal Act is amended by deleting Sub-
- 19 section (2) of section 39, and the section is remembered section 39 simpliciter.
- 20 **16.** Section 42 of the Principal Act is amended in subsection (1) by
- 21 inserting the words "or its Regulations" immediately after the word "Act" in
- 22 line 1 of subsection (1) of section 42.
- 23 **17.** This Bill may be cited as the National Tobacco Control Act
- 24 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Tobacco Control Act, 2015 to cure certain defects in the Act to ensure effective implementation of the Law in Nigeria.