

*Government Notice No. 321 of 2022*

## THE PUBLIC HEALTH ACT

### **Regulations made by the Minister under sections 193 and 194 of the Public Health Act**

1. These regulations may be cited as the Public Health (Restrictions on Tobacco Products) (Amendment) Regulations 2022.
2. In these regulations –  
“principal regulations” means the Public Health (Restrictions on Tobacco Products) Regulations 2022.
3. Regulation 2 of the principal regulations is amended –
  - (a) in the definition of “cigar”, in paragraph (b), by deleting the words “except for the purposes of Part V,”;
  - (b) by inserting, in the appropriate alphabetical order, the following new definitions –  
“hotel” means a hotel which is classified in the grade of four-star or in the higher grade in accordance with the Tourism Authority (Hotel Classification) Regulations 2015;  
“port” means the Port Louis Harbour;  
“SSR International Airport” means the Sir Seewoosagar Ramgoolam International Airport;
4. Regulation 4 of the principal regulations is amended –
  - (a) in paragraph (1) –
    - (i) in subparagraph (a), by deleting the word “cigarettes” and replacing it by the words “cigarettes other than

cigarettes to be sold in the duty-free shops at the SSR International Airport and port (international departure only) and the duty-free shop at Plaine Corail Airport (international departure only)”;

- (ii) by inserting, after subparagraph (c), the following new subparagraph –
  - (ca) cigars, cigarillos and little cigars, unless the following health warning on every package thereof is complied with –
    - (i) be displayed both in English and French on the package;
    - (ii) be displayed in English in the following words –

Smoking causes cancer, heart disease, bronchitis and early death
    - (iii) displayed in French in the following words –

Fumer provoque le cancer, les maladies du coeur, la bronchite et la mort prématurée
    - (iv) be printed on a white label with black characters, in Helvetica type of not less than 10 font;
    - (v) be displayed in such manner that none of the words of the health warning are severed when the package is opened; and
    - (vi) be displayed in such manner and in such template as approved by the Minister.

- (b) by revoking paragraph (3) and replacing it by the following paragraph –

(3) No person shall import any consignment of tobacco products, other than cigarettes to be sold in the duty-free shops at the SSR International Airport and port (international departure only) and the duty-free shop at Plaine Corail Airport (international departure only), and other than cigars, cigarillos and little cigars unless the unit packages of tobacco products in the consignment display in equal proportion, the pictorial health warnings, as specified in the Third Schedule.

- (c) in paragraph (4), by deleting the words “No person” and replacing them by the words “Subject to paragraph (5), no person”.
- (d) by adding the following new paragraph –

(5) (a) No person, other than a hotel, may import a waterpipe, a waterpipe tobacco or any other accessory in connection with a waterpipe, to be used only in a demarcated area of the hotel.

- (b) A demarcated area in a hotel shall –

- (i) be an outdoor area;
- (ii) be distinctively marked as “Waterpipe Smoking Area” in the English and French language;
- (iii) be used exclusively for smoking that involves the use of a water pipe and no food, beverage or other service shall be provided therein;

- (iv) not be established –
  - (A) at the entrance or exit of a hotel and in any area that is visible to passing public pedestrians or traffic;
  - (B) within 10 metres of any openable door, window, ventilation duct or passageway;
- (v) not be equipped with any non-water pipe smoking services, including telephone, fax, printing devices;
- (vi) not allow a child into the water pipe smoking area; and
- (vii) display, at every entrance, the following words in the English and French language –
  - Access Prohibited to Children under the Age of 18 Years
  - Accès Interdit aux Enfants de Moins de 18 Ans

5. The principal regulations are amended by inserting, after regulation 4, the following new regulation –

**4A. Restrictions on sale, importation, manufacture and distribution of cigarettes at duty-free shops**

(1) In this regulation –

“cigarettes” means cigarettes to be sold in the duty-free shops at the SSR International Airport and port (international departure only) and the duty-free shop at Plaine Corail Airport (international departure only).

