



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## HEALTH PRODUCTS ACT 2007

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# Health Products Act 2007

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An Act to regulate the manufacture, import, supply, presentation and advertisement of health products and of active ingredients used in the manufacture of health products and provide for matters connected therewith.

[1 November 2007: Except Part 14]

## PART 1

### PRELIMINARY

#### **Short title and commencement**

1.—(1) This Act is the Health Products Act 2007.

(2) Part 14 comes into operation on such date as the Minister charged with the responsibility for national development may, by notification in the *Gazette*, appoint.

#### **Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

“active ingredient” means any substance or compound that is usable in the manufacture of a health product as a pharmacologically active constituent;

“adverse effect”, in relation to a health product, means any debilitating, harmful, toxic or detrimental effect that the health product has been found to have or to be likely to have on the body or health of humans when the health product is used by or administered to humans;

“advertisement”, in relation to a health product, means the publication, dissemination or conveyance of any information for the purpose of promoting, whether directly or indirectly, the sale or use of that health product by any means or in any form, including the following:

- (a) publication in a newspaper, magazine, journal or other periodical;
- (b) display of posters or notices;

- (c) circulars, handbills, brochures, pamphlets, books or other documents;
- (d) letters addressed to individuals or bodies corporate or unincorporate;
- (e) photographs or cinematograph films;
- (f) sound broadcasting, television, the Internet or other media;
- (g) public demonstration of the use of the health product;
- (h) offer of trials of the health product to members of the public;

“analyst” means any person who is designated as an analyst by the Chief Executive under section 8;

“Appeal Advisory Committee” means an Appeal Advisory Committee established by the Minister under section 11;

“Authority” means the Health Sciences Authority established under section 3 of the Health Sciences Authority Act 2001;

“Chief Executive” means the person appointed under section 15 of the Health Sciences Authority Act 2001 to be the Chief Executive of the Authority;

“clinical trial” means an investigation in respect of a health product that involves human subjects and that is intended to —

- (a) discover or verify its clinical, pharmacological or pharmacodynamic effects;
- (b) identify any adverse effect that may arise from its use;
- (c) study its absorption, distribution, metabolism and excretion; or
- (d) ascertain its safety or efficacy;

“efficacy”, in relation to a health product that is a device, includes the ability of the device to properly carry out its intended purpose;



“enforcement officer” means —

- (a) the Chief Executive; or
- (b) any officer of the Authority or any other person who is appointed by the Chief Executive under section 7 to be an enforcement officer;

“health product” means any substance, preparation or device —

- (a) that —
  - (i) is represented for use by humans;
  - (ii) whether because of its presentation or otherwise, is likely to be taken for use by humans; or
  - (iii) is included in a class of substances, preparations or devices which are or are ordinarily intended for use by humans, solely or principally for a health-related purpose; and
- (b) that falls within any of the categories of health products specified in the First Schedule;

“health-related purpose” means a therapeutic, preventive, palliative, diagnostic or cosmetic purpose, or any other purpose for the promotion or preservation of human health and wellbeing, and includes the following:

- (a) preventing, diagnosing, monitoring, treating, curing or alleviating any disease, disorder, ailment, injury, handicap or abnormal physical or mental state, or the symptoms thereof, in humans;
- (b) compensating for any injury or handicap in humans;
- (c) investigating, modifying or replacing any part of the human anatomy or any physiological process in humans;
- (d) testing the susceptibility of humans to any disease, disorder or ailment;

- (e) influencing, controlling or preventing conception in humans;
- (f) testing for pregnancy in humans;
- (g) inducing anaesthesia in humans;
- (h) destroying or inhibiting micro-organisms that may be harmful to humans;
- (i) cleansing, fragancing, deodorising, beautifying, preserving, improving, altering or restoring the complexion, skin, hair, nails or teeth of humans;

“importer’s licence” means a licence authorising the holder of the licence to import any health product;

“intended purpose”, in relation to a health product, means the use for which the health product is intended according to the specifications of its manufacturer as stated on all or any of the following:

- (a) the label of the health product;
- (b) the instructions for use of the health product;
- (c) the promotional materials in relation to the health product;

“label”, in relation to a health product or an active ingredient, means any written, printed or graphic representation that appears on or is attached to the health product or active ingredient or any part of its packaging, and includes any informational sheet or leaflet that accompanies the health product or active ingredient when it is being supplied;

“licence” means any licence issued by the Authority under this Act;

“manufacture”, in relation to a health product, means to make, fabricate, produce or process the health product and includes —

- (a) any process carried out in the course of so making, fabricating, producing or processing the health product; and

(b) the packaging and labelling of the health product before it is supplied;

“manufacturer’s licence” means a licence authorising the holder of the licence to manufacture any health product;

“Minister” means, except in Part 14, the Minister charged with the responsibility for health;

“National Parks Board” means the National Parks Board established by the repealed National Parks Act (Cap. 198A, 1991 Revised Edition) as in force before 1 July 1996 and continued by section 3 of the National Parks Board Act 1996;

“packaging”, in relation to a health product or an active ingredient, means the container and other packaging material in which the health product or active ingredient is supplied;

“presentation”, in relation to a health product, means the way in which the health product is presented for supply, and includes matters relating to the name of the health product, the packaging and labelling of the health product and any other informational material associated with the health product;

“prohibited substance” means a substance that is prescribed as a substance that is not to be contained at all in any health product or in any particular category of health products;

“recall”, in relation to a health product, means any action taken by its manufacturer, importer, supplier or registrant to remove the health product from the market or to retrieve the health product from any person to whom it has been supplied, because the health product —

(a) may be hazardous to health;

(b) may fail to conform to any claim made by its manufacturer or importer relating to its quality, safety or efficacy; or

(c) may not meet the requirements of this Act;

“Register of Health Products” means the Register of Health Products kept and maintained by the Authority under section 34;

“registered health product” means a health product currently registered under Part 7;

“registrant”, in relation to a registered health product, means the person who applied for and obtained the registration of the health product under this Act;

“regulations” means regulations made under section 72;

“sample”, in relation to a health product or an active ingredient, includes a sample of the packaging of the health product or active ingredient;

“supply”, in relation to a health product, means to transfer possession of the health product by any means whether or not for reward, and includes the following:

- (a) to sell the health product, whether by retail, wholesale or auction;
- (b) to expose or display the health product as an invitation to treat;
- (c) to transfer possession of the health product by exchange, gift, lease, loan, hire or hire-purchase;
- (d) to supply the health product in connection with —
  - (i) a contract for the provision of any goods or the performance of any service; or
  - (ii) any advertising, sponsorship or promotional activity;
- (e) to supply the health product by way of administration to or application in any person in the course of any diagnosis, treatment or test;
- (f) to offer, agree or attempt to supply the health product in any of the ways described in paragraphs (a) to (e) or to cause or permit the health product to be so supplied;

- (g) to keep or possess the health product for the purpose of supplying it in any of the ways described in paragraphs (a) to (f);

“veterinarian” means a person who is licensed under section 53 of the Animals and Birds Act 1965 to treat, vaccinate or inoculate any animal or bird;

“wholesale”, in relation to a health product, means any one or more of the following:

- (a) supplying the health product to a person who obtains the health product for the purposes of supplying it again to some other person;
- (b) supplying the health product to a person as a commercial sample in the normal course of a lawful trade;
- (c) supplying the health product to a Government department or statutory body which requires the health product for the purposes of the public service or use in connection with the exercise of any statutory power;
- (d) supplying the health product to a person or an institution concerned with scientific education or research which requires the health product for the purpose of education or research;
- (e) supplying the health product to a person who requires the health product for the purpose of enabling the person to comply with any requirements made by, or pursuant to, any written law with respect to the medical treatment of individuals employed by that person in any business or trade carried out by that person;
- (f) supplying the health product to a person who requires to use the health product, other than by way of administration to one or more individuals, for the purpose of the person’s business or trade;

- (g) supplying the health product by export to a party outside Singapore;

“wholesaler’s licence” means a licence authorising the holder of the licence to supply any health product by wholesale.

[10/2019]

(2) For the purposes of this Act —

- (a) a health product is adulterated if it contains or has been mixed with any substance or ingredient that is not stated on its label as being one of its constituent substances or ingredients, except where the substance is an inactive ingredient —
  - (i) which is permitted as a food additive or flavouring agent according to the Codex Alimentarius or any other similar document that may be prescribed; or
  - (ii) which is approved by the Authority;
- (b) a health product is counterfeit if —
  - (i) it is presented in such a manner as to resemble or pass off as a registered health product when in fact it is not; or
  - (ii) it is presented with any false information as to its manufacturer or origin;
- (c) a health product is tampered with if it has been modified or interfered with in any way, including through the introduction or incorporation in it of any substance or component that is not referred to in the specifications of its manufacturer; and
- (d) a health product is unwholesome if —
  - (i) it is not in conformity as regards strength, quality or purity with the specifications of its manufacturer;
  - (ii) it has a strength which differs from, or a standard of quality or purity which falls below, that which is represented on its label;

- (iii) any of its constituent substances or ingredients, as stated on its label, has been extracted or omitted from it;
- (iv) it contains any prohibited substance or any substance in excess of the prescribed permitted concentration;
- (v) it consists in whole or in part of any filthy, putrid or decomposed substance;
- (vi) it has been manufactured or stored under unsanitary conditions;
- (vii) it has been kept in a package which is composed in whole or in part of any substance which may render the contents injurious to health;
- (viii) it has been packed with any substance so as to reduce the strength, quality or purity or beneficial properties that it would have had if it had not been so packed; or
- (ix) it has passed its expected useful life or its expiry date as assigned by its manufacturer.

(3) For the purposes of this Act, a licence or registration is not in force during the period of its suspension.

### **Purposes of Act**

3. The purposes of this Act are —

- (a) to provide for the categorisation of health products in accordance with their different characteristics and uses;
- (b) to provide the framework for a uniform approach for —
  - (i) the registration of health products; and
  - (ii) the regulation of the manufacture, import, supply, storage, presentation and advertisement of health products;
- (c) to allow for each category of health products to be registered and regulated by reference to its formulation, composition, design specification, quality, safety and

efficacy and within the framework provided by this Act;  
and

- (d) to prescribe the standards for health products in relation to their formulation, composition, design specification, quality, safety, efficacy and presentation.

