

Sierra Leone

## Tobacco and Nicotine Control Act, 2022

Act 10 of 2022

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# Sierra Leone

## Tobacco and Nicotine Control Act, 2022

### Act 10 of 2022

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Assented to on 6 April 2023

Commenced on 14 July 2022

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**Being an Act to provide for the control and regulation of the production, manufacturing, importation, exportation, packaging and labeling, advertising, promotion and sponsorship, sale and use of tobacco, tobacco products and other nicotine products, to provide for the improvement of public health by reducing demand for tobacco and nicotine products, the health harms caused by the use of, and exposure to, tobacco including nicotine, by reducing demand for tobacco and nicotine products, to provide for the establishment of the Tobacco and Nicotine Control Council and to provide for other related matters.**

ENACTED by the President and Members of Parliament in this present Parliament assembled.

### Part I – Preliminary

#### 1. Interpretation

In this Act, unless the context otherwise requires—

"advertisement" includes—

- (a) a statement, communication, representation or reference aimed at the public which is designed to promote or publicise tobacco or a tobacco product or encourage its use, or draw attention to the nature, properties, advantages or uses of a tobacco product; and tobacco and nicotine products.
- (b) the promotion aimed at the public, of tobacco or a tobacco product manufacturer's company name where the name or a part of the name is used as, or is included in a tobacco or tobacco product trade mark;

"cigarette" means a product which consists wholly or partly of cut, shredded or manufactured tobacco, or of a tobacco derivative or substitute, rolled up in paper or any other material and capable of being used immediately;

"Convention" means the World Health Organisation Framework Convention on Tobacco Control;

"Council" means the Tobacco and Nicotine Control Council established under [section 2](#);

"electronic nicotine delivery system" or "electronic non-nicotine delivery system" means—

- (a) a system which produces, upon heating, an aerosol for inhalation from a solution containing nicotine, as well as flavorings, usually dissolved into propylene glycol or glycerin but does not contain tobacco;
- (b) a product marketed or known as electronic cigarette or e-cigarette, vape, e-cigar, e-pipe or e-shisha;
- (c) a device or component of a device which produces aerosol or vapour as well as a solution used in the device for producing aerosol, whether sold as one system or as separate components;
- (d) nicotine products;

"**emission**" means a substance produced when tobacco or a tobacco product is produced, processed or used;

"**Government**" means the Government of Sierra Leone;

"**harmful constituent**" means nicotine, tar or any other constituent of tobacco, tobacco products or nicotine products of tobacco smoke;

"**health message**" means a warning or an explanatory statement or picture about the health effects of tobacco use, the benefits of or suggestions for quitting, and any other matter related to tobacco and health, as prescribed by regulations made under this Act;

"**illicit trade**" means a practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including a practice or conduct intended to facilitate such activity;

"**label**" means a written, marked, stamped, printed or graphic matter, affixed to, or appearing upon a package;

"**Leones (Le)**" means Leones in the old currency;

"**Minister**" means the Minister responsible for health and sanitation and Ministry shall be construed accordingly;

"**minor**" means a person below 18 years of age;

"**package**" means a covering, wrapper, container, tobacco product, pack, pouch, tin or other enclosure that contains nicotine products or carton, container or other enclosure which contains tobacco or a tobacco product and in which tobacco or tobacco products are customarily sold in retail, with a label, sticker and other written or graphic information on or in it;

"**public place**" includes an area, permanent or temporary, fixed or mobile, that is accessible to the general public or for collective use by the general public regardless of ownership or rights of access;

"**public conveyance**" means a mode of transportation that carries passengers for hire or reward;

"**retail**" means the sale of tobacco, tobacco product or nicotine product to the public in relatively small quantities for use or consumption rather than for resale;

"**sale**" means transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail and includes an agreement for sale, offer for sale and exposure for sale;

"**smoking**" means smoking of tobacco, tobacco product or nicotine product in any form whether in the form of cigarette, cigar, bidi or otherwise with the aid of a pipe, wrapper or any other instrument;

"**tobacco**" means the tobacco plant, including its seeds and leaves;

"**tobacco product**" means a product composed in whole or in part of tobacco, including tobacco leaves or an extract of tobacco leaves or a mixture containing tobacco, and includes—

- (i) cigarettes, cigars, cigarillos, smokeless tobacco, roll-your-own tobacco, pipe tobacco, water-pipe tobacco, green tobacco, leaf tobacco, heated tobacco product, cigarette paper, tube or filter; and
- (ii) electronic nicotine delivery systems, electronic non-nicotine delivery systems and other products containing nicotine and devices used, manufactured or marketed to replace or imitate tobacco or nicotine;

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

"**tobacco sponsorship**" means a form of contribution to an event, activity or individual with the aim, effect or likely effect of promoting the use of tobacco or a tobacco product either directly or indirectly; and

"**vending machine**" means a machine or device that is constructed to contain tobacco or a tobacco product, which can automatically retail tobacco or a tobacco product upon the insertion of a coin, token or similar object into it.

