



NATIONAL ASSEMBLY
FEDERAL REPUBLIC OF NIGERIA

NATIONAL TOBACCO REGULATIONS, 2019

APPROVED BY

THE SENATE ON THURSDAY, 23RD MAY, 2019

THE HOUSE OF REPRESENTATIVES ON TUESDAY, 7TH MAY, 2019

National Tobacco Control Regulations, 2019



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NATIONAL TOBACCO CONTROL REGULATIONS, 2019

PREAMBLE

In exercise of the powers conferred on me by section 39 (1) of the National Tobacco Control Act, 2015 (the Act) and of all other powers enabling me in that behalf, I, Professor Isaac F. Adewole, the Honourable Minister for Health, with the approval of the National Assembly, Federal Republic of Nigeria, makes the following Regulations-

PART I: OBJECTIVES AND APPLICATION

1. The objectives of these Regulations are to -

Objectives

(a) provide a legal framework to achieve the Objectives of the Act and for the effective implementation of the Act; and

(b) promote and protect Nigerians and residents' rights to health, life, physical integrity, safe and healthy workplaces, and other rights adversely impacted by tobacco or tobacco product smoke exposure.

2. These Regulations shall apply throughout the Federal Republic of Nigeria.

Application.

PART II: HEALTH WARNING AND PACKAGING

3. (1) A person who manufactures, sells, distributes or imports a tobacco product shall ensure that every package bears health warnings and messages stipulated under section 20 of the Act.

Health Warnings and Messages.

(2) The graphics and writing of a health warning and message required under section 20 (1) of the Act shall consist of a full coloured picture appearing in combination with a text related to the picture conveying the health consequences of tobacco use or exposure to second-hand smoke in a manner that maximizes noticeability and legibility of elements of health warnings and messages in the approved layout and design as shown in the First Schedule to these Regulations, prescribed under the Act or by the Minister, from time to time.

(3) The pictures used in the health warnings and messages shall be printed in four colours, screen of 133 lines per inch based on a source file of 300 dpi.

(4) They shall be printed using current available technology for purposes of providing vivid and realistic pictures, without the use of any border, frame or any other design that will effectively reduce the size of the warning.

(5) Normal opening of the package shall not damage, conceal, obscure, disrupt or otherwise hamper the visibility of the health warnings and messages.

(6) Health warnings and messages shall not be susceptible at any time to being, damaged, concealed, obstructed, obscured or disrupted by other required packaging and labelling information, markings, or stamps, by any package design feature, or by anything provided by the manufacturer or seller that could be used to cover, damage, conceal, obstruct, obscure, or disrupt the warnings and messages.

(7) A person shall not design the package, parts of the package, or accessories with a cover that obscures the prescribed health warnings and messages.

4. Pursuant to the provisions of section 21(3) (b) and (c) of the Act, the following features are prohibited - Prohibited Packaging.

(a) any feature of the retail packaging designed to change the health warning after retail sale, including but not limited to -

(i) heat activated inks;

(ii) inks or embellishments designed to appear or disappear gradually over time, including on the product itself;

(iii) inks that appear fluorescent in certain light, including on the product itself

(iv) panels designed to be scratched or rubbed to reveal an image or text;

(v) removable or hidden tabs or panels; or

(vi) fold-out tables or panels; and

(b) any other misleading and or promotional features of the packaging and labelling on the product, in addition to the prohibition on misleading packaging set out in section 21 (1) of the Act.

5. (1) A principal display surface of any tobacco product package shall include, in the case of- Principal Display Surface.

(a) box type packages, two equal sized largest surface areas of the box that may be displayed or visible under normal conditions of sale or use;

(b) pouch type packages, the entire surface area of the pack that may be displayed or visible under normal conditions of sale or use;

(c) conical or cylindrical type of packages. the entire curved area of the pack that may be displayed or visible under normal conditions of sale or use; and

(d) any other form or type of package, the entire surface area of the pack that may be displayed or visible under normal conditions of sale or use.

(2) For other forms of packaging not covered in sub-regulation (1) of this regulation, the prior approval of the National Tobacco Control Committee shall be sought and obtained.

(3) The diagrams of principal display surfaces shall be as shown in the Third Schedule to these Regulations, subject to further guidelines that may be issued by the Minister.

6. (1) The prescribed health warnings and messages pursuant to the provisions of section 20 of the Act, shall be as set out in the Second Schedule to these Regulations. Prescribed Health Warnings.

(2) The health warnings shall constitute 50% of the principal display surfaces, provided that within 4 years of coming into effect of this regulation, the health warning shall constitute 60% of the principal display surfaces.

(3) The manufacturer, seller, distributor or importer of a tobacco product shall ensure that the specified health warnings and messages required under the Act and these Regulations are rotated in accordance with the Second Schedule to these Regulations.

7. A tobacco product manufacturer, importer or distributor shall, at the end of every calendar year and not later than at the end of the first quarter of the succeeding calendar year, submit a report to the Minister stating - Reporting by Tobacco Manufacturers, Importers and Distributors.

