



1 tobacco product and includes a pipe, cigarette holder, cigar clip, lighter or  
2 matches;

3 "Additive" means any substance, chemical, compound or component other  
4 than tobacco or water, that is introduced into a tobacco product during  
5 processing, manufacturing or packaging, including as applicable, those  
6 contained in the paper, filter, portion pouch or similar part of the tobacco  
7 product, its package, or accessories. The term 'addictive' also shall include  
8 any residues of pesticides, fungicides and other chemicals used during tobacco  
9 growing, harvesting, curing, storing or other stages of preparing tobacco  
10 products for consumption the intended use of which results or may reasonably  
11 be expected to result directly or indirectly in its becoming a component or  
12 otherwise affecting the characteristic of any tobacco product (including any  
13 substances intended for use as a flavouring, colouring transporting or  
holding.

14 "Authorized officer" has the meaning assigned to it by section 23 of this  
15 Act;

16 "Brand element" includes a brand name, manufacturer's name, trade  
17 mark, trade name, logo, graphic arrangement, design, colours, motto or  
18 slogan or any other element that is reasonably associated with, or that evokes  
19 a product, a service or a brand of product or service, and includes any  
20 portion of a brand element.

21 "Brand preference advertising" means advertising that promotes a tobacco  
22 product by means of its brand characteristics;

23 "cigarette" means any product which consists wholly or partly of cut,  
24 shredded or manufactured tobacco, or of any tobacco derivative or substitute,  
25 rolled up in paper or any other material and capable of being used immediately  
26 for smoking.

27 "cinema" means or has the meaning assigned to it in the Films and  
28 Video Censors Board Act (Part IX, 66);

29 "competent bodies" means appropriate bodies established under the  
30 Nigerian law pursuant to, this Act and the World Health Organization  
31 Framework Convention on tobacco Control Conference of Parties;

1 "Commission" means the Nigerian Tobacco Control Commission"  
2 established under this Act;

3 "Committee" means the National Tobacco Control Committee  
4 (NATOCC) established pursuant to section 2 of this act;

5 "Dwelling place" means where people, live and or work with tolls or  
6 machines

7 "Electronic communication" includes communication through the radio,  
8 television, telephone, internet, and any other electronic means

9 "Emission" means any substance produced when tobacco or a tobacco  
10 product is produced, processed and used;

11 " Entity" includes a company, corporation, firm, partnership, association,  
12 society, trust or other organization, whether incorporated or not;

13 "FCTC" means the World Health Organization Framework Convention  
14 on Tobacco Control.

15 "Fund" means the Tobacco Control Fund established under Schedule 1 of  
16 this Act;

17 "Harmful constituent" means nicotine, tar or any other constituent of a  
18 tobacco product or of tobacco smoke which the Minister may under section  
19 4 (a) prescribe;

20 "Health Institution" means a Hospital, Nursing home, convalescent home,  
21 maternity home, Primary health center, health center, dispensary or other  
22 Institution where health or other medical services are rendered free of charge  
23 or upon payment of a fee;

24 "illicit trade" means any practice or conduct prohibited by law and which  
25 relates to production, shipment, receipt, possession, distribution, sale or  
26 purchase of tobacco or its products including any practice or conduct intended  
27 to facilitate such activity;

28 "Ingredients" means the substances added during the manufacturing process  
29 or from agricultural practices;

30 "Information Advertising" means advertising that provides factual  
31 information to the consumer about a product and its characteristics,

1 availability, price or brands"

2 "legal entity" includes a non-governmental organization and any other  
3 body recognized in law as having a separate entity from that of its members;

4 "Lifestyle advertising" means advertising that associates a product with,  
5 or evokes a positive or negative emotion about or image of, a way of life  
6 such as one that include glamour, sensuality, recreation, excitement, vitality,  
7 risk or daring, or similar characteristics;

8 "Magistrate" has the meaning assigned 'to it in the Magistrates Courts  
9 Act and for the purposes of this Act, means a magistrate above the rank of  
10 senior magistrate.

11 "Manager; in relation to —

12 (a) A cinema or theatre includes an assistant manager, a person holding  
13 an office analogous to that of a manager or the cinema or theatre of any  
14 person in charge or in control thereof.

15 (b) a health institution, includes the owner or a person in charge or in  
16 control thereof;

17 (c) a specified building, includes the owner, occupier, Lessee or the  
18 person in charge or in control thereof;

19 "Manufacture" means the processing of a tobacco products to include the  
20 packaging, labelling, distribution and importation of tobacco product for sale  
21 in Nigeria;

22 "Manufacturer" in respect of tobacco products includes any entity that is  
23 involved in the manufacture, including an entity that controls or is controlled  
24 by the manufacturer, or that is controlled by the same entity that controls  
25 the manufacturer;

26 "Minister" means the Minister, Federal Ministry of Health for the time  
27 being responsible for matters relating to public health;

28 "Package" means the container" receptacle or wrapper in which tobacco  
29 products are sold or distributed including the carton in which multiple  
30 packages are stored;

31 " Prohibited smoking area" means a place in which smoking is prohibited

1 under section 4 and schedule II of this act.

2 "Promotion" means a representation, including an advertisement, whether  
3 direct or indirect, including any communication of information about a product  
4 or services and its price and distribution, that is likely to influence and  
5 shape attitudes, beliefs and behaviour about the product or service or that is  
6 intended to or has the effect of inducing customers to use tobacco products,  
7 underestimate the dangers of tobacco consumption, or create recognition of  
8 or goodwill for the tobacco manufacturer. Promotion also includes sponsorship  
9 activities.

