

**Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products and Imitation Tobacco Products) (Exemption) Order 2018**

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**No. S 70**

**TOBACCO  
(CONTROL OF ADVERTISEMENTS AND SALE) ACT  
(CHAPTER 309)**

**TOBACCO (CONTROL OF ADVERTISEMENTS AND SALE)  
(PROHIBITED TOBACCO PRODUCTS AND  
IMITATION TOBACCO PRODUCTS)  
(EXEMPTION) ORDER 2018**

In exercise of the powers conferred by section 22 of the Tobacco (Control of

Advertisements and Sale) Act, the Minister for Health makes the following Order:

### **Citation and commencement**

1. This Order is the Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products and Imitation Tobacco Products) (Exemption) Order 2018 and comes into operation on 1 February 2018.

### **Definitions**

2. In this Order —

“exempt imitation tobacco product” means an electronic nicotine delivery system or a vaporiser, or a heating device intended to be used with a heat-not-burn tobacco product;

“exempted purpose” means —

- (a) non-clinical research;
- (b) product development; or
- (c) a supply-chain related activity;

“non-clinical research”, in relation to a smokeless tobacco product, vaporiser solution or exempt imitation tobacco product, means any research conducted in a laboratory or other research facility that does not involve the testing or application of the smokeless tobacco product, vaporiser solution or exempt imitation tobacco product on a human being;

“product development” means an activity involving research and development, design, enhancement, bringing a product to commercialisation, prototyping, performance testing, quality assurance, tooling, moulding, automation and market certification of products and processes, failure analysis, or an activity that supports any of these activities;

“Prohibited Tobacco Products Regulations” means the Tobacco (Control of Advertisements and Sale) (Prohibited Tobacco Products) Regulations 2014 (G.N. No. S 769/2014);

“smokeless tobacco product” means any tobacco product specified in item 2 of the Schedule to the Prohibited Tobacco Products Regulations;

“supply-chain related activity” means an activity involving the movement and storage of products and components, including component sourcing, supplier management, production scheduling and planning, inventory and warehouse management, import and export trade compliance and distribution, or an

activity that supports any of these activities;

“vaporiser solution” means any tobacco product specified in item 5 of the Schedule to the Prohibited Tobacco Products Regulations.

### **Exemption from prohibition against importing tobacco product**

3. Subject to paragraph 6, a person who —

- (a) has not been convicted of any offence under the Act or any subsidiary legislation under the Act committed on or after 2 August 2016;
- (b) on or after 1 February 2018, gives prior notice to the Authority of the person’s intention to import any smokeless tobacco product or vaporiser solution for an exempted purpose before the person first imports that smokeless tobacco product or vaporiser solution;
- (c) imports any smokeless tobacco product —
  - (i) between 2 August 2016 and 31 December 2026 (both dates inclusive) only for non-clinical research conducted by the person; or
  - (ii) between 1 February 2018 and 31 December 2026 (both dates inclusive) only for an exempted purpose carried out by the person;
- (d) imports any vaporiser solution between 1 February 2018 and 31 December 2026 (both dates inclusive) only for an exempted purpose carried out by the person; and
- (e) where the non-clinical research involves any application or testing of the smokeless tobacco product or vaporiser solution on an animal, is the holder of a licence issued under the Animals and Birds (Care and Use of Animals for Scientific Purposes) Rules (Cap. 7, R 10),

is exempt from the following in respect of the smokeless tobacco products or vaporiser solutions so imported by that person:

- (A) section 15(1) of the Act (as it relates to the import of a tobacco product) read with regulation 2 of the Prohibited Tobacco Products Regulations;
- (B) section 18(1) of the Act.

### **Exemption from prohibition against possession of tobacco product**

4. Subject to paragraph 6, a person who —