(a) the quantity of tobacco products produced;

(b) audited annual statement of account;

(c) quantities of tobacco product imported into Nigeria, or exported from Nigeria, where applicable;

(d) quantities of tobacco products distributed within Nigeria;

(e) any offers or payments made to any political party, candidate, campaign, or any person acting on their behalf; and any expenses related to, or actual expenses on corporate social responsibility carried out directly or indirectly; and

(f) location, address and corporate name of all tobacco and non-tobacco subsidiaries, affiliates, joint ventures, partners, suppliers, and licensees or affiliated organisations and its agents or persons acting on its behalf in Nigeria.

PART III: SMOKE FREE AREAS

8. Pursuant to the provisions of section 9 (5) (h) of the Act, smoking is prohibited in the underlisted outdoor public place or work space- Prohibition of Smoking in Indoor or Outdoor Public Gathering Places.

(a) any service area;

(b) any public transport conveying passengers;

(c) vehicles conveying or used to convey children; and

(d) anywhere within 10 metres of –

(i) any healthcare facility

(ii) any other indoor or outdoor public gathering places as listed in Second Schedule of the Act.

9. (1) The owner, the manager or any person in charge of the affairs of a public place, workplace, or public transport shall cause a notice in English Language and at least one predominant local language to be conspicuously displayed on it, containing the warning, "No Smoking Area - Smoking here is an offence".

Notice on
Prohibited
Smoking Areas.

(2) A notice displayed pursuant to sub regulation (1) of this regulation shall-

(a) bear the word 'WARNING' in capital letters, in red colour on a white background;

(b) bear the words "No Smoking Area - Smoking here is an offence" in black colour on a white background and followed by a no smoking sign composed of a black burning cigarette encircled in red as set out in the First Schedule to these Regulations;

(c) bear the words 'Penalty is ₦50,000 or imprisonment for a term of 6 months or both appearing at the bottom of the notice;

(d) be on at least A3 paper size and not less than size 150 Calibri font;

(e) have a black border around it; and

(f) be posted at the main entrances, other entrances and appropriate locations of a prohibited smoking area -

(i) in case of a public building, it shall be posted on landings of all stairways, entrance to toilets and conveniences, common areas and other conspicuous places within the building,

(ii) in case of outdoor areas, it shall be posted at the points of access and areas of public utility such as convenience, reception, and other similar conspicuous places in the area, and

(iii) in a public transport vehicle, it shall be posted on entrances and exits, overhead boards, partitions and places of common use and toilets.

10. The owner, the manager or any person in charge of a prohibited smoking area shall –

Responsibilities
of the Person in
charge of
Prohibited
Smoking Places.

- (a) ensure that ash trays and all other accessories used to consume tobacco products are removed from the area;
- (b) supervise observance of a smoke-free environment; and
- (c) take steps to discourage individuals from smoking on the premises including, to
 - (i) instruct a person not to smoke or to stop smoking in the area,
 - (ii) discontinue services to the person smoking in the area,
 - (iii) require a person to leave the premises, or
 - (iv) contact an authorised officer or law enforcement officer and authorities to enforce the law if a person refuses to comply.

11. (1) In addition to conditions set out in section 9 (4) of the Act, an area designated for smoking in a workplace or public place shall comply with the requirements set out in this regulation.

Conditions for
Designated
Smoking Areas.

(2) An area designated for smoking in a workplace or public place shall not constitute a passageway between other spaces.

(3) The task of upkeep or maintenance may not be performed in the area designated for smoking in a workplace or public place, whilst the atmosphere therein remains polluted by an ongoing activity of smoking until-

- (a) the air therein has been refreshed; and
- (b) the area has been in the absence of occupants, for at least one hour.

(4) An area designated for smoking in a workplace or public place in an outdoor space or open space shall be located not less than 10 meters away from the entrance of any indoor public place and in a manner consistent with section 9 of the Act and regulation 8 of these Regulations.

(5) Where the area designated for smoking is to be within an enclosed area on any premises, only one such smoking area may be designated and -

- (a) it shall have floor-to-ceiling walls or partitions and a roof that completely separates it from all other areas on the premises;

(b) it shall be airtight, with no gaps where the walls or partitions, roof, and floor meet each other, or any openings in the walls or partitions, floor, roof, other than a door, window, and any air vents or other air exchange mechanisms;

(c) the door and window and air vents or exchange mechanisms shall open or vent directly to the outside only.

(d) it shall be fitted with an automatic closing door without the possibility of opening unintentionally, and

(e) the area shall have a completely separate system of ventilation and air filtration from the system in any other room or area within the enclosed building or place so that there is no mixing or exchange of the air from the area designated for smoking with the air of any other room or area of the enclosed building or place.

(6) Where the requirements stipulated under sub-regulation (6) of this regulation cannot be met in an area designated for smoking in any enclosed workplace or public place or public transportation vehicle, smoking shall be prohibited in the entire enclosed public place or workplace.

(7) A worker or employee may not be required or allowed to enter any area designated for smoking at any time during smoking activity.

(8) A person under the age of 18 years shall not be permitted in any designated smoking area.

(9) The owner, manager or person in charge of the affairs of a public place, workplace or public transport where a designated smoking area is located shall conspicuously display signs that state in English and at least one other predominant local language: "Smoking of Tobacco Products is Harmful to your Health and Harmful to the Health of Others around you" written in black letters, at least two feet in height and three feet in breadth, on a white background as specified in the First Schedule to these Regulations and displayed at the entrance to and on a wall inside the designated smoking area.

