

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2019 No. 66.

THE TOBACCO CONTROL REGULATIONS, 2019

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STATUTORY INSTRUMENTS

2019 No. 66.

The Tobacco Control Regulations, 2019

(Under section 45 of the Tobacco Control Act, 2015)

IN EXERCISE of the powers conferred on the Minister responsible for health by section 45 of the Tobacco Control Act, 2015, in consultation with the Committee, these Regulations are made this 23rd day of August, 2019.

1. Title and commencement

(1) These Regulations may be cited as the Tobacco Control Regulations, 2019.

(2) These Regulations shall commence on publication except regulations 3, 4, 5 and 6 which shall commence on 1st February, 2020.

2. Interpretation

In these Regulations—

“Act” means the Tobacco Control Act, No. 22 of 2015;

“flavoured tobacco product” means a tobacco product which has a taste or smell, other than the taste or smell of tobacco, such as fruit, spice, herb, alcohol, candy, menthol, mint, chocolate or vanilla, and includes a taste or smell that is activated by the consumer at the point of consumption;

“unit package” means the package in which tobacco products for retail are packed.

Labelling of tobacco products

3. Labelling requirements

(1) A unit package of a tobacco product imported into, manufactured, distributed, sold or offered for sale in Uganda shall be

in the format in Schedule 1 to these Regulations and the information to be indicated on a unit package shall be of the dimensions and character specified in the Schedule.

(2) The information required under subregulation (1) shall include, for cigarettes, the number of cigarettes in the package and for other tobacco products, the weight in grams of the tobacco product.

(3) For the avoidance of doubt, a unit package for cigarettes shall contain twenty sticks of cigarettes and, for any other tobacco product shall be twenty grammes in weight and cigarettes and other tobacco products shall not be provided for retail other than as prescribed in this regulation.

(4) Where a tobacco product is manufactured or packaged in Uganda, the information on a unit package shall include the name and address of the manufacturer or distributor, as the case may be.

(5) Where a tobacco product is imported into Uganda, the information on a unit package shall include the name and address of the manufacturer and of the distributor in Uganda.

(6) A health warning shall not be capable of being distorted, damaged, concealed, obliterated, removed or rendered unreadable when the package on which it is printed is opened.

(7) A unit package and a package which contains several unit packages of a tobacco product which is for sale in Uganda shall bear—

- (a) a “For Sale only in Uganda” notice, on the bottom area of the package; and
- (b) the place and date of manufacture of the product.

4. Misleading labels

(1) A unit package shall not have any representation or sign which—

- (a) suggests that the tobacco product is less harmful to health than it is;
- (b) is false, misleading or deceptive with regard to the characteristics, health effects, hazards or emissions of the tobacco product; or
- (c) directly or indirectly, creates the impression that the tobacco product is less hazardous than other tobacco products.

(2) For the purposes of subregulation (1) a unit package shall not have—

- (a) any descriptor, word or term including “light”, “ultra-light”, “mild”, “low tar”, “smooth”, “slim”, “extra”, “ultra”, “natural”, “menthol”, “cool”, or any other term or phrase in any language that is likely or intended to mislead consumers, including when used as part of a brand name or trademark;
- (b) any figurative language, trademark, colour, combination of colours, number, image, symbol, or any other sign of any kind, in whole or part, that is likely or intended to mislead consumers, including when used as part of a brand name or trademark; or
- (c) any design or feature that is likely or intended to mislead consumers.

5. Requirements for health warnings and messages

(1) Each unit package of a tobacco product imported into, manufactured, distributed, sold or offered for sale in Uganda shall have any of the health warning messages, specified in Schedule 2, on the front and back sides of the unit package.

(2) For each batch of a brand of a tobacco product imported into, or manufactured in, and distributed in Uganda, all the four health warning messages specified in Schedule 2 shall be used equally on the unit packages in the batch.

(3) For the avoidance of doubt, a particular health warning shall not be used on more or less unit packages in a batch of a brand of cigarettes, than another health warning.

(4) The health warnings in Schedule 2 shall be use for a period of twenty four months or such further period as the Minister may prescribe.

