

No. 10 of 2025

VIRGIN ISLANDS

TOBACCO PRODUCTS CONTROL (AMENDMENT) ACT, 2025

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
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4. Section 4 amended
5. Section 5 amended
6. Section 6 amended
7. Insertion of sections 8A and 8B
8. Section 9 amended

I ASSENT

**(Sgd.) Daniel Pruce,
Governor.
10th April, 2025**

VIRGIN ISLANDS

No. 10 of 2025

AN ACT TO AMEND THE TOBACCO PRODUCTS CONTROL ACT, 2006, NO. 18 OF 2006, TO PROVIDE FOR RESTRICTIONS ON THE USE OF ELECTRONIC SMOKING DEVICES AND THE CREATION OF THE NEW OFFENCES OF PERMITTING SMOKING IN A PUBLIC PLACE, SMOKING BY A PERSON UNDER 18 YEARS OF AGE AND SMOKING IN A MOTOR VEHICLE WHILE A PERSON UNDER 18 YEARS OF AGE IS PRESENT; AND FOR RELATED MATTERS.

[Gazetted 17th April, 2025]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title

1. This Act may be cited as the Tobacco Products Control (Amendment) Act, 2025.

Section 2 amended

2. The Tobacco Products Control Act, 2006, No. 18 of 2006 (hereinafter referred to as “the principal Act”) is amended in section 2 as follows:

(a) by inserting after the definition of the word “distribute” the following definitions:

““electronic cigarette” means an electronic device that delivers vapor which is inhaled by an individual user, and includes any refill, cartridge and any other component of such a device;

“electronic smoking device” means an electronic nicotine or non-nicotine delivery system such as an electronic cigarette, cigar, cigarillo, pipe or vaping device, which is used to simulate the act of smoking;”;

(b) by deleting the definition of the word “smoke” and substituting the following definition:

““smoke”, in relation to a tobacco product, includes

- (a) the smoking of tobacco or anything which contains tobacco;
 - (b) being in possession of lit or heated tobacco or of anything lit or heated which contains tobacco; or
 - (c) inhaling, exhaling or otherwise having control over the emission of tobacco vapour from an electronic smoking device;” and
- (c) in the definition of the words “tobacco product” by
- (i) deleting the word “and” after the word “tubes” and substituting a comma; and
 - (ii) inserting after the word “filters” the words “and electronic smoking devices”.

Section 3 amended

3. The principal Act is amended in section 3(1) by inserting after the word “shall” the words “manufacture, package,”.

Section 4 amended

4. The principal Act is amended in section 4 as follows:

- (a) in subsection (1) by deleting the words “except as provided under this Act or the Regulations” and substituting the following:
 - “(a) through direct or indirect means, including a billboard advertisement, print advertisement, television advertisement, radio advertisement, social media, through sponsorship of an organisation, event, service, physical establishment or vehicle of any kind; or
 - (b) in a manner that allows a consumer or purchaser of such product to be deceived or misled concerning its character, properties, toxicity, composition, merit or safety.”; and
- (b) by deleting subsections (2) and (3) and renumbering subsection (4) as subsection (2).

Section 5 amended

5. The principal Act is amended in section 5 as follows:

- (a) in subsection (1) by inserting after the word “tobacco” the words “or tobacco products”; and
- (b) in subsection (8) by inserting after the word “tobacco” the words “or tobacco products”.

Section 6 amended

6. The principal Act is amended in section 6 by deleting the words ““public place” means an enclosed public place, whether or not it is covered.” and substituting the following words:

““public place” means a substantially enclosed public place, whether or not that place

- (a) is covered by a permanent or temporary roof or covering whether semi-porous or otherwise; and
- (b) has walls or other erections that prevent passage, and also has doors, windows or openings in those walls or other erections.”.

Insertion of sections 8A and 8B

7. The principal Act is amended by inserting after section 8 the following new sections:

“Prohibition of smoking in a public place

8A. (1) No occupier of a public place shall permit any person to smoke tobacco or use a tobacco product in that public place.

(2) No occupier of a public place shall permit any person to smoke tobacco or use a tobacco product within 50 feet of an entrance, exit or open window of that place, if the extended space is under the control of the occupier.

(3) An occupier is to be regarded as having permitted a person to smoke in a public place if the occupier knew or ought reasonably to have known that the person was smoking in that place.

Prohibition of smoking in a motor vehicle while a person under 18 years of age is present

8B. No person shall smoke in a motor vehicle if a person under 18 years of age is present in that motor vehicle.”.

Section 9 amended

8. The principal Act is amended in section 9 by inserting after the words “Environmental Health Officers” the words “, Customs Officers”.

Passed by the House of Assembly this 24th day of March, 2025.

(Sgd.) Corine George-Massicote,
Speaker.

(Sgd.) Bethsaida Smith-Hanley,
Clerk of the House of Assembly.