12. (1) The owner, manager or person in charge of a premises who intends to establish a designated smoking area in accordance with section 9 of the Act shall-

(a) ensure that the building is done in accordance with relevant building laws/regulations in force in the area where the building is situate; and

(b) after construction, apply for a Certificate of Compliance from the Tobacco Control Unit of the Federal Ministry of Health before putting it to use.

(2) The certificate of compliance referred to in sub - regulation (1) (b) of this regulation shall only be issued after the Unit had visited and ensured that the proposed area is in compliance with the provisions of this Act and these Regulations.

Certification of
Compliance on
Designated
Smoking Areas.

13. Notices to be issued pursuant to the provisions of these Regulations shall be in accordance with the First Schedule to these Regulations. Notices.

14. In addition to the notices contained in the First Schedule to these Regulations, the Minister shall establish and maintain - Technical Repository.

(a) a technical repository of required 'No Smoking Warning' signs in designated smoking area and any other sign or related technical information to facilitate their printing; and

(b) a digital storage devise with the required 'No Smoking Warning' and any other related technical information to facilitate their printing which shall be available to any interested person.

PART IV: PROHIBITION OF TOBACCO ADVERTISING, PROMOTION AND SPONSORSHIP

15. (1) The communications mentioned under sections 12 (2) (a) and 12 (2) (c) of the Act, shall not be visible to any consumer or any person who is not a tobacco product manufacturer, distributor, wholesaler or retailer, employee, contractor, supplier, or other tobacco-related business partner, sellers and tobacco plant farmers. Communication with Consenting Persons of 18 Years of Age or Above.

(2) The communications mentioned under section 12(2)(b) of the Act and paragraph 12 of the First Schedule to the Act, shall-

(a) be initiated by either tobacco manufacturers, retailer or their proxies through any means, and vice-versa;

(b) be permitted only when it is voluntarily between a person who is 18 years of age or above with any tobacco manufacturer, retailer or their proxies.

(3) When any person initiates communication with any tobacco manufacturer, retailer or their proxies, such tobacco-entity shall verify the person is an adult, being 18 years of age or above prior to responding to the person.

(4) Any consumer engagement marketing activities directed by any tobacco manufacturer or any entity directly or indirectly controlled by a tobacco manufacturer including, activities using brand ambassadors at social gatherings or via social media is prohibited.

(5) Pursuant to section 12 (4) of the Act, other forms of commercial communication that may have an incidental promotional effect shall not be considered tobacco advertisement, promotion or sponsorship, including the use of a tobacco industry entity name, which shall be registered on any stock exchange or the Corporate Affairs Commission and any accompanied logo on a building or website owned and operated directly by that tobacco industry entity.

(6) Pursuant to section 12(5) of the Act, any display or depiction of tobacco and tobacco use in a work of art, video, music, literature or any other means, that falls within the exceptions in Section 12(4) of the Act, such display, depiction or work of art must in the same scene or page, display in bold easy to read form the warning: "TOBACCO USE CAUSES FATAL LUNG CANCER AND OTHER DANGEROUS EFFECTS ON THE HEALTH OF USERS AND THOSE CLOSE TO THEM."

16. (1) A tobacco product price list may be allowed at any point of sale pursuant to section 12 (4) (a) of the Act. Prescribed Price List.

(2) A tobacco product price list under sub- regulation of this regulation shall-

(a) not be larger than an A3 paper; and

(b) include the prices of the tobacco products available for sale at the location, by brand and package quantity and health warnings or messages prescribed by the Minister.

(3) The text of the information in sub-regulation 3(b) of this regulation, shall be in black Times New Roman font not larger than 11-pint size, on a solid white or beige background.

(4) A price list shall-

(a) not contain any other text, images, symbols, colours, signs, or other contents, including any trademarks or brand imaging, in whole or part, of any tobacco product;

(b) conform to the layout of the template provided in the Fourth Schedule to these Regulations; and

(c) be kept behind the counter, at the cash register or any other place designated by the owner or manager and shall be accessible to customers only upon request.

PART V: PROTECTION FROM TOBACCO INDUSTRY INTERFERENCES

17. Prohibition of participation of a tobacco industry employee as delegate in Conference of Parties of the Framework Convention on Tobacco Control Pursuant to Section 28(6) of the Act, a person employed by the tobacco industry or engaged in any setting, working to further the interests of the tobacco industry shall not serve on Nigerian delegations to meetings of the Conference of Parties, its subsidiary bodies or any other bodies established pursuant to decisions of the Conference of the Parties. Protection from Tobacco Industry Interferences.

18. A public authority shall-

Prevention of Interference.

(a) promote tobacco control and prevent tobacco industry interference within its mandate, plans and activities;

(b) adopt mechanisms to raise awareness within its mandate about the interference and vested interests of the tobacco industry with the development and enforcement of tobacco control legislations and policies;

(c) not accept, support or endorse partnerships, sponsorships, services and any monetary or non-monetary assistance from the tobacco industry except for compensations due to legal settlements or as mandated by applicable law;

(d) not accept, support or endorse the tobacco industry organising, promoting, participating in, or performing children, youth or public education or any initiatives that are directly or indirectly related to tobacco control;

(e) restrict involvement of tobacco industry in the development of tobacco control policies and laws except in public forums where the industry is presenting its views to the public authority on relevant tobacco control laws and policies; and

(f) not allow any person employed by the tobacco industry or any entity working to further its interests to be a member of any government body, committee or advisory group that sets or implements tobacco control or public health policy.

