



## **PUBLIC AND ENVIRONMENT HEALTH ACT, NO. 11 OF 2012**

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**LEGAL NOTICE NO. 160**

**PUBLIC AND ENVIRONMENTAL HEALTH ACT, No. 11 OF 2012**

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**TOBACCO CONTROL REGULATIONS, 2016**

**(Made under section 91 )**

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**PART ONE  
PRELIMINARY PROVISIONS**

**IN EXERCISE** of the powers conferred upon me under section 91 of the Public and Environmental Health Act, No. 11 OF 2012, **I, MAHMOUD THABIT KOMBO**, Minister for Health do hereby make the following Regulations-

Short title and  
Commencement

1. These Regulations may be cited as the Tobacco Control Regulations, of 2016 and shall come into operation after being signed by the Minister and published in the Official Gazette.

Interpretation

2. In these Regulations unless the context otherwise requires-

“Act” means the Public and Environmental Health Act, No. 11 of 2012;

“Advertisement” includes any commercial statement, communication, representation or reference designed to or that have or is likely to have the effects of promoting or published a tobacco product or encourage its use, or draw attention to the nature, properties, advantages or use of tobacco product;

“Child” means a person under eighteen years of age;

“Cigar” includes cigarillo;

“Display unit” means a display cabinet, tray or other product or retail space in which a tobacco product is held pending sale that is affixed within fixed or movable premises or primarily used for the display of tobacco products to customers;

“Indoor area” means any space covered by roof or enclosed by one or more walls whether temporary or permanent;



“Package” means the container, receptacle or wrapper in which products are sold or distributed including the carton in which multiples packages are store;

“Point of sale” means a point within any fixed or movable premises at which a display unit is affixed;

“Promote” means any act intended to or likely to encourage directly or indirectly the purchase or use of a tobacco product or to create an awareness about a tobacco product that includes the offer or supply of a tobacco product free of charge at a discounted price as a prize pursuant to a lottery or otherwise;

“Public conveyance” means any means of transport carrying passengers for hire or reward and includes transporting people by means of any commercial chartered aircraft, ship, boat, train, bus, mini-bus or taxi;

“Public place” means any indoor, enclosed or partially enclosed area which is open to the public or any part of the public and includes a work place any public conveyances as well as the areas within the five meters of any doorways or entrances of the public places, work place or conveyances;

“Smoking” means inhaling or exhaling smokes of any tobacco product and includes holding of, or control over any ignited tobacco product or device containing an ignited tobacco product;

“Tobacco product” means a product composed, in whole or in part, of tobacco, including tobacco leaves and any extract of tobacco leaves intended for use by smoking, inhalation, chewing, sniffing, or sucking and include cigarettes papers, tubes and filters

“Workplace” means an indoor area where person perform his duties of employment and includes any common area which is used for working during the course of employment.

## **PART TWO ADMINISTRATION OF SMOKING IN PUBLIC PLACE**

Smoking in  
public place

**3.-** (1) Subject to the provisions under section 109 of the Act, smoking in public place in an enclosed in door area is not allowed.

(2) For the purpose of these Regulations, the enclosed in door area shall includes-

- (a) outdoor premises of a health facilities;
- (b) outdoor premises of a education Institutions;
- (c) religious Institutions;



- (d) outdoor premises used for sports activities;
- (e) recreational places;
- (f) cafes, bars, nightclubs, lounges and restaurants;
- (g) transportation stations;
- (h) shopping mall or complex;
- (i) public house;
- (j) a private vehicle;
- (k) a public conveyance;
- (l) parks; and
- (m) any public gatherings.

(3) Without prejudice the generality of this regulation, the Minister may declare and publish in the Gazette any other place which shall be regarded as enclosed in door areas.

Display of signs  
in non-smoking  
area

**4.**-(1) A person in charge of any public place shall prominently and permanently display the sign in non smoking area which states that "SMOKING IS PROHIBITED".

(2) Subject to the sub regulation (1) of this regulation, the sign shall consider the followings particular as specified under the First Schedule of these Regulations.

Duties of person  
in charge

**5.**-(1) A person in-charge shall have the followings duties to-

- (a) ensure the removal of ash trays and all other accessories used to consume tobacco products in his premises;
- (b) require a person to smoke in a located area for smoking; or
- (c) communicate with the nearest police station or any police officer, if a person smokes in the public place within his premises.

