

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th October, 2022 is published together with Statement of Objects and Reasons for general information:-

L.A Bill No. 57 of 2022

A Bill to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in its Application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Tamil Nadu Amendment Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Central Act
34 of 2003.

2. In section 3 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act), after clause (e), the following clause shall be inserted, namely:— Amendment of section 3.

“(ee) “hookah bar” means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually;”

3. After section 4 of the Principal Act, the following section shall be inserted, namely:— Insertion of new section 4A.

“4A.Prohibition of hookah bar.—Notwithstanding anything contained in this Act, no person shall, either on his own or on behalf of any other person, open or run any hookah bar or serve hookah to the customers in any place including a eating house.

Explanation.—“eating house” means any place where food or refreshment of any kind, not including spirits, wines, ale, beer or other malt liquors, are provided for casual visitors and sold for consumption therein.”.

Amendment of
section 12.

4. In section 12 of the principal Act, in sub-section (1),—

(i) in clause (b), after the expression, “or is being made”, the expression; “or” shall be added;

(ii) after clause (b), as so amended, the following clause shall be added, namely:—

“(c) where any hookah bar is being run.”.

Insertion of new
section 13A.

5. After section 13 of the principal Act, the following section shall be inserted, namely:—

“13A. Power to seize.—If any police officer, not below the rank of a Sub-Inspector, authorised by the State Government, has reason to believe that the provisions of section 4A have been or are being contravened, he may seize any material or article used as a subject or means of hookah bar.”.

Insertion of new
section 21A.

6. After section 21 of the principal Act, the following section shall be inserted,
namely:—

“21A. Punishment for running hookah bar.—Whoever contravenes the provisions of section 4A shall be punished with imprisonment for a term which shall not be less than one year, but may extend to three years and shall also be liable to fine which shall not be less than twenty thousand rupees, but may extend to fifty thousand rupees.”.

STATEMENT OF OBJECTS AND REASONS.

The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act 34 of 2003) provides for regulation of trade and commerce in, and production, supply and distribution of, cigarettes and other tobacco products.

2. It has been brought to the notice of the Government that, Hookah bars have mushroomed on a large scale in Chennai city, causing severe health hazards. Several restaurants allow consumption of Hookah in the smoking zones / areas under the pretext of providing service. At present, there is no law to regulate hookah bars in the State.

3. The Government have therefore decided to prohibit hookah bars, and to provide penalty with imprisonment upto three years and fine which may extend to fifty thousand rupees, for contravention, by amending the Cigarettes and Other Tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Central Act 34 of 2003) suitably in its application to the State of Tamil Nadu.

4. The Bill seeks to give effect to the above decision.

Ma. SUBRAMANIAN,
Minister for Health and Family Welfare.

Secretariat,
Chennai-600 009,
19th October 2022.

K. SRINIVASAN,
Secretary.

