As introduced in Lok Sabha

Bill No. 219 of 2019

THE CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) AMENDMENT BILL, 2019

By

DR. SANJAY JAISWAL, M.P.

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BILL

further to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition Short title and of Advertisement and Regulation of Trade and Commerce, Production, Supply and Commencement. Distribution) Amendment Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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Amendment of Section 4.	2. For section 4 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—	34 of 2003
Prohibition of smoking and use of tobacco products in a public place.	"4. No person shall smoke or use tobacco products in any public place:	5
	Provided that in a hotel having thirty rooms or a restaurant having seating capacity of thirty persons or more and in the airports, a separate provision for smoking area or space may be made:	
	Provided further that the area or space so designated shall be ventilated in such manner that smoke from smoking area does not permeate into the non-smoking areas.".	10
Amendment of Section 6.	3. In section 6 of the principal Act,—	
	(<i>i</i>) in clause (<i>a</i>), for the words "eighteen years of age", the words "twenty-one years of age" shall be substituted; and	
	(<i>ii</i>) after clause (<i>b</i>), the following clause shall be inserted, namely:—	15
	"(<i>c</i>) in open packing or in single stick.".	
Insertion of new Section 6A.	4. After section 6 of the principal Act, the following section shall be inserted, namely:—	
Tobacco products to be sold in intact packages.	"6A. Every tobacco product shall be sold in intact package of such size, content and weight as may be prescribed.".	

STATEMENT OF OBJECTS AND REASONS

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 was enacted to put certain prohibition on use of tobacco products. Section 4 of the Act prohibits smoking in public places. However, no such prohibition is there for use of other tobacco products in public places, which also pose an equal if not more risk to the health and hygiene of general public. Therefore, there is an urgent need to prohibit use of all tobacco products in public places.

Moreover, the Act seeks to prohibit sale of cigarette or other tobacco products to a person below the age of eighteen years. The need is to increase the upper age limit upto twenty-one years in order to mitigate the health risk of the youth of the nation.

Also, the prohibition on sale of cigarettes and tobacco products in loose and single stick is utmost necessary.

The Bill, therefore, seeks to amend the parent Act with a view to-

(a) prohibit use of tobacco products in a public place;

(b) prohibit sale of cigarettes and tobacco products to a person who is under twenty-one years of age; and

(c) prohibit the sale of loose cigarette or tobacco products.

Hence this Bill.

New Delhi; July 12, 2019 SANJAY JAISWAL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill provides that every tobacco product shall be sold in intact package of such size, content and weight, as may be prescribed by rules made by Central Government. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A BILL

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(Dr. Sanjay Jaiswal, M.P.)

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