

SUBSIDIARY LEGISLATION

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THE TOBACCO PRODUCTS ACT,
(CAP. 121)

REGULATIONS

(Made under section 32)

THE TOBACCO PRODUCTS REGULATIONS, 2014

PART I
PRELIMINARY PROVISIONS

1.-(1) These Regulations may be cited as the Tobacco Products Regulations 2014.

Citation
and com-
mence-
ment

(2) These Regulations shall come into effect that three months after their publication in the *Gazette*.

2. In these Regulations unless the context requires otherwise-

“the Act” means the Tobacco Products (Regulation) Act;
“Minister” means the Minister responsible for health matters;
“public place” means any enclosed area where public has admittance;

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pretation
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“public building” means any enclosed building where the public has admittance;

“smokeless tobacco” means any tobacco products that are used by means other than smoking, and including chewing, sniffing, placing the product between the teeth and gum and application to the skin.

**PART II
PRODUCTION AND MANUFACTURING OF TOBACCO
PRODUCTS**

Prohibition

3. A person shall not furnish smokeless tobacco.

Ingredient of tobacco products

4.-(1) No person shall sell tobacco products unless the packet containing it displays any of the health warning specified in the Second Schedule to the Act.

(2) The Health warning message shall be clear, visible, and legible and cover 30% of the principal display areas (front and back), and shall be in bold, black colour, on a white background, with a font size of 17 pt”.

(3) Every pack of cigarette shall specify tar and nicotine levels as may be specified by Tanzania Bureau of Standards.

(4) The requirement for packing changes to include health warning and information on tar and nicotine levels shall become in for a eighteen months after these regulations come into operation.

Information about new tobacco product

5.-(1) A manufacturer shall furnish information to Minister about the tobacco product within one month from its date of manufacture.

(2) The information given under sub regulation (1) shall be in the form as set out in the First Schedule to these Regulations.

**PART III
STANDARDS OF CONSTRUCTION FOR SMOKING ROOMS OR AREAS**

Standards of construction and ventilation system in smoking rooms or areas

6. The standards of construction and ventilation system in smoking rooms or areas where smoking is permitted shall be in accordance to section 13 of the Act and shall-

(a) not to exceed 25% of the total floor area;

(b) be separated from the rest of the public place by a solid partition and an entrance door on which a visible sign

“SMOKING AREA” and “SEHEMU YA KUVUTIA TUMBAKU” is displayed;

- (c) to be equipped with a ventilation system which allows smoke to be evacuated to the outside of the building and is not re-circulated to any other area;
- (d) the ventilation system stated in paragraph (c) shall be equipped with doors fixed with a door closer so that the time of being opened is minimized with-
 - (i) extract fans for rooms with no windows or with windows not directly facing outside;
 - (ii) windows fixed as high as possible not less than 2.4 meters above the floor level and in such a way that they promote the outgoing smoke to move vertically rather than horizontally; or
 - (iii) equipped with a negative pressure ventilation system, which allows smoke to be evacuated to the outside of the building;
- (e) the height of the smoking room shall not be less than three metres from the floor level to the lowest part of the ceiling;
- (f) visibly display any of the health messages as specified in paragraph (b);
- (g) be equipped with necessary accessories that can not be moved easily and fire fighting equipments; and
- (h) equip the room with non-inflammable furnishings.

7.-(1) An owner of a new building shall install a tobacco product smoke detector gadget before occupation.

Smoke detector

(2) An owner of a public building shall place warning signs at the entrance the building stating that “THIS BUILDING IS INSTALLED WITH A SMOKE DETECTOR” and “JENGO HILI LIMFUNGWA MTAMBO WA KUBAINI MOSHI WA TUMBAKU”.

8.-(1) An owner or occupier of any public place , any place for collective use or any place of public conveyance, shall take all reasonable steps to ensure that the provisions of these Regulations are complied with.

Obligation to ensure compliance

- (2) Taking reasonable steps includes-
 - (a) asking a person smoking in a prohibited area to stop smoking;

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- (b) demanding the offending person who continues smoking despite the warning in paragraph (a) to leave the premises or conveyance;
- (c) refusing further services in the case of an employee taking disciplinary measures against him; and
- (d) seeking the assistance of law enforcement personnel in cases including reporting the matter to the nearest police station where a person violates paragraph (a).