19. A public authority shall, while implementing investment and tax laws and other policies related to tobacco, be guided by the priority to tackle the adverse health, social, economic and environmental impacts of tobacco growing, manufacture, sale and consumption in Nigeria. Upholding of Public Health Policies.

PART VI: ENFORCEMENT

20. (1) Pursuant to section 31 (2) of the Act, the following shall be authorised officers for the purpose of enforcement of the Act - Authorized Officers and Responsible Persons.

(a) Nigeria Police Officers,

(b) Public Health Officers;

(c) National Security and Civil Defence Corps Officers;

(d) Environmental Health Officers of the Federal Capital Territory and of each State of the Federation;

(e) Customs Officers;

(f) Consumer Protection Council Officers;

(g) Standards Organisation of Nigeria Officers;

(h) National Agency for Food and Drug Administration and Control Officers; and

(i) National Drug Law Enforcement Agency Officers.

(2) The police or any authorised officer shall have powers to -

- (a) enter into the premises of any public place, workplace, means of public transportation and any business where tobacco is manufactured, tested, sold, transported, received, distributed, supplied or otherwise found or is likely to be found;
- (b) enter such premises as provided in paragraph (a) of this sub-regulation to conduct inspections or investigations at any time during business or operating hours or at any other reasonable or necessary time;
- (c) examine, open and test any equipment, tool, material, package or anything the police or the authorised officer reasonably believes is used or capable of being used for the manufacture, packaging and labelling, storage, distribution or advertising and promotion of tobacco products;
- (d) examine any manufacturing operation or process carried out on the premises;
- (e) examine and make copies of, or from any book, document, note, file, including electronic files or other records the police or the authorised officer reasonably believes might contain information relevant to determining compliance with the provisions of this Act and regulations and any other applicable law, including laws and regulations imposing duties or taxes;
- (f) interview any person the authorised officer believes may have information relevant to making a compliance determination;
- (g) open and take samples of tobacco products or components of products, their packaging and labelling and have them tested;
- (h) stop, search and detain any aircraft, ship, vehicle or other means of transportation or storage in which the authorised officer reasonably believes tobacco products are or were contained or conveyed;
- (i) search and detain, or order the storage without removal or alteration of any tobacco product or other things the authorised officer reasonably believes does not comply with the provisions of this Act or regulations made under this Act and any other applicable law, including laws and regulations imposing duties or taxes; and
- (j) carry out such other act necessary and expedient for the enforcement of the provisions of the Act and these Regulations.

(3) A person shall not deny, obstruct, hinder or knowingly make a false or misleading statement against an authorized officer who is carrying out his duties under the Act or these Regulations.

PART VII: ISSUANCE OF LICENSES

21. (1) A person seeking for license to manufacture, import or distribute tobacco or tobacco products shall- Licensing.

(a) obtain application forms from the Committee, as prescribed in the Fifth Schedule to these Regulations; and

(b) submit to the Committee, the filled application form obtained pursuant to sub-regulation (1) (a) of this regulation, together with its certificate of incorporation.

(2) Where an application is approved, the applicant shall pay the following prescribed fee before issuance of license –

(a) ten million naira (₦10m) to manufacture and ten million naira (₦10m) to import tobacco or tobacco product (product license); and

(b) two million naira (₦2m) for Distributors License.

22. (1) Obtaining and submission of the application form for license does not amount to license. Processing of License.

(2) Upon receipt of the application for license, the Unit shall inform the applicant of the status of its application within 10 working days of its receipt.

(3) The application for license shall be processed, and the final decision of the Committee shall be communicated to the applicant in not more than 1 months of the submission of the application form and documents.

23. The License fee shall be paid into the Tobacco Control Fund, and shall be used for tobacco control activities, programmes and projects as the Committee may from time to time decide. Use of License Fee.

24. Licenses issued under this regulation shall have validity periods as indicated below: Duration of License.

(i) Manufacturers license- four calendar years;

(ii) Importers license – one year; and

(iii) Distributors license - one year.

- 25.** License issued under these Regulations may be revoked if the licensee - Revocation of License.
- (a) is in breach of any of the measures contained in the Act or these Regulations;
 - (b) violates an extant law governing the industry or corporate practice in Nigeria; or
 - (c) provides false information in its reports.
 - (d) the Tobacco products manufactured or imported are not registered with the Standard Organization of Nigeria (SON) or other Government agency.

PART VIII: TOBACCO CONTROL FUND

- 26.** (1) The Minister may direct that the property forfeited to the State under section 37 of the Act should be transmitted to the National Tobacco Control Committee established under section 8 of the Act for disposal. Forfeiture of Property.
- (2) Where a property forfeited is sold, the proceeds realised from the sale of the property under these Regulations shall be administered in accordance with extant government Laws/Regulations.

