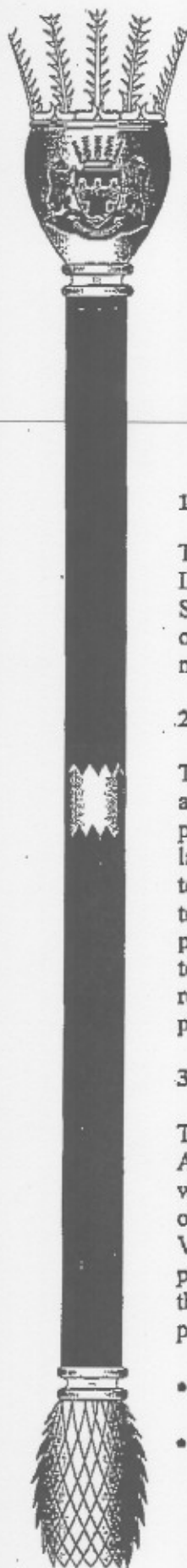


# Limpopo Legislature

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**NEGOTIATING MANDATE OF THE PORTFOLIO COMMITTEE ON HEALTH  
AND SOCIAL DEVELOPMENT ON TOBACCO PRODUCTS CONTROL  
AMENDMENT BILL [B7B-2008]**

### 1. INTRODUCTION

The Tobacco Products Control Amendment Bill [B7B-2008] was referred to the Legislature of Limpopo Province by the National Council of Provinces (NCOP). Subsequently, the Limpopo Legislature referred the Bill to the Portfolio Committee on Health and Social Development for consideration and to confer negotiating mandate to the NCOP Permanent Delegates.

### 2. PURPOSE OF THE BILL

To amend the Tobacco Products Control Act, 1993, so as to define certain expression and to amend certain definitions; to provide anew for the advertising, sponsorship, promotion, distribution and information required in respect of the packaging and labeling of tobacco products; to make the standards that apply to manufacturers of tobacco products applicable to importers of tobacco products; to prohibit the sale of tobacco products to and by persons under the age of 18 years; to extend the provisions in respect of free distribution of tobacco products; to provide anew for tobacco sales by means of vending machines; to extend the Minister's power to make regulations; and to adjust the provisions in respect of offences and penalties; and to provide for matters connected therewith.

### 3. CONSIDERATION OF THE BILL

The Portfolio Committee met the National Department official Mr K. Mahlako on 14 August 2008 for a briefing on the principle and provisions of the Bill and a decision was taken to facilitate public involvement on the Bill. Public hearings were conducted on 27 August 2008 at Capricorn and Sekhukhune Districts, 28 August 2007 at Vhembe and Waterberg Districts and on 29 August 2007 at Mopani Districts, to provide provincial stakeholders and the public a platform to express their views on the Bill. The Public hearings were well attended by Stakeholders and the general public. The following inputs were made:

- The Bill should consider the economic position such as loss of employment due to cut in advertisements and promotions by tobacco companies.
- The Bill should have the provision of tightening of Border control to curb tobacco trafficking from other countries.

- Those who are found and assisting in tobacco trafficking should be severely punished.
- Stringent penalties should be imposed on those who violate the provision of the legislation.
- Any person or company who violates the provision of section 7 subsection (2) and (3) of the law should be liable to a fine exceeding R 100 000 and R 1000 000 respectively
- Sales of tobacco products should be prohibited in Health and Educational institutions.
- vending machines should only be located in smoking areas
- home based care givers should be trained as facilitators in order to educate learners about the impact of smoking.
- license should be a requirement to sell tobacco products.
- sales of loose cigarette should be prohibited
- reporting of those who do not enforce the law should be intensified
- Smoking in front of children should be prohibited
- Public smoking should be prohibited in public place

#### 4. NEGOTIATING MANDATE

The Portfolio Committee having considered and supported the Bill, and taking into consideration the inputs and views of the stakeholders, hereby confer a negotiating mandate to the NCOP Permanent Delegates to negotiate in favour of the Bill with the input mentioned above.

*E. Nchabeleng*

E. NCHABELENG, MPL

9 CHAIRPERSON: PORTFOLIO COMMITTEE ON HEALTH AND SOCIAL DEVELOPMENT