PART IV

ACCESS TO AND SALE OF TOBACCO PRODUCTS

Prohibition

9. A person shall not sell any smokeless tobacco in a public place.

Notice

10.—(1) A seller of a tobacco product shall post at a conspicuous place signs at the point of sale stating the following-

- (a) TOBACCO PRODUCTS ARE NOT SOLD OR GIVEN PERSONS UNDER THE AGE OF 18 AND TO A NON-SMOKER” and “B IDHAA ZA TUMBAKU HAZIUZWI AU KUTOLEWA KWA WATU WALIO CHINI YA UMRI WA MIAKA 18 NA KWA MTU ASIYEVUTA TUMBAKU”;
- (b) “IT IS AN OFFENCE FOR A SELLER TO SELL OR GIVE ANY TOBACCO PRODUCT TO A PERSON BELOW THE AGE OF 18 AND IT IS AN OFFENCE FOR A PERSON BELOW THE AGE OF 18 YEARS TO PURCHASE ANY TOBACCO PRODUCT” and “NI KOSA KWA MUUZAJI KUMUUZIA MTU ALIYE CHINI YA UMRI WA MIAKA 18 BIDHAA ZA TUMBAKU VILEVILE NI KOSA KWA MTU ALIYE CHINI YA UMRI WA MIAKA 18 KUNUNUA BIDHAA YOYOTE YA TUMBAKU”.

(2) A seller shall offer samples in segregated areas to which access is restricted to adults.

(3) A person employed directly or indirectly by a manufacturer or seller to offer sample of tobacco products shall be of at least of the age of twenty one.

(4) A person shall not display for furnishing any tobacco product unless the package containing it displays any of the health messages provided for in the Second Schedule to the Act.

**PART V
PROMOTION, ADVERTISEMENT AND SPONSORSHIP**

11.—(1) No advertisement or promotion of tobacco shall be made in a public place. Adver-
tise-
ment

(2) For the purpose of subregulation (1), promotion and advisement of tobacco shall be inferred where it is made through:

- (a) billboards;
- (b) television;
- (c) video;
- (d) cinema;
- (e) radio;
- (f) print media (newspapers and magazines);
- (g) internet;
- (h) wall mural;
- (i) motif;
- (j) statue;
- (k) live or recorded performance of music road shows; and
- (l) loud speakers on mounted on vehicles, or any other similar medium.

(3) Without prejudice to the preceding provisions of this Regulation, tobacco brand names associated with sports are prohibited.

12.—(1) A person shall not carry out any promotional activities save the purposes of- Promo-
tion

- (a) placement of point of sale material;
- (b) trade programs;
- (c) consumer information at point of sale;
- (d) product merchandising and product display at point of sale; or
- (e) corporate information not related to a tobacco product.

(2) Sampling of tobacco products shall be restricted to adult smokers only.

(3) Subregulations (1) and (2) shall not be construed as prohibiting sponsorship for a good cause with no promotional interest.

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Contents of promotional advertisement **13.**— Every promotion and advertisement shall contain the health messages provided for under paragraph (1) of the Second Schedule to the Act save for corporate information not relating to a tobacco product.

PART VI

NOTICES, SIGNS AND ACCESSORIES

Obligation for owner or occupier **14.** An owner or occupier of any area permitted for smoking shall provide health messages as provided for under the Second Schedule to the Act.

Notice **15.** Every notice showing the area or place where smoking is permitted or prohibited, as the case may be, shall be—

- (a) visibly displayed with arrows pointing to the area;
- (b) displayed at the entrance or reception of every such area or place at the height of 1.5m above the floor level;
- (c) displayed in every public toilet, guest rooms containing the following message- “DO NOT SMOKE IN A PROHIBITED AREA, SMOKE IN A SMOKING AREA” and “USIVUTE TUMBAKU KATIKA ENEO LILILO ZULIWA KWA UVUTAJI WA TUMBAKU, VUTA TUMBAKU KATIKA ENEO LILILOTENGWA KWA AJILI YA UVUTAJI WA TUMBAKU”;
- (d) displayed for a non-smoking area, containing the following messages:
 - (i) “THIS IS A NON SMOKING AREA” and “ENEO HILI SI LA UVUTAJI WA TUMBAKU”; and
 - (ii) “FAILURE TO COMPLY WITH THIS NOTICE IS A CRIMINAL OFFENCE” and “UKIUKWAJI WA TAARIFA HII NI KOSA LA JINAI”.
- (e) be conspicuous in size of at least 2cm in height and 1.5cm in breadth and written in black block letters on a white background such that it boldly and clearly presents a distinct contrast to any other type, lettering or graphics around the area or place;
- (f) be not less than thirty percent and not more than fifty percent of the total surface area of the notice.

