



Government of the Republic of Trinidad and Tobago

## Ministry of Health

TOBACCO CONTROL UNIT

Special Programmes and Services Building,  
Eric Williams Medical Sciences Complex, Mt. Hope

### OFFENCES AND PENALTIES

(under the Tobacco Control Act 2009 and the Tobacco Control Regulations 2013)

PROHIBITIONS	PENALTIES
<b>S-10 (1)</b> No person shall manufacture, import, export or distribute tobacco products at wholesale without first having been issued a licence.	See <b>Section 37(2)</b> below on provisions not specified in the Act.
<b>S. 10(10)</b> Subject to subsection (1), no person shall- (a) sell any tobacco product to; or (b) purchase or acquire any tobacco product from, any manufacturer, distributor, importer, or exporter or wholesaler who is not licensed under this Act.	See <b>Section 37(2)</b> below on provisions not specified in the Act.
<b>S.11.(5)</b> No person shall disclose any information contained in the Report unless required by the provisions of this Act or any other written law or by Order of the Court.	<b>S.11(6)</b> On Summary Conviction Fine of \$5000 & Imprisonment for 3 Years
<b>S.12.(1)</b> No person shall smoke or hold a lighted tobacco product in any enclosed public place, enclosed workplace, or public conveyance including but not limited to any place listed in the Second Schedule.	<b>S.12(3)</b> On Summary Conviction Fine of \$10,000 & Imprisonment for 6 months
<b>S-13</b> No person shall sell any tobacco product to any person under the age of eighteen years.	<b>S.37(1)</b> Any person who contravenes sections 13 to 17 commits an offence and is liable - (a) On Summary Conviction First Offence – Fine of \$50,000 & Imprisonment for 3 months



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	<p>Second Offence – Fine of \$100,000 &amp; Imprisonment for 6 months</p> <p>Third Offence – Fine of \$100,000 &amp; Imprisonment for 9 months</p> <p>(b) On Conviction on Indictment Fine of \$200,000 &amp; Imprisonment for 1 year.</p>
PROHIBITIONS	PENALTIES
<p><b>S-14</b> No person shall sell any tobacco product in such a way that a consumer may handle the product without the assistance of a sales clerk or other employee or agent of the seller prior to purchase.</p>	<p>See <b>Section 37(1)</b> above.</p>
<p><b>S-15(1)</b> No person shall display tobacco products in such a way that they are visible to the public, but the prohibition against public displays of tobacco products shall not apply to individuals incidentally or accidentally displaying tobacco products during carrying or use.</p>	<p>See <b>Section 37(1)</b> above.</p>
<p><b>S-16. (1)</b> No person shall purchase any tobacco product through any self-service means, including the mail, the internet or automatic vending machines.</p>	<p>See <b>Section 37(1)</b> above.</p>
<p><b>S-17.</b> No person shall sell tobacco products in any of the following places: (a) facilities where health care services are provided; (b) sports, athletic or recreational facilities; (c) government buildings; (d) educational facilities; and (e) any other place prescribed by Regulations.</p>	<p>See <b>Section 37(1)</b> above.</p>
<p><b>S. 18(1)[a]</b> No person shall import or manufacture any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or which imitate tobacco products.</p>	<p>See <b>Section 37(2)</b> below on provisions not specified in the Act.</p>



<p><b>S-18. (1) (b)</b> No person shall sell, display for sale, distribute or supply, any sweets, snacks, toys or other non-tobacco items or objects in the form of tobacco products, or which imitate tobacco products.</p>	<p><b>S. 18(2)</b>  (a) On Summary Conviction  - Fine of \$10,000 &amp; Imprisonment for 6 months   (b) On Conviction on Indictment  -Fine of \$100,000 &amp; Imprisonment for 1 year</p>
<p><b>PROHIBITIONS</b></p>	<p><b>PENALTIES</b></p>
<p><b>S-19-(1)</b> No person shall initiate, produce, publish, engage or participate in any tobacco advertising, promotion or sponsorship.</p>	<p>See <b>Section 37(2)</b> below on provisions not specified in the Act.</p>
<p><b>S-20.</b> No person shall offer or provide any direct or indirect consideration for the purchase or use of a tobacco product, including a bonus, premium, cash rebate or right to participate in a game, lottery or contest, but nothing in this section shall prohibit the giving of any normal trade discount or normal trade rebate, or providing compensation for monitoring compliance with this Act.</p>	<p>See <b>Section 37(2)</b> below on provisions not specified in the Act.</p>
<p><b>S-21.</b> This Act prohibits tobacco sponsorships and tobacco advertising and promotion, where the name of a sponsoring entity is publicised.</p>	<p>See <b>Section 37(2)</b> below on provisions not specified in the Act.</p>
<p><b>S-22. (1)</b> No person shall sell, display for sale, supply, or advertise any non-tobacco product or service that contains either on the product, or in any advertisement of the product, a depiction of a tobacco product except where the person held the intellectual property rights to that product prior to the commencement of this Act.</p>	<p>See <b>Section 37(2)</b> below on provisions not specified in the Act.</p>



