

CAYMAN ISLANDS



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**A BILL FOR A LAW TO REGULATE THE LABELLING, PROMOTION,  
SALE AND DISTRIBUTION OF TOBACCO PRODUCTS AND TO  
PROHIBIT THEIR USE IN PUBLIC PLACES; AND FOR INCIDENTAL  
AND CONNECTED PURPOSES**

**THE TOBACCO BILL, 2007**

**MEMORANDUM OF OBJECTS AND REASONS**

The main object of the Bill is to reduce tobacco use and its consequent harm by-

- (a) protecting minors and non-smokers from inducements to use tobacco;
- (b) protecting the public from exposure to tobacco smoke;
- (c) ensuring that the public is adequately informed about the risks of tobacco use and exposure to second-hand tobacco smoke and about the benefits of not smoking; and
- (d) promoting a climate where non-smoking and the absence of tobacco promotion are the norm.

Clause 1 recites the short title and commencement.

Clause 2 is the definition clause.

Clause 3 places restrictions on dealers in tobacco products.

Clause 4 makes provision with respect to licences.

Clause 5 requires an importer of tobacco products to provide the Medical Officer of Health with certain information about the products.

Clause 6 mandates that on every packet containing tobacco products there shall be displayed certain health messages.

Clause 7 prohibits the public promotion of tobacco products.

Clause 8 prohibits the public promotion of a product that is identical to or similar to a tobacco product.

Clause 9 prohibits the giving of consideration to anyone as an inducement to him to purchase a tobacco product.

Clause 10 seeks to protect the minor by making it an offence for anyone to sell him a tobacco product or for him to sell a tobacco product to anyone. The clause also places limits on the locations where tobacco products may be sold as well as on the number of units that may be contained in each packet sold.

Clause 11 provides for the tobacco product to be out of the reach of the prospective purchaser at the point of sale, allows the posting of signs indicating the availability of the product but prohibits the visible display of the tobacco product or the brand element.

Clause 12 demarcates the areas where smoking is prohibited.

Clause 13 provides for the appointment of Authorised Officers as part of the enforcement mechanism.

Clause 14 describes the premises which an Authorised Officer may enter.

Clause 15 sets out the powers of an Authorised Officer.

Clause 16 permits the Authorised Officers in the course of his duties to make use of computers and other office machines on the premises.

Clause 17 outlines the conditions under which an Authorised Officer may enter a dwelling house.

Clause 18 provides for the owner of premises inspected and every person on the premises to render all reasonable assistance to the Authorised Officer, to furnish him with the information that he reasonably requires and to desist from obstructing him or providing him with false or misleading information.

Clause 19 empowers the Authorised Officer to seize and detain a tobacco product or thing but requires him to give to the owner a written notice of the seizure and detention and the reasons therefor.

Clause 20 sets out the procedure to be followed for the restoration of the tobacco product or thing seized.

Clause 21 provides for the forfeiture of the tobacco product or thing seized and for its disposal where either no attempt was made to recover the property or no order was made by the Court for restoration.

Clause 22 creates the offences and prescribes the penalties for contravention of this Law.

Clause 23 provides for appeals against the decisions of the Medical Officer of Health.

Clause 24 empowers the Governor to make regulations.

Clause 25 repeals certain provisions of the Tobacco Product and Intoxicating Liquor Advertising Law.

Clause 26 empowers the Governor to amend the Schedule by order.

Clause 27 provides for the Crown to be bound by the Law.

**THE TOBACCO BILL, 2007**  
**ARRANGEMENT OF CLAUSES**

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2. Definitions.

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4. Licence required for the sale of tobacco products
5. Medical Officer of Health to be provided with information.

**PART III – Packaging and Labelling**

6. Display of messages regarding health.

**PART IV – Advertising and Promotion**

7. Prohibition against promotion of tobacco products.
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9. Consideration as an inducement to purchase.