Accessories **16.**—(1) A person shall not place accessories in areas where smoking is prohibited.

(2) An accessory place in areas where smoking is allowed shall where necessary and in a fitting case, contain the health messages provided for under paragraph (1) of the Second Schedule to the Act and shall be-

- (a) displayed in Kiswahili and English languages;
- (b) legible and prominent;
- (c) conspicuous as to size and colour; and
- (d) in bold letters and clearly presenting a distinct contrast to the background of the accessory.

**PART VIII
INSPECTION AND ANALYSIS**

17.—(1) The Minister shall appoint a suitable and qualified person to be an inspector. Qualifica-
tion of an
Inspector

- (2) The inspector shall have the following minimum qualifications-
- (a) a diploma or its equivalent or above in environmental health sciences from an accredited recognized institution; and
 - (b) be member of the police force of at least a rank of corporal or above.

18. A person shall cease to be an inspector— Dis-
qualifica-
tion of an
inspector

- (a) on retirement;
- (b) for misconduct which results to a breach of the provisions of the Act or these Regulations;
- (c) due to illness;
- (d) upon death;
- (e) upon proof of unsound mind;
- (f) due to permanent physical incapacity; or
- (g) for any other reason which the Minister believes may hinder the inspector from discharging his duties.

19.—(1) An analyst may enter into the premises of any manufacturer of seller of a tobacco product for the purposes of collecting information for sampling a tobacco product. Taking of
samples

(2) Where an analyst intends to collect the information in subsection (1), he shall require the manufacturer or seller to fill in a sampling notification form set out in the Second Schedule to these Regulations.

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Surrender of unfit tobacco product **20.**-(1) An owner of tobacco product or his agent may, if satisfied that the tobacco product is unfit for human consumption, voluntarily surrender it to an analyst or inspector.

(2) Where the owner or his agent voluntarily surrenders a tobacco product under sub section (1), the analyst or inspector shall prepare a certificate of voluntary surrender.

(3) Where surrender is done by a compulsory order for reasons of being unfit for human consumption, the analyst or inspector shall issue a certificate of compulsory condemnation and the product shall be destroyed or disposed of in a similar manner prescribed by a magistrate.

(4) The voluntary surrender or compulsory condemnation certificates shall be as set out in Second and Third Schedules to these Regulations, respectively.

Seizure of unfit tobacco product **21.** Where an analyst or inspector finds a tobacco product to be unfit for human consumption, he shall-

(a) mark, seize it and inform the owner or his agent of the reasons of its unfitness;

(b) it inform the owner or his agent, of his-intention to have it dealt with by a magistrate; or

(c) shall issue a seizure certificate as set out in the Fourth Schedule to these Regulations.

Procedure for disposal **22.**-(1) The owner of the tobacco product that was seized under section 21, or his agent, may choose to agree or disagree with the views of the analyst in respect of the unfitness of the tobacco product so seized.

(2) Where the owner or his agent, agrees with the views of the analyst, he shall ask the owner or his agent to sign a voluntary surrender or condemnation certificate as set out in the Third and Fourth Schedules to these regulations, respectively.

(3) Where the owner or his agent reject the views of an analyst on the seized tobacco product, the analyst shall take the tobacco product to a magistrate whose decision on the quality of the tobacco product shall be binding to both parties.

(4) If a magistrate confirms the views of an analyst in respect of tobacco product the analyst shall-

(a) dispose of the tobacco product in accordance with the decision of a magistrate;

(b) prepare a compulsory condemnation certificate in respect of that tobacco product and give it to the owner or his agent.