## **Part II – Establishment of the Tobacco and Nicotine Control Council**

### **2. Establishment of Council**

- (1) There is hereby established a body to be known as the Tobacco and Nicotine Control Council.
- (2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.
- (3) The Council shall have a common seal, the use of which shall be authenticated by the signatures of –
  - (a) the Chairman or other member of the Council authorised either generally or specially by the Council for that purpose; or
  - (b) the Executive Secretary or some other person authorised by the Council in that behalf.
- (4) A document purporting to be an instrument executed or issued by or on behalf of the Council and to be sealed with the common seal of the Council, authenticated in the manner stated in subsection (3), shall be deemed to be executed or issued by the Council without further proof unless the contrary is proven.
- (5) In appropriate cases, the seal may be affixed to documents outside Sierra Leone.

### **3. Composition of Council**

- (1) The Council shall consist of a Chairman and the following other members not below the rank a director –
  - (a) Ministry of Health and Sanitation;
  - (b) Attorney-General and Minister of Justice;
  - (c) Ministry of Finance;
  - (d) Ministry of Foreign Affairs and International Corporation;
  - (e) Standards Bureau;
  - (f) Ministry of Trade;
  - (g) Ministry of Labour;
  - (h) National Revenue Authority
  - (i) Ministry of Internal Affairs
  - (j) Ministry of Youth; and
  - (k) Two representative of whom one shall be female of non-governmental organisations engaged in matters relating to tobacco control, nominated by the Sierra Leone Association of Non-Governmental Organisations.
- (2) The Chairman shall, on the advice of the Minister and subject to the approval of Parliament be appointed by the President from among persons with proven knowledge of public health issues.

- (3) A person shall not be appointed Chairman under subsection (2), unless he—
  - (a) has a minimum of 10 years' experience in public health; and
  - (b) makes a declaration on oath that he has no affiliation with or interest in the promotion of tobacco or the tobacco industry.

#### **4. Tenure of members**

- (1) The Chairman and other members appointed under paragraph (k) shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only.
- (2) A person shall cease to be a member of the Council on any of the following grounds—
  - (a) inability to perform the functions of his office by reason of infirmity of mind or body;
  - (b) proven misconduct;
  - (c) if he becomes bankrupt or insolvent;
  - (d) if he is convicted of an offence involving fraud or dishonesty;
  - (e) if he fails to attend 3 consecutive meetings of the Council without reasonable excuse; or
  - (f) if he resigns his office by written notice to the Council;
  - (g) if he ceases to be an employee of the organisation of which he is a representative;
  - (h) proven affiliation with or promotion of the interest of the tobacco industry.

#### **5. Filling of vacancies**

- (1) Where a member of the Council dies, resigns, is removed from office or is absent for a continuous period of 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months, in the case of—
  - (a) the Chairman, the members of the Council shall elect one of their number to act as Chairman; or
  - (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Council.
- (2) Where a person is appointed as Chairman or as a member to fill a vacancy under subsection (1), he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for reappointment.

#### **6. Meetings of Council**

- (1) The Council shall meet for the dispatch of its business at least once every quarter.
- (2) The Chairman shall preside at every meeting of the Council and in his absence, the members present shall appoint a member from among their number to preside.
- (3) A minimum of 5 members of the Council may, by notice in writing signed by them, request the Chairman to summon a special meeting of Council for such purposes as may be stated in the notice.
- (4) The quorum at a meeting of the Council shall be 7.
- (5) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.
- (6) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:



Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply.

- (7) The Council may co-opt a person to attend and participate in its deliberations on any matter but such person shall not vote on an issue for the decision of the Council.
- (8) The Council shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.
- (9) Subject to this Act, the Council shall regulate its own procedure.

## 7. Disclosure of interest

- (1) A member of the Council who has an interest, whether direct or indirect, in a matter being considered or to be considered by the Council, shall disclose the nature of his interest to the Council and the disclosure shall be recorded in the minutes of the Council and such member shall not take part in any deliberation or decision of the Council relating to that matter.
- (2) A member of the Council who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Council.