### **Act to apply only to health products specified in First Schedule**

4.—(1) Except for and as provided in Part 14, this Act applies only in relation to the categories of health products that are specified and described in the first and second columns of the First Schedule to the extent prescribed in the third column thereof.

(2) The Minister may, after consulting the Authority, by order in the *Gazette* add to, amend or vary the categories and descriptions of health products in the First Schedule and the extent to which the provisions of this Act apply to those health products.

(3) In prescribing the extent to which this Act applies to any category of health products, the Minister may, in the third column of the First Schedule, specify the provisions or any part of any provision of this Act that do or do not apply in relation to such category of health products.

### **Act not to apply to supply or use of health products and active ingredients for veterinary purposes**

5. Except as provided in Part 14, this Act does not apply in relation to the supply or use by a veterinarian of any health product or active ingredient for veterinary purposes.

## PART 2

### ADMINISTRATION

#### **Administration of Act**

6. The Authority is responsible for the administration and enforcement of this Act (except for Part 14) subject to the general and special directions of the Minister.



**Appointment of enforcement officers**

7.—(1) The Chief Executive may in writing appoint —

(a) any officer of the Authority; or

(b) with the approval of the Authority, any other person,

to be an enforcement officer for the purposes of this Act.

(2) Every enforcement officer, when exercising his or her powers and carrying out his or her duties under this Act, must comply with such general or special directions as may, from time to time, be given to him or her by the Chief Executive.

(3) Every enforcement officer when exercising any of his or her powers under this Act must, if not in uniform, declare his or her office and must, on demand, produce to any person affected by the exercise of that power such identification card as the Authority may direct to be carried by the enforcement officer when exercising that power.

**Designation of analysts**

8. The Chief Executive may designate any suitably qualified person as an analyst to carry out any test, evaluation or analysis as may be necessary for the purpose of the administration and enforcement of this Act.

**Enforcement officers and analysts deemed to be public officers**

9. Every enforcement officer and analyst is deemed to be a public servant within the meaning of the Penal Code 1871.

**Advisory Committees**

10. The Authority may establish one or more Advisory Committees consisting of any persons that it thinks fit to appoint for the purpose of advising the Authority on such matters arising from the administration and enforcement of this Act as are referred to them by the Authority.

### **Appeal Advisory Committees**

**11.** The Minister may establish one or more Appeal Advisory Committees consisting of such persons as the Minister thinks fit to appoint for the purpose of —

- (a) assisting him or her in the determination of any appeal that is brought to him or her under this Act; and
- (b) advising him or her on any matter arising from any such appeal.

## **PART 3**

### **MANUFACTURE AND IMPORT OF HEALTH PRODUCTS**

#### **Manufacture of health products**

**12.—**(1) Except in such cases as may be prescribed, a person must not manufacture any health product unless —

- (a) the person holds a valid manufacturer's licence; and
- (b) the manufacture of the health product is carried out in accordance with the conditions of the licence.

(2) A manufacturer's licence does not authorise the holder of the licence to supply any health product manufactured by the holder to any other person unless the health product so manufactured by the holder is a registered health product.

(3) A person must not use any premises or facility for the manufacture of any health product unless the premises or facility is authorised for such use under the person's manufacturer's licence or the provisions of this Act, or by the Authority.

(4) Every manufacturer of a health product must ensure that the manufacture of the health product is carried out in accordance with such requirements as may be prescribed.

(5) A person must not manufacture, or procure or arrange for the manufacture of, any health product which is —

- (a) an adulterated health product;
- (b) a counterfeit health product; or

(c) an unwholesome health product.

(6) Any person who contravenes subsection (1), (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction —

(a) in the case of an offence under subsection (1), (3), (4) or (5)(c), to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and

(b) in the case of an offence under subsection (5)(a) or (b), to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) In any proceedings for an offence under subsection (5), it is a defence for the accused to prove that the accused had taken all such precautions and exercised all such due diligence as could reasonably be expected of the accused in the circumstances to ensure that the health product did not contravene that subsection.

### **Import of health products**

**13.—**(1) Except in such cases as may be prescribed, a person must not import any health product unless —

(a) the person holds a valid importer's licence; and

(b) the import of the health product is carried out in accordance with the conditions of the licence.

(2) An importer's licence does not authorise the holder of the licence to supply any health product imported by the holder to any other person unless the health product so imported by the holder is a registered health product.

(3) An importer of any health product must not use any premises or facility for storing the health product upon its entry into Singapore unless the premises or facility is authorised for such use under the importer's licence held by the importer or the provisions of this Act, or by the Authority.

(4) Every importer of a health product must ensure that the import of the health product is carried out in accordance with such requirements as may be prescribed.

(5) A person must not import, or procure or arrange for the import of, any health product which is —

- (a) an adulterated health product;
- (b) a counterfeit health product;
- (c) a health product that has been tampered with; or
- (d) an unwholesome health product.

(6) Any person who contravenes subsection (1), (3), (4) or (5) shall be guilty of an offence and shall be liable on conviction —

- (a) in the case of an offence under subsection (1), (3), (4) or (5)(d), to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and
- (b) in the case of an offence under subsection (5)(a), (b) or (c), to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) In any proceedings for an offence under subsection (5), it is a defence for the accused to prove that —

- (a) the accused —
  - (i) did not know;
  - (ii) had no reason to believe; and
  - (iii) could not, with reasonable diligence, have ascertained,  
that the health product was in contravention of that subsection; and
- (b) the accused had taken all such precautions and exercised all such due diligence as could reasonably be expected of the accused in the circumstances to ensure that the health product did not contravene that subsection.

## PART 4

## SUPPLY OF HEALTH PRODUCTS

**Wholesaling of health products**

**14.**—(1) Except in such cases as may be prescribed, a person must not supply any health product by wholesale unless —

- (a) the person holds a valid wholesaler's licence; and
- (b) the wholesale supply of the health product is carried out in accordance with the conditions of the licence.

(2) A wholesaler of any health product must not use any premises or facility for storing the health product prior to distribution unless the premises or facility is authorised for such use under the wholesaler's licence held by the wholesaler or the provisions of this Act, or by the Authority.

(3) Every wholesaler of a health product must ensure that the wholesale supply of the health product is carried out in accordance with such requirements as may be prescribed.

(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

**Prohibition against supply of unregistered health products**

**15.**—(1) Except in such cases as may be prescribed, a person must not supply any health product unless the health product is a registered health product.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

**Prohibition against supply of health products that are adulterated, counterfeits, etc.**

**16.**—(1) A person must not supply, or procure or arrange for the supply of, any health product which is —

- (a) an adulterated health product;
  - (b) a counterfeit health product;
  - (c) a health product that has been tampered with; or
  - (d) an unwholesome health product.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —
- (a) in the case of an offence under subsection (1)(d), to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both; and
  - (b) in the case of an offence under subsection (1)(a), (b) or (c), to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.
- (3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove that —
- (a) the accused —
    - (i) did not know;
    - (ii) had no reason to believe; and
    - (iii) could not, with reasonable diligence, have ascertained,that the health product was in contravention of that subsection; and
  - (b) the accused had taken all such precautions and exercised all such due diligence as could reasonably be expected of the accused in the circumstances to ensure that the health product did not contravene that subsection.

### **Supply of health products to be carried out in accordance with prescribed requirements**

17.—(1) A person must not supply any health product unless the supply of the health product is carried out in accordance with such requirements as may be prescribed.

(2) The requirements that may be prescribed for the purposes of subsection (1) include the following:

- (a) that the supply of the health product should be carried out only under, and in accordance with the conditions of, a licence issued by the Authority;
- (b) that the supply of the health product should be carried out only by certain specified persons;
- (c) that the supply of the health product should be carried out only at certain specified premises;
- (d) that the supply of the health product should or should not be carried out in any specified manner;
- (e) that the health product should be supplied only to certain specified persons and for certain specified purposes;
- (f) that proper records should be kept in relation to any supply made of the health product.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Presentation of health products**

**18.—**(1) A person must not supply any health product unless the presentation of the health product complies with such requirements as may be prescribed.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

## PART 5

## ADVERTISEMENT OF HEALTH PRODUCTS

**Advertisement of health products**

**19.**—(1) A person must not —

- (a) advertise any product or cause any product to be advertised as a health product if that product is not a health product; or
- (b) advertise any registered health product or cause any registered health product to be advertised in such a way as to represent the registered health product as being usable for any purpose other than that for which it has been registered.

(2) Any person who contravenes subsection (1)(a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

**False or misleading advertisement**

**20.**—(1) A person must not advertise any health product or cause any health product to be advertised in a false or misleading way.

(2) For the purposes of subsection (1), an advertisement of a health product is taken to be false or misleading if —

- (a) it falsely describes the health product or gives any false information concerning the health product; or
- (b) it is likely to create an erroneous impression regarding the formulation, composition, design specification, quality, safety, efficacy or uses of the health product.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

**Further requirements for advertisement of health products**

**21.**—(1) A person must not advertise any health product or cause any health product to be advertised unless the advertisement complies



with and is undertaken in accordance with such requirements as may be prescribed.

(2) The requirements that may be prescribed for the purposes of subsection (1) include the following:

- (a) that the advertisement should include or exclude any specified type of information;
- (b) that the advertisement should not make certain types of claims about the health product;
- (c) that the advertisement should be distributed or circulated only to certain classes of persons;
- (d) that the advertisement should not appear in certain types of publications or media;
- (e) that the advertisement should be submitted to the Authority for approval before publication.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

## **Defences**

**22.** In any proceedings for an offence under section 19, 20 or 21, it is a defence for the person charged to prove that the person —

- (a) is a person whose business is to publish or arrange for the publication of advertisements and that the person received the advertisement for publication in the ordinary course of business;
- (b) has no financial interest in the supply of the health product featured in the advertisement; and
- (c) did not know and had no reason to suspect that the advertisement would contravene the provisions of section 19, 20 or 21, as the case may be.