(2) A person in-charge who deliberately refuses to comply with the provisions mentioned under this regulation commits an offence and upon conviction shall be liable to a fine not less than one million shillings or imprisonment for a term not exceeding for six months.

Technical  
repository

**6.** The Minister shall maintain-

- (a) a technical repository of required No Smoking Signs and Warnings as well as related technical information to facilitate their printing;
- (b) a digital storage devise with the required No Smoking Signs and Warnings and related technical information to facilitate their printing which shall be available to any interested party;



- (c) a technical repository of required health information and warning messages on the dangers of smoking, pursuant to section 107 of the Act.

### **PART THREE PACKAGING AND LABELLING PROVISIONS**

Requirements for sale, distribution, expose manufacture or import of tobacco products

7.-(1) A person shall not sell, distribute, expose, manufacture or import any cigarette or tobacco product except that they are in package which-

- (a) contains twenty (20) cigarette;
- (b) displays on each side of the package the health warning;
- (c) displays in English or Swahili the name of the country where the cigarette or tobacco product have been manufactured;
- (d) displays its contents and emissions; or
- (e) display not the tar or nicotine content or carbon monoxide yields.

(2) Cigars or pipe tobacco other than in a package which displays the health warning shall be in such manner as specified in these Regulations.

(3) A person who displays any tobacco product in a package which wording such as “mild”, “low tar”, “light” or any other term or sign that directly or indirectly creates an impression that a particular tobacco product is less harmful than others including any trademark, color or any other sign commits an offence.

Health warning messages

8.- (1) A person who wishes to sell a tobacco product shall ensure such tobacco product contain health warning messages as specified under Second Schedule of these Regulations.

(2) A person shall not import any tobacco product unless labeling of the health warning message is readable and noticeable.

(3) Where the health warnings messages required to be printed on packages are likely to be obscured or obliterated by a wrapper on the packet for wholesale or retail such health warnings shall be printed on both the wrapper and the packet.

(4) Subject to the provisions under regulation (4) of this regulation, a health warning shall not be damaged, concealed, obliterated, removed or rendered in any means.



Condition on health warning message

**9.**-(1) A person shall not sell, distribute, or import a tobacco product if the health warning message not visible as directed under these Regulations.

(2) A Person who covers, obscures, masks, alters, or otherwise detracts the health warning message commits an offence.

(3) A Manufacture shall not design the package or parts of the package or accessories thereto with any cover that may obscure the health warning message.

Rotation of health warning

**10.**-(1) The specified health warning required under these Regulations shall be rotated as specified in the Second schedule.

The health warning specified under the second schedule of these Regulations shall be in the form of rotation.

(2)When an old set of health warnings are being replaced by a set of new ones, both sets may continue to be used within the phase in period of six months.

Form of health warning message

**11.**-(1) The manufacture or a person in charge shall ensure cigarette or tobacco product is packaged visible the health warning message as specified under the Third Schedule of these Regulations.

(2) Subject to the provisions under sub regulation (1) of this regulation, the health warning message on the front face and back face of a package shall be-

- (a) printed in a red on a white background;
- (b) printed in the type face known as Arial Black, in upper-case and lower-case letters;
- (c) clear and legible;
- (d) bold weight; and
- (e) typed of a point size not greater than 50% of the point size for the health warning message as provided under the Fourth Schedule of these Regulations.

(3) The health warning message in English be placed on the rear of the package and the Kiswahili version shall be in the front panel of the package.

Prohibition of misleading descriptors

**12.**-(1) A person shall not manufacture, sell, distribute, or import atobacco product when its package carries any name, brand name, text, trademark or



pictorial or any other representation or sign which suggests that tobacco product is less harmful to health.

(2) A person who contravenes the provisions under sub – regulation (1) of this regulation, commits an offence.

Duty to disclose information on a package

**13.**-(1) For the better implementation of these Regulations, the Minister upon consultation with the respective Director may order any person to provide the followings particular-

- (a) bar code;
- (b) batch number;
- (c) place and the date of manufactured; and
- (d) country of origin.

(2) Notwithstanding the provisions under sub regulation (1) of this regulation, the Minister may order to such person to provide any other particular as he seems necessary.

minimum age restriction

**14.**-(1) A person shall not sell or engaged in tobacco product whose age is below eighteen years.

(2) Subject to sub –regulation (1) of this regulation, the seller shall display a notice shows selling tobacco to a person below the age of eighteen years is prohibited.