## 8. Immunity of members

- (1) An action or other proceedings shall not lie or be instituted against a member of the Council or member of a committee of the Council appointed under [section 9](#), for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.
- (2) A member of the Council shall not be personally liable for a debt or obligation of the Council.

## 9. Committees of Council

- (1) The Council may, for the discharge of its functions, appoint one or more committees to perform such functions as the Council may determine.
- (2) Without prejudice to the generality of subsection (1), the Council shall appoint the following committees—
  - (a) education and research committee; and
  - (b) staffing, finance and audit committee.
  - (c) a technical and monitoring committee.
  - (d) any other committee deemed necessary by the Council.
- (3) A committee appointed by the Council under subsection (1), shall consist of members of the Council or non-members or both.

## 10. Remuneration of members

The Chairman and other members under paragraph (k) appointed by the Council under this Act shall be paid remuneration fees.

# Part III – Functions of Council

## 11. Functions of Council

- (1) The object for which the Council is established is to regulate and control the production, manufacturing, importation, exportation, packaging and labeling, advertising, promotion and sponsorship, sale and use of tobacco, tobacco products and other nicotine products.

- (2) Without prejudice to the generality of subsection (1), the Council shall—
- (a) develop and effectively implement national tobacco control strategies, plans and programmes;
  - (b) collaborate with public and private agencies and non-governmental organisations in developing and implementing inter sectorial programmes and strategies for tobacco control;
  - (c) provide leadership in and coordinate all issues relating to the sale and use of tobacco, tobacco products and other nicotine products;
  - (d) implement effective measures to eliminate illicit trade in tobacco, tobacco products and other nicotine products including smuggling, illicit manufacturing and counterfeiting;
  - (e) promote and provide for rehabilitation and cessation programmes for consumers of tobacco, tobacco products and other nicotine products;
  - (f) protect the health of persons under the age of 18 years by preventing their access to tobacco, tobacco products and other nicotine products;
  - (g) formulate policies to promote viable alternative crops for tobacco growers;
  - (h) serve as the focal point for tobacco control in Sierra Leone;
  - (i) prescribe the permissible levels of tar, nicotine, and such other constituent of tobacco, tobacco products and other nicotine products or their emissions;
  - (j) prescribe the methods to be used in testing tobacco, tobacco products and other nicotine products and their emissions;
  - (k) prohibit the addition and use of harmful constituent or ingredient in the production of tobacco; tobacco products and other nicotine products;
  - (l) prescribe the information that manufacturers are to provide to the Secretariat, including information on—
    - (i) tobacco, tobacco products and other nicotine products and their emissions;
    - (ii) sales and advertising data;
    - (iii) product composition, ingredients, hazardous properties and brand elements;
  - (m) control the labeling, packaging, sale, distribution, promotion or advertising of tobacco, tobacco products and other nicotine products, so as to—
    - (i) ensure that the purchaser or consumer 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;
  - (n) promote research and disseminate information on the hazardous effects, including the health risk, addictive characteristics of tobacco, tobacco products and other nicotine products and exposure to tobacco smoke;
  - (o) provide public awareness of and access to information regarding the adverse health, economic and environmental consequences of the production and consumption of tobacco, tobacco products and other nicotine products;
  - (p) undertake effective and appropriate training or sensitization and awareness programmes on tobacco control for health workers, community workers, social workers, media professionals, educators and decision-makers;
  - (q) formulate policies relating to tobacco control;
  - (r) provide technical support for the implementation of tobacco control interventions;

- (s) design and implement effective programmes aimed at promoting the cessation of tobacco use; and
- (t) do all other things that may be necessary for the purpose of achieving the objective of the Council.

## **Part IV – Funds and accounts of Council**

### **12. Funds of Council**

- (1) The activities of the Council shall be financed by funds consisting of—
  - (a) monies appropriated from time to time by Parliament for the purposes of the Council;
  - (b) monies given to the Council by way of gifts, bequests, grants or other contributions by persons and organisations for the purposes of the Council; and
  - (c) all other monies which may, from time to time, accrue to the Council.
- (2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

### **13. Accounts and audit**

- (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Council a financial statement which shall include—
  - (a) balance sheet accounts;
  - (b) income and expenditure accounts; and
  - (c) source and application of funds.
- (2) The accounts of the Council kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an Auditor appointed by him.
- (3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all the books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.
- (4) The Council shall provide the Auditor-General or the auditor appointed by him with all the necessary and appropriate facilities for the examination of the accounts and records of the Council.
- (5) The Auditor-General or auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to any—
  - (a) irregularities in the accounts;
  - (b) matters that are likely to adversely affect the operations of the Council; or
  - (c) other matters which, in his opinion, ought to be brought to the notice of the Council.