**Corrective measures in relation to contravening advertisements**

**23.**—(1) Where any person has advertised any health product or caused any health product to be advertised in contravention of section 19, 20 or 21, the Authority may order that person to do all or any of the following:

- (a) to stop the advertisement with immediate effect;
- (b) to take such measures as may be reasonable and necessary in the circumstances to remove the advertisements that have already been published;
- (c) to publish a corrective advertisement in such manner and containing such information as may be specified by the Authority.

(2) The person to whom an order under subsection (1) is directed must bear the costs and expenses arising from the taking of any measure that is required of the person under the order.

(3) If a person to whom an order under subsection (1) is directed fails to comply with the order —

- (a) the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) the Authority may take such steps as it thinks reasonable and necessary to implement the requirements of the order and recover any costs and expenses reasonably incurred by it in so doing from that person.

(4) This section shall not affect the liability of any person for an offence under this Part.

PART 6  
LICENCES

**Issue and renewal of licences**

**24.**—(1) An application for a licence must be made to the Authority in such form and manner as the Authority may require and must be accompanied by —

- (a) such particulars, information, documents and samples as the Authority may require; and
- (b) if required by the Authority, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) Upon receiving an application under subsection (1), the Authority may —

- (a) issue the licence to the applicant if it is satisfied that —
  - (i) the applicant is a fit and proper person to be issued with a licence or otherwise satisfies such requirements as may be prescribed for the issue of the licence; and
  - (ii) the issue of the licence to the applicant will not be contrary to the public interest; or
- (b) refuse to issue the licence applied for.

(3) Where the Authority refuses to issue a licence to an applicant under subsection (2)(b), the Authority must, if requested to do so by the applicant, state in writing the reasons for the refusal.

(4) Every licence must be issued in such form and manner as the Authority may determine, and is valid for such period as the Authority may specify in the licence unless it is sooner suspended or revoked in accordance with the provisions of this Act.

(5) The Authority may attach any conditions to a licence that it thinks necessary, and may from time to time vary the conditions by written notice given to the licensee.

- (6) Any person who, in making an application for a licence —
- (a) makes any statement or furnishes any document which the person knows to be false or does not believe to be true; or
  - (b) by the intentional suppression of any material fact, furnishes information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) Subsections (1) to (6) apply, with the necessary modifications, to an application for the renewal of a licence.

### **Variation of licence conditions on application by licensee**

**25.—**(1) A licensee may apply to the Authority for the variation of any condition attached to the licensee's licence.

(2) An application under subsection (1) must be made to the Authority in such form and manner as the Authority may require and must —

- (a) set out the variation required and the reasons for the variation; and
- (b) be accompanied by —
  - (i) such particulars, information, documents and samples as the Authority may require; and
  - (ii) if required by the Authority, a statutory declaration by the licensee verifying any information contained in or relating to the application.

(3) Where the Authority decides to vary any condition of the licence to which the application relates, it must amend the licence or issue a new licence to the licensee as it considers appropriate.

(4) Any licensee who, in making an application under subsection (1) —

- (a) makes any statement or furnishes any document which the licensee knows to be false or does not believe to be true; or

- (b) by the intentional suppression of any material fact, furnishes information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Register of licensees**

**26.**—(1) The Authority must keep and maintain in such form and manner as it thinks fit a register of persons who have been issued with licences under this Act.

(2) Any person may, during the office hours of the Authority and upon payment of the prescribed fee, inspect such parts of the register as the Authority may determine and obtain extracts from the register.

(3) Any extract from or copy of an entry in the register is prima facie evidence of the information stated in the register if the extract or copy is certified under the hand of the Chief Executive, or an officer of the Authority duly authorised by the Chief Executive, to be a true extract or copy.

(4) The Authority may, from time to time, prepare and publish in such form and manner as it thinks fit a list of all licensees.

### **Suspension and revocation of licence and cancellation of approval**

**27.**—(1) The Authority may suspend or revoke a licence or cancel any approval granted by it under this Act if the Authority has reasonable grounds to believe that —

- (a) the issue of the licence or the grant of the approval has been obtained by fraud or misrepresentation;
- (b) the licensee or the person to whom the approval has been granted has contravened or is contravening —
  - (i) any provision of this Act;
  - (ii) any condition attached to the licence or approval; or
  - (iii) any other prescribed requirement;

- (c) the licensee or the person to whom the approval has been granted no longer satisfies any of the prescribed requirements based on which the licence was issued or the approval was granted to the licensee or person; or
- (d) it is in the public interest to do so.

(2) The Authority may revoke a licence or cancel any approval granted by it under this Act if the licensee or the person to whom the approval has been granted applies to the Authority for the revocation of the licence or the cancellation of the approval, as the case may be.

(3) Before suspending or revoking a licence or cancelling an approval under subsection (1), the Authority must —

- (a) give to the person to whom the licence has been issued or the approval has been granted (hereafter called the person concerned) written notice of its intention to do so; and
- (b) in the notice, call upon the person concerned to show cause within the time specified in the notice as to why the licence should not be suspended or revoked or the approval should not be cancelled.

(4) If the person concerned —

- (a) fails to show cause within the period of time given or such extended period of time as the Authority may allow; or
- (b) fails to show sufficient cause,

as to why the licence should not be suspended or revoked or as to why the approval should not be cancelled, the Authority must give written notice to the person concerned of the date from which the suspension or revocation of the licence or the cancellation of the approval is to take effect.

## **Appeal**

**28.—**(1) Any person who is aggrieved by —

- (a) the refusal of the Authority to issue or renew a licence under section 24 or to grant any approval under this Act;

- (b) any condition attached by the Authority to a licence under section 24; or
- (c) the decision of the Authority to suspend or revoke a licence or to cancel an approval under section 27,

may, within the time specified in the notice informing the person of the refusal, condition, suspension, revocation or cancellation (as the case may be) appeal in writing to the Minister whose decision is final.

(2) Before making a decision under subsection (1), the Minister may refer the matter to an Appeal Advisory Committee and, in making a decision, the Minister must have regard to any report made to the Minister by the Appeal Advisory Committee.

(3) Even though an appeal under subsection (1) is pending —

- (a) any condition attached by the Authority to a licence under section 24; or
- (b) the decision of the Authority to suspend or revoke a licence or to cancel an approval under section 27,

takes effect from the date specified by the Authority, unless the Minister otherwise directs.

## PART 7

### REGISTRATION OF HEALTH PRODUCTS

#### **Health products to be registered according to categories in First Schedule**

**29.**—(1) The Authority must register health products under this Act in accordance with the categories specified in the First Schedule.

(2) The Authority may —

- (a) subdivide any category of health products into any number of classes as it thinks fit; and
- (b) when registering any health product under that category, assign that health product into such class within that category as it thinks fit.

**Registration of health products**

**30.**—(1) An application for the registration of a health product must —

- (a) be made to the Authority by such person and in such form and manner as the Authority may require;
- (b) state the category (and, where applicable, the class within that category) under which the applicant is seeking to have the health product registered; and
- (c) be accompanied by —
  - (i) such particulars, information, documents and samples as the Authority may require; and
  - (ii) if required by the Authority, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(2) Upon receiving an application under subsection (1), the Authority may —

- (a) register the health product if it is satisfied that —
  - (i) the applicant is a fit and proper person to be granted the registration;
  - (ii) the registration of the health product will not be contrary to the public interest; and
  - (iii) the health product complies with such requirements as may be prescribed; or
- (b) refuse to register the health product.

(3) The Authority may register a health product under the category and class stated in the application for its registration if the Authority is satisfied, after an evaluation of the health product under section 33, that the health product is suitable to be so registered.

(4) If the Authority finds that a health product is not suitable for registration under the category or class stated in the application, it may —



- (a) recommend to the applicant that the health product be registered under a more suitable category or class as determined by the Authority; or
- (b) refuse to register the health product.

(5) If the applicant accepts the recommendation of the Authority under subsection (4)(a), the Authority must, subject to the payment of the appropriate prescribed fee by the applicant, register the health product under the category or class recommended by it.

(6) If the applicant does not wish to register the health product under the category or class recommended by the Authority under subsection (4)(a), the applicant may —

- (a) within such time as the Authority may allow, submit to the Authority such additional information, documents and samples as the Authority may require in support of the application to have the health product registered under the category or class stated in the application; or
- (b) withdraw the application.

(7) Upon considering the additional information, documents and samples submitted by the applicant under subsection (6)(a), the Authority may do any of the following:

- (a) register the health product under the category and class stated in the application if it is satisfied that it is appropriate to do so;
- (b) subject to the payment of the appropriate prescribed fee by the applicant, register the health product under the category or class recommended by the Authority under subsection (4)(a) if the applicant is agreeable to it;
- (c) refuse to register the health product.

(8) Upon registering a health product under this Act, the Authority must assign a registration number to the health product and must enter in the Register of Health Products the prescribed information pertaining to that health product.

(9) Where the Authority refuses to register a health product under subsection (2)(b), (4)(b) or (7)(c), the Authority must, if requested to do so by the applicant, state in writing the reasons for the refusal.

(10) Any person who, in making an application for the registration of a health product —

- (a) makes any statement or furnishes any document which the person knows to be false or does not believe to be true; or
- (b) by the intentional suppression of any material fact, furnishes information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Duration of registration**

**31.** The registration of a health product under this Act remains in force for so long as —

- (a) the registrant of the health product continues to pay to the Authority within the prescribed time, the prescribed retention fee for the retention of the registration of the health product in the Register of Health Products; and
- (b) the registration is not otherwise suspended or cancelled by the Authority under section 37(1).

### **Conditions of registration**

**32.** The Authority may attach any conditions to the registration of a health product as it thinks necessary, and may from time to time vary the conditions by giving written notice to the registrant of the health product.

### **Evaluation of health products**

**33.—**(1) In order to ascertain that a health product is suitable for registration under this Act or for registration under any particular category or class, the Authority may —

- (a) subject samples of the health product to an evaluation by an analyst;

- (b) require the applicant for the registration of the health product to send samples of the health product for evaluation by an analyst and then submit the evaluation report to the Authority; or
- (c) consider the evaluation report of any body or organisation, whether in Singapore or elsewhere, that has evaluated the health product.