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10. Sale of tobacco products.
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16. Use of computers and copying equipment.
17. Entry in a dwelling place.
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19. Seizure.
20. Application for restoration.
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**PART VII – Offences and Penalties**

22. Offences and Penalties.

**PART VIII - General**

23. Appeals.
24. Power to make regulations.
25. Repeals.
26. Power to amend Schedule.
27. Binding of the Crown.

SCHEDULE

CAYMAN ISLANDS

**A BILL FOR A LAW TO REGULATE THE LABELLING, PROMOTION,  
SALE AND DISTRIBUTION OF TOBACCO PRODUCTS AND TO  
PROHIBIT THEIR USE IN PUBLIC PLACES; AND FOR INCIDENTAL  
AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

**PART 1 – Introductory**

1. (1) This Law may be cited as the Tobacco Law, 2007.

Short title and  
commencement

(2) This Law shall come into force on such date as may be appointed by order made by the Governor.

2. In this Law, unless the context otherwise requires-

Definitions

“advertisement” means a commercial communication through any medium or means that is intended to have or is likely to have the direct, indirect or incidental effect of creating an awareness of a tobacco product, brand element, manufacturer or seller or promoting the purchase or use of a tobacco product or brand but does not include announcements in any telecommunication or written document that originates or is published outside the Islands and imported into the Islands;

“Authorised Officer” means a person designated by the Medical Officer of Health as an Authorised Officer under section 13 and includes a police officer;

“bar” means any premises exclusively or mainly used for the sale and consumption of beverages, whether alcoholic or not;

“brand element” includes the brand name, trade-mark, trade-name, distinguishing guise, logo, graphic arrangement, design, slogan, symbol, motto, selling message, recognisable colour or pattern of colours, or any other *indicia* of product identification identical or similar to, or identifiable with those used for any brand of tobacco product;

“Commissioner” means the Commissioner of Police and every person acting under his authority;

“distribute” means to sell, give, supply, exchange, convey, consign, deliver, furnish or transfer possession for commercial purposes, or offer to do so, whether for a fee or other consideration or as a sample, gift, prize, or otherwise without charge;

“emission” means any substance or combination of substances that is produced as a result of a tobacco product being lighted;

“employer” means a person who employs one or more employees and includes a person who arranges with volunteers to undertake work;

“enclosed public place” means a public place that is fully or partially covered by a roof with at least 50% of its sides having walls, windows or other barriers such as blinds or curtains;

“Governor” means the Governor in Cabinet;

“health care facility” means premises at which health services are provided by a registered practitioner;

“hotel” includes a boarding house, guest house, inn or hostel containing at least two rooms or apartments set apart exclusively for the sleeping accommodation of travellers;

“importer” means a person who receives or arranges for the receipt of tobacco products from another country for sale in the Islands;”

“international no-smoking symbol” means a symbol consisting of a graphic representation of a burning cigarette enclosed in a red circle with a red stripe across it;

“licensee” means a person to whom a licence has been granted under this Law;

“minor” means a person under the age of eighteen;

“owner” in relation to premises, means the proprietor of the premises and includes the manager, licensee and the person in charge of the premises;

“packet” means the container, receptacle or wrapper in which a tobacco product is sold or displayed at retail, and includes a carton that contains the product packed in smaller quantities;

“place of collective use” means any place open to the public whether enclosed, partially enclosed or out door where persons congregate in close proximity to one another;

“precincts” means the immediate environs of a public place whether fenced or not;

“premises” includes-

- (a) any building or part of a building;
- (b) any structure or part of a structure, whether moveable or not;
- (c) any installation whether on land or offshore;
- (d) any tent, marquee or stall; and
- (e) any vehicle.

“promotion” means the practice of fostering awareness of and positive attitudes towards a product, brand or manufacturer for the purpose of selling the product or encouraging tobacco use, through various means including direct advertisement, discounts, incentives, rebates, free distribution, publicising of brand elements through related events and products through a public medium of communication;

“public conveyance” means any vehicle available to the public as a means of transportation and includes a taxi;

“public place” means any place including a workplace, public conveyance or place of collective use, to which members of the public have access, either expressly or by implication, whether or not a fee is charged for entry, and includes those places enumerated in the Schedule.