(3) The display notice shall be visible at the selling premises and bear a black border around it and comply with the specified particulars provided under the Fourth Schedule of these Regulations.

#### **PART FOUR**

#### **ADVERTISING, SPONSORSHIP AND PROMOTION OF TOBACCO PRODUCT**

Prohibition on advertising, sponsorship and promotion of tobacco products

**15.**-(1) Subject to the provisions of section 108 of the Act, a person shall not allowed to-

- (a) engage or participate in any form of direct or indirect domestic or cross border tobacco sponsorship, advertisement and promotion;
- (b) provide or take part in providing a tobacco product as an incentive, a commercial gift a sample, a bonus or a prize in any game, lottery or contest or as a reward;
- (c) use any name, logo, brand name, colour, graphic or other indicia associated or likely to be associated with a tobacco product, tobacco manufacturer or seller on a non tobacco product, item or service in whole or in part; or



(d) use or display any logo, slogan, trademark, brand name of non tobacco product or service on a tobacco product.

(2) For better application of this regulation, the following particulars hereunder shall not apply to-

- (a) a price list of a prescribed size and form displayed inside a prescribed location, on premises licensed to sell or deal in tobacco products and smoking accessories, provided that not more than one price list is displayed; or
- (b) trade publications provided to employees, stakeholders or investors of the tobacco industry not intended to encourage and that do not have the effect or likely effect of encouraging the purchase or use of a tobacco product.

Prohibition of tobacco product as an incentive or gift

**16.**-(1) A person shall not provide, take part in providing or receive a tobacco product as an incentive for any means include but not limited to a commercial gift, a sample, a bonus, a prize in any game, lottery, contest or a reward.

(2) A person who contravenes the provisions under sub-regulation (1) of this regulation commits an offence.

Offence and penalty for tobacco promotion

**17.** Subject to the provisions of the Act and these Regulations, any person who wears anything bearing slogan of promotion, broadcast or advertising the use of tobacco products commits an offence and upon conviction shall be liable

to a fine of not less than fifty thousand Tanzanian shillings or imprisonment for a term of not less than fourteen days or both

Prohibition of tobacco product broadcasting

**18.**-(1) A registered Media shall not be allowed to broadcast anything in which its nature advertises or promotes the use of tobacco products whether directly or indirectly.

(2) A registered media which contravenes this regulation commits an offence and upon conviction it shall be liable to a fine of not less than five hundred thousand Tanzania shillings.

(3) A registered media shall ensure that before broadcasting programs and advertisement do not promote the use of tobacco products.

Application for license

**19.**-(1) Any person who intends to engage in the business of selling or distribution of tobacco products shall apply in writing for a license to the Director.

(2) The Director shall issue a license upon the approval when the application meets all requirements.





(3) The Director shall refuse to grant a license when the application does not comply with the provisions of these Regulations.

(4) The license issued under this regulation shall specify the commencement and expire date of such license.

License requirements

**20.**-(1) For a person to engage in the business of selling tobacco products shall have required to have the following documents-

- (a) copy of identification card or passport;
- (b) copy of tax registration certificates; and
- (c) any other document that the Director deems necessary.

(2) The license provided under this regulation, shall specify-

- (d) the name and address of applicant;
- (e) nature of business;
- (f) place of business;
- (g) any other specification that respective authority deems necessary.

## **PART FIVE MISCELLANEOUS PROVISIONS**

Inspection

**21.**-(1) The Director may, for the purpose of these Regulations, inspect or caused to be inspected, at any reasonable time enter and inspect or stop selling any tobacco product.

(2) Subject to this regulation, where the inspection is being conducted, the inspector may-

- (a) require any person in charge to produce any document or record kept by him in relation to his business;
- (b) seize any tobacco products; or
- (c) collect any sample for the purpose of physical examination

General penalty

**22.** A person who contravenes any provision of these Regulations, and upon conviction, if no specific penalty is provided, shall be liable to a fine not less than fifty thousand shilling or imprisonment for a term not less than three months.