(2) The evaluation of a health product must include such tests and examination of the health product as the Authority thinks necessary to determine the following matters:

- (a) whether the quality, safety or efficacy of the health product for the purposes for which it is to be used has been satisfactorily established;
- (b) whether the presentation of the health product is appropriate, given its formulation, composition or design specification and intended purpose;
- (c) whether the health product complies with such requirements as may have been prescribed in relation to it;
- (d) any other matters relating to the health product as the Authority thinks relevant.

(3) The requirements that may be prescribed for the purposes of subsection (2)(c) include the following:

- (a) that the health product should not have in its composition —
  - (i) any prohibited substance; or
  - (ii) any particular substance in excess of the prescribed permitted concentration;
- (b) that the manufacture of the health product —
  - (i) if carried out in Singapore, should comply with such requirements as may be prescribed; and
  - (ii) if carried out elsewhere, should comply with such standards that are acceptable to the Authority.

(4) In determining whether a health product complies with the standards mentioned in subsection (3)(b)(ii), the Authority may consider such evidence as it thinks sufficient from a relevant overseas authority establishing that the manufacture of the health product is of the acceptable standard.

(5) The costs of and incidental to the evaluation of a health product must be borne by the applicant for the registration of the health product.

### **Register of Health Products**

**34.**—(1) The Authority must keep and maintain in such form and manner as it thinks fit a Register of Health Products for the purpose of compiling information in relation to all registered health products.

(2) Any person may, during the office hours of the Authority and upon payment of the prescribed fee, inspect such parts of the Register of Health Products as the Authority may determine and obtain extracts from that Register.

(3) Any extract from or copy of an entry in the Register of Health Products is prima facie evidence of the information stated in the entry if the extract or copy is certified under the hand of the Chief Executive, or an officer of the Authority duly authorised by the Chief Executive, to be a true extract or copy.

(4) The Authority may, from time to time, prepare and publish in such form and manner as it thinks fit a list of all registered health products.

### **Re-categorisation or re-classification of health products on application of registrant**

**35.**—(1) The Authority may, upon the application of the registrant of a registered health product —

- (a) transfer the health product from the category or class under which it has been registered to another category or class; and

(b) cause such amendments to be made in the Register of Health Products as may be necessitated by the re-categorisation or re-classification of that health product.

(2) An application under subsection (1) for the re-categorisation or re-classification of a registered health product must —

(a) be made to the Authority in such form and manner as the Authority may require; and

(b) be accompanied by —

(i) such particulars, information, documents and samples as the Authority may require; and

(ii) if required by the Authority, a statutory declaration by the applicant verifying any information contained in or relating to the application.

(3) Upon the re-categorisation or re-classification of a registered health product under this section, the registrant of the health product must take such steps as may be specified by the Authority to secure the necessary changes to the presentation and advertisement of the health product so as to bring them in conformity with the new category or class of the health product.

(4) If the registrant of the health product fails to comply with subsection (3), the registrant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) Any person who, in making an application under subsection (1) for the re-categorisation or re-classification of a registered health product —

(a) makes any statement or furnishes any document which the person knows to be false or does not believe to be true; or

(b) by the intentional suppression of any material fact, furnishes information which is misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

**Power to re-categorise or re-classify health products in absence of application by registrant**

36.—(1) Where —

- (a) the Authority is satisfied upon information received by it in respect of a registered health product that the health product should be transferred from the category or class under which it has been registered to another category or class; but
- (b) the registrant of the health product has not made an application under section 35 for the health product to be so re-categorised or re-classified,

the Authority may, subject to subsection (2), of its own volition re-categorise or re-classify the health product and cause such amendments to be made in the Register of Health Products as may be necessitated by the re-categorisation or re-classification of that health product.

(2) Before re-categorising or re-classifying a registered health product under subsection (1), the Authority must —

- (a) give to the registrant of the health product written notice of its intention to do so; and
  - (b) in the notice, call upon the registrant, if the registrant wishes, to show cause within the time specified in the notice as to why the health product should not be re-categorised or re-classified as intended by the Authority.
- (3) If the registrant of the health product —
- (a) is agreeable to the re-categorisation or re-classification of the health product; or

- (b) fails to show cause within the period of time given or such extended period of time as the Authority may allow, or fails to show sufficient cause as to why the health product should not be re-categorised or re-classified as intended by the Authority,

the Authority must give written notice to the registrant of the health product of the date from which the re-categorisation or re-classification of the health product is to take effect.

(4) The Authority may also in the notice given under subsection (3) require the registrant of the health product to take such steps as may be specified by the Authority to secure the necessary changes to the presentation and advertisement of the health product so as to bring them in conformity with the new category or class of the health product.

(5) The registrant of a health product who fails to comply with any of the requirements attached under subsection (4) to a notice given to the registrant under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) Where the registrant of a health product does not wish to have the health product re-categorised or re-classified as intended by the Authority under this section, the registrant may apply to the Authority to cancel the registration of the health product.

### **Suspension and cancellation of registration**

**37.—**(1) The Authority may suspend or cancel the registration of a health product if the Authority has reasonable grounds to believe that —

- (a) the registration has been obtained by fraud or misrepresentation;
- (b) the registrant of the health product has contravened or is contravening —
- (i) any provision of this Act;
  - (ii) any condition attached to the registration; or

- (iii) any other prescribed requirement;
  - (c) the formulation, composition, design specification, quality, safety or presentation of the health product has changed so as to render it unsuitable to continue to be registered;
  - (d) the health product no longer complies with a prescribed requirement; or
  - (e) it is in the public interest to do so.
- (2) The Authority may cancel the registration of a health product if the registrant of the health product fails to pay the prescribed retention fee mentioned in section 31(a) within the prescribed time.
- (3) The Authority may, upon the application of the registrant of a health product, cancel the registration of the health product.
- (4) Before suspending or cancelling the registration of any health product under subsection (1) or (2), the Authority must —
- (a) give to the registrant of the health product written notice of its intention to do so; and
  - (b) in such notice, call upon the registrant of the health product to show cause within the time specified in the notice as to why the registration of the health product should not be suspended or cancelled.
- (5) If the registrant of the health product —
- (a) fails to show cause within the period of time given or such extended period of time as the Authority may allow; or
  - (b) fails to show sufficient cause,
- as to why the registration of the health product should not be suspended or cancelled, the Authority must give written notice to the registrant of the health product of the date from which the suspension or cancellation of the registration of the health product is to take effect.



## Appeal

**38.—**(1) Any person who is aggrieved by —

- (a) the refusal of the Authority to register a health product under section 30;
- (b) any condition attached by the Authority to the registration of a health product under section 32;
- (c) the decision of the Authority to re-categorise or re-classify a health product under section 36; or
- (d) the decision of the Authority to suspend or cancel the registration of a health product under section 37,

may, within the time specified in the notice informing the person of the refusal, suspension, revocation or cancellation (as the case may be) appeal in writing to the Minister whose decision is final.

(2) Before making a decision under subsection (1), the Minister may refer the matter to an Appeal Advisory Committee and, in making a decision, the Minister must have regard to any report made to the Minister by the Appeal Advisory Committee.

(3) Even though an appeal under subsection (1) is pending —

- (a) any condition attached by the Authority to the registration of a health product under section 32;
- (b) the decision of the Authority to re-categorise or re-classify a health product under section 36; or
- (c) the decision of the Authority to suspend or cancel the registration of a health product under section 37,

takes effect from the date specified by the Authority, unless the Minister otherwise directs.

## PART 8

DUTIES OF MANUFACTURERS, IMPORTERS, ETC., OF  
HEALTH PRODUCTS**Application of this Part**

**39.** The duties imposed by this Part on manufacturers, importers, suppliers and registrants of health products apply in addition to any other duty imposed on them under Part 3, 4 or 7, as the case may be.

**Keeping of records**

**40.—**(1) The Authority may, by written notice, require the manufacturer, importer, supplier or registrant of a health product —

- (a) to keep such records as the Authority may determine in relation to the manufacture, import, supply, use or administration (as the case may be) of the health product; and
- (b) to produce such records for inspection by the Authority or an enforcement officer as and when required by the Authority or enforcement officer.

(2) The records mentioned in subsection (1) must be kept in such form and manner and for such period as the Authority may stipulate, and must contain such information in relation to the manufacture, import, supply, use or administration (as the case may be) of the health product as the Authority may require.

(3) Any person who fails to comply with any requirement under subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Any person who, in compliance or purported compliance with subsection (1)(b), furnishes the Authority or an enforcement officer with any record which the person knows is false or misleading, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

**Furnishing of information or document regarding health product**

**41.**—(1) The Authority may, by written notice, require the manufacturer, importer, supplier or registrant of a health product to furnish to the Authority, within such time and for such period as may be specified in such notice, any information or document which such person has in the person's possession or which the person is in a position to obtain regarding such health product.

(2) Any person who fails to comply with a notice given to the person by the Authority under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Any person who, in compliance or purported compliance with a notice given to the person by the Authority under subsection (1), furnishes the Authority with any information or document which the person knows is false or misleading, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

**Reporting of defects and adverse effects to Authority**

**42.**—(1) Where the manufacturer, importer, supplier or registrant of a health product becomes aware of —

- (a) any defect in the health product; or
- (b) any adverse effect that has arisen or can arise from the use of the health product,

it is the duty of such person to inform the Authority within the prescribed time of the defect or adverse effect.

(2) Where the Authority receives any information under subsection (1) concerning any defect in, or adverse effect of, a health product or becomes aware of any such defect or adverse effect through any other means, it may take any one or more of the following actions:

- (a) by written notice require the manufacturer, importer, supplier or registrant of the health product to investigate

into the defect or adverse effect and make a report of the findings and recommendations to the Authority;

- (b) by written notice require the manufacturer, importer, supplier or registrant of the health product to issue or cause to be issued to such persons as the Authority may specify or to the general public a statement informing them of the defect or adverse effect and the measures that should be taken for addressing the defect or adverse effect;
- (c) by written notice require the manufacturer, importer, supplier or registrant of the health product to recall the health product and take such measures as the Authority may specify to secure the immediate stoppage of the manufacture, import, supply, use or administration (as the case may be) of the health product;
- (d) by written notice prohibit any person from using or administering the health product and require the person to take such measures as the Authority may specify to address any adverse effect that may have arisen from any previous use or administration of the health product;
- (e) by written notice require the manufacturer, importer, supplier or registrant of the health product to take any other measures as the Authority thinks necessary in the circumstances.