“restaurant” means a café, coffee shop, bistro, fast food establishment or snack bar and includes premises exclusively or mainly used for the sale and consumption of food;

“retailer” means a person who sells tobacco products to consumers;

“sell” includes offer for sale, expose for sale and have in possession for sale;

“smoking” means inhaling or expelling the smoke of any tobacco product and includes the holding of any tobacco product that is alight;”

“telecommunications” means any form of transmission, emission or reception of signs, texts, messages and sounds or other intelligence of any nature by wire, radio, optical or electromagnetic means;

“tobacco product” means a product composed in whole or in part of tobacco, tobacco leaves or any extract of tobacco leaves and includes cigarette papers, tubes, filters and the packet in which the product is sold;

“toxicity” means the quality, relative degree or specific degree of being toxic or poisonous;

“vending machine” means any machine which on insertion of any coin, metal or other material in it, dispenses tobacco or tobacco products automatically or with the help of the buyer.

“wholesale distributor” means a person who sells or distributes tobacco products for subsequent retail; and

“workplace” means the inside of any place, building, structure, vehicle or conveyance or any part of them that is covered by a roof where employees work or frequent during the course of their employment whether or not they are acting in the course of their employment at the time, but does not include a place that is primarily a private dwelling.

## **PART II – Product Regulation and Licensing**

Restrictions on dealing  
with tobacco products

3. (1) No person shall manufacture, package, sell, advertise or promote a tobacco product except in accordance with this Law.

(2) No person shall import a tobacco product except in accordance with this Law, the Customs Law (2006 Revision) and the Customs Tariff Law (2002 Revision).

4. (1) Every person desirous of selling or importing tobacco products shall within three months of the commencement of this Law submit an application in the prescribed form accompanied by the prescribed fee, to the Medical Officer of Health for a tobacco licence and the Medical Officer of Health being satisfied as to the suitability of the applicant for the grant of the licence shall, subject to subsection (2), issue to the applicant a licence and such licence shall be-

Licence required for the sale of tobacco products

- (a) for a minimum period of one calendar year;
- (b) dated on the day on which it is granted;
- (c) specifically in respect of the premises described in the licence; and
- (d) subject to such terms and conditions as the Medical Officer of Health may determine.

(2) Every applicant shall, twenty-one days before making an application, affix a copy of the proposed application to some conspicuous place upon the premises named therein and send a copy thereof to-

- (a) the Commissioner;
- (b) the Chief Fire Officer; and
- (c) the Executive Secretary of the Central Planning Authority,

each of whom shall, within fourteen days of the receipt thereof, forward to the applicant a certificate in duplicate under his hand stating-

- (i) whether the premises appear to be suitable and unobjectionable for the purposes proposed; or
- (ii) what alterations, if any, to the premises would render such premises suitable, and what conditions, if any, attach to the licence, if granted, would render the grant of the proposed licence unobjectionable,

and the applicant shall forward such certificate to the Medical Officer of Health together with the application.

(3) The Medical Officer of Health shall not grant a licence to an applicant unless he is satisfied that such applicant is-

- (a) of good character and produces a certificate signed by the Commissioner showing his record of criminal convictions, if any, over the preceding fifteen years;
- (b) over the age of twenty-one years; and
- (c) of sufficient business capability to understand and comply with this Law.

(4) An application for the renewal of a licence shall be made in the prescribed form at least twenty-eight days prior to its expiration and shall be accompanied by the prescribed fee.

(5) The Medical Officer of Health shall keep a register of all the tobacco licences granted under this Law.

(6) On the death of a licensee-

- (a) the licence shall vest in his personal representatives; and
- (b) the personal representatives shall as soon as practicable apply to the Medical Officer of Health for a variation of the licence by transfer, either to him or to his nominee.

(7) Without prejudice to any penalty to which he may be liable for a contravention of this Law, a licensee who is in breach of the terms of his licence is liable to have his licence revoked and no part of the licence fee shall be refunded in consequence of such revocation.

