



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 14th March 2016 and assented to by the President on 13th April 2016:—

### REPUBLIC OF SINGAPORE

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**No. 9 of 2016.**

I assent.

TONY TAN KENG YAM,

*President.*

*13th April 2016.*



An Act to amend the Tobacco (Control of Advertisements and Sale) Act (Chapter 309 of the 2011 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act is the Tobacco (Control of Advertisements and Sale) (Amendment) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of section 2**

2. Section 2 of the Tobacco (Control of Advertisements and Sale) Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately before the definition of “advertisement”, the following definition:

“ “access” includes —

(a) access that is subject to a precondition (such as, but not limited to, the use of a password);

(b) access by way of push technology; or

(c) access by way of a standing request;”;

(b) by deleting the definition of “advertisement relating to any tobacco product”;

(c) by inserting, immediately after the definition of “Authority”, the following definition:

“ “chewing tobacco” means loose-leaf tobacco, plug tobacco, twist tobacco or tobacco bits intended for chewing;”;

(d) by inserting, immediately after the definition of “cigarette”, the following definition:

“ “conveyance” includes any vessel, train, aircraft, vehicle, trailer or other mode of transport;”;

(e) by inserting, immediately after the words “section 16(1)” in the definition of “imitation tobacco product”, the words “or (2)”;

(f) by inserting, immediately after the definition of “imitation tobacco product”, the following definition:

““licence” means an import and wholesale licence referred to in section 18(1) or (2), or a retail licence referred to in section 18(3);”;

(g) by deleting the definitions of “premises” and “publish” and substituting the following definitions:

““point of sale” means an immobile cash register or counter at which a sale by retail may be made, and does not include a conveyance or vending machine;

“premises” includes any or part of any vacant land, building, conveyance or place in Singapore;

“publish”, in relation to an advertisement, includes to distribute, show, exhibit, display or broadcast by any form of communication or in any manner;

“retail outlet” means any shop, kiosk or stall in Singapore at which goods are sold or exposed for sale by retail;

“sell” includes —

(a) to barter or exchange; or

(b) to supply in circumstances in which the supplier derives a direct benefit, pecuniary or otherwise;

“Singapore-connected person” means —

(a) a citizen or a permanent resident of Singapore;

(b) an individual in Singapore;

(c) a company or other body corporate incorporated in, or having its central management and control in, Singapore; or

- (d) an unincorporated body established in Singapore,  
and includes any person or persons constituting or responsible for the management of a person in paragraph (c) or (d);”;
- (h) by deleting the words “, with its grammatical variations,” in the definition of “smoking”;
- (i) by inserting, immediately after the definition of “tobacco substitute”, the following definition:
  - “ “unauthorised advertisement” means any advertisement described in section 3(1)(a), (b), (c) or (d), but not —
    - (a) a price list referred to in section 3(1A);
    - (b) an advertisement the publication of which is approved under section 3(2); or
    - (c) an advertisement published, or caused to be published, by a person exempted under section 22 from section 3(1);”;
- (j) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:
  - “(2) For the purposes of this Act, a sale that is transacted online is regarded as a sale in Singapore if, and only if, the purchaser is physically present in Singapore and the purchased product is intended to be delivered in Singapore.”.

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**Amendment of heading to Part II**

3. Part II of the principal Act is amended by inserting, immediately after the words “TOBACCO PRODUCTS” in the Part heading, the words “AND IMITATION TOBACCO PRODUCTS”.

**Amendment of section 3**

4. Section 3 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Subject to subsection (1A) or (2), a person must not publish, or cause to be published, or take part in the publication, in Singapore, of any advertisement —

(a) containing any express or implied inducement, suggestion or request to purchase or to use any tobacco product or imitation tobacco product;

(b) providing a facility for a person accessing the advertisement on the Internet to purchase any tobacco product or imitation tobacco product;

(c) relating to any tobacco product or imitation tobacco product or its use in terms which are calculated, expressly or impliedly, to lead to, induce, urge, promote or encourage the use of the tobacco product or imitation tobacco product; or

(d) mentioning, illustrating or depicting —

(i) the name or trade name of any person associated or concerned with the manufacture, distribution or marketing of any tobacco product or imitation tobacco product;