PART IX: MISCELLANEOUS

- 27.** The Committee shall convene annual public hearings at the national level to receive reports, public views and comments from any interested persons on matters related to the implementation of the Act. Public Hearings.
- 28.** The Minister shall ensure that all information, reports and documents related to the implementation of the Act are accessible to the public. Access to Information.
- 29.** Pursuant to the provisions of section 40 of the Act, the Committee shall - Monitoring and Reporting.
- (a) monitor the implementation of the Act; and
 - (b) prepare and submit to the Minister, a periodic status report on the implementation of the Act.
- 30.** (1) Every public authority involved in tobacco control shall establish mechanisms to enable person to report the contravention of the Act and these Regulations expeditiously and take action in accordance with these Regulations. Public Reporting.
- (2) No disciplinary or other adverse actions shall be instituted against any person who reports the contravention as required by the Act or these Regulations.
- 31.** (1) A person who contravenes or facilitates the contravention of these Regulations commits an offence punishable under the Act. Offences and Penalties.

(2) A person who contravenes any provisions of these Regulations for which penalty is not set out under the Act, commits an offence and is liable, on conviction to the penalties as set out in section 42 of the Act.

(3) A person who contravenes the provisions of these Regulations in relation to enforcement, commits an offence and is liable, on conviction to the following penalties, for-

(a) a political candidate, party, or campaign, a fine of not less than ₦2,000,000.00 and a term of imprisonment of not more than 2 years or both;

(b) a business in the tobacco industry, a fine of not more than ₦50,000,000.00 and a term of imprisonment not more than 10 years”

(c) a public office holder, a fine of no less than ₦200,000.00 and a term of imprisonment of not more than two years; and

(d) any other person, a fine of not less than ₦50,000.00 and a term of imprisonment of not more than 1 year or both.

(4) Manufacturers or importers of Tobacco or Tobacco products are liable to A fine up to Ten Million Naira (N10m) by the National Tobacco Control Committee if they fail to submit annual report within the time prescribed.

32. (1) In these Regulations, unless the context otherwise requires-

Interpretation.

"Act" means the National Tobacco Control Act, 2015;

"Business" includes but not limited to trade, services and production;

"Committee" means the National Tobacco Control Committee established under section 2 (1) of the Act;

"Conference of Parties" means the Conference of Parties established under Article 23 of the World Health Organisation Framework Convention on Tobacco Control;

"Educational Institution" means any place or centre where educational instructions are imparted according to the specific norms and include schools, colleges and institutions of higher learning;

"FCTC" means WHO Framework Convention on Tobacco Control;

"Four Colours" means the full range of printing format using the colours Cyan, Yellow, Magenta, and Black (CYMK) for purposes of providing vivid and realistic pictures;

"Fund" means the Tobacco Control Fund as established by section 8 of the Act;

"illicit trade" means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;

"Interactions" means meetings, correspondences or any form of communication between public authorities and the tobacco industry or its affiliates that arise when public authorities communicate in a common forum with the tobacco industry or its affiliates whether directly or through third parties;

"Ministry" means the Federal Ministry of Health;

"Open space" or "Open area" or "Outdoor space" means any space that is not enclosed, defined under the Act;

"Package" means packaging and labelling used for the purpose of retail sale of tobacco products;

"Point of sale" means any place where tobacco products are distributed, offered for sale, or sold at retail;

"Predominant local language" means any other language that is not a national language but is commonly used by the majority of the population residing in a particular area;

"Property" means tobacco or tobacco products seized in contravention of the Act;

"Public areas" are any enclosed or open spaces which can be accessed by the public or which can be used collectively for public activities run by the government, the private sector or the community and the public at large;

"Public authority" means a body of legal and natural persons whose functions are of a public nature and any person acting on behalf of a public authority and includes all bodies and persons whose ownership, funding and control vests in the Government;

"Second-hand smoke" means the smoke emitted from the burning end of a cigarette or from other tobacco products usually in combination with the smoke exhaled by the smoker;

"Senior officer" in relation to -

(a) a body corporate, means a director, manager, executive secretary or other similar officers of the body corporate involved in the management decision making process of such bodies; and

(b) a partnership, means a partner or any person who has control or management of the business of the partnership;

"Service area" means any area, open or enclosed, where services, such as but not limited to food or beverage service are provided;

"tobacco advertising and promotion" means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

"tobacco control" means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

"Tobacco industry" means tobacco manufacturers, wholesalers, distributors, importers of tobacco "products, tobacco growers and its associations and includes other entities representing them and others working in the chain of production, distribution and tobacco industry lobbyists or persons working to further the tobacco industry's interests;

"Tobacco industry interference" means any commercial or vested interest of the tobacco industry that subverts or undermines development, implementation and enforcement of public health policies, measures and laws for tobacco control;

"tobacco products" means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing;

"tobacco sponsorship" means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

"WHO" means World Health Organization;

"Workplace" means an area, permanent or temporary, in which a person performs duties of employment or work, regardless of whether the work is done for compensation or on a voluntary basis, and includes private offices, common areas and any other areas which are generally used or frequented during the course of employment or work, whether it is a room or an enclosed or open area, whether mobile or stationery, and where workers enter for the needs of a business and all attached or associated places including vehicles used in the course of employment.

(2) Words and expressions used herein and not defined in these Regulations but defined in the Act shall have the meaning, respectively, assigned to them in the Act and shall be interpreted to promote the intent, purposes and objectives of the Act.

(3) Any ambiguity in the interpretation of these Regulations shall be resolved in favour of protecting and promoting the right to health of the people.

