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The following Act was passed by Parliament on 7 November 2017 and assented to by the President on 7 December 2017:—

REPUBLIC OF SINGAPORE

No. 46 of 2017.

I assent.

HALIMAH YACOB,
President.
7 December 2017.



An Act to amend the Tobacco (Control of Advertisements and Sale) Act (Chapter 309 of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Tobacco (Control of Advertisements and Sale) (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Tobacco (Control of Advertisements and Sale) Act (called in this Act the principal Act) is amended —

- (a) by deleting the words “or substitute” in the definition of “cigarette” in subsection (1) and substituting the words “or tobacco substitute”;
- (b) by deleting the definitions of “tobacco product” and “tobacco substitute” in subsection (1) and substituting the following definitions:

““tobacco product” means —

- (a) a cigarette or cigar, or any other form of tobacco;
- (b) a tobacco derivative;
- (c) a tobacco substitute; or
- (d) a mixture containing any form of tobacco or a tobacco derivative or tobacco substitute,

but does not include a therapeutic product registered under the Health Products Act (Cap. 122D);

“tobacco substitute” means any article, object or thing that contains nicotine, but does not include any of the following:

- (a) a cigarette or cigar, or any other form of tobacco;
- (b) a tobacco derivative;
- (c) a mixture containing any form of tobacco or a tobacco derivative;

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- (d) a therapeutic product registered under the Health Products Act;”;
- (c) by inserting, immediately after the definition of “unauthorised advertisement” in subsection (1), the following definition:
- ““under-aged person” means —
- (a) for 12 months after the date prescribed, an individual who is below 19 years of age;
- (b) for 12 months after the end of the period in paragraph (a), an individual who is below 20 years of age; and
- (c) at any time after the end of the period in paragraph (b), an individual who is below 21 years of age;”;
- (d) by deleting subsection (2) and substituting the following subsection:
- “(2) For the purposes of this Act, a sale or a purchase, as the case may be, that is transacted online is regarded as a sale or a purchase in Singapore if, and only if, the purchaser is physically present in Singapore and the purchased product is intended to be delivered in Singapore.”.

Amendment of section 10

3. Section 10 of the principal Act is amended —
- (a) by deleting the words “a person below the age of 18 years” in subsection (1)(a), (b) and (c) and substituting in each case the words “an under-aged person”;
- (b) by deleting the words “below the age of 18 years” in subsection (2)(a) and (b) and substituting in each case the words “an under-aged person”; and

- (c) by deleting the words “persons below age of 18 years” in the section heading and substituting the words “under-aged persons”.

Amendment of section 11

4. Section 11 of the principal Act is amended —

- (a) by deleting the words “below the age of 18 years” in subsections (1) and (2) and substituting in each case the words “an under-aged person”; and
- (b) by deleting the words “young persons” in the section heading and substituting the words “under-aged persons”.

Amendment of section 13

5. Section 13(4) of the principal Act is amended by deleting the words “persons below the age of 18 years” and substituting the words “under-aged persons”.

Amendment of section 15

6. Section 15 of the principal Act is amended —

- (a) by deleting the words “or offer for sale in Singapore” in subsections (1) and (2) and substituting in each case the words “, offer for sale or possess for sale in Singapore”;
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) A person must not —

- (a) subject to subsection (3), possess in Singapore, other than for the purpose of sale in Singapore;
- (b) purchase in Singapore; or
- (c) use in Singapore,

any tobacco product mentioned in subsection (1) or (2).”;

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- (c) by deleting the words “Subsections (1) and (2) shall not apply” in subsection (3) and substituting the words “Subsections (1), (2) and (2A) do not apply”;
- (d) by deleting subsection (6) and substituting the following subsection:
- “(6) A person who contravenes subsection (2A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.”; and
- (e) by deleting the words “on importation, distribution and sale” in the section heading.

Amendment of section 16

7. Section 16 of the principal Act is amended —

- (a) by deleting the words “or offer for sale in Singapore” in subsections (1) and (2) and substituting in each case the words “, offer for sale or possess for sale in Singapore”;
- (b) by inserting, immediately after subsection (2), the following subsection:
- “(2A) A person must not —
- (a) possess in Singapore, other than for the purpose of sale in Singapore;
- (b) purchase in Singapore; or
- (c) use in Singapore,
- any item mentioned in subsection (1) or (2).”;
- (c) by inserting, immediately after subsection (5), the following subsections:
- “(6) A person who contravenes subsection (2A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.
- (7) It is not necessary for an item mentioned in subsection (1) or (2) to contain tobacco or a tobacco product or tobacco substitute.”.

Amendment of section 18

8. Section 18 of the principal Act is amended —

(a) by deleting paragraph (b) of subsection (4) and substituting the following paragraph:

“(b) the holder of a valid retail licence is authorised to do any act in subsection (3) only at a single point of sale within a retail outlet specified in the licence.”; and

(b) by deleting the words “subsection (1), (2) or (3)” in subsection (5) and substituting the words “subsection (1), (2), (3) or (4)”.

Amendment of section 34

9. Section 34(3) of the principal Act is amended by deleting the words “below the age of 18 years” and substituting the words “an under-aged person”.

Repeal and re-enactment of section 35

10. Section 35 of the principal Act is repealed and the following section substituted therefor:

“Fees, charges, etc., collected by Chief Executive or authorised officer

35.—(1) Subject to subsection (2), all fees, charges and other moneys recovered or collected by the Chief Executive or an authorised officer under this Act are to be paid to the Authority.

(2) All composition sums collected by the Chief Executive or an authorised officer under section 34 are to be paid into the Consolidated Fund.”.

New section 35A

11. The principal Act is amended by inserting, immediately after section 35, the following section:

“Public servants

35A.—(1) Each of the following persons is, in relation to that person’s administration, collection and enforcement of payment of composition sums under section 34, taken to be a public officer for the purposes of the Financial Procedure Act (Cap. 109):

- (a) every member, officer and employee of the Authority;
- (b) every person authorised by the Chief Executive in writing to compound offences under section 34.

(2) Section 20 of the Financial Procedure Act applies to each of the persons mentioned in subsection (1) even though that person is not or was not in the employment of the Government.”.