### **14. Internal auditor**

- (1) There shall be an internal auditor appointed by the Council who shall be responsible for the internal audit of the Council.
- (2) The Internal Auditor shall submit quarterly reports of the audit carried out by him to the Council.

## 15. Financial year

The financial year of the Council shall be the same as the financial year of the Government.

## 16. Annual report

- (1) The Council shall, within 3 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policies and programmes.
- (2) The annual report shall include the accounts and annual financial statement prepared under [section 13](#) and the report of the audit thereon.
- (3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.
- (4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

## Part V – Administrative provisions

### 17. Secretariat

- (1) The Council shall have a Secretariat which shall be responsible for the efficient discharge of the functions of the Council.
- (2) Notwithstanding the generality of subsection (1), the Secretariat shall be responsible to—
  - (a) promote public awareness, through a comprehensive nation-wide education and information campaign about—
    - (i) the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke; and
    - (ii) the harmful effects of tobacco growing and handling;
  - (b) provide training on sensitization and awareness raising on tobacco control for healthcare providers, community workers, social workers, media professionals, educators, decision makers, administrators and other concerned persons;
  - (c) design programmes and establish services to assist users to quit, including addiction treatment and cessation management at health care facilities and communities.

### 18. Executive Secretary

- (1) The Ministry shall in consultation with the Council appoint an Executive Secretary who shall be responsible to the Council for the performance of the following functions—
  - (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Secretariat;
  - (b) initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Secretariat;
  - (c) monitor and supervise the preparation of the annual budgets and reports of the Secretariat for the review and approval of the Council;
  - (d) oversee the work and discipline of the other Staff of the Secretariat;
  - (e) carry out such other functions as may be assigned by the Council or necessary for the purposes of the Council; and

- (f) serve as Secretary to the Council.
- (2) A person shall not be appointed Executive-Secretary, under sub-section (1) unless he has an MSc (Master of Sciences) Degree in Public Health from an accredited University and at least 5 years working experience.

### 19. Other staff

- (1) The Secretariat shall have, in addition to the Executive-Secretary, such other officers and staff as may be necessary for the proper discharge of the functions of the Secretariat under this Act.
- (2) Officers and staff under subsection (1) shall be appointed by the Council upon such terms and conditions of service as the Council may determine.

### 20. Secondment of public officers

Public officers may at the instance of the Secretariat, be seconded or otherwise render assistance to the Secretariat but the Secretariat may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Secretariat.

### 21. Protection of officers

An officer or employee of the Secretariat or any person acting on the directions of an officer or employee of the Secretariat shall not be liable in respect of any matter or thing done by him in good faith under this Act.

## Part VI – Protection from involuntary exposure to tobacco smoke or aerosol from electronic nicotine delivery systems

### 22. Prohibited smoking areas

- (1) A person shall not smoke or use electronic nicotine delivery system in—
  - (a) a public space including—
    - (i) offices and workplaces, court buildings, and factories;
    - (ii) hospitals, clinics and other health institutions;
    - (iii) corridors, lounges, reception areas, lifts, escalators, foyers, stairwells, toilets, laundries and amenity areas;
    - (iv) cinema halls, theatres, video houses, such other halls or places of performance, disco halls or other entertainment facilities at any time during which it is open to the public;
    - (v) restaurants, hotels, bars or other eating places;
    - (vi) children's homes, and such other premises where children are cared for;
    - (vii) places of worship;
    - (viii) correctional centres, police stations and cells;
    - (ix) public service vehicles, aircrafts, passenger ships, commuter boats, trains, passenger vehicles, ferries or other public conveyance;
    - (x) educational facilities;
    - (xi) railway stations, airports, air fields, ports, and other public transport terminals;

- (xii) markets, shopping malls and retail and wholesale establishments;
- (xiii) stadia, sports and recreational facilities; and
- (b) an outdoor space that is—
  - (i) within 10 meters of a window, door or air intake mechanism of an enclosed public space, work space, a waiting area, queue or any other enclosed space that is open to the public;
  - (ii) within 10 meters from the place of service or consumption of foods or drinks;
  - (iii) within 10 meters of a place where there are children and young persons;
  - (iv) any other outdoor public space or work space prescribed by the Minister as non-smoking space.
- (2) A person responsible for a public space or an outdoor space, in which smoking is prohibited under subsection (1), shall within 6 months after the commencement of this Act display or cause to be conspicuously displayed in the prohibited smoking area, a visible, clear and legible notice warning of the smoking prohibition.
- (3) A person who contravenes subsection (1) or subsection (2), commits an offence and is liable on conviction, to a fine of not less than 1,000,000.00 Leones or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

### **23. Designation of additional public places**

The Minister may, by notice published in the gazette, designate a place as public place in which smoking is prohibited.