(5) The picture portion of a health warning shall comprise 80% of the space reserved for the health warning and the text portion of the health warning shall comprise 20% of the space reserved for the health warning.

6. Statement on constituents and emissions of tobacco products

(1) A unit package shall have a statement on the constituents and emissions of the tobacco product in the unit package on the top side of a package as specified in Schedule 1 and the statement shall—

(a) include a statement that “Tobacco smoke contains over 70 substances known to cause cancer”; and

(b) cover 100% of the top side of the package.

(2) There shall not be any other information on the top side of a package other than the information in subregulation (1).

(3) The statement of on the constituents and emissions shall in addition to the requirement under subregulation (1), be printed on all the sides of a package which contains several unit packages of a tobacco product.

(4) The constituents and emissions statement shall be printed in black against a yellow background.

Prohibition of additives

7. Prohibition of additives in tobacco products

A person shall not import, manufacture, distribute, sell or offer for sale in Uganda—

- (a) a flavoured tobacco product;
- (b) a tobacco product that has any technical feature that allows the release or modification of the smell or taste of the tobacco product or the smoke intensity of the tobacco product, by the consumer;
- (c) a tobacco product that has flavour delivering mechanisms including filter flavour capsules, granules and flavour threads;
- (d) a tobacco product that contains additives with properties associated with or likely to be associated with energy or vitality, health benefits or reduced health risks including amino acid, caffeine, taurine, vitamins and minerals;
- (e) a tobacco product that contains colouring properties for emissions; or
- (f) a tobacco product, where the words, pictures, images or symbols on the package or labels of the tobacco product represent or imply that the tobacco product—
 - (i) is a flavoured tobacco product;
 - (ii) has technical feature that allows the release or modification of the smell or taste of the tobacco product or the smoke intensity of the tobacco product, by the consumer; or
 - (iii) has flavour delivering mechanisms including filter flavour capsules, granules and flavour threads.

Tobacco product price lists

8. Tobacco product price list

(1) A seller of tobacco products may develop a price list of the tobacco products which shall be made available to a buyer upon request.

(2) For the avoidance of doubt, a price list shall not be displayed and shall only be available to a customer upon request.

(3) A price list shall be in the form in Schedule 3 to these Regulations and the number of cigarettes or the weight of a tobacco product in a unit package shall be in accordance with regulation 3 (3).

(4) A price list shall be 14.8 cm in length and 21 cm in height, or less.

(5) A price list shall—

- (a) indicate the prices of the tobacco products available for sale at the location;
- (b) bear any of the health warning messages specified in Schedule 2, at the top of the list, of not less than the top 30% of the page; and
- (c) not contain any image, symbol or sign including a trademark or brand imaging, in whole or part, of any tobacco product.

(6) Any person who contravenes this regulation shall on conviction be liable to a fine not less than twenty-four currency points or imprisonment for a term not less than one year, or both.

“No smoking” notices in public places, work place and vehicles for public transport

9. Size and format of notice prohibiting smoking in public places and workplaces

(1) A notice prohibiting smoking in a public place or a workplace shall be in the format in Schedule 4 to these Regulations.

(2) For the purpose of subregulation (1) a notice shall—

- (a) be at least 50 cm in length and 70 cm in height;
- (b) have a solid white background;
- (c) display the no-smoking symbol consisting of a graphic representation of a burning cigarette drawn in black colour, pointing to the right and enclosed within a red circle which shall be at least 1 cm wide, with a red diagonal line crossing over it from the right to the left side; and
- (d) contain a **“NO SMOKING—PENALTY OF UP TO SHILLINGS 200,000 OR 6 MONTHS IMPRISONMENT (TOBACCO CONTROL ACT NO. 22 OF 2015)”**, statement in English, and the language commonly used in the area where the public place or work place is situated.

10. Display of notices

A notice for a public place or a workplace where smoking is prohibited shall be displayed—

- (a) at the exterior of an entrance to a building or to an entrance of an enclosed building, in a manner and at a place that the notice is visible to a person entering the building or the enclosure, when the exterior is open;
- (b) inside a building and on the stairwell on each floor, and in places of convenience; and
- (c) in the outdoor area where smoking is prohibited.

