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TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) ACT 1993

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) (APPEARANCE, PACKAGING AND LABELLING — EXEMPTION) ORDER 2022

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation and commencement
 2. Definitions
 3. Exemption
 4. Conditions of exemption
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In exercise of the powers conferred by section 22 of the Tobacco (Control of Advertisements and Sale) Act 1993, the Minister for Health makes the following Order:

Citation and commencement

1. This Order is the Tobacco (Control of Advertisements and Sale) (Appearance, Packaging and Labelling — Exemption) Order 2022 and comes into operation on 1 September 2022.

Definitions

2. In this Order —

“authorised contractor”, in relation to an exempt person, means a person who has entered into a contract or other arrangement with the exempt person for the conduct of product testing;

“exempt person” means a person mentioned in paragraph 3;

“non-compliant tobacco product” means a tobacco product which satisfies both of the following:

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- (a) the tobacco product is sold or intended to be sold exclusively outside Singapore;
 - (b) the tobacco product, or the packaging or labelling of the tobacco product, does not comply with section 17(3) of the Act read with the Tobacco (Control of Advertisements and Sale) (Appearance, Packaging and Labelling) Regulations 2019 (G.N. No. S 480/2019);

“product testing”, in relation to a tobacco product, means any test or other activity to ascertain or assess the characteristics, quality or authenticity of the tobacco product.

Exemption

3. Section 17(1)(a) of the Act and the Tobacco (Control of Advertisements and Sale) (Appearance, Packaging and Labelling) Regulations 2019 do not apply to a person who, on or after 1 September 2022 —

- (a) gives notice to the Authority of the person’s intention to import any non-compliant tobacco product for the purpose of product testing before the person first imports that non-compliant tobacco product; and
- (b) imports the non-compliant tobacco product only for the purpose of product testing.

Conditions of exemption

4.—(1) The exemption in paragraph 3 is subject to the exempt person complying with all of the following conditions:

- (a) the exempt person must ensure that the non-compliant tobacco product is kept only on the premises of the exempt person or an authorised contractor;
- (b) the exempt person must take all reasonable steps to ensure that the non-compliant tobacco product is used only for the purposes of product testing by —
 - (i) an authorised employee of the exempt person; or

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- (ii) an authorised contractor or authorised employee of an authorised contractor;
 - (c) the exempt person must, upon the completion of product testing of any non-compliant tobacco product, destroy or re-export any or any part of the non-compliant tobacco product which has not been used for the purpose of product testing;
 - (d) the exempt person must take all reasonable steps to prevent the use, distribution, import, sale, supply, purchase or possession of the non-compliant tobacco product for a purpose other than product testing;
 - (e) the exempt person must, within 3 days after becoming aware of any use, distribution, import, sale, supply, purchase or possession of the non-compliant tobacco product for a purpose other than product testing, inform the Authority of that use, distribution, import, sale, supply, purchase or possession;
 - (f) the exempt person must keep and maintain proper records of an inventory of all non-compliant tobacco products imported and cause to be recorded, in respect of each non-compliant tobacco product, any particulars that the Authority may specify;
 - (g) the exempt person must, upon request by the Authority, provide to the Authority or an authorised officer within the period specified by the Authority the records mentioned in sub-paragraph (f);
 - (h) the exempt person must preserve the records mentioned in sub-paragraph (f) for a period of 2 years after the last import of a non-compliant tobacco product for the purpose of product testing.
- (2) Without limiting sub-paragraph (1)(f), the particulars specified by the Authority may include particulars relating to —
- (a) any person who used any non-compliant tobacco product for the purpose of product testing; and

(b) the destruction or re-export of any non-compliant tobacco product in accordance with sub-paragraph (1)(c).

Made on 7 July 2022.

CHAN YENG KIT
*Permanent Secretary,
Ministry of Health,
Singapore.*

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