

Examined and certified by:



Clerk of the Parliament

In the name and on behalf of His Majesty King Charles III, I hereby assent to this Act
this20th

day of

May,

2024


King's Representative**Contents**

1	Title	2
2	Commencement	2
3	Principal Act amended	2
4	Section 2 amended (The objects of this Act)	2
5	Section 3 amended (Interpretation)	2
6	Section 4 amended (Purpose of the Part)	4
7	New Sections 4A–4E inserted	4
8	Section 5 amended (Prohibition on advertising)	7
9	Section 7 amended (Permitted activities)	7
10	Section 8 amended (“Smoking Kills” signage at point of sale)	7
11	Section 9 amended (Prohibited marketing)	7
12	Section 10 amended (Tobacco sponsorships prohibited)	7
13	Section 13 amended (Sale of tobacco products to persons under eighteen prohibited)	8
14	Section 17 amended (Sales of tobacco products prohibited in certain circumstances)	8
15	Section 18 amended (Free distribution and rewards prohibited)	8
16	Section 19 amended (Controls on the content of tobacco products)	8
17	Section 20 amended (Testing required)	8
18	Section 21 amended (Reports of constituents, additives, and certain business information required)	8
19	Section 28 amended (Smoking in public places and workplaces prohibited)	8
20	Section 29 replaced (Smoking in restaurants)	8
21	Section 30 replaced (Smoking in licensed premises)	9
22	Section 36 amended (Appointment of Health Inspectors)	9
23	New sections 36A and 36B inserted	9
24	Section 37 amended (Inspection and investigative powers of Health Inspectors)	10
25	Section 38 amended (Duties of Health Inspectors)	10
26	Section 39 amended (General penalty)	10
27	New section 39A inserted	10
28	Section 41 amended (Additional jurisdiction of the Court)	11
29	Section 43 amended (Regulations)	11

Schedule 1**Schedule 2**

An Act to—

- (a) **amend the Tobacco Products Control Act 2007; and**
- (b) **for related purposes.**

The Parliament of the Cook Islands enacts as follows—**1 Title**

This Act is the Tobacco Products Control Amendment Act 2024.

2 Commencement

- (1) This Act comes into force on a date appointed by the King's Representative by Order in Executive Council.
- (2) One or more orders may be made bringing different provisions into force on different dates.

3 Principal Act amended

This Act amends the Tobacco Products Control Act 2007.

4 Section 2 amended (The objects of this Act)

Section 2 is amended by adding after each occurrence of “tobacco products” the words “and imitation tobacco products”.

5 Section 3 amended (Interpretation)

- (1) Section 3 is amended by repealing the definition of **Distributor** and substituting it with the following—

“**Distributor** means a person who sells or otherwise distributes tobacco products, including an importer of tobacco products, but not including a person whose only sale or distribution of tobacco products is by retail;”

- (2) Section 3 is further amended by repealing the definition of **Educational facility** and substituting it with the following—

“**Educational facility** means all land, buildings, structures and improvements within the boundaries of any real property, which are used primarily for educational purposes;”

- (3) Section 3 is further amended by adding the definition of **Electronic nicotine/non-nicotine delivery systems** as follows—

“**Electronic nicotine/non-nicotine delivery systems** means any product or product component, that is not a prescribed medical device, designed to deliver nicotine or other chemicals to the user via an aerosol or vapour by heating a solution that the user inhales, including but not limited to any refill liquids, cartridges, capsules or other components used in association with the product or product component;”

- (4) Section 3 is further amended by adding the definition of **Food and beverage premises** as follows—

“**Food and beverage premises** means any building, tent or other structure, permanent or otherwise, together with the land on which the same is situated, including any vehicle, conveyance or vessel used for the sale or consumption of food or beverages;”

- (5) Section 3 is further amended by repealing the definition of **Health Inspector** and substituting it with the following—