(3) The Authority may also in any written notice given under subsection (2) require the person to whom the notice has been given to submit to the Authority in such form and manner and within such time and for such period specified by the Authority, a report containing information on —

- (a) the measures that the person has taken under the notice;
- (b) the results of the measures so taken; and
- (c) any other matter as the Authority thinks necessary or relevant in the circumstances.

(4) A statement under subsection (2)(b) must be issued in such form and manner as the Authority may require, including —

(a) by publication in any one or more daily newspapers circulating in Singapore; or

(b) by dissemination in any alternative medium,

within the time and for the period as the Authority may determine.

(5) Any person who —

(a) fails to comply with subsection (1) or a notice given to the person by the Authority under subsection (2) or (3); or

(b) in compliance or purported compliance with subsection (1) or a notice given to the person by the Authority under subsection (2) or (3), furnishes the Authority with any information or document which the person knows is false or misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) For the purposes of this section, a health product has a defect if —

(a) it has or has possibly been adulterated or tampered with;

(b) it is or is possibly a counterfeit or an unwholesome health product;

(c) it is or is possibly of inadequate quality or unsafe or inefficacious for its intended purpose; or

(d) it fails or could possibly fail to satisfy such other standards or requirements as may be prescribed.

### **Verification of quality, safety and efficacy of health product**

**43.—**(1) Where the Authority has reasonable grounds to believe that a health product may no longer be of adequate quality, safe or efficacious when used for the purpose in respect of which it has been registered under this Act, the Authority may, by written notice, require the manufacturer, importer, supplier or registrant of the health product to take such measures as the Authority may specify to verify

the quality, safety or efficacy (as the case may be) of the health product.

(2) The measures that the Authority may require under subsection (1) include —

- (a) subjecting the health product to an evaluation in accordance with section 33; and
- (b) furnishing the Authority with such evidence of the quality, safety or efficacy of the health product as the Authority may require.

(3) Any person who fails to comply with a notice given to the person by the Authority under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Any person who, in compliance or purported compliance with a notice given to the person by the Authority under subsection (1), furnishes the Authority with any information or document which the person knows is false or misleading, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Notification to Authority concerning recall of health product**

**44.**—(1) Where the manufacturer, importer, supplier or registrant of a health product recalls or intends to recall the health product, such person must, within the prescribed time, notify the Authority of the recall or intended recall and the reasons for it.

(2) On being notified of the recall or intended recall of a health product under subsection (1), the Authority may, by written notice, require the manufacturer, importer, supplier or registrant of the health product to issue or cause to be issued to such persons as the Authority may specify or to the general public a statement informing them of the recall of the health product and any other matter as the Authority considers necessary.

(3) Any person who —

- (a) fails to comply with subsection (1) or a notice given to the person by the Authority under subsection (2); or
- (b) in compliance or purported compliance with subsection (1), furnishes the Authority with any information or document which the person knows is false or misleading,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Additional duties under regulations**

**45.** The Authority may, with the approval of the Minister, by regulations provide for such additional duties as it thinks fit to be imposed on manufacturers, importers, suppliers and registrants of health products.

## **PART 9**

### **REGULATION OF DEALINGS IN ACTIVE INGREDIENTS**

#### **Active ingredients to which this Part applies**

**46.** This Part applies to such active ingredients as may be prescribed.

#### **Regulation of manufacture, import, supply, etc., of active ingredients**

**47.—(1)** The Authority may, with the approval of the Minister, make regulations to control and regulate the manufacture, import, supply, transport, possession and storage of active ingredients.

(2) Regulations made under subsection (1) may —

- (a) prohibit the manufacture, import, supply, transport, possession or storage of any active ingredient except under and in accordance with the conditions of a licence issued by the Authority; and

- (b) prescribe the requirements to be complied with by any person who manufactures, imports, supplies, transports, possesses or stores any active ingredient.
- (3) The requirements that may be prescribed for the purposes of subsection (2)(b) include the following:
- (a) that the manufacture, import, supply, transport or storage of any active ingredient should be carried out only by certain specified persons;
  - (b) that the manufacture, supply or storage of any active ingredient should be carried out only at certain specified premises;
  - (c) that the manufacture, import, supply, transport or storage of any active ingredient should or should not be carried out in any specified manner;
  - (d) that the packaging of any active ingredient should comply with certain standards or specifications;
  - (e) that the labels on the packaging of any active ingredient should conform to certain specifications and contain certain specified information;
  - (f) that the supply of any active ingredient should only be made to certain specified persons and for certain specified purposes;
  - (g) that proper records should be kept in relation to any supply made of any active ingredient.
- (4) Any person who contravenes any regulation made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.
- (5) In any proceedings for an offence under subsection (4), if any person is proved to have kept or had in the person's possession or under the person's control any active ingredient, the person is presumed to have done so knowingly unless the contrary is proved by that person.



PART 10  
ENFORCEMENT

**Non-compliant health products and active ingredients**

**48.** For the purposes of this Part —

- (a) a health product is considered as being non-compliant if —
  - (i) it has been manufactured, imported or supplied in contravention of this Act;
  - (ii) it is an adulterated health product, a counterfeit health product, a health product that has been tampered with or an unwholesome health product; or
  - (iii) it does not comply with such requirements as may be prescribed in relation to it; and
- (b) an active ingredient is considered as being non-compliant if —
  - (i) it has been manufactured, imported or supplied in contravention of this Act; or
  - (ii) it does not comply with such requirements as may be prescribed in relation to it.

**Powers of enforcement**

**49.—(1)** For the purpose of the administration and enforcement of this Act, an enforcement officer may —

- (a) at any time and without warrant enter, inspect and search any premises that are being used, or that the enforcement officer has reason to suspect are being used, for or in connection with any purpose that is in contravention of this Act;
- (b) at any time and without warrant stop, board, inspect and search any conveyance that is being used, or that the enforcement officer has reason to suspect is being used, for or in connection with any purpose that is in contravention of this Act;

- (c) in accordance with such procedure as may be prescribed and without payment, take for testing, examination or analysis a sample of any health product or active ingredient that is found pursuant to an inspection or a search under paragraph (a) or (b);
- (d) seize —
  - (i) any health product or active ingredient, wherever found, if the enforcement officer knows or has reason to suspect that the health product or active ingredient is a non-compliant health product or active ingredient; or
  - (ii) any other substance or article which the enforcement officer has reasonable cause to believe to be a substance or an article in relation to which, or by means of which, an offence under this Act is being or has been committed;
- (e) by written notice require any person to attend at a reasonable time and at a place specified by the enforcement officer to answer any question or to provide a signed statement in writing concerning any suspected contravention of this Act;
- (f) arrest, without warrant, any person whom the enforcement officer has reason to believe has committed any offence under this Act if —
  - (i) the name and address of that person are unknown;
  - (ii) the person refuses to furnish his or her name or address;
  - (iii) the person furnishes an address out of Singapore;
  - (iv) the enforcement officer has reasonable grounds for believing that the person has furnished a false name or address; or
  - (v) the enforcement officer has reasonable grounds for believing that the person is likely to abscond;

- (g) require any person —
  - (i) to furnish any information within the person's knowledge; or
  - (ii) to produce for inspection any document or record within the person's possession,  
that the enforcement officer believes on reasonable grounds to be connected with any suspected contravention of this Act or to be otherwise relevant to the administration or enforcement of this Act;
- (h) retain the original copy of any document or record that the enforcement officer believes on reasonable grounds to be connected with any suspected contravention of this Act or to be otherwise relevant to the administration or enforcement of this Act, or make or cause to be made, without payment, copies of or extracts from such document or record; and
- (i) by written notice require any person having in the person's possession any health product or active ingredient that is intended for supply to submit, at the person's own expense, a sample of such health product or active ingredient to an analyst for analysis.

(2) In exercising the power under subsection (1)(a) or (b), an enforcement officer may —

- (a) require the owner or occupier of any premises or conveyance being inspected to provide all reasonable assistance to the enforcement officer for the purpose of the inspection; and
- (b) if the circumstances so warrant, with such assistance as he or she thinks necessary, break open any door, window, lock, fastener, hold, compartment, box, container, receptacle or any other thing,

and any person who fails to comply with any requirement of an enforcement officer under paragraph (a) shall be guilty of an offence

and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) The Authority may, by written notice, require any person who has supplied any health product or active ingredient to recall, within the period specified in the notice, all such health products or active ingredients if the Authority knows or has reason to believe that the health product or active ingredient is a non-compliant health product or active ingredient.

(4) The Authority may, by written notice, require any person who manufactures, imports or supplies any health product or active ingredient to cease (whether immediately or within such time as the Authority may specify) the manufacture, import or supply of such health product or active ingredient if —

(a) the Authority knows or has reason to believe that such health product or active ingredient is a non-compliant health product or active ingredient; or

(b) a sample of the health product or active ingredient has been taken or obtained under subsection (1)(c) or (i) and sent for analysis and pending the result of the analysis, the Authority is of the opinion that it is necessary to prevent any more of such health product or active ingredient from further being manufactured, imported or supplied.

