



**TOBACCO PRODUCTS CONTROL  
AMENDMENT BILL 2006, SOUTH  
AFRICA**

**NATIONAL DEPARTMENT OF  
HEALTH**

**23 – 25 JANUARY 2007**

## BACKGROUND TO THE BILL

- ◆ Tobacco is a leading preventable cause of death worldwide
- ◆ It kills 4,9 million people annually. This is predicted to rise to 10 million per year by 2030
- ◆ 70% of future deaths will be in the developing world.



## BACKGROUND TO THE BILL

- ◆ There is evidence that tobacco companies are targeting developing countries.
- ◆ Tobacco contributes to the gap between rich and poor countries.
- ◆ About 60% of all admissions to Groote Schuur Hospital are from tobacco related illnesses
- ◆ Cigarettes, cigars, snuff are all harmful



## ECONOMICS OF TOBACCO USE

- ◆ Tobacco use slows our economic development because it places a huge strain on the economy.
- ◆ Tobacco is bad for business. It reduces productivity. Millions of days are lost to industry because workers are sick from tobacco use.



# TOBACCO CONTROL IN SOUTH AFRICA- THE BACKGROUND

## ◆ **Tobacco Products Control Act No 83 of 1993:**

Health warnings,

No smoking on public transport,

No sales to children under age 16.

## ● **Excise increases (1994 - present):**

Tax to rise to 50 per cent of retail price

## ● **Tobacco Products Control Amendment Act No 12 of 1999:**

Clean indoor air policy

Ban advertising





# TOBACCO CONTROL IN SOUTH AFRICA- THE BACKGROUND


The purpose of the Tobacco Products Control Amendment Act (12 of 1999) is to:

- ◆ Ensure that young people don't start smoking;
- ◆ Protect people from harm caused by tobacco smoke pollution;
- ◆ Help smokers quit and to reduce the risks for those who continue to smoke.



## FRAMEWORK CONVENTION ON TOBACCO CONTROL (FCTC)

- ◆ The WHO FCTC is an international treaty for controlling tobacco marketing and use.
- ◆ SA is among 147 countries that have ratified the treaty.
- ◆ The country has legal obligations under the treaty.



# TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2006 (The Bill)

The Bill was split into two sections

◆ Section 75

- Which deals with environmental issues
- Regarded as a national competency

◆ Section 76

- Which deals with advertising, labeling, sales to and by minors etc
- Regarded as joint competency between National and Provincial governments

# TOBACCO PRODUCTS CONTROL AMENDMENT BILL 2006

## Reasons for amendments

- ◆ The 1993 Act (as amended in 1999) needs to be strengthened with enforcement
- ◆ There are also gaps in the Act that have been exploited.
- ◆ The amendments to the Bill should bring SA legislation in line with our treaty obligations under the WHO FCTC.



## THE BILL

The main provisions of Bill B24 (75 Bill) are:

- ◆ to further regulate smoking in public places;
- ◆ to establish manufacturing standards for tobacco products;
- ◆ to increase fines for contravening the Act.



## SECTION 2- SMOKING IN PUBLIC PLACES

### The Bill :

- ◆ **Increases the fine for the owner/ manager of a public place who allows smoking in a prohibited area;**
- ◆ **Adds a penalty for an individual who smokes in a public place;**
- ◆ **Prohibits smoking in private dwellings if they are used for commercial childcare activities, e.g. crèches, after-school centers;**



## SECTION 2- Continued

- ◆ Prohibits smoking within a prescribed distance of the entrance to a public place;
- ◆ Prohibits anyone under 18 years from being present in an area where smoking is permitted;
- ◆ Regulates smoking in specified outdoor areas; and
- ◆ Protects workers from exposure to tobacco smoke pollution.



## SECTION 3 A – PRODUCT REGULATION

- ◆ The Bill allows for the regulation of the constituents (what is in the product);  
the emissions (what is produced when the product is used); and  
the design of tobacco products marketed in South Africa.
- ◆ It also prescribes test methods for emissions of tobacco products.



## SECTION 3 A – PRODUCT REGULATION

### The Bill:

- **Requires the disclosure of additives and ingredients used in making tobacco products;**
- **Makes provision for setting standards to reduce the fire risks from discarded cigarettes. ( Self-extinguishing or lower ignition propensity cigarettes).**



## SECTION 7 – OFFENCES AND PENALTIES

The Bill introduces the following penalties:

- ◆ An individual smoking in a non-smoking area – up to R500.
- ◆ Those in control of public places who do not comply with the law – up to R 50 000.





## CONCLUSION

- ◆ **Principal Act allowed necessary reform to Tobacco Control in the country.**
- ◆ **However with legislation it can never been complete that is why we need to adjust it to be in line with our transformation agenda**
- ◆ **SA is a signatory to the FCTC, and therefore supports international best practices to ensure that our legislation is aligned**
- ◆ **The leadership, of the Minister of Health need to be recognized in this regard**