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- (2) No person shall sell, offer to sell, import, manufacture or distribute cigarettes, unless the following are complied with –
- (a) each unit package shall contain 20 cigarettes;
  - (b) each unit package shall display on each side of the package, the health warning in such manner as specified in Part IVA;
  - (c) each unit package shall display on the front and back display area of the package, the health warning in such manner as specified in Part IVA;
  - (d) each unit package shall display, in equal proportion, the pictorial health warnings as specified in the Sixth Schedule;
  - (e) each unit package shall display the following words –  
Sale allowed in Mauritius only
  - (f) each unit package shall display, in English and in French, the name of the country where the cigarettes have been manufactured;
  - (g) the manufacturer or importer shall comply with the requirements specified in the Fifth Schedule;
  - (h) the cigarettes shall not have –
    - (i) a tar yield exceeding 10 milligrammes per cigarette;
    - (ii) nicotine yield exceeding 1.0 milligramme per cigarette;
    - (iii) carbon monoxide yield exceeding 10 milligrammes per cigarette; and

- (i) each unit package shall not display the tar or nicotine content or the carbon monoxide yield.

6. Part IV of the principal regulations is amended –

- (a) by deleting the heading and replacing it by the following heading –

**PART IV – HEALTH WARNINGS ON TOBACCO  
PRODUCTS OTHER THAN CIGARETTES  
TO BE SOLD IN DUTY-FREE SHOPS**

- (b) inserting, before regulation 7, the following new regulation –

**6A. Non-application of Part IV**

This regulation shall not apply to cigarettes to be sold in the duty-free shops at the SSR International Airport and port (international departure only) and the duty-free shop at Plaine Corail Airport (international departure only).

- (c) in regulation 8(3)(c), by deleting the words “90 per cent” and replacing them by the words “80 per cent”.

7. The principal regulations are amended by inserting, after Part IV, the following new Part –

**PART IVA – HEALTH WARNINGS ON CIGARETTES  
TO BE SOLD IN DUTY-FREE SHOPS**

**8A. Application of Part IVA**

This regulation shall apply to cigarettes to be sold in the duty-free shops at the SSR International Airport and port (international departure only) and the duty-free shop at Plaine Corail Airport (international departure only).

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**8B. Health warnings on each lateral side of a package of cigarettes**

(1) The health warning on every lateral side of a unit package of cigarettes shall –

(a) be displayed in English on a lateral side of the package in the following words –

Smoking kills

(b) be displayed in French on the other lateral side of the package in the following words –

La cigarette tue

(c) occupy 65 per cent of the surface area of every lateral side of the package;

(d) be displayed in such manner that no word of the health warning is severed when the package is opened; and

(e) be displayed in such manner and in such template as the Minister may approve.

**8C. Health warnings on front and back of package of tobacco product**

(1) Every unit package of a tobacco product shall display a combined health warning consisting of written and pictorial warnings and corresponding text as specified in this regulation.

(2) (a) There shall be 8 different combined health warnings consisting of text and pictorial warnings and corresponding text.

(b) The combined health warnings shall be as set out in Part IVA and in the Sixth Schedule, or such other combined warnings as the Minister may determine.

(3) The combined health warning shall be displayed on the front and back of a unit package of a tobacco product and shall –

- (a) consist of a warning in combination with a picture or pictogram as specified in the Sixth Schedule;
- (b) be displayed legibly and conspicuously in –
  - (i) French on the front principal display area of the package; and
  - (ii) English on the back principal display area of the package;
- (c) occupy 60 per cent of the front principal display area of the package and 70 per cent of the back principal display area of the package;
- (d) be displayed in such manner that any word of the health warning is not severed when the package is opened; and
- (e) be displayed in such manner and in such template as the Minister may approve.

(4) Every unit package of cigarettes shall, in accordance with paragraph (3), display one combined health warning at a time.



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- 8.** Regulation 11 of the principal regulations is amended –
- (a) in paragraph (3)(b), by revoking subparagraph (ii);
  - (b) in paragraph (8), by inserting, after the words “any tax stamp”, the words “to be displayed in accordance with item 1 of the Twelfth Schedule to the Excise Regulations 1994”;
  - (c) by revoking paragraph 14.
- 9.** Regulation 12 of the principal regulations is amended, in paragraph (1)(h) –
- (a) in sub subparagraph (i), by deleting the words “or is a cigar package (other than a cigar tube),”;
  - (b) by revoking sub subparagraph (ii).
- 10.** Regulation 13 of the principal regulations is amended, in paragraph (1)(c), by deleting the words “this Part” and replacing them by the words “regulation 4(1)(ca)”.
- 11.** Regulation 14 of the principal regulations is amended by revoking paragraph (3) and replacing it by the following paragraph –
- (3) The band of a cigarette shall be coloured matt Pantone 448C and may be an adhesive band that –
    - (a) completely covers another band or bands; and
    - (b) is fastened firmly to, and not easily removable from, the band or bands that it covers.