## Packaging and Labeling

Sections 23-31

Summary Conviction - \$100,000 & 6 months

Indictment - \$200,000 & 1 year

Save and Except for S. 25(1) which provides that all tobacco products shall contain, permanently affixed on their packages, a list of the constituents and additives specified, and in a manner as prescribed by Regulations.

The breach of which according to S. 25(2) makes a person liable- (a) On Summary Conviction – Fine of \$100,000 & Imprisonment for 6 months; and (b) On Conviction on Indictment – Fine of \$500,000 & Imprisonment for 1 year

PROHIBITIONS	PENALTIES
<b>S-32 (2)</b> No person shall sell any portion of a smokeless tobacco product package, or sell any smokeless tobacco product other than as part of a complete and intact package that meets the minimum weight requirement.	<b>S.32 (3)</b> On Summary Conviction - Fine of \$12,000 & Imprisonment for 6 months
<b>S-33</b> No person shall manufacture, import, sell or commercially supply or distribute any tobacco product unless it conforms with this Act and Regulations.	See <b>Section 37(2)</b> below on provisions not specified in the Act.
<b>S. 10(1)</b> of the Tobacco Control Regulations provides.: A seller shall cause to be conspicuously displayed at all times, in a prominent place in that part of the premises where tobacco products are offered for sale, a sign in bold upper case letters, that reads as follows: "THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF EIGHTEEN YEARS IS PROHIBITED".	<b>s.10(2)</b> of the Tobacco Control Regulations provides: A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of \$500.
<b>Any provisions not specified in the Act</b>  <b>S.37 (2)</b> A person who contravenes any provision of this Act for which there is no penalty prescribed, commits an offence and is liable – (a) On Summary Conviction – Fine of \$100,000 & Imprisonment for 6 months (b) On Conviction on Indictment – Fine of \$200,000 & imprisonment for 1 year	



## **FURTHER PENALTIES AND LIABILITIES**

**S.36(1)** In any action for non-compliance with the Act or Regulations, the following penalties may be imposed:

- (a) suspension, revocation or limitation of licences;
- (b) removal by an authorized officer of an offending person from the premises or public conveyance, and confiscation and forfeiture of any tobacco products in violation of the provisions of the Act; and
- (c) confiscation and forfeiture of –
  - (i) any item that contains a tobacco advertising and promotion prohibited under this Act;
  - (ii) any tobacco product packaged or labeled in a manner that does not conform with this Act;
  - (iii) all tobacco products owned by or under the control of the person found to have committed a violation of sections 10, 13 to 17, 20 and 31 to 33;
  - (iv) equipment, machinery, raw materials, components, packaging and labelling materials and any other items used to manufacture tobacco products;
  - (v) all tobacco products or components that fail to conform with the product requirements under the Act;
  - (vi) all tobacco products for which all applicable taxes and duties have not been paid or that otherwise have not legally entered the jurisdiction; and
  - (vii) all non-tobacco products that fail to conform with section 18.

**S.36(2) For any continuing violation each day the violation continues shall constitute a separate offence.**

**S.36(3)** Where any person derives any monetary or financial benefit directly or indirectly from any act or omission that constitutes a violation under this Act, Regulations or other applicable law, including any imposing duties and taxes, all proceeds so gained shall be forfeited in addition to any other penalty imposed.

**S.36(4)** Where a corporate person contravenes this Act, the corporate director or other corporate officer who authorized or acquiesced in the act or who knew or, using due diligence, ought to have known that the commission or omission constituted a contravention, that director or other corporate officer as the case may be, is deemed to have committed the offence and shall be held personally liable.

**Disclaimer: This List is intended only as a guide to the Offences as stated under the Tobacco Control Act 2009 and as such reliance should only be placed and quoted directly from the said Act.**