33. These Regulations may be cited as the National Tobacco Control Regulations, 2019. Citation.

SCHEDULES

FIRST SCHEDULE: PRESCRIBED NOTICES

[Regulations 3(2), 9(2), and 11(10) and 14]



SMOKING OF TOBACCO PRODUCTS IS
HARMFUL TO YOUR HEALTH
AND TO THE HEALTH OF
OTHERS AROUND YOU

SIGA MIMU SE IJAMBA FUN ILERA RE
ATI ILERA AWON TI O SUNMO O

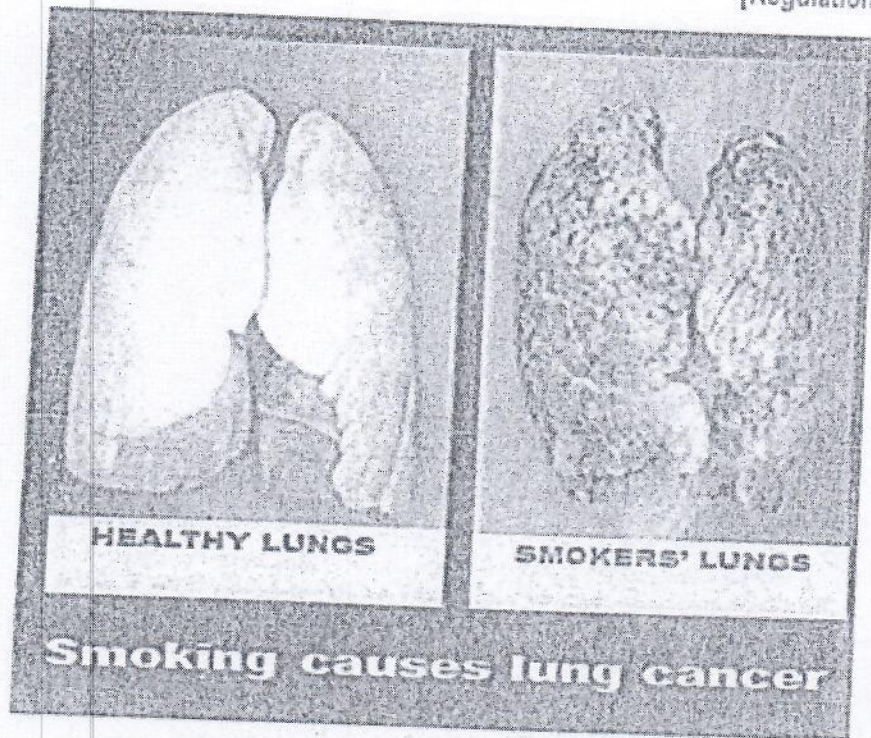
I SE SIGA NAKWA JKPO ANWURU MA O BU UTABA
GA EBUTERE GI NA ND; NO GI GBURU-GBURU OR
OJOO MA O BU ONWU

SMOKING OF TOBACCO PRODUCTS IS
HARMFUL TO YOUR HEALTH
AND TO THE HEALTH OF
OTHERS AROUND YOU

SHAN TABA DA MAKAMANTANSU YANA DA
HADARI GA LAFIYARKA DA MUTANEN DAKE
KEWAYE DAKAI

SECOND SCHEDULE: HEALTH WARNINGS AND MESSAGES

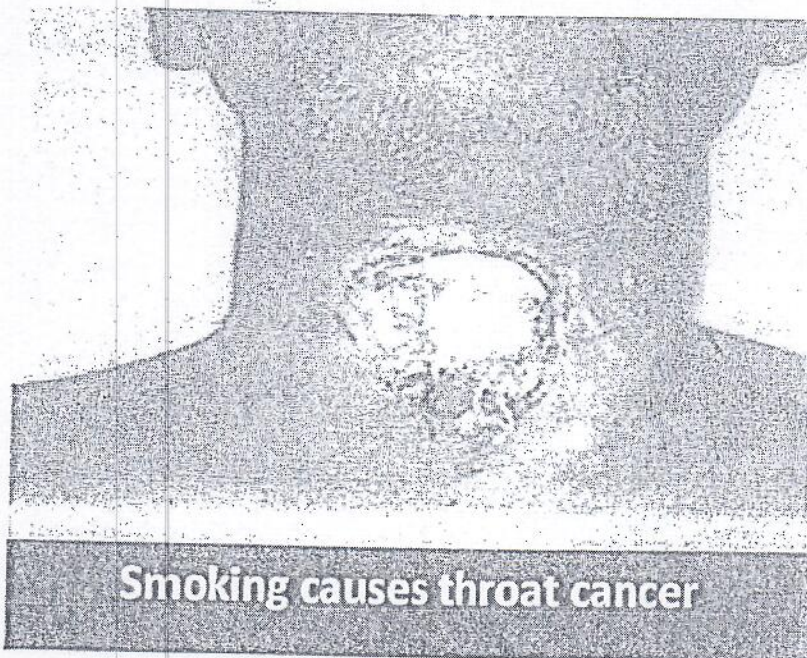
[Regulation 6(1)]



Proposed to take effect 18 months after approval by the National Assembly and to be in circulation for 24 months.