## **Part VII – Regulation of sale and distribution of tobacco, tobacco products and other nicotine products**

### **24. Prohibition of sale and supply to child**

- (1) A person shall not—
  - (a) sell tobacco, a tobacco product or other nicotine product to a child
  - (b) employ or involve a child in the importation, distribution, sale, purchase or in any other activity related to tobacco, tobacco product and other nicotine products.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than 1,000,000.00 Leones or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

### **25. Manufacture or sale of confectionery or toy**

- (1) A person shall not manufacture or sell—
  - (a) confectionery or other food; or
  - (b) toy or other amusement product, that resembles tobacco, tobacco product and other nicotine product, contains a brand name or trademark of a tobacco, tobacco product or other nicotine product.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine of not less than 100,000,000.00 Leones or to imprisonment for a term of not less than 12 years or to both such fine and imprisonment.

**26. Display of signs on business**

- (1) A person, shop or business that sells tobacco, a tobacco product or other nicotine product directly to the public shall post, in such shop or place and in such form, as the Minister may, by statutory instrument prescribe, signs that inform the public that the sale of tobacco, tobacco product or other nicotine product—
  - (a) to a child is prohibited; and
  - (b) is dangerous to health.
- (2) A sign required to be posted under subsection (1) shall be in legible and conspicuous capital letters.
- (3) A person who contravenes subsection (1), commits an offence and is liable on conviction, to a fine of not less than 1,000,000.00 Leones or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

**27. Prohibition of sale via vending machine and other unsupervised sale**

- (1) A person shall not sell or permit tobacco, a tobacco product or other nicotine products to be sold in any circumstances in which—
  - (a) the age of the purchaser or recipient cannot other be verified; or
  - (b) the purchaser and the seller are not in the same physical location.
- (2) Notwithstanding the generality of subsection (1), a person shall not sell or permit tobacco, a tobacco product or other nicotine product to be sold—
  - (a) by way of an automated vending machine;
  - (b) by delivery, mail or order; or
  - (c) via the internet, wire or cable.
- (3) A person who contravenes subsection (1) or subsection (2), commits an offence and is liable on conviction to a fine of not less than 20,000,000.00 Leones or to imprisonment for a term not less than 12 years or to both such fine and imprisonment.

**28. Prohibition of self-service display**

- (1) A person shall not sell tobacco, a tobacco product or other nicotine product by means of a display that permits another person to handle the tobacco, tobacco product or other nicotine product before paying for it.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both such fine and imprisonment.

**29. Prohibition of sale in small quantities**

- (1) A person shall not sell or offer for sale, by retail, loose tobacco, a tobacco product or other nicotine product in amounts of less than the minimum number as may be prescribed.
- (2) Notwithstanding the generality of subsection (1), a person shall not sell or offer for sale—
  - (a) cigarettes in a package that contains fewer than 20 cigarettes;
  - (b) loose tobacco in a package that contains less than 30 grams of loose tobacco;
  - (c) loose nicotine pouches; or
  - (d) loose electronic cigarette liquid cartilages.

- (3) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not less than 1,000,000.00 Leones or to imprisonment for a term not less than 6 Months, or to both such fine and imprisonment.

### **30. Prohibition of delivery by mail**

- (1) A person shall not, for consideration, cause tobacco, a tobacco product or other nicotine products to be delivered or sent by mail unless the delivery is between manufacturer and retailer.
- (2) A person shall not advertise an offer to deliver or mail tobacco, a tobacco product or other nicotine product anywhere in Sierra Leone.
- (3) A person who contravenes subsection (1) or subsection (2), commits an offence and is liable on conviction, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both such fine and imprisonment.