10 "Public Place" means any indoor, enclosed, or partially enclosed area  
11 which is open to the public or to which members of the public ordinarily  
12 have access to, and includes indoor workplace and a public conveyance/  
13 transport, indoor public places and other public places; Such public places  
14 shall include but not limited to (as described under Schedule 2);

15 "Public service vehicle" means a vehicle having at least two wheels  
16 used for the carriage of passengers or goods (as described under Schedule 2);

17 "Retailer" means a person who is engaged in a business that includes the  
18 sale of any tobacco product to customers;

19 "regional economic integration organization" means an organization that  
20 is composed of several sovereign states, and to which its Member States  
21 have transferred competence over a range of matters, including the authority  
22 to make decisions binding on its Member States in respect of those matters;

23 "Sell" includes-

24 (a) barter or exchange;

25 (b) offer or expose for sale, barter or exchange;

26 (c) supply, or offer to supply, in circumstances in which the supplier  
27 derives or would derive, a direct or indirect pecuniary benefit;

28 (d) supply or offer to supply, gratuitously but with a view of gaining or  
29 maintaining customer, or otherwise with a view for commercial gain;

30 "Smoke Constituent" means any chemical or chemical compound including  
31 vapours, and grasses found in mainstream or side stream tobacco smoke that

1 either transfers from any component of the cigarette to the smoke or that is  
2 formed by the combustion or heating of tobacco, additives, or other component  
3 of the tobacco product

4 "Smoking" means inhaling or exhaling the smoke of any tobacco product  
5 and includes the holding of, or control over, any ignited tobacco product or  
6 device containing an ignited tobacco product;

7 "Specially designated smoking area" means an area provided under section  
8 22;

9 "Sponsorship" means a form of contribution to any event, activity or  
10 individual with the aim, effect or likely effect of promoting a tobacco  
product

11 or tobacco use either directly or indirectly.

12 "Tobacco" means the tobacco plant, including the seeds and the leaves;

13 "Tobacco product" means a product composed, in whole or in part, of  
14 tobacco, including tobacco leaves and any extract of tobacco leaves intended  
15 for use by smoking, inhalation, chewing, sniffing or sucking and includes  
16 cigarette papers, tubes and filters;

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

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

25 "tobacco industry" means tobacco manufacturers, wholesale distributors  
26 and importers of tobacco products including any re-packer or re-labeler,  
27 who—

28 (i) manufactures, fabricates, assembles, processes, or labels a tobacco  
29 product; or

30 (ii) imports a finished cigarette or smokeless tobacco product for sale  
31 or distribution;

1 "Tobacco Related Illness" means any illness, disease, or condition resulting  
2 in whole or in part from tobacco use or exposure to tobacco smoke, and  
3 includes any illness, disease, or condition exacerbated by tobacco use or  
4 exposure to tobacco smoke;

5 "Tobacco Smoke, Second Hand Smoke or Environmental Tobacco Smoke"  
6 means the smoke or other emissions released from a tobacco product or the  
7 smoke exhaled by a person smoking a tobacco product.

8 "Vending machine" means a machine or device that is constructed to  
9 contain tobacco products and which can automatically retail any tobacco  
10 product upon the insertion of a coin, token or similar object into the machine  
11 or device;

12 "Tobacco Sponsorship" means the direct or indirect public attribution  
13 acknowledgment, association, identification or: display of a tobacco  
14 manufacturer, seller, brand, or product, or of any indica of a tobacco  
15 manufacturer, seller brand, or product with, on, or in connection with—

16 (a) an entertainment, sporting, recreational, educational, cultural,  
17 fashion, or other event, show or activity, or work;

18 (b) any person or team participating in such an event, show, activity,  
19 or work, including their equipment, clothing, and accessories;

20 (c) activities in bars, nightclubs, restaurants, entertainment venues,  
21 and other similar venues;

22 (d) a service provided or contribution made by a tobacco manufacturer  
23 or seller; or

24 (e) a building, institution, stadium, or other public place, other than  
25 one exclusively used to manufacture or sell tobacco products.

#### 26 PART II — TOBACCO PRODUCTS PROHIBITION

27 4.—(1) No person shall manufacture, import or distribute tobacco or  
28 tobacco product that does not conform to the requirements of this Act or any  
29 regulations made there under.

30 (2) Every packet and package of tobacco for retail or wholesale in Nigeria  
31 shall carry the statement "Sales only allowed in Nigeria" and shall also state

Prohibition of  
Tobacco and  
Tobacco  
Products

1 the country of origin.

2 *Labelling of Tobacco Products for sale in Nigeria.*

3 (3) Every packet and package of tobacco for export from Nigeria shall  
4 bear the statement "Manufactured in Nigeria for export only"

5 (4) Every packet and package of tobacco made in or travelling through  
6 Nigeria shall include the following, permanently affixed under the wrapping on  
7 each tobacco products packet and package, at the time of manufacture;

8 (i) Name and license number of the manufacturer/wholesaler/importer/  
9 exporter;

10 (ii) Serial number, date, location and country of manufacture;

11 (iii) Clearly visible "tax" stamp or marking,

12 (5) Any person who contravenes the provision of subsection 4 above commits  
13 an offence and shall, on conviction, be liable to a fine not exceeding one million  
14 naira, or to imprisonment for term not exceeding 2 years or to both.