Medical Officer of Health to be provided with information on emissions

5. Every importer and wholesale distributor of a tobacco product shall provide the Medical Officer of Health with information about the product and its emissions.

### **PART III – Packaging and Labelling**

Display of messages regarding health

6. No person shall manufacture, sell or import a tobacco product unless the packet in which it is contained displays in the prescribed form and manner, the required prescribed information with regard to-

- (a) the product and its emissions;
- (b) the health hazards and health effects arising from the use of the product or from its emissions; and
- (c) other health-related messages such as, *inter alia*, advice on how to stop smoking.

### **PART IV – Advertising and Promotion**

Prohibition against promotion of tobacco products

7. No person shall promote or cause to be promoted a tobacco product or a tobacco product-related brand element-

- (a) through direct or indirect means, including through sponsorship of an organisation, event, service, physical establishment or vehicle of any kind; or

- (b) in a manner that allows a consumer or purchaser of such product to be deceived or misled concerning its character, properties, toxicity, composition, merit or safety.

8. No person shall sell, promote, distribute or cause to be sold, promoted or distributed, a product or brand element other than a tobacco product that bears-

Prohibition against promotion of product identical or similar to a tobacco product

- (a) the brand name, alone or in conjunction with any other word;
- (b) the trade mark;
- (c) the trade name; or
- (d) a distinguishing guise, such as-
  - (i) a logo;
  - (ii) a graphic arrangement;
  - (iii) a design;
  - (iv) the slogan;
  - (v) the symbol
  - (vi) the motto;
  - (vii) the selling message;
  - (viii) the recognisable colour or pattern of colours; or
  - (ix) any other indicia of product identification,

identical or similar to or identifiable with, those used for any brand of tobacco product.

9. No person shall-

Consideration as an inducement to purchase

- (a) offer or provide any consideration, direct or indirect, as an inducement to purchase a tobacco product, including-
  - (i) a gift to a purchaser or a third party;
  - (ii) a bonus;
  - (iii) a premium;
  - (iv) cash;
  - (v) a rebate; or
  - (vi) the right to participate in a game, lottery or contest; or
- (b) distribute a tobacco product without monetary consideration or in consideration of the purchase of a product or service or the performance of a service.

#### **PART V – Distribution, Display and Use**

10. (1) No person shall sell a tobacco product to a minor.

Sale of tobacco products

(2) No licensee shall hire or use a minor to sell or otherwise handle a tobacco product.

(3) It is not a defence to a prosecution for an offence against subsection (1) that the prospective purchaser appeared to be eighteen years of age or older.

(4) A person shall not be found to have contravened subsection (1) if it is established that-

- (a) he exercised due diligence by attempting to verify that the prospective purchaser was eighteen years of age or older, by requesting the production of a prescribed form of identification; and
- (b) he reasonably believed that the document of identification produced was authentic and that it was issued to the person producing it.

(5) No person shall sell a tobacco product-

- (a) except in a packet containing the quantities or number of units prescribed; and
- (b) other than on licensed premises.

Display of tobacco products

11. (1) Subject to subsection (2), no licensee shall sell a tobacco product unless he does so at the request of the purchaser.

(2) Notwithstanding subsection (1), a retailer may post a sign indicating-

- (a) the availability of tobacco products for sale;
- (b) the specific products or brands available for sale; and
- (c) the prices of the products,

save that the brand elements shall not be visibly displayed.

(3) No person shall sell a tobacco product through the mail, the internet or a vending machine.

(4) No person shall display a tobacco product at the point of sale by means of counter top display or in a manner that permits the customer to handle the product prior to purchase.

(5) No person shall sell a tobacco product at retail unless a sign bearing the prescribed health warnings and other information is posted at the place of sale.

(6) No person shall, at any place or premises in which tobacco products are sold at retail, display a sign respecting the legal age at which tobacco products may or may not be purchased, except in accordance with the regulations.