### **31. Information required on packages**

- (1) A package containing tobacco, tobacco product or other nicotine product manufactured, sold, distributed or imported into Sierra Leone shall display pictorial warning and contain health message with respect to its characteristics, health effects and hazards arising from the use or from its emissions in such form set out in the Schedule.
- (2) Information to be displayed on a package containing tobacco, tobacco product or other nicotine product under subsection (1), shall have—
  - (a) the text and pictures comprising the health warnings and messages in English and any other language, covering not less than 70% for the pictorial warning and 20% for the text warning of each principal display area of the unit packet, package of tobacco product or outside packing and shall not include the space taken up by any border surrounding the health warnings and messages;
  - (b) black text on a white background or white text on a black background, in a manner that contrasts by typography, layout or colour with all other printed material on the package;
  - (c) in a conspicuous and prominent format, on the right hand side of the package, underneath the cellophane or other clear wrapping, a statement on the tar, nicotine and other constituents as may be prescribed;
  - (d) the statement: "Sale only allowed in Sierra Leone"; and
  - (e) a declaration of the country of origin.
- (3) A person who contravenes subsection (1), commits an offence and is liable on conviction, to a fine of not less than 50,000,000.00 Leones or to imprisonment for a term not less than 5 years or both such fine and imprisonment.

### **32. Tax and price policy**

The Minister responsible for finance shall—

- (a) implement tax and price measures on tobacco products so as to make them less affordable and contribute to the objectives of this Act;
- (b) prohibit or restrict the sale to or importation of tax free tobacco, tobacco products or other nicotine products;
- (c) allocate a portion of tobacco tax revenues to the functioning of the national tobacco control program;
- (d) implement measures to prevent illicit trade in tobacco, tobacco product or other nicotine products.



## **Part VIII – Regulation of advertisement, promotion and sponsorship of tobacco, tobacco products and other nicotine products**

### **33. False promotion**

- (1) A person shall not promote tobacco, a tobacco product or other nicotine product—
  - (a) by false, misleading or deceptive means; or
  - (b) in a manner that is likely to create an erroneous impression about the characteristics, health effects, health hazards or social effects of tobacco, a tobacco product or other nicotine products or their emissions.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 2 years or to both such fine and imprisonment.

### **34. Testimonials or endorsements**

- (1) A person shall not promote tobacco, a tobacco product or other nicotine products by means of a recommendation or an endorsement that is—
  - (a) misleading or incapable of fully informing consumers of the hazards of tobacco; or
  - (b) likely to evoke a conflicting message or impression.
- (2) A person who contravenes this section commits an offence and is liable on conviction, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 2 years or to both such fine and imprisonment.

### **35. Advertisement of tobacco by electronic or print medium**

- (1) a person shall not advertise tobacco, a tobacco product or other nicotine products on electronic, print or other medium
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction, to a fine of not less than 10, 000,000.00 Leones or imprisonment for a term not less than 2 years or to both such fine and imprisonment.

### **36. Prohibition of tobacco sponsorship**

- (1) A person shall not advertise or promote tobacco, a tobacco product or other nicotine product by organising or sponsoring sporting, cultural, artistic, recreational, educational or entertainment programme, event or activity.
- (2) A person who contravenes this section commits an offence and is liable on conviction, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 2 years or to both such fine and imprisonment.

### **37. Prohibition of display of name on facility**

- (1) A person shall not display the name of a manufacturer or tobacco, tobacco product or other nicotine product-related brand on a permanent facility unless such facility is owned or leased and used by the manufacturer.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction, to a fine not less than 10,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both such fine and imprisonment

**38. Prohibition of display of name on accessories**

- (1) A person shall not manufacture, distribute or sell an of accessory that displays a tobacco product-related brand name or the name of the manufacturer.
- (2) A person who contravenes this section commits an offence and shall be liable on conviction, to a fine of not less than 10,000,000.00 Leones or imprisonment for a term not less than 5 years or to both such fine and imprisonment.

**39. Prohibition of display of brand on non-tobacco products**

- (1) A person shall not—
  - (a) display a tobacco brand element on a non-tobacco product.
  - (b) promote non-tobacco products bearing tobacco related brand names.
- (2) A person who contravenes the provisions of this section commits an offence and is liable on conviction, to a fine of not less than 10,000,000.000 Leones or to imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

**40. Prohibition of promotion sale**

- (1) A person shall not, without monetary consideration, supply an accessory that bears a tobacco, tobacco product or other nicotine product-related brand element—
  - (a) as a gift, bonus, premium, cash rebate or right to participate in a game, lottery or contest; or
  - (b) a service or the performance of a service;
- (2) A person who contravenes the provisions of this section commits an offence and is be liable on conviction, to a fine of not less than 10,000,000.00 Leones or to imprisonment for a term not less than 5 years or to both such fine and imprisonment.