Proposed to start immediately at the expiration of initial graphic health warning

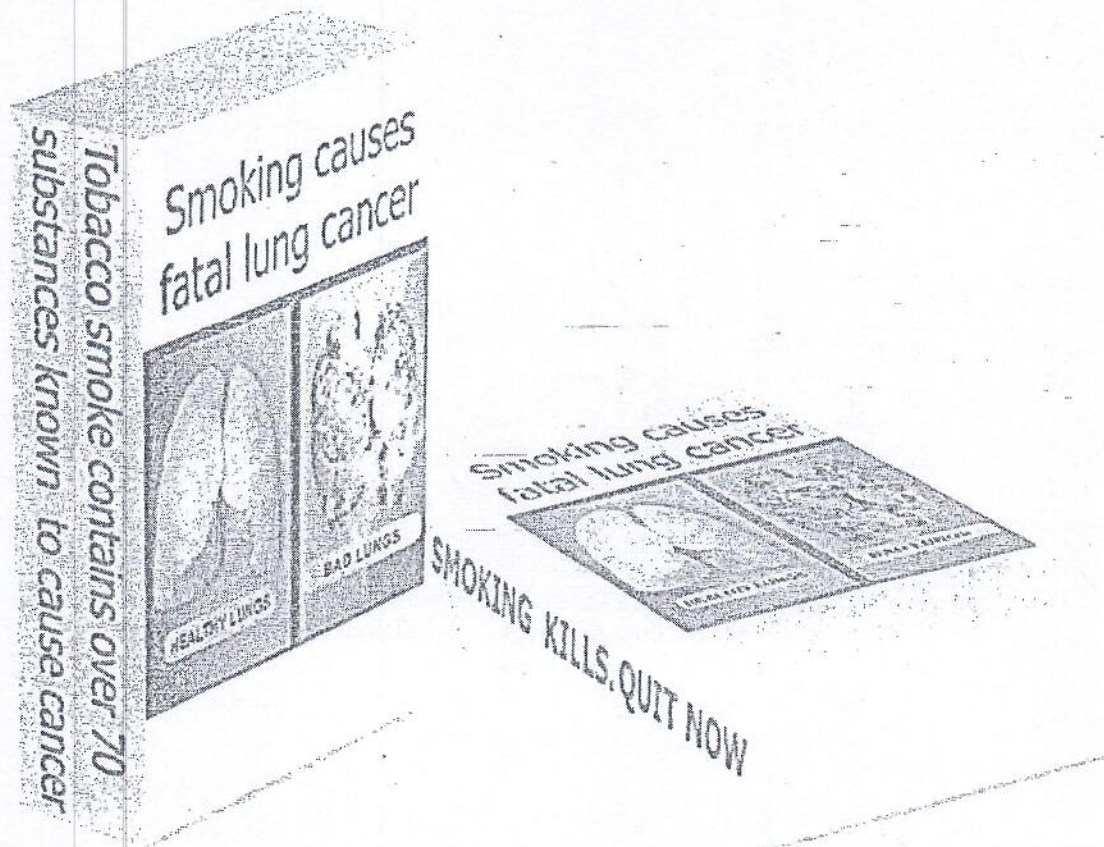


Proposed to start immediately at the expiration of second graphic health warning

THIRD SCHEDULE: DIAGRAMS OF PRINCIPAL DISPLAY SURFACES

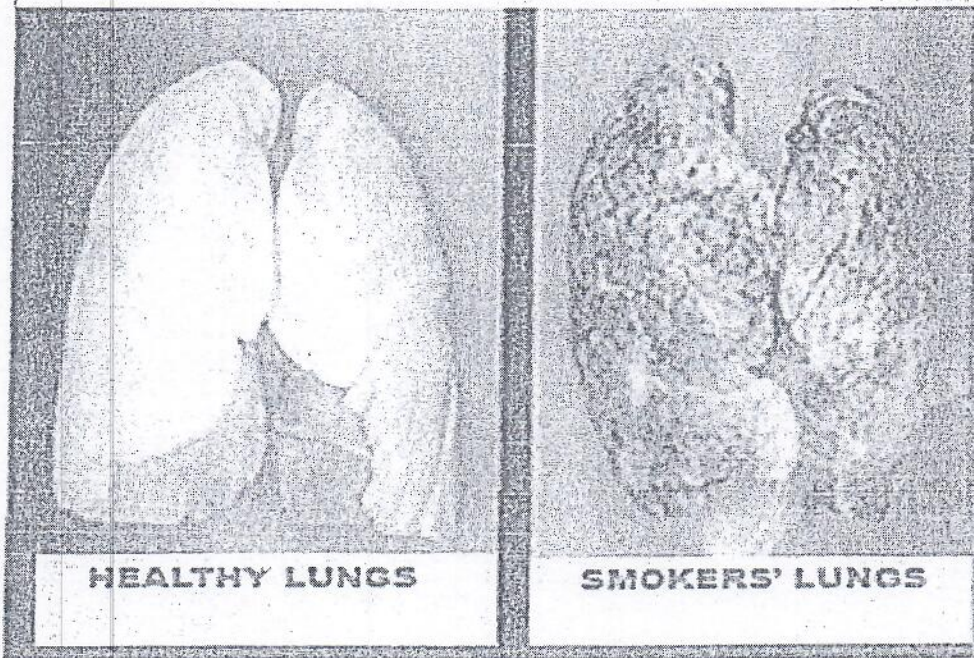
[Regulation 5(3)]