12. (1) Subject to subsection (2), no person shall smoke in or within ten feet of- Use of tobacco products
- (a) an enclosed public place; or
  - (b) a place of collective use.
- (2) No person shall smoke in a corridor, lounge, reception area and foyer, eating area, escalator, elevator, stairwell, restroom, laundry room, entertainment and games room, exercise area or office; but this prohibition does not extend to-
- (a) rented condominium units;
  - (b) hotel bedrooms; or
  - (c) halls-of-residence sleeping rooms that are designated in some manner as smoking-allowed rooms by the establishment renting the rooms.
- (3) The management of all public places shall post no-smoking signs as may be prescribed, which signs shall visibly bear the international no-smoking symbol clearly indicating that the establishment is smoke-free.

### **PART VI - Enforcement**

13. (1) The Medical Officer of Health may designate Environmental Health Officers appointed under section 3 of the Public Health Law (2002 Revision) as Authorised Officers to conduct routine inspections of the business premises of licensees and other public places and the Medical Officer of Health shall issue a certificate of authorisation to each Environmental Health Officer so designated. Designation of  
Authorised Officers
14. An Authorised Officer may at reasonable times, enter any public place in which he believes on reasonable grounds that- Premises that Authorised  
Officers may enter
- (a) a tobacco product is used, manufactured, tested, stored, packaged, labelled or sold;
  - (b) there is anything used in the manufacture, testing packaging, labelling, promotion or sale of a tobacco product; or
  - (c) there is information relating to the manufacturer, testing, packaging, labelling, promotion or sale of a tobacco product.
15. In carrying out an inspection, an Authorised Officer may- Powers of Authorised  
Officers
- (a) examine a tobacco product or thing referred to in section 14(b);

- (b) require anyone on the premises to produce for inspection, in the manner and form requested by the Authorised Officer, the tobacco product or thing;
- (c) open, or require anyone on the premises to open, any container or package found on the premises that the Authorised Officer believes on reasonable grounds contains the tobacco product ;
- (d) interview anyone dealing with the tobacco product; the owner of the premises, the employer, their agents, contractors, employees or other person using the premises;
- (e) take or require anyone on the premises to produce a sample of the tobacco product ; and
- (f) require anyone found on the premises to produce for inspection or copying written or electronic information that is relevant to the administration or enforcement of this Law.

Use of computers and copying equipment

16. In carrying out an inspection an Authorised Officer may-

- (a) use or cause to be used a computer system on the premises to examine data contained in or available to the computer system that are relevant to the administration or enforcement of this Law;
- (b) reproduce the data in the form of a print-out or other intelligible output and take them for examination or copying; and
- (c) use or cause to be used copying equipment on the premises to make copies of data, records or documents.

Entry in a dwelling place

17. (1) An Authorised Officer may not enter a dwelling-place except with the consent of the occupant or under the authority of a warrant issued under subsection (2).

(2) On *ex parte* application, a judge may issue a warrant authorising the Authorised Officer named in the warrant to enter and inspect a dwelling-place, subject to any conditions specified in the warrant if the judge is satisfied by information on oath-

- (a) that the dwelling-place is a place referred to in section 14;
- (b) that entry to the dwelling place is necessary for the administration of this Law; and
- (c) that the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(3) An Authorised Officer, other than a police officer, executing the warrant shall not use force unless-

- (a) he is accompanied by a police officer; and

(b) the use of force is specifically authorised in the warrant.

18. (1) The owner of premises inspected by an Authorised Officer under this Law and every person on the premises shall-

Authorised Officers to be assisted and not obstructed

- (a) provide all reasonable assistance to enable the Authorised Officer to carry out his duties under this Law; and
- (b) furnish the Authorised Officer with the information that he reasonably requires for that purpose.

(2) No person shall obstruct or hinder, or knowingly make a false or misleading statement to, an Authorised Officer who is carrying out his duties under this Law.

19. (1) During an inspection under this Law, an Authorised Officer may seize a tobacco product or thing by means of which or in relation to which he believes on reasonable grounds that this Law has been contravened and shall provide the owner with written notice of the seizure and detention and the grounds therefor.