## FIRST SCHEDULE

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### SIGN IN NON SMOKING AREAS [Made under regulation 4(2)]

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S/No.	PARTICULARS
1.	Bear in both English and Swahili the word “ <b>WARNING</b> ” in capital letters in red colour on a white background and in <b>Arial Black</b> type font.
2.	Bear in both English and Swahili the words “ <b>IT IS AN OFFENCE TO SMOKE IN THIS PREMISE</b> ” in black colour on a white background which shall be followed by a <b>NO SMOKING SIGN</b> composed of a black burning cigarette encircled in red.
3.	Bear in of a size not less than 210 millimetres by 297 millimetres ("A4 size").
4.	Be posted at the main entrance, other entrances and appropriate locations of all prohibited smoking areas.
5.	Be in writing at a <b>BLACK BORDER</b> around it.



## **SECOND SCHEDULE**

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### **HEALTH WARNING ( Made under regulation 8(1 ) )**

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<b>S/No.</b>	<b>Health warning Message</b>
1.	Smoking harms people next to you
2.	Tobacco use kills
3.	Tobacco harms your unborn baby
4.	Tobacco use causes cancer
5.	Tobacco use causes heart disease
6.	Tobacco use causes lung disease
7.	Tobacco use is addictive
8.	Tobacco product causes gum disease and tooth loss
9.	Tobacco product causes mouth cancer
10.	Tobacco use causes impotence
11.	Tobacco use causes miscarriages
12.	Tobacco use causes infertility in women
13.	Tobacco use causes mental retardation in children



## **THIRD SCHEDULE**

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### **FORM OF HEALTH WARNING MESSAGE [Made under regulation 11(1)]**

S/No.

1.
  - (a) be displayed message in English on one side of the package  
“Smoking kills” Swahili on the opposite side of the package  
“sigara inauwa”
  - (b) occupy 70 percent of the surface area of each side of the package;
  - (c) be displayed in such manner that none of the words of the health warning are severed when the package is opened
  - (d) be displayed in such manner and in such template as approved by the Minister.
  - (e) be displayed as approved by the Minister



## **FOURTH SCHEDULE**

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### **HEALTH WARNING ON FRONT AND BACK OF PACKAGE OF CIGARETTES**

[Made under regulation 11(2)(e)]

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- (a) Subject to Second Schedule of this regulation every package of cigarette shall display one health warning message for period of six months as a Minister determine from time to time.

Every package of cigarettes shall display such health warning as follows-

- (b) consist of a combined text and picture warning;
- (c) be displayed in English on the front principal display area of the package and in Swahili;
- (d) on the back principal display area of the package;
- (e) occupy 50 percent of the front principal display area of the package and 70 percent of the back principal display area of the package; and
- (f) be displayed in such manner and in such template as approved by the Minister.



## FIFTH SCHEDULE

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### HEALTH WARNING OF PACKAGE OF CIGARS OR PIPE TOBACCO

[Made under Regulation 8 (b)]

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The health warning on every package of cigars or pipe tobacco shall-

- (a) be displayed in English and Swahili on the package;
- (b) be displayed in English in the following words- **“Smoking causes cancer, heart disease, bronchitis and early death”**;
- (c) be displayed in Swahili in the following words- **“uvutaji wa sigara unasababisha saratani, maradhi ya moyo maradhi ya mapafu na vifo vya mapema”**;
- (d) be printed on a white label with black characters and be of a font of not less than twelve;
- (e) be displayed in such manner that none of the words of the health warning are severed when the package is opened; and
- (f) be displayed in such manner and in such template as approved by the Minister.



## SIXTH SCHEDULE

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### NOTICE OF PROHIBITION THE SALE OF TOBACCO PRODUCTS TO CHILDREN [Made under Regulation 14(3)]

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The notice prohibiting the sale of tobacco products to children shall-

- (a) display the following warning in English- “The sale of tobacco products to children under the age of 18 years is prohibited;
- (b) display the following warning in English and Swahili language- “it is prohibited to sell or engaged in tobacco product to a person whose age is below eighteen years inakatazwa kuuza au kushiriki katika biashara ya sigara na mazao ya tumbaku kwa mtu yeyote aliye chini ya umri wa miaka kumi na nanne;
- (c) not to be less than 210mm x 297mm (A4) in size; and
- (d) be displayed in such manner and in such template as approved by the Minister.

SIGNED on this... 13<sup>th</sup> ..... day of... December ..... 2016.

  
(MAHMOUD THABIT KOMBO)  
MINISTER FOR HEALTH  
ZANZIBAR