

Bill Summary

The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage, and Advertisement) Bill, 2019

- The Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage, and Advertisement) Bill, 2019 was introduced in Lok Sabha by the Minister of Health and Family Welfare, Dr. Harsh Vardhan. It replaces an Ordinance promulgated in September 2019. The Bill seeks to prohibit the production, trade, storage, and advertisement of electronic cigarettes.
- **Electronic cigarettes:** The Bill defines electronic cigarettes (e-cigarettes) as electronic devices that heat a substance, which may contain nicotine and other chemicals, to create vapour for inhalation. These e-cigarettes can also contain different flavours and include all forms of electronic nicotine delivery systems, heat-not-burn products, e-hookahs, and other similar devices.
- **Banning of e-cigarettes:** The Bill prohibits the production, manufacture, import, export, transport, sale, distribution and advertisement of e-cigarettes in India. Any person who contravenes this provision will be punishable with imprisonment of up to one year, or a fine of up to one lakh rupees, or both. For any subsequent offence, the person will be punishable with an imprisonment of up to three years, along with a fine of up to five lakh rupees.
- **Storage of e-cigarettes:** Under the Bill, no person is allowed to use any place for the storage of any stock of e-cigarettes. If any person stores any stock of e-cigarettes, he will be punishable with an imprisonment of up to six months, or a fine of up to Rs 50,000 or both.
- Once the Bill comes into force, the owners of existing stocks of e-cigarettes will have to declare and deposit these stocks at the nearest office of an authorised officer. Such an authorised officer may be a police officer (at least at the level of a sub-inspector), or any other officer as notified by the central or state government.
- **Powers of authorised officers:** If an authorised officer believes that any provision of the Bill has been contravened, he can search any place where trade, production, storage or advertising of e-cigarettes is being undertaken. The authorised officer can seize any record or property connected to e-cigarettes found during the search. Further, he may take the person connected with the offence into custody.
- If the property or records found during the search cannot be seized, the authorised officer can make an order to attach such property, stocks or records.

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