- “**Authorised officer** means any person who has been duly appointed or empowered as an inspector under section 18 of the Ministry of Health Act 2013;”
- (6) Section 3 is further amended by adding the definition of **Health-care facility** as follows—
- “**Health-care facility** means all land, buildings, structures and improvements within the boundaries of any real property, which are used principally or in part for medical or health-care purposes, including diagnosis, prevention or treatment of diseases or physical and mental disabilities;”
- (7) Section 3 is further amended by adding the definition of **Imitation tobacco product** as follows—
- “**Imitation tobacco product** means any food (including confectionary) or article (including a toy, electronic nicotine/non-nicotine delivery systems, or device for heated tobacco products)—
- “(a) to which any of the following apply:
- “(i) it resembles, or is designed to resemble, a tobacco product;
- “(ii) it is capable of being smoked;
- “(iii) it may be used to mimic the act of smoking or use of a tobacco product;
- “(iv) its packaging resembles, or is designed to resemble, the packaging commonly associated with tobacco products; and
- “(b) that is not a prescribed medicine for nicotine dependence.”
- (8) Section 3 is further amended by adding the definition of **Internet** as follows—
- “**Internet** means the public global interconnected computer network, including websites, social media sites and other similar platforms;”
- (9) Section 3 is further amended by repealing the definition of **Manufacturer** and substituting it with the following—
- “**Manufacture** includes the fabrication, production, processing, packaging or labelling of tobacco products;”
- (10) Section 3 is further amended by adding the definition of **No Smoking area** as follows—
- “**No Smoking area** means any area which is completely or partially enclosed with a roof or overhead structure of any kind, whether permanent or temporary, regardless of the degree of enclosure provided by the roof or overhead structure and regardless of whether or not the area is enclosed on its sides;”
- (11) Section 3 is further amended by repealing the definition of **Point of sale** and substituting it with the following—
- “**Point of sale** means a counter or checkout area, including a till or cash box, where customers make payments for goods and services;”
- (12) Section 3 is further repealing the definition of **Public place** and substituting it with the following—
- “**Public place** means any place (including any ship, aircraft or other vehicle of conveyance used for public transport)—
- “(a) to which the general public, or a class of the general public ordinarily has access by express or implied invitation or licence,

whether by payment or otherwise, including any building, structure or facility that is owned or occupied by the Crown, but not including any place or part of a place used primarily as a private residence; or

“(b) that is prescribed by the regulations.”

- (13) Section 3 is further amended by repealing the definition of a **Restaurant**.
- (14) Section 3 is further amended by repealing the definition of **Seller** and substituting it with the following—

“**Seller** means any person, including a vendor, retailer, wholesaler, supplier, merchant or trader, who sells tobacco products to consumers in whole or in part;”

- (15) Section 3 is further amended by repealing the definition of **Smoking** and substituting it with the following—

“**Smoking** means—

“(a) inhaling or exhaling the smoke from, or holding, a lighted or heated tobacco product; or

“(b) inhaling or exhaling the vapour from, or holding, an imitation tobacco product while it is activated;”

6 Section 4 amended (Purpose of the Part)

Section 4 is repealed and the following section is substituted—

“4 Purpose of the Part

“The purpose of this Part is to regulate the supply, accessibility, advertising, promotion and sponsorship of tobacco products and imitation tobacco products.”

7 New Sections 4A–4E inserted

The following sections are inserted after section 4—

“4A Prohibition on manufacture of tobacco products in the Cook Islands

“(1) The manufacture, fabrication, production, processing, packaging or labelling of tobacco products or imitation tobacco products in the Cook Islands is prohibited.

“(2) A person who breaches subsection (1) commits an offence and is liable on conviction—

“(a) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months, or both; or

“(b) in any other case, to a fine not exceeding \$1,000,000 and to an additional fine of \$100,000 for every day that the offence continues.