Seizure

(2) The Authorised Officer may direct that any tobacco product or thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless permitted by an Authorised Officer, no person shall remove, alter or interfere in any way with a tobacco product or thing seized.

20. (1) A person from whom a tobacco product or thing was seized may, within ten days after the date of seizure, apply to a judge of the Grand Court for an order of restoration.

Application for restoration

(2) The judge may order that the tobacco product or thing be restored immediately to the applicant if, on hearing the application, the judge is satisfied-

- (a) that the applicant is entitled to possession of the tobacco product or thing seized; and
- (b) that the tobacco product or thing seized is not and will not be required as evidence in proceedings in respect of an offence under this Law.

(3) Where on hearing an application made under subsection (1), the judge is satisfied that the applicant is entitled to the tobacco product or thing seized but is not satisfied with respect to the matters mentioned in subsection (2)(b), the judge may order that the product or thing seized be restored to the applicant-

- (a) on the expiration of one hundred and eighty days after the date of seizure if no proceedings in respect of an offence under this Law have been commenced before that time; or
- (b) on the final conclusion of any such proceedings, in any other case.

(4) The judge may not make an order under this section for restoration of a tobacco product or thing if it has been forfeited by consent under section 21(3).

(5) Where the tobacco product or other thing so seized and detained is determined by the Court-

- (a) to have met the requirements of this Law, it shall be returned immediately to the premises from which it was seized; or
- (b) not to have met the requirements of this Law, it may be confiscated or destroyed or subject to other disposal as ordered by the Court.

Forfeiture

21. (1) Where no application has been made under section 20(1) for the restoration of a tobacco product or thing seized under this Law within ten days after the date of seizure, or an application has been made but on the hearing of the application no order of restoration is made, the product or thing is forfeited to the Crown and may be disposed of as the Court directs.

(2) Where a person has been convicted of an offence under this Law, any tobacco product or thing seized under this Law by means of or in respect of which the offence was committed is forfeited to the Crown and may be disposed of as the Court directs.

(3) Where an Authorised Officer has seized a tobacco product or thing and the owner or person in whose possession it was at the time of seizure consents in writing to its forfeiture, the product or thing is forfeited to the Crown and may be disposed of as the Court directs.

#### **PART VII – Offences and Penalties**

Offences and penalties

22. (1) A person who contravenes section 3, 5 or 6 is guilty of an offence and liable on summary conviction-

- (a) for a first offence, to a fine of fifteen thousand dollars and imprisonment for six months; and
- (b) for a subsequent offence, to a fine of thirty thousand dollars and imprisonment for twelve months.

(2) A person who contravenes section 7 is guilty of an offence and liable on summary conviction-

- (a) for a first offence, to a fine of ten thousand dollars and imprisonment for three months; and
  - (b) for a subsequent offence, to a fine of twenty thousand dollars and imprisonment for six months.
- (3) A person who contravenes section 8 or 9 is guilty of an offence and liable on summary conviction-
- (a) for a first offence to a fine of five thousand dollars and imprisonment for six months; and
  - (b) for a subsequent offence to a fine of twenty thousand dollars and imprisonment for twelve months.
- (4) A person who contravenes section 10 or 11 is guilty of an offence and liable to a fine of-
- (a) in the case of an individual, for a first offence, to a fine of five thousand dollars and imprisonment for two months; and for a subsequent offence to a fine of fifteen thousand dollars and to imprisonment for nine months; and
  - (b) in the case of a company, for a first offence, to a fine of ten thousand dollars and for a subsequent offence to a fine of thirty thousand dollars.
- (5) The owner of any premises referred to in Part V who fails to enforce the smoke-free policy applicable to the facility under his responsibility, including the posting of prescribed signs, is guilty of an offence and liable on summary conviction-
- (a) for a first offence, to a fine of fifteen thousand dollars and imprisonment for six months; and
  - (b) for a subsequent offence, to a fine of thirty thousand dollars and imprisonment for twelve months.
- (6) A person who contravenes section 12 is guilty of an offence and liable on summary conviction-
- (a) for a first offence, to a fine of two thousand dollars; and
  - (b) for a subsequent offence, to a fine of ten thousand dollars and imprisonment for three months.
- (7) A person who contravenes section 18 is guilty of an offence and liable on summary conviction-
- (a) for a first offence, to a fine of-
    - (i) in the case of an individual, five thousand dollars and imprisonment for three months;

