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**No. S 70**

TOBACCO  
(CONTROL OF ADVERTISEMENTS AND SALE) ACT  
(CHAPTER 309)

TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE)  
(PROHIBITED TOBACCO PRODUCTS AND  
IMITATION TOBACCO PRODUCTS)  
(EXEMPTION) ORDER 2018

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In exercise of the powers conferred by section 22 of the Tobacco (Control of Advertisements and Sale) Act, the Minister for Health makes the following Order:

**Citation and commencement**

1. This Order is the Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products and Imitation Tobacco Products) (Exemption) Order 2018 and comes into operation on 1 February 2018.

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## Definitions

### 2. In this Order —

“exempt imitation tobacco product” means an electronic nicotine delivery system or a vaporiser, or a heating device intended to be used with a heat-not-burn tobacco product;

“exempted purpose” means —

- (a) non-clinical research;
- (b) product development; or
- (c) a supply-chain related activity;

“non-clinical research”, in relation to a smokeless tobacco product, vaporiser solution or exempt imitation tobacco product, means any research conducted in a laboratory or other research facility that does not involve the testing or application of the smokeless tobacco product, vaporiser solution or exempt imitation tobacco product on a human being;

“product development” means an activity involving research and development, design, enhancement, bringing a product to commercialisation, prototyping, performance testing, quality assurance, tooling, moulding, automation and market certification of products and processes, failure analysis, or an activity that supports any of these activities;

“Prohibited Tobacco Products Regulations” means the Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products) Regulations 2014 (G.N. No. S 769/2014);

“smokeless tobacco product” means any tobacco product specified in item 2 of the Schedule to the Prohibited Tobacco Products Regulations;

“supply-chain related activity” means an activity involving the movement and storage of products and components, including component sourcing, supplier management, production scheduling and planning, inventory and warehouse management, import and export trade

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compliance and distribution, or an activity that supports any of these activities;

“vaporiser solution” means any tobacco product specified in item 5 of the Schedule to the Prohibited Tobacco Products Regulations.

### **Exemption from prohibition against importing tobacco product**

3. Subject to paragraph 6, a person who —
- (a) has not been convicted of any offence under the Act or any subsidiary legislation under the Act committed on or after 2 August 2016;
  - (b) on or after 1 February 2018, gives prior notice to the Authority of the person’s intention to import any smokeless tobacco product or vaporiser solution for an exempted purpose before the person first imports that smokeless tobacco product or vaporiser solution;
  - (c) imports any smokeless tobacco product —
    - (i) between 2 August 2016 and 31 December 2026 (both dates inclusive) only for non-clinical research conducted by the person; or
    - (ii) between 1 February 2018 and 31 December 2026 (both dates inclusive) only for an exempted purpose carried out by the person;
  - (d) imports any vaporiser solution between 1 February 2018 and 31 December 2026 (both dates inclusive) only for an exempted purpose carried out by the person; and
  - (e) where the non-clinical research involves any application or testing of the smokeless tobacco product or vaporiser solution on an animal, is the holder of a licence issued under the Animals and Birds (Care and Use of Animals for Scientific Purposes) Rules (Cap. 7, R 10),

is exempt from the following in respect of the smokeless tobacco products or vaporiser solutions so imported by that person:

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- (A) section 15(1) of the Act (as it relates to the import of a tobacco product) read with regulation 2 of the Prohibited Tobacco Products Regulations;
  - (B) section 18(1) of the Act.