CPART IX

OFFENCES AND PENALTIES

23. A person who—
- (a) smokeless tobacco;
 - (b) manufactures or furnishes any tobacco brand element containing no ingredients;
 - (c) constructs any public building without installing an smoke detector;
 - (d) fails or refuses to place a health message or any sign required under these Regulations;
 - (e) sell a tobacco product to any person below the age of eighteen;
 - (f) carries on any promotional activity in a non-smoking area;
 - (g) carries on a promotional activity without the approval of the Minister;
 - (h) displays for furnishing any tobacco product containing no health message;
 - (i) employs a person who is below the age of eighteen years one to sell a tobacco product or conduct any promotional activity;
 - (j) is below the age of eighteen and purchases any tobacco product;
 - (k) manufactures any tobacco product containing ingredients not specified in accordance with Tanzania Bureau of Standards;
- Offences
and
penalties

commits an offence and shall, on conviction, be liable:

- (i) in case of a manufacturer, to a fine not exceeding five million shillings or imprisonment for a term not exceeding twelve months or to both; or
- (ii) in case of any other person, to a fine not exceeding two hundred thousand or to imprisonment for a term not exceeding six months or to both.

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Offence
by a
person
below
eighteen
years Cap.
13

24. Where the offence has been committed by a person below the age of eighteen, the offender shall be proceeded against under the procedure prescribed in the Law of the Child Act.

FIRST SCHEDULE

(Made under Regulation 5(2))

INFORMATION SUBMISSION FORM

To:

I of P.O Box (name of the manager) being the owner/or representative of;

- 1. Name of factory.....
- 2. Address (premises):
Street:.....
Ward:.....
District:.....
Region:.....

Hereby submit information about the tobacco product as follows:

- 3. Product's name:.....
- 4. Brand name:.....
- 5. Emission, tar and nicotine..... levels.....

I do confirm that the product manufactured complies with the standard laid down by Tanzania Bureau of Standards.

Date.....

Signature.....

Tobacco Products

G.N. No. 000 (contd.)

SECOND SCHEDULE

(Made under Regulation 14)

CERTIFICATE OF VOLUNTARY SURRENDER OF TOBACCO PRODUCT

PART 'A'

TOBACCO PRODUCT	INGREDIENTS	REMARKS OF ANALYST

PART 'B'

Iof P.O. Box.....hereby voluntarily surrender the tobacco products in Part 'A' to the Analyst for examination and disposal as he/she deems fit.

Date:

Owner/Agent

PART 'C'

I certify that I have examined the tobacco products in Part 'A' and am of the opinion that it is/they are unfit for human consumption for the reasons stated above and hereby condemn it/them and destroy/dispose it/them under my supervision.

Date:.....

.....

Place:.....

ANALYST/INSPECTOR

Tobacco Products

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THIRD SCHEDULE

(Made under Regulation 20(4))

CERTIFICATE OF
COMPULSORY CONDEMNATION OF A TOBACCO PRODUCT

PART 'A'

TOBACCO PRODUCT	INGREDIENTS	REMARKS OF ANALYST

PART 'B'

Icertify that I have examined the tobacco products in Part 'A' and am of the opinion that it is/they are unfit for human consumption due to the reasons stated above and hereby recommend that the said tobacco product be condemned and destroyed or otherwise disposed of by order of magistrate.

Date:.....

Place:.....

.....
ANALYST/INSPECTOR

PART 'C'

I..... certify that I have examined the tobacco products in Part 'A' and, am of the opinion that it is/they are unfit for human consumption, and hereby condemn it/them and order it/them to be destroyed/disposed of by—

.....
.....

Date:.....

Place:.....

.....
MAGISTRATE

PART 'D'

I..... certify that the tobacco product in Part 'A' has/have been destroyed/disposed of as ordered under my supervision.

Date:.....

Place:.....

.....
ANALYST INSPECTOR

FOURTH SCHEDULE

(Made under Regulation 21(c))

SEIZURE CERTIFICATE

To (Name and address of the Seller)

.....
.....

Whereas I have reason to believe that the tobacco product detailed below which is in your possession at the premises ofsituated at contravenes the provisions of these Regulations.

Now, therefore, I..... as an Analyst hereby seize the tobacco product and direct you to keep the sealed stock in safe custody subject to such orders as may be issued in relation there to.

Be it known to you that renewal, alteration or interference in any way with the said tobacco product without my authority is an offence under the Act and these Regulations.

Tobacco product	Reasons for seizure
.....
.....
.....

I hereby further order you to sign your name on this seizure certificate as a declaration of your acknowledgement of receipt of this certificate with the said tobacco product(s) intact as mentioned above.

Seller:..... Analyst:.....

Place:..... Name:.....

Date:..... Signature:.....

Signature:.....

Dar es Salaam,
17th November, 2014

SEIF SULEIMAN RASHID,
Minister for Health and Social Welfare