Supply of  
Tobacco  
Products to  
Young  
Persons.

15 5.—(1) No person below the age of eighteen years (18 years) shall sell or  
16 be sold tobacco or tobacco products.

17 (a) no person shall furnish, deliver, offer or sell tobacco to a person who  
18 produces a document mentioned in subsection(2) as a proof that he or she is  
19 18 years of age or older if it appears that the document has been altered or  
20 is otherwise unsatisfied as to the legitimacy of the document.

21 (b) it shall be unlawful for a parent, legal guardian or other person acting  
22 in place of a parent or legal guardian or person who is responsible for the  
23 care and welfare of a minor under the age of 18 years to allow that minor to  
24 possess any cigarettes made of tobacco or of any other substance which can  
25 be smoked, any cigarette paper or tobacco in any form, including but not  
26 limited to smokeless tobacco.

27 (2) Subject to subsection (3) a person who contravenes the provisions of  
28 subsection (1) commits an offence and shall, on conviction, be liable to a fine  
29 not exceeding fifty thousand naira, or to imprisonment for a term not exceeding  
30 six months, or to both.

31 (3) Notwithstanding the provisions of subsection (1), it shall be a defense



1 to an offence under this section, if it is established that the accused person  
2 attempted to verify that the young person was at least eighteen years of age by  
3 asking for and being shown any of the documents specified in subsection (4) for  
4 the purpose of verifying the age of the young person, and believed on reasonable  
5 grounds that the documentation was authentic.

6 (4) For the purpose of this section the following documentation may be  
7 used to verify a person's age —

8 (i) a national identity card issued by the Federal Republic of Nigeria  
9 containing the persons photograph, date of birth and signature;

10 (ii) a driving license or international passport issued by the Federal  
11 Republic of Nigeria or any other country;

12 (iii) birth certificate or Age Declaration in any court of competent  
13 jurisdiction.

14 (iv) any other documentation as prescribed.

15 (5) No person shall manufacture and/or sell objects including and not  
16 limited to sweets, snacks and toys that resemble tobacco products/cigarettes  
17 and/or that would reasonably appeal to persons less than eighteen years.

18 (6) A person who contravenes the provisions of subsection (5) above  
19 commits an offence and shall, on conviction, be liable to a fine not exceeding  
20 twenty five thousand naira or to imprisonment for a term not exceeding 6  
21 months, or to both.

22 6.—(1) Every retailer shall post, in the prescribed place and manner,  
23 signs in the prescribed form and with the prescribed content, that inform the  
24 public that the sale or the availing of a tobacco product to a person under the  
25 age of eighteen years is prohibited by law. The sign shall contain any of the  
26 prescribed health messages.

Display of  
signs.

27 (2) The owner or occupier of any enclosed public place and place of  
28 collective use, or employer, as applicable, and the owner or operator of any  
29 public conveyance, shall post signs prominently on the premises or in the  
30 conveyance stating that smoking is not permitted. This shall be done in the  
31 prescribed manner contained in this Law.

1 (3) Every sign required to be under subsection (1) shall —  
2 (a) be displayed on a surface measuring not less than 18" by 12" in size;  
3 (b) bear the word "WARNING" in capital letters followed by the  
4 prescribed health warning which shall appear in conspicuous and legible  
5 type and shall be black on a white background or white on a black background  
6 and shall be enclosed by a rectangular border that is the same colour as the  
7 letters of the statement;  
8 (c) be in English and/or in the predominant language of the area within  
9 which the sign is posted.

10 (4) Any person(s), who hinders, obstructs, threatens or abuses or assaults  
11 a manager or owner of a prohibited smoking area in the execution of the powers  
12 conferred by this section commits an offence and may be arrested without a  
13 warrant by such manager or by a police officer or other authorized officer.

14 (5) A retailer who contravenes any of the provisions of this section commits  
15 an offence and shall, on conviction, be liable to a fine not exceeding fifty  
16 thousand naira, or to imprisonment for a term not exceeding six months, or to  
17 both.

Obligation to 18 (6) It shall be the duty of the owner or occupier of any enclosed public  
Ensure  
Compliance. 19 place of collective use, employer, and the owner or operator of any public  
20 conveyance, as applicable, to take all reasonable steps to ensure that no person  
21 smokes in violation of the provision of this Part. Taking reasonable steps includes  
22 but is not limited to:

23 (a) asking an offending person who continues to smoke to leave the premises  
24 or the conveyance when this can be done safely; refusing further service; in  
25 the case of an employee, disciplining, including dismissing the offending  
26 person from employment; and seeking the assistance of law enforcement  
27 personnel in cases where the offending persons refuses to stop smoking or  
28 leave the premises or conveyance.

29 (b) no owner or operator of any enclosed place, anywhere as applicable  
30 shall permit the placement of ashtrays in any place under their control",

31 (c) a person who contravenes any of the provisions of this section commits

1 an offence and shall, on conviction be liable to a fine not exceeding fifty  
2 thousand naira, or to imprisonment for a term not exceeding twelve months  
3 or both.

4 (7) It shall be an offence for any person carrying on business to sell  
5 cigarettes to any person other than in pre-packed quantities of 10 or more  
6 cigarettes in there original packages.

7 (8) In this context "original package" means the sealed and unbroken  
8 wrap or package in which the cigarettes were supplied for the purpose of retail  
9 sale by the manufacturer or importer; and "package" means any box, carton or  
10 other container.