**41. Prohibition on cross-border promotion, advertisement and sponsorship**

- (1) A person shall not, by means of a publication, broadcast or other communication that originates outside Sierra Leone—
  - (a) promote a product, that bears a tobacco, tobacco product or other nicotine product-related brand element prohibited under [section 42](#); or
  - (b) disseminate promotional material that contains a tobacco related brand element in a manner that contravenes a provision under this Part.
- (2) A person who contravenes subsection (1), commits an offence and is liable on conviction, to a fine not less than 10,000,000.00 Leones or to imprisonment for a term not less than 2 years or to both such fine of and imprisonment.

**42. Prohibition of brand stretching**

- (1) A person shall not advertise, display for sale or distribution, sell, or distribute goods or service, that contains a writing, picture, image, graphic, logo, message, colour or other matter, that is commonly identified or associated with, or is likely to be identified or associated with the trademark, brand name or manufacturer of tobacco, a tobacco product or other nicotine products.
- (2) A person shall not display on a building, structure or place, including a building, structure or place, which is or houses a club, restaurant, or stadium, a name, writing, picture, image, graphic, logo message, colour or other matter, which is commonly identified or associated with, or is likely

or intended to be identified or associated with the trademark, brand name or manufacturer of a tobacco, a tobacco product or other nicotine products.

- (3) Subsection (2) shall not apply in respect of the business premises of a manufacturer or seller whose sole or principal business is either the manufacture, sale, distribution or importation of tobacco, tobacco product or other nicotine products.
- (4) A person who contravenes subsection (1) or subsection (2) commits an offence and is liable on conviction, to a fine not less than 10,000,000.00 Leones or to imprisonment for a term not less than 2 years, or to both such fine and imprisonment.

## **Part IX – Regulation of manufacture, importation and distribution of tobacco, tobacco products and other nicotine products**

### **43. Prohibition of flavours and additive**

- (1) A person shall not manufacture, import, distribute or offer for sale any tobacco, tobacco product or other nicotine products that.
  - (a) has a characterizing flavours
  - (b) contains additives with properties associated facilitating nicotine uptake
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not less than 20,000,000.00 Leones or to a term of imprisonment not less than 1 year or to both fine and imprisonment.

### **44. Manufacturing, importation and distribution licence**

- (1) A person shall not manufacture, import or distribute tobacco, a tobacco product or other nicotine products unless on the authority of a licence issued by the Council.
- (2) The Minister may by statutory instrument, after consultation with the Council, make regulations prescribing the requirement for granting, renewing or revoking a licence.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than 10,000,000.00 Leones or to a term of imprisonment not less than 5 years or to both such fine and imprisonment.

### **45. Registration of wholesalers**

- (1) A person shall not engage in the business of selling tobacco, tobacco products or other nicotine products by wholesale unless he is registered with the Council.
- (2) The Minister may by statutory instrument, after consultation with the Council, make regulations prescribing the conditions for the registration of wholesalers of tobacco, tobacco products and other nicotine products.
- (3) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine of not less than 10,000,000.00 Leones or imprisonment for a term not less than 5 years or to both such fine and imprisonment.

## **Part X – Protection tobacco control policies from commercial and other vested interests of the tobacco industry**

### **46. Protection of public health policies from tobacco commercial and other vested interests**

- (1) A person, body or entity that contributes to or could contribute to, the formulation, implementation, administration, enforcement or monitoring of public health policies on tobacco control shall not interact with the tobacco industry except where it is strictly necessary for effective regulation of the tobacco industry or the tobacco and nicotine product and such interaction must be transparent.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not less than 20,000,000.00 Leones or to a term of imprisonment not less than 5 years or to both such fine and imprisonment.

## **Part XI – Enforcement**

### **47. Appointment of authorised officers**

- (1) The Minister may, by notice published in the Gazette, appoint a person or class of persons to be authorised officers, for the purposes of this Act.
- (2) Notwithstanding subsection (1), the following officers shall be deemed to be authorised officers for the purposes of this Act—
  - (a) Public Health Inspectors under the Public Health Act, 1960 (Act [No. 23 of 1960](#));
  - (b) Executive Director or authorised officer under the Environment Protection Agency Act, 2008 (Act [No. 11 of 2008](#));
  - (c) Inspectors under the Standards Act, 1996 (Act [No. 2 of 1996](#));
  - (d) customs officer under the Customs Act, 2011 (Act [No. 9 of 2011](#)); and
  - (e) a person upon whom the responsibility of the maintenance of law and order is vested by statute.