11. Size, format, content, and placement of notice prohibiting smoking in vehicles used for public transport

(1) A categories of vehicles used for public transport, specified in this regulation shall bear “No smoking” notices as specified—

- (a) a vehicle with a sitting capacity of up to 15 passengers, shall bear a notice on the dashboard and on the partitioning between the driver and passengers, measuring 14 cm in height and 12 cm in length;
- (b) a vehicle with a sitting capacity of between 15 and 59 passengers, shall bear a notice on the dashboard and the each side of the interior of the vehicle, measuring 21cm in height and 30cm in length; and
- (c) a vehicle with a sitting capacity of 60 passengers or more, shall bear a notice on the dashboard, and two notices on each side of the interior of the vehicle, measuring 21cm in height and 30cm in length.

(2) The notices shall be displayed where they are readily visible to all passengers upon entry into the vehicle.

(3) A notice shall not contain any text, image, symbol, sign, color, or other content other than what is specified in this regulation.

Reports to the Committee

12. Reports to the Committee by tobacco product manufacturers and importers

(1) A manufacturer, importer, supplier or distributor of tobacco or a tobacco product shall, by 30th January of every year, submit a report to the Committee, which shall have the content specified in the Sixth Schedule to the Act.

(2) A manufacturer, importer, supplier or distributor that intends to introduce a new tobacco product in Uganda or to make any changes or modifications to a tobacco product for which a report is

submitted under subregulation (1) shall, at least 6 months before the introduction, change or modification, submit a report of the new or modified tobacco product to the Committee, using the format provided by the Committee.

(3) The report submitted under subregulation (2) shall indicate, as may be applicable—

- (a) the design of the tobacco product;
- (b) the chemical or chemical compounds in the tobacco smoke of the product;
- (c) the content, delivery and form of nicotine of the tobacco product; and
- (d) the additives and ingredients of the tobacco product.

(4) A manufacturer, importer, supplier or distributor of tobacco or a tobacco product, as the case may be, that submits information shall specify any information that person or entity considers to constitute a trade secret.

13. Reports to the Committee upon request

(1) Notwithstanding regulation 12, the Committee may request a manufacturer, importer, supplier or distributor of tobacco or a tobacco product to make a report, at any time, with respect to any matters in the Sixth Schedule of the Act.

(2) A report under subregulation (1) shall be submitted to the Committee, within 14 days of the date of the request to the manufacturer, importer, supplier or distributor of tobacco or a tobacco product, as the case may be.

(3) The Tobacco Control Committee shall prescribe the content and format of the report to be submitted under regulation 12 and this regulation.