(5) Where any item has been seized under subsection (1)(d) —

(a) the enforcement officer who seized the item must immediately give written notice of the seizure to the person from whom the item was seized, if the name and address of that person are known;

(b) any person claiming the item seized may within 48 hours after the seizure complain of the seizure to a Magistrate, and the complaint may be heard and determined by the Magistrate who may —

(i) confirm the seizure wholly or in part;

(ii) disallow the seizure wholly or in part;

- (iii) order that the item seized be restored to its owner, subject to such condition which the Magistrate may think fit to impose to ensure that the item is preserved for any purpose for which it may subsequently be required; or
  - (iv) order payment to be made to the owner of the item seized of an amount that the Magistrate considers will compensate the owner for any loss or depreciation resulting from the seizure;
- (c) in the absence of any claim under paragraph (b) or pending the determination of any such claim, the item may be kept or stored in the premises or conveyance where it was seized or may, at the direction of the enforcement officer, be removed to any other place to be kept or stored there;
- (d) the enforcement officer may —
- (i) mark, seal or label the item in such manner as he or she thinks fit for the purpose of indicating that the item is under detention; and
  - (ii) lock or seal the premises or conveyance in which the item is being detained; and
- (e) any person who, without the authority of the enforcement officer —
- (i) interferes, tampers with, removes, distributes, sells or otherwise disposes of the item;
  - (ii) alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the enforcement officer on the item under paragraph (d)(i); or
  - (iii) opens, breaks or otherwise tampers with the lock or seal placed by the enforcement officer on any premises or conveyance or part thereof under paragraph (d)(ii),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to

imprisonment for a term not exceeding 12 months or to both.

(6) A person arrested under subsection (1)(f) must not be detained longer than is necessary for bringing him or her before a court unless the order of a court for his or her detention is obtained.

(7) For the purposes of subsection (1)(g), where any document or record required by an enforcement officer is kept in electronic form, then —

- (a) the power of the enforcement officer to require the document or record to be produced for inspection includes the power to require a copy of the document or record to be made available for inspection in legible form (and subsection (1)(h) applies accordingly in relation to any copy so made available); and
- (b) the power of the enforcement officer to inspect such document or record includes the power to require any person on the premises in question to give the enforcement officer such assistance as the enforcement officer may reasonably require to enable him or her to inspect and make copies of the document or record in legible form or to make records of the information contained in the document or record.

(8) Any copy of or extract from any document or record made under subsection (1)(h) and certified as such by the enforcement officer is admissible as evidence in any proceedings under this Act.

(9) Any person who, when required by an enforcement officer under subsection (1)(g) to furnish any information or produce any document or record, without reasonable excuse refuses or fails to furnish the information or to produce the document or record within the time allowed by the enforcement officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

- (10) Any person who, when required by an enforcement officer —
- (a) under subsection (1)(e) to answer any question or to provide any signed statement in writing; or
  - (b) under subsection (1)(g) to furnish any information or produce any document or record,

in compliance or purported compliance with such requirement, furnishes the enforcement officer with any information, document or record which the person knows is false or misleading, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(11) Any person who, without reasonable excuse, fails to comply with any written notice given to the person —

- (a) by an enforcement officer under subsection (1)(e) or (i); or
- (b) by the Authority under subsection (3) or (4),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Unlawful alteration, destruction, etc., of documents**

**50.** Any person who alters, suppresses, conceals or destroys any document which the person is or is liable to be required, by or under this Act, to produce to an enforcement officer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Obstructing officers in execution of their duties**

**51.** Any person who obstructs, hinders or impedes any enforcement officer or any other person acting under the direction of the Authority or the Chief Executive in the performance or execution of his or her duty or anything which he or she is authorised, empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

## PART 11

PRESUMPTIONS AND  
OTHER EVIDENTIARY PROVISIONS  
FOR PURPOSES OF ENFORCEMENT OF ACT**Presumption as to liability of importers and manufacturers**

**52.** Where any health product or active ingredient is supplied in a package, any person who appears from any statement thereon or attached thereto to have imported or manufactured that health product or active ingredient is presumed, unless the contrary is proved, to have so imported or manufactured the health product or active ingredient.

**Presumption as to identity of advertiser**

**53.** Where any health product is advertised, the person whose name or particulars appear in the advertisement is presumed, unless the contrary is proved, to be the person who has advertised the health product.

**Presumption as to purpose for which health product is manufactured, imported or supplied**

**54.—(1)** Any person who manufactures, imports or supplies any health product is presumed, unless the contrary is proved, to have manufactured, imported or supplied the health product for use by humans.

(2) Any health product that is found —

- (a) on any premises that are used for the manufacture, storage or supply of health products;
- (b) in any conveyance that is used for the transportation of health products; or
- (c) in any automatic vending machine,

is presumed, unless the contrary is proved, to be intended for use by humans.



**Presumption as to similarity in properties between health products, etc., found and sample taken therefrom**

**55.** Any quantity of a health product or an active ingredient found in any premises or on any conveyance at the time when a sample of it is taken pursuant to the provisions of this Act is presumed, unless the contrary is proved, to possess the same properties as the sample.

**Presumption of person's intention to supply health product found in person's possession**

**56.** Where any person is found to be keeping or to be in possession of any health product in circumstances in which it would be reasonable to suspect that the person intends to supply the health product, the person is presumed, unless the contrary is proved, to have the health product in the person's possession for the purpose of supply.

**Evidence of analyst**

**57.—(1)** Subject to subsection (2), the certificate of an analyst stating that he or she has tested, examined or analysed any health product, active ingredient or other substance or thing and stating the result of his or her test, examination or analysis is admissible in evidence in any proceedings for an offence under this Act as prima facie evidence of the facts stated in the certificate and of the correctness of the result of the test, examination or analysis.

(2) The certificate of an analyst mentioned in subsection (1) must not be received in evidence pursuant to that subsection unless the person charged has been given a copy of the certificate together with reasonable notice of the intention of the prosecution to produce the certificate as evidence in the proceedings.

(3) Where the certificate of an analyst is admitted in evidence under subsection (1), the person charged may require the analyst to be called as a witness for the prosecution and the analyst may be cross-examined as if he or she had given evidence of the matters stated in the certificate.

(4) For the purposes of this section, a document purporting to be a certificate mentioned in subsection (1) on its production by the

prosecution is deemed, unless the contrary is proved, to be such a certificate.

## PART 12

### OFFENCES AND PROSECUTION

#### **Jurisdiction of court**

**58.** Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

#### **Offences by bodies corporate, etc.**

**59.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on an officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the part of a partner,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

### **Enhanced penalty for corporations**

**60.** Where a body corporate is convicted of an offence under this Act, the penalty that the court may impose shall be a fine not exceeding 2 times the maximum amount that the court could, but for this section, impose as a fine for that offence.

### **Liability for offences by agents or employees**

**61.** Where an offence under this Act is committed by any person acting as an agent or employee of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the firstmentioned person, be liable under this Act in the same manner and to the same extent as if he or she had personally committed the offence if it is proved that the act which constituted the offence was committed with his or her consent or connivance or that it was attributable to any neglect on his or her part.

### **Forfeiture**

**62.—(1)** The court before which any person is tried for an offence under this Act may make an order for the forfeiture of any item which has been seized under the provisions of this Act if the court is satisfied that —

- (a) an offence under this Act has been committed; and
- (b) the item seized was the subject matter, or was used in the commission, of the offence.

(2) Where no party raises the question of forfeiture under subsection (1), the court may consider the question on its own motion.

(3) The court may make an order under subsection (1) for the forfeiture of any item which has been seized under the provisions of this Act even though no person has been convicted of an offence.

(4) If the court, having regard to the circumstances of the case, does not think it fit to order the forfeiture of any item which has been

seized under the provisions of this Act, the court is to order that the item be released to its owner or the person entitled to it.

(5) If —

- (a) no prosecution is instituted with regard to any item which has been seized under the provisions of this Act; and
- (b) no claim is made for the item under section 49(5)(b),

the item to which the notice relates is deemed to be forfeited.

(6) Where the owner of any item seized under the provisions of this Act consents to its disposal, the item is then deemed to be forfeited.

(7) Any item forfeited or deemed to be forfeited under this section must be delivered to the Authority or an officer of the Authority and must be disposed of in such manner as the Chief Executive thinks fit.

(8) The costs of the disposal of any item under subsection (7) must be borne by the owner of that item.

### **Recovery of fees and other expenses incidental to prosecution**

**63.**—(1) When any person is convicted of an offence under this Act, the court may order that person to pay the following costs and expenses:

- (a) all expenses incidental to the analysis of any health product or active ingredient in respect of which the conviction is obtained;
- (b) the cost of the purchase of any sample of the health product or active ingredient for analysis; and
- (c) any other reasonable expenses incurred by the prosecution.

(2) If the amount of the costs and expenses is not paid by the person liable to pay those costs and expenses within 14 days after demand, that amount may be reported to a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

### **Non-disclosure of information**

**64.**—(1) No prosecutor or witness in any prosecution of an offence under this Act may be compelled to disclose the fact that he or she

received any information or the nature of the information or the name of any person who gave the information.

(2) No officer appearing as a prosecutor or witness in connection with any offence under this Act may be compelled to produce any confidential report or document made or received by him or her in his or her official capacity or to make any statement in relation to the report or document.

### **Composition of offences**

**65.**—(1) The Chief Executive or any officer of the Authority authorised in writing in that behalf by the Chief Executive may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the funds of the Authority.

## PART 13

### MISCELLANEOUS

#### **Protection of confidential information**

**66.**—(1) Except as otherwise provided in subsection (2), a person who is or has been involved in the administration or enforcement of this Act must not disclose any information relating to any health product that the person knows or ought reasonably to know to be confidential information.

(2) Nothing in subsection (1) prevents any person from disclosing any information within the person's knowledge concerning any health product where the disclosure is made —

- (a) with the permission of the person from whom the information was obtained;
- (b) for the purpose of the administration or enforcement of this Act;
- (c) for the purpose of assisting any public officer or officer of any other statutory board in the investigation or prosecution of any offence under any written law;
- (d) for any other prescribed purpose; or
- (e) in compliance with the requirement of any court or the provisions of any written law.

(3) For the purpose of this section, the reference to a person disclosing or making use of any information includes that person permitting any other person to have any access to any record, document or other thing which is in that person's possession or under that person's control by virtue of that person being or having been involved in the administration or enforcement of this Act.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

### **Service of documents**

**67.—**(1) Any notice, order or document required or authorised by this Act to be served on any person, and any summons issued by a court against any person in connection with any offence under this Act may be served on the person —

- (a) by delivering it to the person or to an adult member or employee of his or her family or household at his or her last known place of residence;
- (b) by leaving it at the person's usual or last known place of residence or business in an envelope addressed to the person;

- (c) by sending it by prepaid registered post addressed to the person at the person's usual or last known place of residence or business; or
- (d) in the case of an incorporated company, a partnership or a body of persons —
  - (i) by delivering it to the secretary or other similar officer of the company, partnership or body of persons at its registered office or principal place of business; or
  - (ii) by sending it by prepaid registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order, document or summons sent by prepaid registered post to any person in accordance with subsection (1)(c) or (d)(ii) is deemed to be duly served on the person at the time when the notice, order, document or summons (as the case may be) would in the ordinary course of post be delivered and, in proving service of the notice, order, document or summons, it is sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by prepaid registered post.

