

FREQUENTLY ASKED QUESTIONS (FAQS) ON TOBACCO CONTROL REGULATIONS 2016 LI 2247

1. Give us a brief overview of what the Tobacco Control Regulation 2016 L.I. 2247 specifies.

These Regulations are in furtherance of provisions on tobacco control specified in Section 76 of the Public Health Act, 2012 (Act 851); in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco.

The tobacco control regulations 2016, L.I. 2247 entered into full force on the 4th January, 2017.

Some areas covered by the Tobacco Control Regulations, 2016, (L.I.2247) include:

- a. Requirements for areas designated for smoking
- b. Display of no smoking signs
- c. Duties of owners or persons in charge of a public place or work place
- d. Depictions of tobacco in entertainment media
- e. Health warnings and messages for tobacco and tobacco products
- f. Sale of tobacco and tobacco products
- g. Registration of persons who deal in tobacco and tobacco related trade
- h. Registration of tobacco and tobacco products
- i. Illicit Tobacco and Tobacco Products.

2. What is the rationale for the tobacco packaging and labelling provisions?

- To bring all possible information on the hazardous effects of tobacco use to the “palms” and “pocket” of the tobacco user and the general public.
- To reinforce the message of hazardous effect every time a smoker reaches for tobacco products.
- To reach smokers with low education and literacy and to help reduce disparities in health knowledge.

3. What is Pictorial Health Warning (PHW)?

Pictorial Health warnings are warnings in the form of images that are required to appear on the retail packaging of a tobacco product to communicate the health risk to users and the public.

Pictorial health warnings on tobacco packages are a cost-effective means to increase public awareness about the dangers of tobacco use. A wide variety of research has clearly demonstrated the effectiveness of using pictures and imagery in health communications

4. What does the regulation say about the registration of tobacco products

Sections 14 and 15 of the L.I.2247 respectively state that a person shall not manufacture or import a tobacco or tobacco product unless that person is registered by the Food and Drugs Authority; and a person shall not manufacture, import or sell a tobacco or tobacco product unless the product is registered by the Authority.

5. What does the regulation say about Minors handling tobacco?

- It states that we cannot by law sell tobacco products to anyone under the age of 18 years.
- It goes on to offer means of ascertaining the age of a buyer or seller of tobacco without which a transaction (buying or selling by a child) should be allowed.
- The regulations also put a lot of restrictions on minors' handling of tobacco or tobacco products; these restrictions seek to protect children from exposure to tobacco products by prohibiting children from selling tobacco products or buying tobacco products or even lighting a smokeable tobacco product.

6. What does the regulation say about smoking in private vehicles?

The tobacco control regulations prohibit smoking in private vehicles where there are pregnant women and or children only.

7. According to the regulations, what are the duties of Managers / Persons in Charge of Public Places or Work Places?

It specifies the actions that can be taken by managers/persons in charge of workplaces and public places to ensure compliance and safe public health. A manager or owner of a public place shall ensure that:

- an employee is not exposed to tobacco smoke and is protected from tobacco smoke in the workplace;
 - employees are not required or requested to sign a waiver or agreement to work in a designated smoking area.
 - an employee who refuses to enter a designated smoking area in the workplace is not victimized or sanctioned;
 - adequate “NO SMOKING” signages are posted or displayed at the work place that clearly indicates that the establishment is a non-smoking area
 - a designated area for smoking is clearly marked as a designated smoking area with a signage.
 - people smoke only in a designated smoking area.
 - ashtrays are not displayed in a public place or workplace except in a designated smoking area.
 - a customer or employee who smokes in a non- smoking area to stop smoking or leave the place immediately.
 - service to a customer who is smoking in a public place or work place is discontinued.
 - warnings are issued and then appropriate disciplinary action taken against an employee/customer/person who smokes in a non-smoking area.
 - any person who refuses to stop smoking and refuses to leave the non -smoking area is arrested by a security personnel.
 - an employee does not enter an area designated for smoking at a time during which smoking activity is taking place or for any purpose including cleaning or maintenance of the area designated for smoking
 - an employee does not sign a waiver or agreement to work in a designated smoking area.
- 8. Below are samples each of the approved signages for designated smoking areas and non-smoking areas respectively:**



9. How is FDA enforcing the display of No Smoking signages and the Designated Smoking Area (DSA) law?

The FDA is enforcing the regulations through monitoring and surveillance visits to public places to monitor and ensure their compliance to the provision of adequate “no smoking” signages and DSAs.

- FDA also organises training programmes for Restaurant/Pub owners and Hoteliers to educate them about the law.
- Facility owners who decide to create designated areas for smoking are guided to meet requirements and specifications.

10. What does the point of sale health warning seek to achieve?

It seeks to prevent sale of tobacco to children below 18 years and educate the tobacco smokers and buyers about the harmful effect of tobacco and tobacco products. This provision places a responsibility on all persons that sell tobacco products to have a health warning at every place tobacco is sold. This warning is to be determined by the FDA.

11. What is the penalty for contravening the law?

- A fine of not more than 750 penalty units (fine of **GHC**9000) or a term of imprisonment of not more than 3 years. 1 penalty unit is equivalent to **GHC**12.00. In the case of a continuing offence, a further fine of 10 penalty units applies for each day during which the offence continues.

12. How does the FDA intend to enforce this L.I 2247?

FDA is ensuring enforcement through:

- Continuous public education in the media and in communities
- Naming and shaming defaulters
- Fines and penalties
- Unannounced visits and surveillance
- Prompt responses to complaints on non-compliances.
- Mobilizing social support and public enforcement
- Engagement with interest groups
- Collaboration with partner government agencies and organizations.

For further clarification contact FDA on

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Referencing

Public Health Act, 2012, Act 851,

Tobacco Control Regulations 2016,