### **48. Powers of authorised officer**

- (1) Where an authorised officer has reasonable grounds to believe that an offence has been committed or is about to be committed under this Act, he may with a warrant—
  - (a) enter, inspect and search a vessel, vehicle, store, warehouse or other facility in which tobacco, tobacco products and other nicotine products are present;
  - (b) perform tests and take samples of tobacco, tobacco products and other nicotine products relating to such offence;
  - (c) seize documents and items related to tobacco, tobacco products and other nicotine products which he has reasonable grounds to believe has been used in the commission of such offence or in respect of which an offence has been committed; or
  - (d) arrest a person in possession of tobacco, tobacco products and other nicotine products whom he suspects to have committed an offence.

- (2) Where an authorised officer enters a place or premises under subsection (1), he may—
- (a) require a person found in the place or premises to produce, for inspection, written or electronic information that is relevant to the administration or enforcement of this Act; or
  - (b) confiscate tobacco, tobacco product or other nicotine product.

## Part XII – Miscellaneous

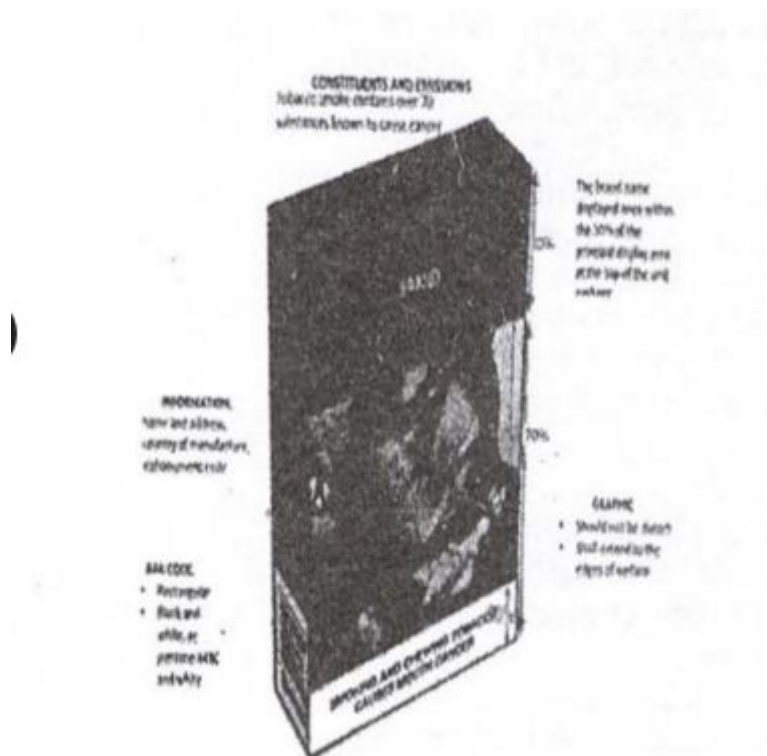
### 49. Regulations

The Minister may, after consultation with the Council, by statutory instrument, make Regulations as he considers necessary or expedient for giving effect to this Act.

## Schedule (Section 31(1))

### Pictorial warning

#### Front side



#### Back side



### **Health messages**

The following health messages shall be displayed on every package containing a tobacco product, sign or advertisement stipulated under this Act—

- (a) Smoking harms people next to you;
- (b) Tobacco use kills;
- (c) Tobacco harms your unborn baby;
- (d) Tobacco use causes cancer;
- (e) Tobacco use causes heart disease;
- (f) Tobacco use causes lung disease;
- (g) Tobacco use is addictive;
- (h) This product can cause gum disease and tooth loss (includes smokeless tobacco products);
- (i) This product can cause mouth cancer (includes smokeless tobacco products);
- (j) This product is not a safe alternative to cigarettes (for smokeless tobacco products);
- (k) Tobacco use causes impotence;
- (l) Tobacco use causes miscarriages;
- (m) Tobacco use causes infertility in women;
- (n) Tobacco use causes mental retardation in children.

### **Smokeless Tobacco**

"WARNING: This product can cause mouth cancer"

"WARNING: This product can cause gum disease and tooth loss"

"WARNING: This product is not a safe alternative to cigarettes"

"WARNING: Smokeless tobacco is addictive"

### **Health warning with regard to advertisements**

"HEALTH WARNING: Smoking is hazardous to your health"

"HEALTH WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health"

"HEALTH WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight"

"HEALTH WARNING: Cigarette Smoke Contains Carbon Monoxide"

"HEALTH WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and may Complicate Pregnancy"

### **Warning notices**

"IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18"

"THE SALE OF TOBACCO PRODUCTS TO A PERSON UNDER THE AGE OF 18 IS PROHIBITED"