11 (9) A person who contravenes any of the provisions of this section commits an  
12 offence and shall, on conviction, be liable to a fine not exceeding twenty five  
13 thousand naira or to imprisonment for a term not exceeding six months, or to both.

14 7.—(1)No person shall permit a tobacco product to be sold by way Vending  
15 of an automatic vending Machine. Machines.

16 (2) A person who contravenes any of the provisions of this section commits  
17 an offence and shall, on conviction be liable to a fine not exceeding fifty thousand  
18 naira, or to imprisonment for a term not exceeding twelve months or both.

19 8.—(1) No person shall sell cigarettes except in package containing at Number of  
20 least 20 cigarettes, or such other minimum number of cigarettes, not being less cigarettes a  
package can  
contain.

21 than ten, as may be prescribed.

22 (2) No person shall sell a tobacco product other than cigarette that is  
23 prescribed for the purpose of this subsection, except in a package that contains  
24 at least 20 units of the product, or such other minimum number of units of the  
25 product, not being less than ten, as may be prescribed.

26 (3) A person who contravenes any of the provisions of this section commits an  
27 offence and shall, on conviction, be liable to a fine not exceeding twenty five  
28 thousand naira or to imprisonment for a term not exceeding six months, or to both.

29 9.—(1) No person shall sell a tobacco product by means of a display that self service  
30 permits a person to handle the tobacco product before paying for it. display  
delivery.

31 (2) A person who contravenes the provisions of this section commits an

1 offence and shall, be liable to a fine not exceeding twenty five thousand naira,  
2 or to imprisonment for a term not exceeding six months, or to both.

Prohibition of  
Mailing  
Tobacco &  
Products.

3 10.—(1) No person shall, for consideration, cause a tobacco product to be  
4 delivered or sent by mail or other delivery unless the delivery is between  
5 manufactures or retailers.

6 (2) No person shall advertise an offer to deliver or mail a tobacco product  
7 anywhere within the Federal Republic of Nigeria.

8 (3) A person who contravenes any of the provisions of this section commits  
9 an offence and shall, on conviction be liable to a fine not exceeding fifty thousand  
10 naira, or to imprisonment for a term not exceeding six months, or to both.

Information  
required on  
packages.

11 11.—(1) No person shall manufacture, sell, distribute, or import a tobacco  
12 product unless the package containing the product and unit packet displays, in  
13 the prescribed form and manner, such information as may be prescribed with  
14 respect to the product and its emissions and the hazards or effects arising from  
15 the use of the product or from its emissions.

16 (2) Every package containing a tobacco product shall—

17 (a) have at least two un-obscured health warning labels and/or health  
18 messages, covering 50% of the principal display or total surface area, and  
19 both located on the lower portion of the pack or package directly underneath  
20 the cellophane or other clear wrapping;

21 (b) bear the word "WARNING" appearing in capital letters and all text  
22 shall be large, clear, visible and legible 17- point type, unless the text of the  
23 label statement would occupy more than seventy percent of such area, in  
24 which case the text may be of a smaller but conspicuous type size, provided  
25 that at least sixty percent of such area is occupied by the required text; and

26 (c) bear text that is black on a white background or white on a black  
27 background in a manner that contrasts by typography, layout or colour with  
28 all other printed material on the package.

29 (3) All the warning labels specified in the Schedule shall be randomly  
30 displayed in each twelve- month period on a rotational basis and in as equal a  
31 number of times as is possible, on every successive fifty packages of each brand

1 of the product and shall be randomly distributed in all areas within the Federal  
2 Republic of Nigeria in which the products is marketed.

3 (4) The Minister may, by notice in the gazette, prescribe that the warning,  
4 required under this section, be in the form of pictures or pictograms and may  
5 prescribe the required pictures or pictograms.

6 (5) Every package containing a tobacco product shall bear such statement  
7 as to the tar, nicotine and other constituents as may be prescribed and such  
8 statement shall be placed directly on the right hand side of the package,  
9 underneath the cellophane or other clear wrapping in a conspicuous and prominent  
10 format and shall be limited to the disclosure of the contents and not their  
11 quantities.

12 (6) Every manufacturer, or importer, shall provide inside every package,  
13 in the prescribed form and manner, a leaflet that displays the information  
14 required by regulations about the tobacco product and its emissions and about  
15 the hazards and health effects arising from the use of the product and from its  
16 emissions.

17 (7) Any person who contravenes any of the provisions of this section  
18 commits an offence and shall, on conviction, be liable to a fine not exceeding  
19 one hundred thousand naira, or to imprisonment for a term not exceeding two  
20 years, or to both.

21 PART III — PROMOTION

22 12.—(1) No person shall promote tobacco or tobacco products in any  
23 form of Tobacco.

Prohibition of  
Advertisement  
of Tobacco  
and  
Prohibition.

24 (2) A person who contravenes the provisions of this section commits an  
25 offence and shall, on conviction, be liable to a fine not exceeding one hundred  
26 thousand naira, or to imprisonment for a term not exceeding three years, or to  
27 both.

28 13.—(1) No person shall promote tobacco or a tobacco product by any  
29 means, including by means of the packaging, that are false, misleading or  
30 deceptive or that are likely to create an erroneous impression about the  
31 characteristics, health effects, health hazards or social effects of the tobacco

False  
promotion.

1 product or its emissions.