### **Form and authentication of notices, orders and other documents**

**68.**—(1) All notices, orders and other documents which an enforcement officer is empowered to give by this Act may be in the form and manner determined by the Chief Executive, and may be given by any enforcement officer.

(2) Where any such notice, order or document requires authentication —

- (a) the signature of the Chief Executive or an enforcement officer; or
- (b) an official facsimile of such signature, appended to it is sufficient authentication.



### **Inaccuracies in documents**

**69.**—(1) No misnomer or inaccurate description of any person, premises, conveyance or any other thing named or described in any notice, order or document prepared, issued or served under or for the purposes of this Act in any way affects the operation of this Act as respects that person, premises, conveyance or thing, if that person, premises, conveyance or thing is so designated or described in the notice, order or document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act are invalid for want of form.

### **Exemption**

**70.**—(1) Subject to any general or special direction of the Minister, the Authority may, by order in the *Gazette*, exempt any person or class of persons or any health product or class of health products from all or any of the provisions of this Act.

(2) In granting an exemption under subsection (1), the Authority may impose any conditions that it thinks fit.

(3) An exemption granted under this section may be revoked at any time.

### **Fees**

**71.**—(1) The Authority may, with the approval of the Minister, by regulations prescribe the fees that are payable under and for the purposes of this Act and the time at which and the manner in which any fee is to be paid.

(2) All fees collected under this Act must be paid into the funds of the Authority.

### **Regulations**

**72.**—(1) The Authority may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make regulations for or with respect to all or

any of the matters set out in the Second Schedule, and provide in the regulations that a contravention of the regulations shall be an offence punishable with penalties not exceeding a fine of \$20,000 or imprisonment for a term of 12 months or both.

(3) Regulations made under this section in relation to the supply or use of health products do not affect the supply or use of health products for veterinary purposes.

(4) Where any regulation expressly states that it is made pursuant to paragraph 1(*l*) of the Second Schedule to implement any specified international agreement to which Singapore is a party, that regulation has effect despite any rule of law to the contrary.

(5) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

## PART 14

### REGULATION OF SUPPLY AND USE OF HEALTH PRODUCTS AND ACTIVE INGREDIENTS FOR VETERINARY PURPOSES

#### **Supply and use of health products and active ingredients for veterinary purposes**

**73.**—(1) *The Minister charged with the responsibility for national development may make regulations in relation to the supply or use for veterinary purposes of—*

(a) *any health product (whether or not such health product falls within any of the categories of health products specified in the First Schedule); or*

(b) *any active ingredient.*

(2) *Regulations made under subsection (1) may—*

(a) *prohibit the supply or use of any health product or active ingredient for any veterinary purpose, whether absolutely or subject to such exceptions as may be prescribed;*

- (b) *require that the supply or use of any health product or active ingredient for veterinary purposes should be made only in accordance with the prescription of a veterinarian;*
- (c) *provide for such other restrictions or controls on the supply or use of any health product or active ingredient for veterinary purposes;*
- (d) *provide that a contravention thereof shall be an offence punishable with penalties not exceeding a fine of \$20,000 or imprisonment for a term of 12 months or both; and*
- (e) *provide for the administration and enforcement of such regulations by officers of the Agri-Food and Veterinary Authority.*

(3) *All regulations made under this section must be presented to Parliament as soon as possible after publication in the Gazette.*

### **Powers of officers enforcing regulations made under section 73**

**74.** *An officer of the Agri-Food and Veterinary Authority administering and enforcing any regulations made under section 73 has the same powers as are conferred on an enforcement officer by section 49.*

### **Application of Parts 10 to 13**

**75.** *The provisions of Parts 10 to 13 apply, where relevant, with the following modifications to the administration and enforcement of any regulations made under section 73:*

- (a) *any reference in the provisions of those Parts to the Minister is to be read as a reference to the Minister charged with the responsibility for national development;*
- (b) *any reference in the provisions of those Parts to the Authority is to be read as a reference to the Agri-Food and Veterinary Authority;*
- (c) *any reference in the provisions of those Parts to the Chief Executive is to be read as a reference to the Chief Executive of the Agri-Food and Veterinary Authority;*

- (d) *any reference in the provisions of those Parts to an enforcement officer is to be read as a reference to an officer of the Agri-Food and Veterinary Authority who is acting in the administration and enforcement of such regulations; and*
- (e) *any reference in the provisions of those Parts to a health product includes any health product that does not fall within any of the categories of health products specified in the First Schedule.*

## FIRST SCHEDULE

Sections 2(1), 4, 29(1), 73(1) and 75

### CATEGORIES AND DESCRIPTIONS OF HEALTH PRODUCTS TO WHICH ACT APPLIES

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Category</i>	<i>Description</i>	<i>Exceptions and limitations</i>
1. Medical device	<p>“Medical device” means —</p> <p>(a) any instrument, apparatus, implement, machine, appliance, implant, reagent for in-vitro use, software, material or other similar or related article that is intended by its manufacturer to be used, whether alone or in combination, for humans for one or more of the specific purposes of —</p> <p>(i) diagnosis, prevention, monitoring, treatment or alleviation of disease;</p> <p>(ii) diagnosis, monitoring, treatment or alleviation of, or compensation for, an injury;</p> <p>(iii) investigation, replacement, modification or support of the anatomy or of a physiological process, mainly for medical purposes;</p> <p>(iv) supporting or sustaining life;</p> <p>(v) control of conception;</p> <p>(vi) disinfection of medical devices; or</p> <p>(vii) providing information by means of in-vitro examination of specimens</p>	

FIRST SCHEDULE — *continued*

derived from the human body, for  
medical or diagnostic purposes,

and which does not achieve its primary intended  
action in or on the human body by  
pharmacological, immunological or metabolic  
means, but which may be assisted in its intended  
function by such means, and which is not a cell,  
tissue or gene therapy product; and

(b) the following articles:

- (i) any implant for the modification or  
fixation of any body part;
- (ii) any injectable dermal filler or mucous  
membrane filler;
- (iii) any instrument, apparatus, implement,  
machine or appliance intended to be  
used for the removal or degradation of  
fat by invasive means.

2. Cosmetic  
products

“Cosmetic product” means any substance or  
preparation that is intended by its manufacturer to be  
placed in contact with the various external parts of the  
human body or with the teeth or the mucous  
membranes of the oral cavity, with a view exclusively  
or mainly to —

- (a) cleaning them;
- (b) perfuming them;
- (c) changing their appearance;
- (d) correcting body odours;
- (e) protecting them; or
- (f) keeping them in good condition.

Sections 12(1),  
(2) and (3),  
13(1), (2) and  
(3), 14(1) and  
(2), 15 and  
19(1)(b), and  
Parts 6 and 7 do  
not apply.

3. Therapeutic  
product

(1) “Therapeutic product” means any substance  
that —

- (a) is intended for use by and in humans for  
a therapeutic, preventive, palliative or  
diagnostic purpose, including any of the  
following purposes:
  - (i) for preventing, diagnosing,  
monitoring, treating, curing or  
alleviating any disease,  
disorder, ailment, injury,  
handicap or abnormal physical

FIRST SCHEDULE — *continued*

- or mental state, or any symptom thereof;
  - (ii) for investigating, modifying or replacing any physiological process;
  - (iii) for influencing, controlling or preventing conception;
  - (iv) for inducing anaesthesia;
- (b) has as a constituent any of the following active ingredients:
- (i) any chemical or botanical element, naturally-occurring chemical or botanical material, or chemical product obtained by chemical change or synthesis;
  - (ii) any metabolite from a micro-organism;
  - (iii) any macromolecule extracted from an organism;
  - (iv) any substance derived from a biological system, including any of the following:
    - (A) a whole cell or micro-organism, such as a whole virus or bacterium used as a vaccine;
    - (B) a part of a micro-organism, such as a sub-unit vaccine;
    - (C) a plasma-derived product;
    - (D) a biotechnology-derived substance, such as a protein or polypeptide, or a recombinant vaccine for a preventive purpose;
- (c) exerts an inherent effect either pharmacologically, chemically or by

FIRST SCHEDULE — *continued*

other physiological means, leading to its use for a therapeutic, preventive, palliative or diagnostic purpose; and

(d) is not any of the following:

- (i) a medical device;
- (ii) a cell, tissue or gene therapy product;
- (iii) whole blood or any blood component;
- (iv) any Chinese proprietary medicine;
- (v) any homoeopathic medicine;
- (vi) any medicated oil or balm;
- (vii) any quasi-medicinal product;
- (viii) any traditional medicine.