- (ii) in the case of a retail establishment, fifteen thousand dollars and imprisonment for six months; and
  - (iii) in the case of a wholesale distributor, thirty thousand dollars and imprisonment for nine months; and
- (b) for a subsequent offence, to a fine of-
- (i) in the case of an individual, ten thousand dollars and imprisonment for six months;
  - (ii) in the case of a corporate retail establishment, twenty-five thousand dollars; and
  - (iii) in the case of a corporate wholesale distributor, fifty thousand dollars.

#### **PART VIII – General**

Appeals

23. A person aggrieved by or dissatisfied with the decision of the Medical Officer of Health-

- (a) to refuse his application for a licence; or
- (b) to revoke his licence,

may within fourteen days of the communication of the decision to him, appeal to the Governor by notice in writing and the decision of the Governor shall be final and binding upon the appellant.

Power to make regulations

24. (1) The Governor may make regulations generally for administering this Law and for giving effect to its objects, purposes and intentions or with respect to any matter by or under this Law that may be or is to be prescribed.

(2) Without prejudice to the generality of the power conferred by subsection (1), regulations may be made under this section-

- (a) prescribing the location, content and format of the signs required to identify smoke free establishments;
- (b) respecting the content and format of information that must appear on packets and in leaflets;
- (c) respecting the information that may not appear on packets;
- (d) prescribing time schedules for the implementation of promotional restrictions;
- (e) prescribing the forms of identification to be tendered by a prospective purchaser of a tobacco product seeking to establish that he is not a minor;
- (f) prescribing the quantities of a tobacco product to be sold in a single packet;
- (g) prescribing the required signage at point of sale;
- (h) respecting the powers and duties of an Authorised Officer;
- (i) respecting the taking of samples;

- (j) respecting the procedure to be followed by an Authorised Officer during an inspection; and
- (k) respecting the procedure to be followed during an inspection for seizure.

25. The Tobacco Product and Intoxicating Liquor Advertising Law, (1998 Revision) is amended as follows: Repeal

Section No.	Extent of amendment
Section 1	Repeal and substitute the following:  “This Law may be cited as the Intoxicating Liquor Advertising Law, (1998 Revision)”.
Section 2	Delete the definitions of “health warning” and “tobacco products”.
Section 3	Repeal.
Section 4	Delete the words “tobacco product or”.
Section 5	(a) in subsection (2)(a) delete the words “tobacco product or”; and  (b) delete subsection (2)(b).
Section 6	Delete subsections (1) and (2) and renumber subsection (3) as section 6.

26. The Governor may by order amend the Schedule.

Power to amend the Schedule

27. This Law shall be binding on the Crown.

Binding of the Crown

**SCHEDULE** (Sections 2 and 26)

For the purposes of this Law, “public places” includes the following:

1. offices and office buildings including corridors, lounges, eating areas, reception areas, elevators, escalators, foyers, stairwells, restroom amenity areas, laundry rooms and laundromats;

2. common areas in apartment buildings, condominiums and retirement homes;
3. health care facilities and their precincts;
4. educational institutions at all levels and their precincts;
5. early childhood centres and their precincts;
6. gyms and other physical-fitness facilities;
7. beauty parlours and barber shops;
8. parks;
9. factories and warehouses;
10. any means of transportation used for commercial, public or professional purposes and used by more than one person;
11. public transportation terminals;
12. public toilets;
13. retail establishments including shopping centres;
14. galleries, libraries and museums;
15. cinemas and theatres;
16. concert and convention halls;
17. sports stadia;
18. bars and restaurants;
19. pool halls; and
20. publicly owned facilities rented out for events.

Passed in the Legislative Assembly this.....day of ....., 2007.

Speaker.

Clerk of the Legislative Assembly.