2 (2) A person who contravenes the provisions of this section commits an  
3 offence and shall, on conviction, be liable to fine not exceeding one hundred  
4 thousand naira, or to imprisonment for a term not exceeding three years or to  
5 both.

Endorsements  
and

6 14.—(1) No person shall promote a tobacco product by means of a  
7 testimonial or an endorsement.

Testimonials.

8 (2) For the purpose of this section the depiction of a person, character or  
9 animal, whether real or fictional, including and not limited to literary, dramatic,  
10 musical, cinematographic, educational or artistic works, productions or  
11 performances that use or depict a tobacco product or a tobacco product-related  
12 brand element. Whatever the mode or form of its expression, shall be considered  
13 to be a testimonial for, or an endorsement of the product.

14 (3) A person who contravenes the provisions of this section commits an  
15 offence and shall, on conviction, be liable to a fine not exceeding five hundred  
16 thousand naira, or to imprisonment for a term not exceeding three years or  
17 both.

Promotion by  
advertisement.

18 15.—(1) Subject to this Part, no person shall promote a tobacco product  
19 by means of an advertisement that depicts, in whole or in part, a tobacco  
20 product, its package or a brand element or one that evokes a tobacco product or  
21 element, or that depicts at tobacco product manufacturer.

22 (2) No person shall advertise any tobacco product on any satellite,  
23 electronic and print medium or by any other form of communication including  
24 but not limited to newspaper adverts, bill boards, leaflets, posters, point of sale  
25 adverts, branding of vehicles, mobile adverts facilities, films, brand placements,  
26 Home videos, cultural events, musical events, sports events, events by unions  
27 or associations and branding of walls, restaurants.

28 (3) No person shall promote tobacco or a tobacco product by means of  
29 lifestyle advertising.

30 (4) A person who contravenes any of the provisions of this section commits  
31 an offence and shall, on conviction, be liable to a fine not exceeding one hundred

1 thousand naira, or to imprisonment for a term not exceeding three years, or to  
2 both.

3 16.—(1) No person shall—

Promotion by  
sponsorship.

4 (a) advertise tobacco, a tobacco product or a tobacco manufacturer or  
5 seller by means of organizing, promoting or sponsoring a sporting, cultural,  
6 artistic, recreational, educational or entertainment programme, event or  
7 similar activity; or

8 (b) promote a tobacco product at any sporting, cultural, artistic,  
9 recreational, educational or entertainment event or activity; or

10 (c) advertise tobacco or a tobacco product by means of organizing,  
11 promoting or sponsoring or entertainment event or activity.

12 (2) A person who contravenes any of the provisions of this section commits  
13 an offence and shall, on convictions, be liable to a fine not exceeding five  
14 hundred thousand naira, or to imprisonment for a term not exceeding three  
15 years, or to both.

16 17. The name of a manufacturer or tobacco product-related brand name  
17 may only appear on a permanent facility if such facility is owned or used or  
18 leased by the manufacturer.

Display of  
Manufacturers  
Name.

19 18.—(1) No manufacturer, distributor or retailer shall manufacture,  
20 distribute or sell an accessory that displays a tobacco product-related brand  
21 element or the name of the manufacturer.

Accessories.

22 (2) A person who contravenes any of the provisions of this section commits  
23 an offence and shall, on conviction, be liable to a fine not exceeding five  
24 hundred thousand naira, or to imprisonment for a term not exceeding three  
25 years, or to both.

26 19.—(1) No person shall display a tobacco brand element on a non-tobacco  
27 product.

Displays on  
non-tobacco  
products.

28 (2) No person shall on behalf of another person, with or without  
29 consideration furnish, publish, broadcast or otherwise disseminate, promote  
30 non-tobacco products bearing tobacco related-brand element

31 3) A person who contravenes the provisions of this section commits an

1 offence and shall, on conviction, be liable to a fine not exceeding fifty thousand  
2 naira or to imprisonment for a term not exceeding six months, or to both.

Sales  
Promotion. 3 20.—(1) No manufacturer, distributor or retailer shall— (a) offer or provide  
4 any consideration, whether directly or indirectly, for the purchase of a tobacco  
5 product, including a gift to a purchaser or a third party, bonus, premium, cash  
6 rebate or right to participate in a game, lottery or contest;  
7 (b) furnish a tobacco product without monetary consideration or in  
8 consideration of the purchase of a product or service or the performance of  
9 a service; or  
10 (c) furnish an accessory that bears a tobacco product-related element  
11 without monetary for a term not exceeding or a product of service or the  
12 performance of a service.

13 (2) A person who contravenes the provisions of this section commits an  
14 offence and shall on conviction, be liable to a fine not exceeding one hundred  
15 thousand naira or to imprisonment for a term not exceeding six months, or to both.

Adverts in the  
Media. 16 21.—(1) No person shall, on behalf of another person, with or without  
17 consideration, publish, broadcast or otherwise disseminate any promotion that  
18 is prohibited by this Part, or participate in any of those activities.  
19 (2) No person shall, by means of a publication that is published outside  
20 Nigeria, or a broadcast that originates outside Nigeria, or any other  
21 communication that originates outside Nigeria, promote any product, the  
22 promotion of which is regulated under this Part, or disseminate promotional  
23 material that contains a tobacco-related brand element in a manner that is  
24 contrary to the requirements of this part.

25 (3) Any person who contravenes the provisions of this section commits an  
26 offence and shall, on conviction, be liable to a fine not exceeding five hundred  
27 thousand naira or to imprisonment for a term not exceeding three years or to both.