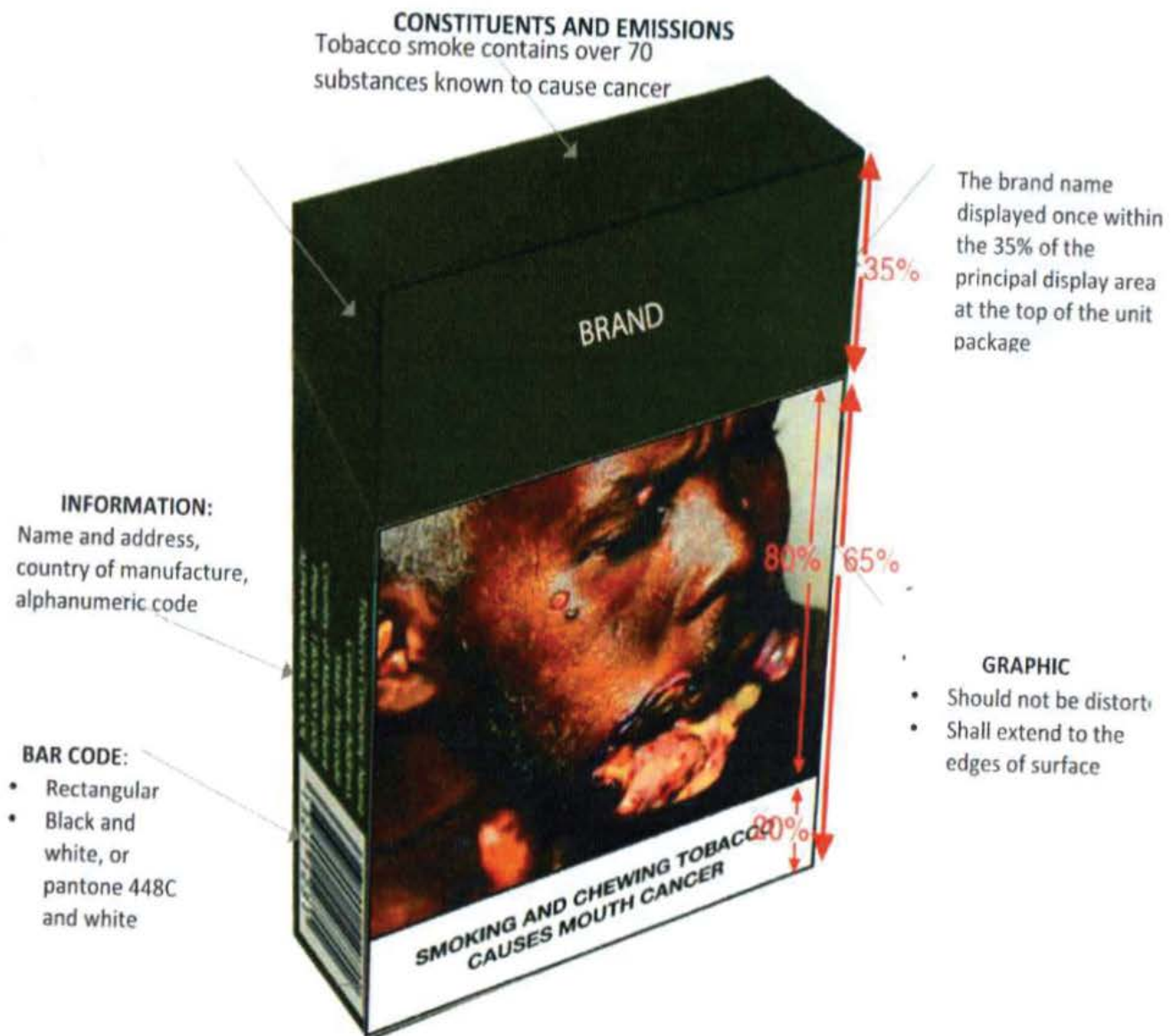
SCHEDULES

Schedule 1

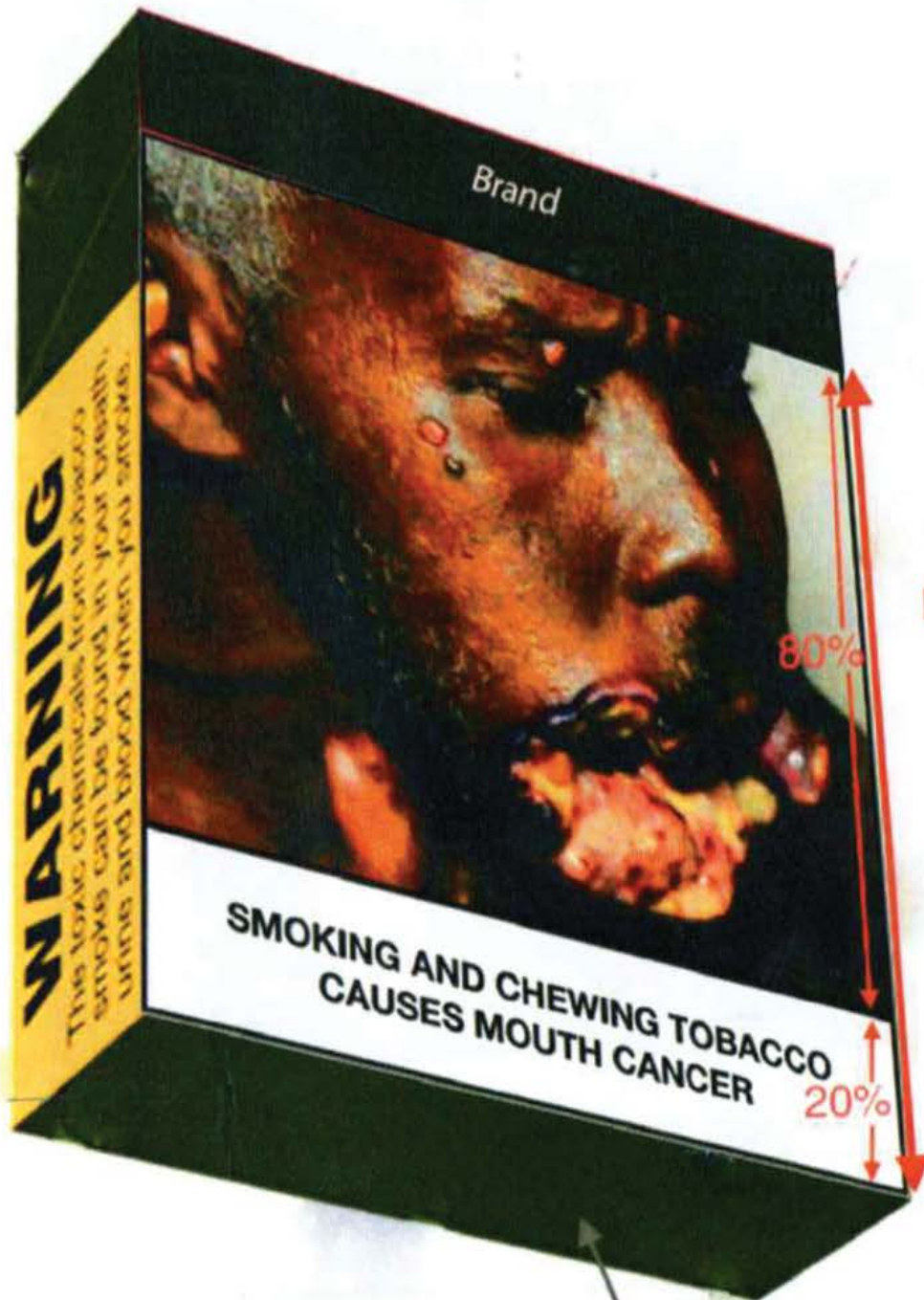
Labelling of unit package

Regulation 3

FRONT SIDE

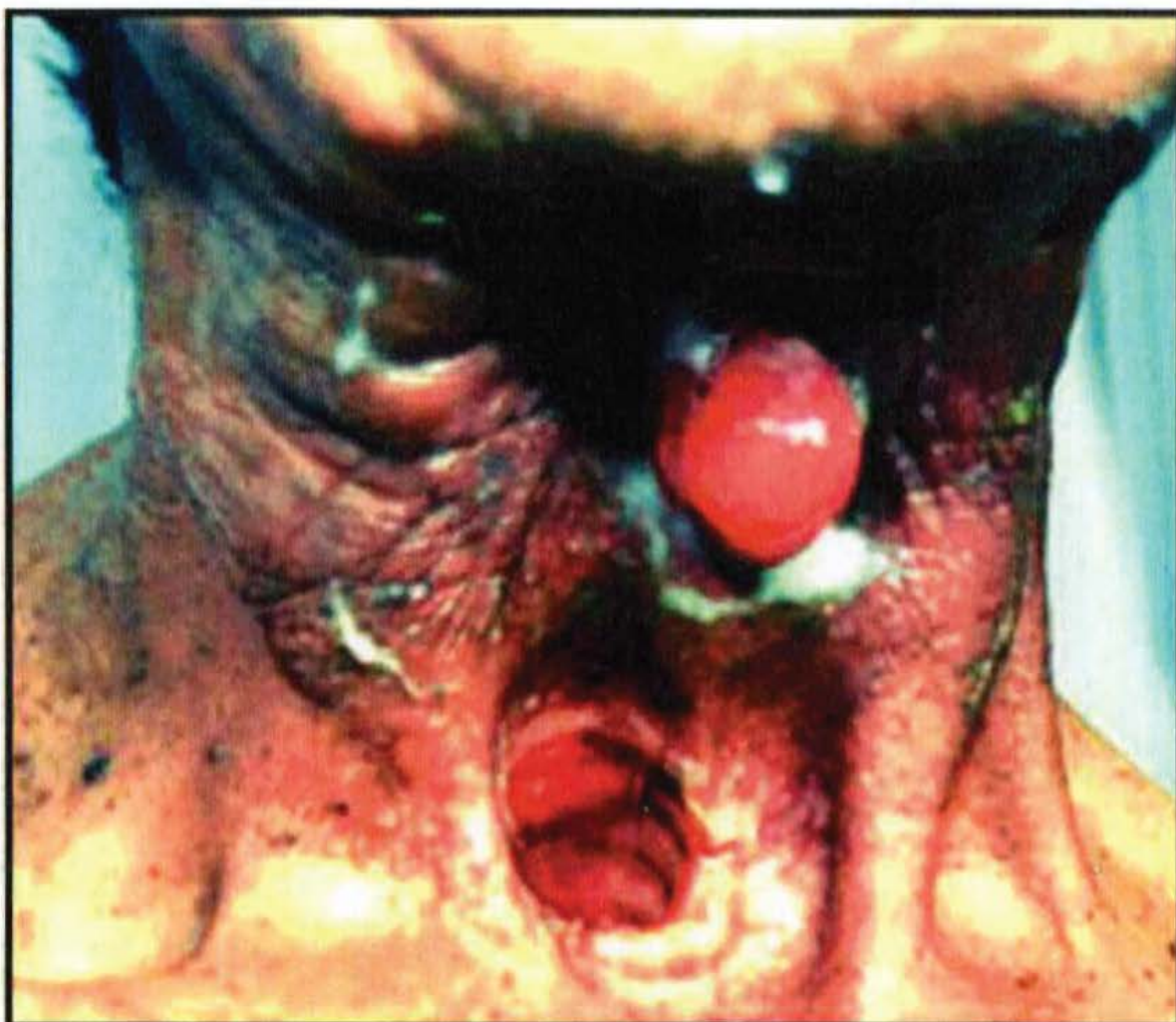


BACK SIDE



FOR SALE ONLY IN UGANDA

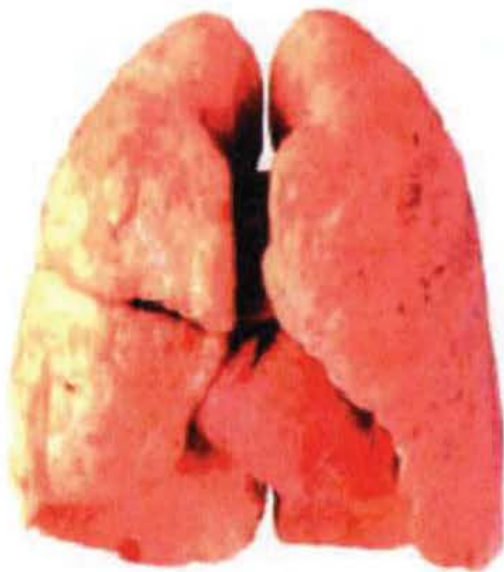
HEALTH WARNING MESSAGES



**SMOKING AND CHEWING TOBACCO
CAUSES THROAT CANCER**



**SMOKING AND CHEWING TOBACCO
CAUSES MOUTH CANCER**



**NON-SMOKER'S
LUNG**



SMOKER'S LUNG

**TOBACCO SMOKE
CAUSES LUNG CANCER**



**SMOKING TOBACCO
CAUSES HEART ATTACKS**

Schedule 3

Regulation 8

FORMAT OF TOBACCO PRODUCT PRICE LIST

TOBACCO PRODUCTS PRICE LIST		
(Insert health warning covering at least 30% of the page)		
Brand name	Number of cigarettes in a unit package/weight in grammes if other tobacco product	Price

NO SMOKING SIGNAGE



**NO SMOKING - PENALTY OF UP TO 200,000
SHILLINGS OR 6 MONTHS IMPRISONMENT -
(TOBACCO CONTROL ACT NO. 22 OF 2015)**

*(The text shall be in English and in the language commonly used
in the area where the public place or workplace is situated.)*

DR. ACENG JANE RUTH,
Minister of Health



THE REPUBLIC OF UGANDA

THE TOBACCO CONTROL REGULATIONS, 2019

Statutory Instrument No. 66