**12.** Regulation 28 of the principal regulations is amended by adding the following new paragraph, the existing provision being numbered as paragraph (1) –

(2) Notwithstanding the revocation of the Public Health (Restrictions on Tobacco Products) Regulations 2008, the regulations shall continue to apply until the coming into operation of these regulations.

**13.** Regulation 29 of the principal regulations is revoked and replaced by the following regulation –

**29. Commencement**

These regulations shall come into operation on 31 May 2023.

**14.** The principal regulations are amended by adding the Sixth Schedule set out in the Schedule to these regulations.

**15.** These regulations shall be deemed to have come into operation on 10 June 2022.

Made by the Minister on 20 December 2022.

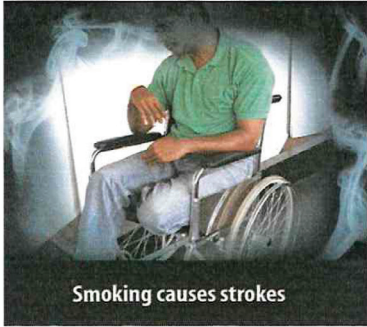
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**SCHEDULE**  
[Regulation 14]

**SIXTH SCHEDULE**  
[Regulation 4A(2)(d)]

**PICTORIAL HEALTH WARNINGS TO BE DISPLAYED ON FRONT AND BACK OF PACKAGE OF CIGARETTES TO BE SOLD IN DUTY-FREE SHOPS**





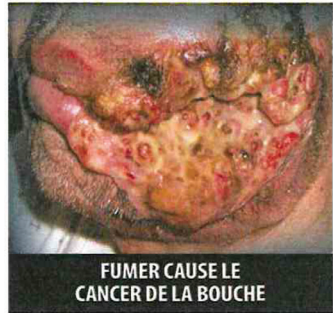
**Smoking causes strokes**



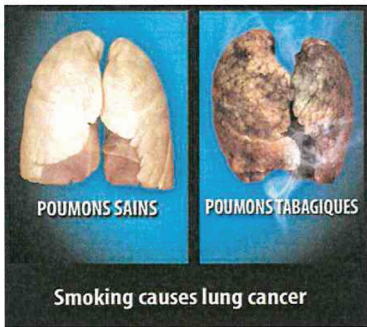
**FUMER PROVOQUE  
L'ATTAQUE CÉRÉBRALE**



**Smoking causes mouth cancer**



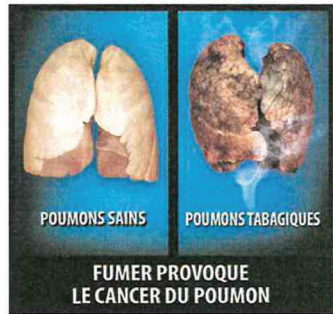
**FUMER CAUSE LE  
CANCER DE LA BOUCHE**



**POUMONS SAINS**

**POUMONS TABAGIQUES**

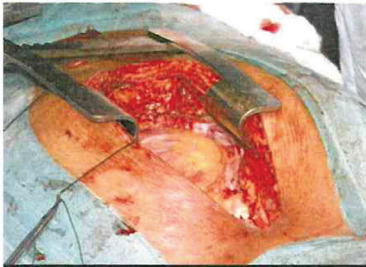
**Smoking causes lung cancer**



**POUMONS SAINS**

**POUMONS TABAGIQUES**

**FUMER PROVOQUE  
LE CANCER DU POUMON**



**Smoking causes heart diseases**



**FUMER PROVOQUE  
LES MALADIES DU COEUR**



**Smoking causes  
a slow and painful death**



**FUMER CAUSE UNE  
MORT LENTE ET DOULOUREUSE**