“4B Prohibition of import, sale or distribution of imitation tobacco products

“(1) Subsection (2) applies to a person who—

“(a) either—

“(i) is a Cook Islander or a permanent resident (including permanent resident by descent or honorary permanent resident); and

“(ii) has not resided outside the Cook Islands for at least the previous 6 months; or

- “(b) holds a work permit under the Cook Islands Immigration Act 2021; or
- “(c) is under 21 years of age.
- “(2) The person must not import, for personal use or otherwise, sell or distribute imitation tobacco products in the Cook Islands.
- “(3) A person to whom subsection (2) does not apply may import electronic nicotine/non-nicotine delivery systems that—
 - “(a) are for personal use only; and
 - “(b) have a total volume of liquid for use with an electronic nicotine/non-nicotine delivery system of no more than 30 ml; and
 - “(c) includes no more than 1 electronic nicotine/non-nicotine delivery system device, whether reusable or disposable.
- “(4) A person to whom subsection (3) applies—
 - “(a) must not dispose of the liquid or device in the Cook Islands or give the liquid or device to another person in the Cook Islands other than in accordance with paragraph (b)(ii); and
 - “(b) must—
 - “(i) carry the device and any remains of the liquid out of the country on departure from the Cook Islands; or
 - “(ii) surrender the device and any remains of the liquid to the Ministry of Health or other prescribed place.
- “(5) A person who breaches subsection (2), (3) or (4) commits an offence and is liable on conviction—
 - “(a) in the case of an individual, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months, or both; or
 - “(b) in any other case to a fine not exceeding \$1,000,000 and to an additional fine of \$100,000 for every day that the offence continues.
- “4C Licences to deal in tobacco products**
- “(1) Any importer, distributor or seller of tobacco products in the Cook Islands must hold a current and valid licence in accordance with this section.
- “(2) An application for a licence must be made to the Secretary in the form approved from time to time under section 33(1) of the Ministry of Health Act 2013.
- “(3) An application for a licence must be accompanied by an application fee approved under section 33(2) of the Ministry of Health Act 2013.
- “(4) An application to be an importer of tobacco products, must be accompanied by the tobacco testing and reporting requirements specified in any regulations made under this Act.
- “(5) A tobacco retail licence may be held by any person who has attained the age of 21 years of age.
- “(6) The Secretary has authority to issue a licence if the application complies with this section and any applicable regulations.
- “(7) A licence issued under this section is subject to—
 - “(a) all conditions stated in the licence; and
 - “(b) any additional conditions which are notified in writing by the Secretary to the holder of the licence at any time after the issue of the licence; and

- “(c) any applicable standards, rules, operating procedures, guidelines or codes of practice imposed in relation to the licensed business under section 16 of the Ministry of Health Act 2013.
- “(8) Licences issued under this section are valid for a period of 12 months from the date of issue, unless terminated earlier under subsection (11).
- “(9) A licence issued under this section is not transferable.
- “(10) The Secretary has authority to suspend or cancel a licence issued under this section if the licensee is convicted of any offence against this Act or breaches any condition applicable to the licence.
- “(11) A person must not—
- “(a) import, distribute or sell tobacco products in Cook Islands, or offer such products for sale by retail, without a current licence issued under this section; or
- “(b) fail to comply with any condition applicable to a licence issued under this section.
- “(12) A person who breaches subsection (12) commits an offence and is liable on conviction—
- “(a) in the case of an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 month, or both; or
- “(b) in any other case, to a fine not exceeding \$10,000 and to an additional fine of \$1,000 for every day that the offence continues.
- “4D Internet sales of tobacco products prohibited**
- “(1) A person who does not hold a licence under section 4C as an importer or distributor must not use the internet—
- “(a) to arrange for distribution or sale of tobacco products to persons in the Cook Islands; or
- “(b) to purchase or arrange for the importation, for personal use or otherwise, of tobacco products into the Cook Islands.
- “(2) A person who holds a licence under section 4C as an importer or distributor must not use the internet to sell tobacco products by retail.
- “(3) A person who breaches subsection (1)(a) commits an offence and is liable on conviction—
- “(a) in the case of an individual, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months, or both; or
- “(b) in any other case, to a fine not exceeding \$100,000 and to an additional fine of \$10,000 for every day that the offence continues.
- “(4) A person who breaches subsection (1)(b) commits an offence and is liable on conviction—
- “(a) in the case of an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 month, or both; or
- “(b) in any other case, to a fine not exceeding \$100,000.
- “4E Display of tobacco products prohibited**
- “(1) The display of tobacco products at a point of sale or in any other place from which tobacco products are sold or offered for sale in the Cook Islands is prohibited.
- “(2) A person who breaches subsection (1), commits an offence and is liable on conviction —
- “(a) in the case of an individual, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 1 month, or both; or

- “(b) in any other case, to a fine not exceeding \$10,000 and to an additional fine of \$1,000 for every day that the offence continues.”

