
First published in the *Government Gazette*, Electronic Edition, on 31 August 2022 at 5 pm.

No. S 718

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) ACT 1993

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE) (EXEMPTION FOR DUTY-FREE RETAILERS AND SPECIALIST TOBACCONISTS) ORDER 2022

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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) (Exemption for Duty-free Retailers and Specialist Tobacconists) Order 2022 and comes into operation on 1 September 2022.

Definitions

2. In this Order —

“Changi Airport” means the airport declared under the Civil Aviation Authority of Singapore (Changi Airport) Notification 2009 (G.N. No. S 293/2009);

“cigar shop” means a retail outlet where, at any time —

- (a) more than 50% of the products displayed for sale in the outlet are tobacco products; and

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- (b) at least 90% of the tobacco products in paragraph (a) are cigars;

“duty-free retailer” means a person that holds —

- (a) a valid retail licence under the Act to distribute, sell or offer for sale any tobacco product by retail at a retail outlet specified in the retail licence; and
- (b) a valid licence granted under section 82 of the Customs Act 1960 to sell goods free of duty to tourists and returning or departing residents of Singapore at a retail outlet designated in that licence, being the same retail outlet mentioned in paragraph (a);

“permitted information”, in relation to a tobacco product, means any of the following:

- (a) the price of the tobacco product;
- (b) the name of the manufacturer or brand name of the tobacco product;
- (c) the type or variant of the tobacco product;
- (d) the net weight, or number of units in each package, of the tobacco product;
- (e) the barcode or stock number of the tobacco product;

“plainly display”, for a tobacco product, means to display the tobacco product in such a way that the display —

- (a) is not accompanied by any image, sound, light or text, other than the permitted information in plain text on a price tag, if any; or
- (b) is not otherwise intended to induce, urge, promote or encourage the use of the tobacco product;

“specialist tobacconist” means a person that holds a valid retail licence under the Act to distribute, sell or offer for sale any tobacco product by retail at a cigar shop specified in that licence;

“specified ferry terminal” means —

- (a) any passenger terminal of the Singapore Cruise Centre located at —
 - (i) HarbourFront Centre, 1 Maritime Square; or
 - (ii) the Tanah Merah Ferry Terminal, 50 Tanah Merah Ferry Road; or
- (b) the passenger terminal of the Marina Bay Cruise Centre Singapore located at 61 Marina Coastal Drive;

“tobacco area” means an area within a retail outlet used for the display of any tobacco product that is intended and offered for sale and —

- (a) if the retail outlet is situated in any passenger terminal building at Changi Airport, is fully or partially enclosed; or
- (b) if the retail outlet is situated in a specified ferry terminal, is fully enclosed.

Exemption for duty-free retailers

3.—(1) This paragraph applies to a duty-free retailer that distributes, sells or offers for sale any tobacco product by retail at a retail outlet that is specified in the retailer’s retail licence and situated in —

- (a) a passenger terminal building at Changi Airport; or
- (b) a specified ferry terminal.

(2) Subject to sub-paragraph (3), sections 3(1) and 12A(1) and (2) of the Act do not apply to a duty-free retailer mentioned in sub-paragraph (1), in relation to a retail outlet mentioned in sub-paragraph (1), if and only if that duty-free retailer —

- (a) keeps a separate and distinct tobacco area within the retail outlet;
- (b) ensures that every tobacco product that is displayed within the tobacco area is displayed for the purpose of sale only;

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- (c) ensures that every tobacco product that is displayed for sale is —
 - (i) plainly displayed; and
 - (ii) displayed within the tobacco area only;
 - (d) ensures that every sign above or at the entrance of or within the tobacco area that relates to any tobacco product complies with the requirements in sub-paragraph (3);
 - (e) ensures that no customer or member of the public can see, from outside the tobacco area, any tobacco product that is displayed within the tobacco area; and
 - (f) does not require or encourage any individual to pass through or enter the tobacco area if the individual is not intending to buy any tobacco product.
- (3) The requirements for a sign relating to any tobacco product mentioned in sub-paragraph (2)(d) are as follows:
- (a) for a sign within the tobacco area to indicate the location of the tobacco product, the sign must only bear the first letter of the brand name of the tobacco product (but not the brand name itself);
 - (b) for a sign above or at the entrance to the tobacco area to indicate the availability of tobacco products within the tobacco area, the sign must only contain the word “Tobacco” in plain text and must not include or be accompanied by any image, sound or light.

Exemption for specialist tobacconists

4. Sections 3(1) and 12A(1) and (2) of the Act do not apply to a specialist tobacconist, in relation to a cigar shop specified in the retail licence of that specialist tobacconist, if and only if that specialist tobacconist —

- (a) ensures that every tobacco product that is displayed within the cigar shop is displayed for the purpose of sale only;
- (b) ensures that every tobacco product that is displayed for sale is —

- (i) plainly displayed; and
- (ii) displayed within the cigar shop only;
- (c) ensures that every sign within the cigar shop to indicate the location of any tobacco product must only bear the first letter of the brand name of the tobacco product (but not the brand name itself); and
- (d) ensures that no customer or member of the public can see, from outside the premises of the cigar shop, any tobacco product that is displayed inside the cigar shop.

Revocation

5. The Tobacco (Control of Advertisements and Sale) (Exemption for Duty-free Retailers and Specialist Tobacconists) Order 2017 (G.N. No. S 394/2017) is revoked.

Made on 30 August 2022.

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

[MH 78:29/2; AG/LEGIS/SL/309/2020/5 Vol. 1]