Displays at  
None smoking  
Areas. 28 22.—(1) The manager or owner of a prohibited smoking area shall cause  
29 to be displayed therein, clear and prominent notices in both English and local  
30 language stating that smoking is prohibited and the prescribed penalty therefore.  
31



1 the plaintiff assumed the risk was contributory negligent, or should be not  
 2 entitled to recovery under any similar theory, shall be inadmissible if the  
 3 Plaintiff proves, on the balance of probabilities, that:

4 (a) he or she started using tobacco before he or she reached the age of 18  
 5 years.

Individual  
 testimony.

6 (b) he or she made a reasonable attempt to quit at some time during his or  
 7 her period of use. In considering the question of whether a reasonable effort  
 8 to quit was made, the highly addictive nature of tobacco products shall be  
 9 taken into account.

Statistical and  
 related  
 information.

10 **46.**—(1) If any Plaintiff proves by a preponderance of evidence that he or  
 11 she was exposed to and was aware of any tobacco-related advertising or other  
 12 forms of promotion during his or her time of tobacco use, there shall be a  
 13 rebuttable presumption that his or her ability to understand and incorporate  
 14 fully the true risks of using tobacco was undermined by the tobacco related  
 15 advertising and promotion. For any Plaintiff for which a presumption under this  
 16 subsection is not successfully rebutted, a claim of assumption of the risk,  
 17 contributory negligence, or other similar legal argument denying entitlement  
 18 to recover damages shall not defeat a claim for damages.

Defendants'  
 portion of  
 liability.

19 (2) There shall be an irrefutable presumption that anyone who used a  
 20 tobacco product described or implied by its label, design, or otherwise, or in  
 21 advertising, to be 'low tar', 'light' 'mild', or of a similar nature, was deceived  
 22 or misled into thinking that use of that product was safer or less harmful than  
 23 using a full strength tobacco product.

Private Right  
 of Action By  
 Individuals.

24 **PART VIII — TOBACCO CONTROL FUND**

25 **47.** The Minister shall establish a Fund to be known as the Tobacco  
 26 Control Fund. The Fund shall consist of:

Establishment  
 of the Tobacco  
 Control Fund.

27 (a) such sums as may be appropriated by the National Assembly;

28 (b) such sums as may be realized from property forfeited to the Government  
 29 under section... of this Act;

30 (c) sums received, including and not limited to fees, contributions, gifts  
 31 or grants from or by way of testamentary bequest by any person or persons,

1 such entities being completely unrelated to tobacco companies and their and  
2 Classes of Individuals affiliates;

3 (d) moneys earned or arising from any investment of the fund pursuant to  
4 section;

5 (e) sums borrowed by the Fund, including loan funds, for the purpose of  
6 meeting any office obligations or discharging any office functions; and

7 (f) all other sums which may in any manner become payable to or vested  
8 in, the Fund.

9 For the purpose of this section "loan funds" means such sums as may be made  
10 available from time to time by the Government by way of loan. Where by an  
11 order under subsection (2) (b) any immovable property is assigned to the Fund,  
12 the Minister shall deal with the property in such manner as he thinks first and  
13 may sell the property and use the proceeds of sale for the purposes for which  
14 the Fund is established. The Fund shall be used for meeting the capital and  
15 current expenditure relating to—

16 (a) research, documentation and dissemination of information on tobacco  
17 and tobacco products;

18 (b) promoting national cessation and rehabilitation programs; and

19 (c) any other matter incidental to the matters stated in paragraphs (a) and  
20 (b).

Control of the  
Fund.

21 48. Subject to this Part, the Fund shall be administered by the Committee.

22 The Committee may with the approval of the Minister for the time being  
23 responsible for finance, invest or place on a deposit account any of the money' s  
24 of the Fund and any interest on moneys so invested or deposited shall be placed  
25 to the credit of the Fund.

26 The Committee shall —

27 (a) impose conditions as to the use to be made of any expenditure authorized  
28 by the Committee and such conditions may impose any reasonable  
29 prohibitions, restrictions or requirements concerning such use or expenditure;

30 (b) cause to be kept proper books of account and other books and records  
31 in relation to the Fund as well as to all the various activities and undertakings

1 of the Fund; and

2 (c) transmit to the Controller and Auditor-General in respect of each  
 3 financial year and within four months after the end of such financial year, a  
 4 statement of account relating to the Fund specifying income to the Fund in  
 5 such details as the Treasury may from time to time direct in accordance  
 6 with the Public Audit Act, including any investment or deposit made under  
 7 section 60 (2) and shall furnish such additional information as may be deemed  
 8 sufficient and necessary for the purpose of examination and audit by the  
 9 Controller and Auditor General under the Public Audit Act, and every  
 10 statement of account shall include details of the balance between the assets  
 11 and liabilities of the Fund, and indicate the financial status of the Fund, as  
 12 at the end of the financial year concerned.

13 49. The Committee shall advise the Minister on such matters, as may be  
 14 referred to it by the Minister, relating to the administration of the Fund and  
 15 any other mater incidental to or relating to its function.

The Minister  
and the Fund.

16 PART IX — CONTROL BY GOVERNMENT

17 50. The Ministry responsible for education, utilizing official information  
 18 provided by the Ministry of Health, shall integrate instruction on the health  
 19 consequences, addictive nature and mortal threat posed by tobacco consumption  
 20 and exposure to tobacco smoke in subjects taught in public and private schools,  
 21 including formal, non-formal and indigenous learning systems.