8 Section 5 amended (Prohibition on advertising)

Section 5 is repealed and the following section is substituted—

“5 Prohibition on advertising

- “(1) A person must not publish, or arrange for any other person to publish, whether in the Cook Islands or elsewhere, a tobacco product advertisement or imitation tobacco product advertisement.
- “(2) For this section and section 6, the definition of **tobacco product advertisement** applies to imitation tobacco products as if imitation tobacco products were tobacco products.”

9 Section 7 amended (Permitted activities)

Section 7 is amended by repealing paragraphs (a) and (c).

10 Section 8 amended (“Smoking Kills” signage at point of sale)

- (1) Section 8(1) is amended by omitting “retailer” and substituting “seller”.
- (2) Section 8(1) is further amended by omitting “, in close proximity to tobacco products which are displayed for sale,”.
- (3) Section 8 is further amended by repealing subsection (2).

11 Section 9 amended (Prohibited marketing)

- (1) Section 9 is amended by inserting after each mention of “tobacco product” the words “ or imitation tobacco product”.
- (2) Section 9(2) is further amended by inserting after “tobacco products” the words “ or imitation tobacco products”

12 Section 10 amended (Tobacco sponsorships prohibited)

- (1) Section 10(1) is amended by inserting after each occurrence of “tobacco product” the words “or imitation tobacco product”.
- (2) Section 10 is further amended by repealing subsections (2) and (3) and substituting the following subsections—
- “(2) An importer or manufacturer of tobacco products or imitation tobacco products, or any other person who works to further the interests of the manufacturer or importer, must not offer or make a contribution of any nature (whether money, goods, services or any other form of in-kind contribution) to any event, activity, cause or person.
- “(3) A distributor, seller or any other person who is involved in the supply or sale of tobacco products or imitation tobacco products must not offer or make a contribution of any nature (whether money, goods, services or any other form of in-kind contribution) in a way that promotes a tobacco product or encourages the use of a tobacco product.
- “(4) Codes of practice approved under section 16 of the Ministry of Health Act 2013 may impose additional restrictions or prohibitions on contributions, support and sponsorships made directly or indirectly by distributors and sellers of tobacco products or imitation tobacco products in the Cook Islands.”

- 13 Section 13 amended (Sale of tobacco products to persons under eighteen prohibited)**
 (1) The heading of section 13 is amended by omitting “eighteen” and substituting “21”.
 (2) Section 13(1) is amended omitting “eighteen” and substituting “21”.
- 14 Section 17 amended (Sales of tobacco products prohibited in certain circumstances)**
 Section 17 is amended by omitting each occurrence of “18” and substituting “21”.
- 15 Section 18 amended (Free distribution and rewards prohibited)**
 Section 18 is amended by inserting after each occurrence of “tobacco product” the words “or imitation tobacco product”.
- 16 Section 19 amended (Controls on the content of tobacco products)**
 Section 19 is amended by omitting “manufacture,”.
- 17 Section 20 amended (Testing required)**
 (1) Section 20(2) is amended by omitting “manufacturer and every”.
 (2) Section 20(2)(a) and (b) are amended by omitting “manufacturer or”.
 (3) Sections 20(4), (5)(b) and (6) are amended by omitting “manufacturer or”.
- 18 Section 21 amended (Reports of constituents, additives, and certain business information required)**
 Section 21 is amended by omitting “manufacturer,”.
- 19 Section 28 amended (Smoking in public places and workplaces prohibited)**
 Section 28 is repealed and the following section is substituted—
“28 Smoking in public places and workplaces prohibited
 “(1) A person must not smoke at any time in any of the following areas:
 “(a) an educational facility;
 “(b) a healthcare facility;
 “(c) government owned or operated premises;
 “(d) a public transport vehicle;
 “(e) any part of a public place or workplace which is a No Smoking area;
 “(f) a prescribed public place.
 “(2) The owner, operator or manager of any place or building referred to in this section must take all reasonable action to prevent a person from smoking in that place.”
- 20 Section 29 replaced (Smoking in restaurants)**
 Section 29 is repealed and the following section is substituted—
29 Smoking in food and beverage premises prohibited
 “(1) A person must not smoke at any time in a No Smoking area of a food and beverage premises.
 “(2) The owner, operator or manager of a food and beverage premises must take all reasonable action to prevent a person from smoking in a No Smoking area.”