(2) For the purposes of paragraph (1) —

“Chinese proprietary medicine” means any medicinal product used in the system of therapeutics according to the traditional Chinese method, that is to say, any medicinal product —

- (a) which has been manufactured into a finished product;
- (b) which contains one or more active substances derived wholly from any plant, animal or mineral, or any combination thereof;
- (c) which is, or all of the active substances of which are, described in the current edition of “A Dictionary of Chinese Pharmacy” «中药大辞典» or “The Chinese Herbal Medicine Materia Medica” «本草纲目»;
- (d) which does not contain as an active substance any chemically-defined isolated constituent of any plant,

FIRST SCHEDULE — *continued*

animal or mineral, or any combination thereof; and

- (e) which is not intended to be administered by injection into a human body;

“current edition”, in relation to any publication which describes a Chinese proprietary medicine, means the latest edition that has taken effect when the Chinese proprietary medicine in question is supplied, and includes that edition as affected by every amendment, addition or deletion to that edition that has taken effect;

“homoeopathic medicine” means any substance used in the system of therapeutics in which a disease is treated by the use of minute amounts of one or more substances which, in their undiluted forms, are capable of producing in healthy humans symptoms similar to those of the disease being treated;

“medicated oil or balm” means any external medicated embrocation, medicated cream, ointment or inhalant, and which contains one or more of the following active ingredients:

- (a) any essential oil;
- (b) any fixed oil derived from plants;
- (c) methyl salicylate;
- (d) menthol;
- (e) camphor;
- (f) peppermint;

“medicinal product” has the meaning given by the Medicines Act 1975;

“quasi-medicinal product” means —

- (a) any anti-dandruff preparation;
- (b) any medicated cosmetic product for the treatment of



FIRST SCHEDULE — *continued*

pimples or acne, except any preparation containing tretinate or 13-cis-retinoic acid;

- (c) any medicated soap;
- (d) any sweet for relieving coughs or throat irritations;
- (e) any medicated plaster;
- (f) any sunscreen or suntan preparation;
- (g) any medicated beverage;
- (h) any vitamin or nutritional preparation from any natural source; or
- (i) any medicated toothpaste;

“traditional medicine” means any medicinal product consisting of one or more substances derived from any plant, animal or mineral, or any combination thereof, but does not include the following:

- (a) any medicinal product to be administered by injection into a human body;
- (b) any vaccine to be administered to a human;
- (c) any product derived from human blood;
- (d) any item specified in the Poisons List in the Schedule to the Poisons Act 1938;
- (e) any Chinese proprietary medicine.

4. Oral dental gum “Oral dental gum” means any chewing gum, or any similar substance prepared from a gum base of vegetable or synthetic origin, and intended to be chewed for use in promoting dental health or oral hygiene, but does not include any such gum which is manufactured or imported into Singapore solely for research and development purposes by a person who is

FIRST SCHEDULE — *continued*

registered under the Control of Manufacture Act 1959 in respect of the manufacture of chewing gum.

5. Cell, tissue or gene therapy product
- (1) “Cell, tissue or gene therapy product” means any substance that —
- (a) is intended for use by and in humans for a therapeutic, preventive, palliative or diagnostic purpose, including any of the following purposes:
    - (i) for preventing, diagnosing, treating, curing or alleviating any disease, disorder, injury, ailment, handicap or abnormal physical or mental state, or any symptom thereof;
    - (ii) for replacing, repairing, regenerating or reconstructing any anatomy, or for modifying or replacing any physiological process;
    - (iii) for regulating, repairing, replacing, adding or deleting a genetic sequence or modifying genetic material;
    - (iv) for supporting or sustaining life;
  - (b) has as a constituent any of the following substances or combination of substances:
    - (i) viable or non-viable human cells or tissues;
    - (ii) viable animal cells or tissues;
    - (iii) recombinant nucleic acids, where the effect of the recombinant nucleic acid relates directly to the recombinant nucleic acid sequence that it contains or to the product of the genetic expression of its sequence;
  - (c) achieves its primary intended action by pharmacological, immunological, physiological, metabolic or physical means, leading to its use for a

FIRST SCHEDULE — *continued*

therapeutic, preventive, palliative or diagnostic purpose; and

(d) is not any of the following:

- (i) a recombinant vaccine for a preventive purpose;
- (ii) an in-vitro diagnostic product;
- (iii) bone marrow, peripheral blood or umbilical or placental cord blood from a human that is minimally manipulated and intended for homologous use;
- (iv) cells and tissues obtained from a patient that are minimally manipulated and re-implanted for homologous use into the same patient during the same surgical procedure;
- (v) organs and tissues that are minimally manipulated and intended for transplant;
- (vi) reproductive cells (sperm, eggs) and embryos intended for assisted reproduction;
- (vii) whole blood and any blood component that is minimally manipulated and intended for treating blood loss or blood disorders.

(2) For the purposes of paragraph (1) —

“homologous use” means the use of a cell, tissue or gene therapy product to repair, reconstruct, replace or supplement the cells or tissue of an individual (called the recipient) if the cell, tissue or gene therapy product performs the same basic function or functions in the recipient as the original cells or tissue in the donor in the same anatomical or histological environment;

“minimally manipulated”, in relation to a cell or tissue (but not a gene), means processing the cell or tissue by way of any process so that the biological

FIRST SCHEDULE — *continued*

characteristics or functions of the cell or the structural properties of the tissue (as the case may be) are not altered, such as by —

- (a) cutting or sizing;
- (b) grinding;
- (c) shaping;
- (d) centrifugation;
- (e) soaking in an antibiotic or antimicrobial solution;
- (f) sterilization or irradiation;
- (g) cell separation, concentration or purification;
- (h) filtration;
- (i) lyophilisation;
- (j) freezing;
- (k) cryopreservation; or
- (l) vitrification.

[S 564/2007; S 684/2007; S 438/2010; S 328/2016;  
S 320/2018; S 103/2021]

## SECOND SCHEDULE

Section 72(2) and (4)

MATTERS FOR OR IN RESPECT OF  
WHICH REGULATIONS MAY BE MADE  
UNDER SECTION 72

1. The matters in respect of which regulations may be made under section 72 are as follows:

- (a) for prescribing the requirements in accordance with which the manufacture, import, supply, storage, transport, presentation, advertisement, administration and use of health products are to be carried out;
- (b) for prohibiting the manufacture, import, supply, possession, storage, transport, advertisement, administration and use of health products that are dangerous to human health;

SECOND SCHEDULE — *continued*

- (c) for prescribing the standards for health products in relation to their composition, quality, efficacy and safety for use;
- (d) for prescribing the requirements and procedure for obtaining any licence under this Act;
- (e) for prescribing the requirements in accordance with which the manufacture, import, supply, storage and transport of active ingredients are to be carried out;
- (f) for prescribing the requirements and procedure for the registration of a health product;
- (g) for prescribing the duties and obligations of a person to whom any licence or registration is issued or granted under this Act, and the duties and obligation of the person upon the suspension, revocation or cancellation of the licence or registration;
- (h) for prescribing the requirements for the presentation and advertisement of health products;
- (i) for regulating the conduct of clinical trials of health products, and prescribing the matters relating to any consent for a subject to participate in such a trial, including —
  - (i) the persons who may so consent;
  - (ii) the considerations which any such person must take into account before so consenting;
  - (iii) the circumstances in which the consent of such person may be relied upon; and
  - (iv) the circumstances in which no consent of any person is required for the subject's participation in the trial,and whether any matter so prescribed has effect in addition to or despite any other written law or rule of law;
- (j) for prescribing the procedure for the procurement, testing, examination or analysis of any sample under this Act;
- (k) for providing for the conduct by the Authority or an enforcement officer of routine inspections of —
  - (i) premises that are being used for the manufacture, supply or storage of health products or active ingredients; or
  - (ii) conveyances that are being used for the transport of health products or active ingredients;

SECOND SCHEDULE — *continued*

- (l) for implementing any international agreement to which Singapore is a party that concerns the regulation of the manufacture, import, supply, possession, storage, transport, presentation, advertisement, administration and use of health products and active ingredients;
  - (m) for providing for the protection of any confidential information that relates to any health product and that is received by the Authority or any enforcement officer in the course of administering and enforcing this Act, and for prescribing the purposes for which such confidential information may be disclosed to any specified person;
  - (n) for prescribing the offences that may be compounded under section 65; and
  - (o) for prescribing any other matter that is necessary to be prescribed for the administration and enforcement of this Act.
2. Regulations made under paragraph 1 may —
- (a) restrict the classes of persons by whom and the circumstances under which any health product or active ingredient may be manufactured, imported, supplied, kept in possession, stored, transported or used;
  - (b) restrict the classes of persons to whom and the circumstances under which any health product or active ingredient may be supplied;
  - (c) restrict the places at which, the manner in which and the persons by whom any health product or active ingredient may be stored;
  - (d) require records to be kept or submitted to the Authority in relation to the manufacture, import, supply, possession, storage, transport or use of any health product or active ingredient;
  - (e) make provisions for the regulation of places at which health products are supplied by retail;
  - (f) restrict the classes of persons who may apply for a licence or registration under this Act;
  - (g) prescribe the requirements which must be satisfied by any person before a licence or registration may be granted to the person;
  - (h) prescribe the information, documents and samples that must be submitted by an applicant for any licence or registration; and
  - (i) prescribe the types of assessment and evaluation to be made of any health product before it may be registered.

[29/2015]

## LEGISLATIVE HISTORY

### HEALTH PRODUCTS ACT 2007

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

**1. Act 15 of 2007 — Health Products Act 2007**

Bill	:	3/2007
First Reading	:	22 January 2007
Second and Third Readings	:	12 February 2007
Commencement	:	1 November 2007 (except Part XIV)

**2. G.N. No. S 564/2007 — Health Products Act (Amendment of First Schedule) Order 2007**

Commencement	:	1 November 2007
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**3. G.N. No. S 684/2007 — Health Products Act (Amendment of First Schedule) (No. 2) Order 2007**

Commencement	:	1 January 2008
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**4. 2008 Revised Edition — Health Products Act (Chapter 122D)**

Operation	:	31 December 2008
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**5. G.N. No. S 438/2010 — Health Products Act (Amendment of First Schedule) Order 2010**

Commencement	:	10 August 2010
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**6. Act 29 of 2015 — Human Biomedical Research Act 2015**  
(Amendments made by section 66 of the above Act)

Bill	:	25/2015
First Reading	:	13 July 2015
Second Reading	:	17 August 2015
Third Reading	:	18 August 2015
Commencement	:	1 July 2016 (section 66)

**7. G.N. No. S 328/2016 — Health Products Act (Amendment of First Schedule) Order 2016**

Commencement	:	1 November 2016
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**8. G.N. No. S 320/2018 — Health Products Act (Amendment of First Schedule) Order 2018**

Commencement : 1 June 2018

**9. Act 10 of 2019 — National Parks Board (Amendment) Act 2019**  
(Amendments made by section 12 of the above Act)

Bill : 4/2019

First Reading : 15 January 2019

Second and Third Readings : 12 February 2019

Commencement : 1 April 2019 (sections 12(a) and (b))

**10. G.N. No. S 103/2021 — Health Products Act (Amendment of First Schedule) Order 2021**

Commencement : 1 March 2021

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number