

NEW TOBACCO LAWS

The Minister of Health has, in terms of the Tobacco Control Act 83 of 1993, published new regulations relating to smoking in public places. The regulations were gazetted on 30th March 2012.

In general no person may smoke any tobacco product in a public place.

“Public Place” is not defined by the regulations, but in terms of Regulation 2, no person may smoke in the following outdoor public places:

- a. Stadiums, arenas, sports facilities, playgrounds, zoos;
- b. Premises of schools, or child care facilities;
- c. Health facilities;
- d. Outdoor eating or drinking areas;
- e. Venues when outdoor events take place;
- f. Covered walkways and covered parking areas;
- g. Service areas and service lines; and
- h. Beaches where public bathing is permitted, not less than 50 metres away from the closest person near the demarcated swimming area.

Notwithstanding the above a person in control of a public place or an employer may designate an outdoor smoking area subject to the following;

- a. a notice must be displayed that the area is a designated outdoor smoking area and no person under the age of 18 may be present in the area.
- a. The area shall:
 - ◆ Not be adjacent to an entrance
 - ◆ Be in a position that minimises smoke
 - ◆ Be set aside exclusively as a smoking area
 - ◆ Not be adjacent to walkways and other areas where people generally congregate or walk.
- c. The person in charge or the employer shall ensure that in the area:
 - ◆ No person under age of 18 is present
 - ◆ No food or refreshments are served
 - ◆ Ashtrays are installed and the area is cleaned
 - ◆ Smokers are discouraged from remaining in the area longer than necessary.

Signs must have a white background and a graphic “No Smoking” symbol. They must be at least 14cm in diameter. It must carry the warning in black letters 2cm in height and 1.5cm in breadth “Any person who fails to comply with this notice shall be prosecuted and may be liable to a fine”



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Various fines for contravening the act are imposed ranging from; R500.00 for smoking in a motor vehicle when a child under the age of 12 is present in the vehicle, to R50 000.00 for restaurant, pub and bar owners and R100 000.00 for employers.

For the illegal manufacturing and advertising of tobacco products the fine shall not exceed R1 000 000.00.

There are various opinions on this new legislation.

The one view is that smoking is not as harmful as drinking alcohol in public places yet drinking in public is still permitted.

The other view is that the new laws on smoking discourage smoking altogether which is ultimately a positive step for humanity.



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