- 21 Section 30 replaced (Smoking in licensed premises)**
Section 30 is repealed and the following section is substituted—
- “30 Smoking in licensed premises prohibited**
- “(1) A person must not smoke at any time in any No Smoking area of a licensed premises.
- “(2) The owner, operator or manager of licensed premises must take all reasonable action to prevent a person from smoking in a No Smoking area.”
- 22 Section 36 amended (Appointment of Health Inspectors)**
- (1) Section 36 is amended by omitting from the heading “Health Inspectors: and inserting “authorised officers”.
- (2) Section 36 is further amended by repealing subsection (1) and substituting—
- “(1) The Secretary may appoint a person or class of persons to be an authorised officer and each person appointed has power to exercise and carry out the functions and powers of an authorised officer under this Act.”
- (3) Section 36 is further amended by omitting from subsection (2) and (3) each occurrence of “Health Inspector” and substituting “authorised officer”.
- 23 New sections 36A and 36B inserted**
After section 36, insert—
- “36A Powers of the Minister**
- “(1) The Secretary may investigate whether a product or class of products—
- “(a) is a tobacco product that has, or its smoke has, a distinctive fruity, sweet or confectionery-like character; or
- “(b) is a tobacco product that has packaging that appeals to children or young people; or
- “(c) is an imitation tobacco product; or
- “(d) is of a nature, or is advertised in a way, that may encourage children or young people to smoke.
- “(2) If the Secretary considers that the product or class of products is of a kind mentioned in subsection (1), the Secretary may recommend that the Minister make a Ministerial order that bans the import, sale or distribution of the product or class of products, having regard to the objects of this Act.
- “(3) The recommendation must set out the grounds for the recommendation.
- “(4) The Minister may make a Ministerial order in accordance with subsection (2) if the Minister considers that the ban is required to give effect to the objects of this Act.
- “(5) An order must—
- “(a) be in writing; and
- “(b) state the date when it is made; and
- “(c) state the date when it comes into force; and
- “(d) set out the grounds for the ban; and
- “(e) be published in the *Gazette* or on the official Government of Cook Islands Ministry of Health website, or both.
- “(6) The Minister must ensure that a copy of the order is given to each person who, to the knowledge of the Minister, imports, sells or distributes the

product or class of products for which the order was made, within 2 days after the publication of the order.

- “(7) An order that is amended or revoked must also be published in accordance with subsection (5)(e) and given to each person to whom subsection (6) applies.
- “(8) Failure to comply with subsection (6) or (7) does not invalidate the order.
- “(9) An order that relates to the Pa Enuua must also be notified to the relevant Island Council.
- “(10) An individual who fails to comply with, or contributes to a breach of, a Ministerial order commits an offence and is liable on conviction—
- “(a) in the case of an individual, to a fine not exceeding \$10,000, or to a term of imprisonment not exceeding 3 months; or
- “(b) in any other case, to a fine not exceeding \$200,000.

“36B Authority to take prosecution action

- “(1) Authorised officers have authority to initiate and conduct prosecution action for breaches of this Act and its regulations.
- “(2) The Secretary can approve the engagement of a legal practitioner to undertake any prosecution under this Act on behalf of the Ministry.
- “(3) Despite sections 46(2) and 55(c) of the Criminal Procedure Act 1980-81, the Court may not award to a defendant any costs arising from a prosecution under this Act.”