**Exemption from prohibition against possession of tobacco product**

4. Subject to paragraph 6, a person who —
- (a) has not been convicted of any offence under the Act or any subsidiary legislation under the Act committed on or after 1 February 2018;
  - (b) on or after 1 February 2018, gives prior notice to the Authority of the person's intention to possess any smokeless tobacco product or vaporiser solution for an exempted purpose before the person first takes possession of that smokeless tobacco product or vaporiser solution;
  - (c) is in possession of any smokeless tobacco product or vaporiser solution between 1 February 2018 and 31 December 2026 (both dates inclusive) only for an exempted purpose carried out by the person; and
  - (d) where the non-clinical research involves any application or testing of the smokeless tobacco product or vaporiser solution on an animal, is the holder of a licence issued under the Animals and Birds (Care and Use of Animals for Scientific Purposes) Rules (Cap. 7, R 10),

is exempt from section 15(2A)(a) of the Act read with regulation 2 of the Prohibited Tobacco Products Regulations in respect of the smokeless tobacco products or vaporiser solutions in the possession of that person between 1 February 2018 and 31 December 2026 (both dates inclusive).

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**Exemption in relation to exempt imitation tobacco product**

5. Subject to paragraph 6, a person who —
- (a) has not been convicted of any offence under the Act or any subsidiary legislation under the Act committed on or after 1 February 2018;
  - (b) on or after 1 February 2018, gives prior notice to the Authority of the person's intention to —
    - (i) import, distribute or possess any exempt imitation tobacco product, as the case may be, for an exempted purpose before the person first imports, distributes or takes possession of that exempt imitation tobacco product; or
    - (ii) import, distribute, sell or offer for sale, possess (for sale or otherwise), or purchase any component of an exempt imitation tobacco product, as the case may be, for an exempted purpose before the person first imports, distributes, sells or offers for sale, takes possession of or purchases that component;
  - (c) between 1 February 2018 and 31 December 2026 (both dates inclusive) —
    - (i) imports, distributes or is in possession of any exempt imitation tobacco product, as the case may be, only for an exempted purpose carried out by the person; or
    - (ii) imports, distributes, sells or offers for sale, is in possession of (for sale or otherwise), or purchases any component of an exempt imitation tobacco product, as the case may be, for an exempted purpose carried out by the person; and

- (d) where the non-clinical research involves any testing of the exempt imitation tobacco product on an animal, is the holder of a licence issued under the Animals and Birds (Care and Use of Animals for Scientific Purposes) Rules (Cap. 7, R 10),

is exempt from section 16(1), (2) and (2A) of the Act in respect of the exempt imitation tobacco products and its components so imported, distributed, sold or offered for sale, possessed (for sale or otherwise), or purchased, as the case may be.

### **Conditions of exemptions**

6. The exemptions in paragraphs 3, 4 and 5 are subject to the person in paragraph 3, 4 or 5, as the case may be, (called in this paragraph the exempt person) complying with the following conditions:

- (a) the exempt person must take all reasonable steps to prevent the use, distribution, import, sale, supply, purchase or possession of the smokeless tobacco product, vaporiser solution or exempt imitation tobacco product, or its components, (called in this paragraph an exempt product) for a purpose other than an exempted purpose;
- (b) the exempt person must, within 3 days after becoming aware of any use, distribution, import, sale, supply, purchase or possession of an exempt product for a purpose that is not an exempted purpose for which the exempt product is imported, distributed, sold or offered for sale, possessed (for sale or otherwise) or purchased, as the case may be, inform the Authority of such use, distribution, import, sale, supply, purchase or possession;
- (c) the exempt person must keep and maintain proper records of an inventory of all the exempt products, and in addition cause to be recorded in respect of each exempt product such particulars as may be specified by the Authority from time to time;

- (d) the exempt person must, upon request by the Authority, furnish to the Authority or an authorised officer the records mentioned in sub-paragraph (c) within such period as may be specified by the Authority;
- (e) the exempt person must preserve the records mentioned in sub-paragraph (c) for a period of 2 years after the last import, distribution, sale or offer for sale, instance of possession (for sale or otherwise) or purchase, as the case may be, of an exempt product by that person.

### **Revocation**

7. The Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products) (Exemption) Order 2016 (G.N. No. S 582/2016) is revoked.

Made on 30 January 2018.

CHAN HENG KEE  
*Permanent Secretary,  
Ministry of Health,  
Singapore.*

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