The Health  
Minister and  
other Ministers.

22 (1) Tobacco control education and information dissemination shall form  
 23 part of healthcare services provided by healthcare providers;

24 (2) For the purposes of subsection (1), the Government shall provide  
 25 training for the healthcare providers to acquire the skills for proper  
 26 dissemination, education and counselling techniques on tobacco cessation.

27 51. The Minister may, in consultation with the Ministers responsible for  
 28 matters relating to agriculture, trade and industry, finance, education,  
 29 information, foreign affairs, internal affairs and any other relevant Ministry  
 30 formulate the policy framework regarding:

Tobacco  
Control  
integrated in \_  
education  
curriculum.

31 (a) the multi-disciplinary and multi-sectoral implementation of this Act;

1 and

(b) any other matter which is necessary or expedient to prescribe in order to  
2 achieve or promote the objects of this Act.

Role of the  
Minister of  
Finance.

52. The Minister of Finance shall:

- 3 (i) make and implement tax policies on tobacco products and where  
appropriate price policies so as to contribute to the objectives of this Act;  
4 (ii) prohibit or restrict, as appropriate, any sale to or importation of tax-  
8 free tobacco products by international travellers, entities or organizations.

Collaboration  
with other  
Ministries.

9 53.—(1) The Minister of Agriculture shall establish policies to promote  
10 and ensure economically viable alternative crops for tobacco products;

11 (2) The Government, through the relevant Ministries, shall put in place  
12 policies to promote and ensure economically viable alternatives for tobacco  
13 farmers, and workers.

14 PART X — MISCELLANEOUS PROVISION

Repeal.

15 54.—(1) The Tobacco Smoking (Control) Act NO.20 of 1990/CAP. T6,  
16 Laws of the Federation of Nigeria, 2004 is repealed.

Domestication.

17 55. This Act Domesticates the World Health Organization Convention on  
18 Tobacco Control Framework

FIRST SCHEDULE

1.—(1) There is established a Committee to be known as the National Tobacco Control Committee (NATOCC) which shall consist of:

- (a) the Minister of Health as Chairperson;
- (b) the Director of Public Health FMOH or his/her representative — Member;
- (c) the Director of Hospital Services FMOH or his/her representative — Member;
- (d) the National Coordinator NCD and Tobacco control focal person — Secretary of the Committee;
- (e) a representative of each of the following relevant Federal Ministries, statutory bodies and groups namely; Federal Ministries of—
  - (i) Justice;
  - (ii) Environment;
  - (iii) Health;
  - (iv) Finance;
  - (v) Customs service;
  - (vi) Nigerian Police Force;
  - (vii) Agriculture;
  - (viii) Education;
  - (ix) Science and technology;
  - (x) Nigeria Medical Association;
  - (xi) Nigerian Bar Association;
  - (xii) Nigerian Union of Journalists;
  - (xiii) Representative of the National Tobacco Control Alliance (NTCA);
  - (xiv) DG NAFDAC or his/her representative;
  - (xv) National Drug Law Enforcement Agency (NDLEA);
  - (xvi) Advertisement Practitioners Council of Nigeria (APCON);
  - (xvii) Consumer Protection Council (CPG);
  - (xviii) Standard Organization of Nigeria (SON);
  - (xix) Civil Defense Corps.

(2) No member of the Committee shall be affiliated in any manner to the tobacco industry or its subsidiaries.

(3) A member who fails to disclose his or her affiliation to the tobacco industry or its subsidiary commits an offence and shall be liable to a fine not exceeding fifty thousand naira or imprisonment for a period not exceeding One year or both.

(4) The Secretary of the Committee shall, within thirty days of the commencement of this Act, convene the first meeting of the agency.

(5) A member of the Committee other than an ex officio member or chairperson, shall subject to this section, hold office for a period of three years, subject to re-appointment for a further term of three years.

(6) A member of the Committee, may—

(a) at any time resign from office by notice in writing to the Minister; or

(b) be removed from office by the Minister if the member—

(i) is absent from three consecutive meetings of the agency without the permission of the chairperson or;

(ii) is convicted of an offence and sentenced to imprisonment.

(iii) is incapacitated by reason of prolonged physical or mental illness from performing his or her duties or;

(iv) is adjudged bankrupt or has entered into a scheme or arrangement with his creditors;

(v) is discovered to be directly/indirectly affiliated with tobacco industries or its subsidiaries

(7) The quorum at a meeting of the agency shall be twelve members.

(8) The Minister shall preside at every meeting of the committee at which he/she is present, but if he/she absent, his/her representative shall preside, provided that in the absence of both the chairperson and or a representative, the members present shall elect one of themselves who shall, with respect to that meeting and the business transacted thereat, have the powers of the chairperson.

(9) Unless a unanimous decision is reached a decision on any matter before the Committee shall be by a majority of the votes of the members present and in the case of an equality of votes, the person presiding shall have the deciding vote.

(10) Subject to subsection (8), no proceedings of the Committee shall be invalid by reason only of a vacancy among the members.

(11) The Committee may invite any person to attend its meeting for the purpose of assisting or advising it on any particular matter but such person shall have no right to vote.

(12) The committee shall meet not less than four times in every financial year and not more than three months shall elapse between the date of one meeting and the date of the next meeting.

(13). Subject to this Act and to any general or special directions in writing by the Minister, the Committee shall regulate its own proceedings.