(1) Cigarettes Packs



(2) Box Packs

Smoking causes fatal lung cancer



(3) Round Tin

Smoking causes
fatal lung cancer



SMOKING KILLS.
QUIT NOW



Tobacco smoke
contains over 70
substances known
to cause cancer

SMOKING KILLS

(4) Shisha / Water Pipe / Hookah



FIFTH SCHEDULE

APPLICATION FOR LICENSE FOR TOBACCO PRODUCTS BUSINESS

[Regulation 21]

FEDERAL REPUBLIC OF NIGERIA

FEDERAL MINISTRY OF HEALTH

**APPLICATION FOR LICENSE AS AN
IMPORTER/MANUFACTURER/DISTRIBUTOR OF TOBACCO PRODUCT**

(To be submitted in triplicate)

THE HONOURABLE MINISTER,

A. PARTICULARS OF COMPANY

1. Name of Company:.....
2. Postal Address E-mail:.....
3. Tel:.....
Fax:.....
4. Location
Address:.....
5. Date of Incorporation of Company:
6. Registration number of Company:
7. Number of Distributors for Product(s):.....

B. PARTICULARS OF PRESENTER

8. Name of Presenter:.....
9. Designation of Presenter:.....
10. Presenter's contact;
Tel: Email:.....

C. CLASS OF LICENSE

11. License is required for: (tick only one as applicable)

Importer

Q Manufacturer

Q Distributor

12. Type of Product (Tick as appropriate):

- (a) Cigarettes
- (b) Cigars
- (c) Snuff
- (d) Chewing Tobacco
- (e) Other (Please specify).

By signing this form, the applicant company agrees to abide by the measures stated in the National Tobacco Control Act, 2015 and the National Tobacco Control Regulations, 2019

D. PROHIBITED PRACTICES:

The company shall not -

- (a) promote or advertise tobacco or tobacco products in any form;
- (b) sponsor or participate in any programme or event which is aimed at wholly or partially promoting or advertising tobacco or tobacco product;
- (c) engage or participate in any tobacco advertising, promoting, or sponsorship as a media or event organiser, celebrity or other participant, as a recipient of any sponsorship contribution, or as an intermediary that facilitates any such contribution;
- (d) distribute Tobacco manufacturers' newsletters to any other person apart from the manufacturers' employees, contractors, suppliers and other tobacco-related business partners;
- (e) sell tobacco or tobacco products to a person who is below 18 years of age;
- (f) employ or use any person who is below 18 years of age to sell or trade in tobacco or tobacco products;

(g) sell or offer to sell or distribute tobacco or tobacco products through mail, internet or other on line devices mechanisms;

(h) offer or make voluntary contributions of any kind, financial or otherwise, to any government agency, body, official or institution;

(i) offer or make to any public office holder, a financial or other contribution of any kind, including any gift, favour or perquisite; or

(j) offer or make to any political party, candidate, or campaign, or any person or entity acting on their behalf a financial or other contributions of any kind.

E. MANDATORY MEASURES

The Applicant company shall-

(a) Use warnings and other requirements, conditions or restrictions as may be prescribed by the Minister of Health;

(b) Provide prescribed reports required under the Act and its Regulations to the Minister on a periodic basis and upon request;

(c) ensure that a pack of cigarettes contains a minimum of 20 sticks;

(d) ensure that a unit package of smokeless tobacco contains a minimum of 30 grams;

(e) submit reports on tobacco or tobacco products contents and emissions as prescribed by Standards Organisation of Nigeria;

(f) ensure every tobacco or tobacco product package contains the graphic health warnings prescribed by the Ministry for the time being in force;

(g) ensure that the unit and outside packaging and labelling of all tobacco products provide the descriptive-only information on constituents and emissions prescribed in the Regulations;

(h) ensure that the unit and outside packaging and labelling, and tobacco product itself does not promote the product by any means that are false, misleading, deceptive or likely to create an erroneous impression about the product's characteristics, health effects, hazards or emissions, including using any term, descriptor, trademark, figurative, colour, or other sign of any kind that directly or indirectly creates or is likely to create the false impression that a particular tobacco product is less harmful than others. Prohibited words include; "low tar", "light",

"ultra- light" or "mild", "extra", "ultra", and other terms in any language that is likely to mislead consumers, including when used as part of a brand name or trademark;

(i) ensure that quantitative information on emissions are not displayed anywhere on or inside the product's unit or outside packaging or labelling, or on the product itself, including when used as part of a brand name or trademark; and

(j) comply with all prescribed conditions and directives contained in the National Tobacco Control Act and its Regulations.

F. DECLARATION

I hereby confirm that the information provided above is true to the best of my knowledge.

Signature : Date:.....
(Presenter)

NB. Please attach a copy each of the following documents:

(i) Certificate of Incorporation

(ii) Contact information (Postal Address, Location Address, E-mail, Telephone Numbers, Fax Numbers) of all Distributors

MADE at Abuja this day of, 2019

PROFESSOR ISAAC FOLORUNSO ADEWOLE
Honourable Minister of Health

EXPLANATORY MEMORANDUM

(This note does not form part of these Regulations but is intended to explain its purport)

These Regulations seeks to provide a comprehensive legal framework for the effective implementation of the National Tobacco Control Act, 2015.

APPROVED BY THE SENATE ON THURSDAY, 23RD MAY, 2019

APPROVED BY THE HOUSE OF REPRESENTATIVES ON TUESDAY, 7TH MAY, 2019