



REPUBLIC OF NAURU

TOBACCO CONTROL (AMENDMENT) ACT 2024

No. 11 of 2024

An Act to amend the *Tobacco Control Act 2009* and for other related purposes.

Certified: 20 August 2024

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Tobacco Control (Amendment) Act 2024*.

2 Commencement

This Act commences on the date it is certified by the Speaker.

3 Amendment of the Tobacco Control Act 2009

The *Tobacco Control Act 2009* is amended by the provisions of this Act.

4 Amendment of Section 2

Section 2 is amended:

(a) by deleting the definition of '**cigarette**' and substituting as follows:

'**cigarette**' includes any product that:

- (a) consists wholly or partly of cut, shredded or manufactured tobacco or of any tobacco derivative or substance, rolled up in paper; and
- (b) is capable of being immediately used for smoking;'; and

(b) in the definition of '**tobacco product**' by deleting in paragraph (c), 'vape and'; and

(c) inserting a new definition as follows:

'**imitation tobacco product**' includes candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco or any toy, food, drink, cartoon character, animal, musical instrument or any other object resembling a tobacco product, e-cigarette or e-cigarette accessory;'

5 Amendment of Section 3

(1) The Section heading is amended by inserting 'including imitation tobacco' after 'tobacco'.

(2) Section 3(1) is amended by inserting 'including imitation tobacco' after 'tobacco' in paragraphs (a), (b), (c), (d), (e) and (f).

6 Insertion of Section 12A

Section 12A is inserted after Section 12 as follows:

'12A Prohibition on imitation tobacco products

(1) A person shall not manufacture, possess, distribute or sell imitation tobacco products in the Republic.

- (2) A person shall not import or export imitation tobacco products into or outside of the Republic.
- (3) For the purposes of any law regulating the importation of goods, a imitation tobacco product is a prohibited import.
- (4) A person who contravenes subsection (1) and (2) commits an offence and upon conviction is liable to:
 - (a) in the case of an individual:
 - (i) forfeiture of any tobacco imitation products; and
 - (ii) a fine not exceeding \$2,000 or a term of imprisonment not exceeding 12 months or both; or
 - (b) in the case of a body corporate, forfeiture of any imitation tobacco products and a fine not exceeding \$20,000.

7 Insertion of Part 4A

A new Part 4A is inserted after Part 4 as follows:

'PART 4A – PROHIBITIONS OF E-CIGARETTES AND E-CIGARETTE ACCESSORIES

12B Definitions

In this Part:

'advertise' includes printing, displaying, exhibiting, announcing, broadcasting, telecasting through film, video tape, disk, leaflet, document, book, magazine, handbill, newspaper or other printed matter or displays or causes or permits to be displayed, an e-cigarette or e-cigarette accessory in a way that is visible to the public or promoting for any purpose;

'e-cigarette' means a device whether or not containing nicotine or tobacco that generates or releases or is designed or intended to generate or release, by electronic means, an aerosol or vapour for inhalation by its user in a way that resembles, or produces an experience similar to, smoking and includes vape or a device which resembles a toy, food, drink, cartoon character, animal, musical instrument, vehicle or household or any other object;

'e-cigarette accessory' means any of the following:

- (a) a cartridge, capsule, pod or other vessel that contains or that is designed or intended to contain, a liquid, gas, aerosol, vapour or other substance for use in an e-cigarette;
- (b) such a liquid, gas, aerosol, vapour or other substance whether or not containing nicotine or tobacco;
- (c) a heating element designed or intended for use in an e-cigarette; or

(d) a battery specifically designed or intended for use in an e-cigarette; and

'sponsorship' includes:

- (a) the public attribution, acknowledgment, association or identification of an organisation, body or tobacco manufacturer, importer, seller, brand, product with, on, or in connection with:
 - (i) an entertainment, sporting, recreational, educational, cultural, or other public event or work;
 - (ii) a person or team participating in such an event or work, including his or her equipment, clothing, and accessories;
 - (iii) a service provided or contribution made by a tobacco manufacturer importer or seller; or
 - (iv) a building, institution, stadium, organisation or other entity that is not a tobacco manufacturer, importer or seller; and
- (b) the use of e-cigarettes or e-cigarette accessories as a gift, prize, reward, scholarship or like benefit in relation to any matter under paragraph (a).

12C Prohibition on manufacture of e-cigarettes and e-cigarette accessories

- (1) A person shall not manufacture e-cigarettes or e-cigarette accessories in the Republic, for any purpose.
- (2) In this Section, **'manufacture'** includes the production, assembly, preparation or making of electronic cigarettes, vape and imitation tobacco product.
- (3) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding \$20,000 or a term of imprisonment not exceeding 3 years or both.'

12D Prohibition of possession, sale or supply of e-cigarettes or e-cigarette accessories

- (1) A person shall not possess, sell or supply an e-cigarette or e-cigarette accessory.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction:
 - (a) in the case of an individual, a fine not exceeding \$5,000 or a term of imprisonment not exceeding 18 months or both; or
 - (b) in the case of a body corporate, a fine not exceeding \$25,000.

12E Prohibition of advertising of e-cigarettes and e-cigarette accessories

- (1) A person shall not advertise an electronic cigarette or e-cigarette accessory.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction:
 - (a) in the case of an individual, a fine not exceeding \$5,000 or a term of imprisonment not exceeding 18 months or both; or
 - (b) in the case of a body corporate, a fine not exceeding \$25,000.

12F Prohibition of sponsorship relating to e-cigarettes and e-cigarette accessories

- (1) A person shall not provide sponsorship relating to e-cigarettes and e-cigarette accessories.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction:
 - (a) in the case of an individual, a fine not exceeding \$5,000 or a term of imprisonment not exceeding 18 months or both; or
 - (b) in the case of a body corporate, a fine not exceeding \$25,000.

12G Prohibition of import of e-cigarettes and e-cigarette accessories

- (1) A person shall not import an electronic cigarette or e-cigarette accessory whether for commercial purpose or personal use.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction:
 - (a) in the case of an individual, a fine not exceeding \$5,000 or a term of imprisonment not exceeding 18 months or both; or
 - (b) in the case of a body corporate, a fine not exceeding \$25,000.
- (3) For the purposes of any law regulating the importation of goods, an e-cigarette or e-cigarette accessory is a prohibited import.

12H Licence or authorisation shall not be issued for e-cigarettes and e-cigarette accessories

A licence or authorisation under Part 5A shall not be issued or granted for the manufacture, importation, distribution, selling, advertising of e-cigarettes or e-cigarettes accessories in Nauru.

12I Prohibition of smoking of e-cigarettes

- (1) A person shall not smoke an e-cigarette in any place in the Republic.
- (2) A person who contravenes subsection (1) commits an offence and is liable upon conviction to a fine not exceeding \$5,000 or a term of imprisonment not exceeding 18 months or both

12J Enforcement provisions in relation to e-cigarettes and e-cigarette accessories

For the purpose of enforcement of this Part, Sections 19A to 29 of this Act shall apply in relation to e-cigarettes and e-cigarette accessories.’.