*Report to the Committee*

2. Every manufacturer shall submit to the agency, a report in the prescribed manner and within the prescribed period, with the prescribed information about any promotion under this part.

*Role of the Minister of Health*

3.—(1) Notwithstanding the provisions of any other written law currently in force, the Minister, on the recommendation of the National Tobacco Control Committee, may—

(a) Prescribe the permissible levels of tar, nicotine, and such other constituent of tobacco products or their emission, which levels shall not exceed the levels set by the World Health Organization and the FCTC;

(b) Prohibit the addition of and use of harmful constituent(s) or ingredient(s) in the production of tobacco products;

(c) Prescribe the methods to be used for testing tobacco products and their emission;

(d) Prescribe such information that manufacturer shall provide to the Committee including and not limited to tobacco products and their emission; sales and advertising data; and information on products composition ingredients, hazardous properties and brand element;

(e) Subject to this Act, control the labeling, packaging, sale, distribution, promotion or advertising of tobacco products, so as to —

(i) Ensure that the purchaser(s) and/or consumer(s) of a tobacco product is not misled as to its quality, quantity, character, value, composition, effect, merit or safety;

(ii) Prevent injury or harm to the health of the consumer.

(2) Any of the following rotating health messages shall be displayed on every package containing a tobacco product, sign or advertisement stipulated under the provisions of this Act—

(i) Smoking harms people next to you;

(ii) Tobacco use kills;

(iii) Tobacco harms your unborn baby;

(iv) Tobacco use causes cancer;

(v) Tobacco use causes heart disease;

(vi) Tobacco use causes lung disease;

(vii) Tobacco use is addictive;

(viii) This product can cause gum disease and tooth loss (includes smokeless tobacco products);

(ix) This product can cause mouth cancer (includes smokeless tobacco products);

(x) This product is not a safe alternative to cigarettes (for smokeless tobacco products);

(xi) Tobacco use causes impotence;

(xii) Tobacco use causes miscarriages;

(xiii) Tobacco use causes infertility in women;

(xiv) Tobacco use causes mental retardation in children;

(xv) Tobacco use is injurious to health.

(3) The health messages in paragraph one above or any pictures or pictograms prescribed shall be displayed on every package containing a tobacco product in the manner prescribed under section 19 or such other manner as may be prescribed in the Regulations under this Act.

(4) The Minister may upon the Committee's recommendation, adjust the format, type size, text type and display of any of the health message, picture or pictograms required under the provisions of this Act, if such change would promote greater understanding of the risks associated with the use of any tobacco product.



SECOND SCHEDULE

PROHIBITED SMOKING AREAS

1.—(1) Every person has a right to a clean and healthy environment and the right to be protected from exposure to second hand smoke.

(2) Every person has a duty to observe measures to protect the health of non-smokers.

(3) Every head of family including and not limited to parent and or guardian is responsible for ensuring that the children are free from second hand smoke.

(4) No person shall smoke in any part of any enclosed or partially enclosed public place or workplace.

(5) Without prejudice to the generality of subsection (4) of the second schedule, no person shall smoke in;

(a) a school or a registered independent school, facilities where health care services are provided; sports, athletic, or recreational facilities; state government buildings and any other place prescribed by the Government of Nigeria and there shall be non access to tobacco products within the 1,000 (one thousand) metre radius of such facilities;

(b) offices and workplace including corridors, lounges, eating areas, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries, amenity areas of such places;

(c) court building;

(d) factories;

(e) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or any other entertainment facilities at any time during which it is open to the public;

(f) hospitals, clinics and other health institution;

(g) restaurants, hotels, bars or other eating place;

(h) children's homes;

(i) residential houses and such other premises where children are cared for,

(j) places of worship;

(k) prisons;

(l) police stations and cells;

(m) public service vehicles;

(n) airports and aircrafts, passenger ships, commuter boats, trains, passengers vehicles, ferries or any other public conveyance;

(o) education facilities, Libraries and Schools;

(p) railway stations, airports, air fields, ports, motor parks and other public transport terminals;

(q) markets, shopping malls and retail and wholesale establishments;

(r) stadia, sports and recreational facilities and amusement park; ,

(s) public buildings, all government buildings, offices and gardens;

(t) public transportation (buses, cars, trains, canoes, ships, aircraft);

(u) motor parks;

(v) all government buildings and offices;

(w) amusement parks;

(x) public gardens;

(y) market places.

(7) The Minister may by notice in the gazette and subject to such conditions as the committee may recommend, specify any other building or vessel or part thereof, or class being a place or places in which members of the public have access, as being a place or places in which smoking is prohibited either permanently or during such period or periods as he may specify.

(8) The person in control of the premises shall ensure that no person smokes in contravention of this section.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal framework for the control of the production, manufacture, sale, labelling, advertising, promotion, sponsorship, use of tobacco products and exposure to tobacco smoke, in order to Protect the health of the individual in light of conclusive scientific evidence implicating tobacco production, use and exposure to tobacco smoke and tobacco products. Protect the health of persons under the age of eighteen years by preventing their access to tobacco products; Protect the purchasers or consumers of tobacco products from misleading and deceptive inducements to use tobacco and inform them of the risks and health consequences of using Tobacco products and exposing others to tobacco smoke Promote research and dissemination of information on the hazardous effects of tobacco products or their emissions as the minister may specify, which levels shall not exceed the levels by the World Health Organization.