24 Section 37 amended (Inspection and investigative powers of Health Inspectors)

- (1) Section 37 is amended by omitting from the heading “Health Inspectors” and substituting “authorised officers”.
- (2) Section 37 is further amended by omitting each occurrence of “Health Inspector” and substituting “authorised officer”.
- (3) Section 37 is further amended by inserting the following subsection after subsection (6)—
- “(7) This section applies to imitation tobacco products and to products that are the subject of a Ministerial order in the same way that it applies to tobacco products.”

25 Section 38 amended (Duties of Health Inspectors)

- (1) Section 38 is amended by omitting from the heading “Health Inspectors” and substituting “authorised officers”.
- (2) Section 38 is further amending by omitting each occurrence of “Health Inspector” and substituting “authorised officer”.

26 Section 39 amended (General penalty)

- (1) Section 39 is amended by omitting “Health Inspector” and substituting “authorised officer”.

27 New section 39A inserted

The following section is inserted after section 39—

“39A Infringement Notices

- “(1) In this section, **Infringement Notice** means an Infringement Notice issued under this section for an offence against this Act.

- “(2) An Infringement Notice can be issued by an authorised officer—
- “(a) to any person who commits an offence against this Act mentioned in Schedule 1 or 2; and
- “(b) instead of prosecuting the person for the offence.
- “(3) An Infringement Notice issued under this section must be in the prescribed form as set out in Schedules 1 and 2 of this Act.
- “(4) A person or a company or business who has been served with an Infringement Notice must pay the penalty stated in the Infringement Notice to the Ministry, within the time specified in the Infringement Notice.
- “(5) If the person pays the infringement penalty within the specified time—
- “(a) no further action may be taken against the person; and
- “(b) no conviction may be recorded for the offence.
- “(6) However, the person may, within the specified time—
- “(a) ask in writing to the Ministry of Health that the matter be heard by the Court; and
- “(b) make submissions about liability or penalty for consideration by the Court.
- “(7) If the person does not pay the infringement penalty within the specified time or comply with subsection (6)—
- “(a) the person is liable to prosecution for the offence; and
- “(b) the infringement notice constitutes the information for the offence.
- “(8) If the Court finds the person guilty of the offence, the Court—
- “(a) may impose a fine as if an information had been laid; but
- “(b) may not enter a conviction against the person for the offence.
- “(9) Each Infringement Notice issued under this section must specify a penalty in the prescribed amount as set in Schedules 1 and 2 of this Act.”

28 Section 41 amended (Additional jurisdiction of the Court)

- (1) Section 41(1) is amended by inserting after each occurrence of “tobacco product” the words “or imitation tobacco product”.
- (2) Section 41(1) is further amended by repealing paragraph (c) and the substituting the following paragraph—
- “(c) Any tobacco, tobacco product or imitation tobacco product in the possession or control of that person, however packaged or labelled, if that person is convicted of an offence under any one or more of sections 9, 14, 15, 16, 17, 18, 19, 41(1)(a), 41(1)(b) or 41(1)(d);”
- (3) Section 41(1) is further amended by omitting from paragraph (d) “section 19” and substituting “section 4A”.

29 Section 43 amended (Regulations)

- (1) Section 43 is amended by inserting the following paragraphs after paragraph (b)—
- “(ba) prescribing any matter related to the licensing of importers, distributors and sellers of tobacco products;
- “(bc) prescribing any matter for the control of illicit sales of tobacco products in accordance with any international convention, protocol or program;
- “(bd) prescribing any matter related to the issue and application of infringement notices to persons who breach this Act or the regulations;”
- (2) Section 43 is further amended by repealing paragraphs (c) and (e).

- (3) Section 43 is further amended by omitting from paragraphs (l) and (m) “manufacturers and” and “manufacturers or”.
- (4) Section 43 is further amended by omitting from paragraph (n) and (o) “manufacturers and” and each occurrence of “manufacturer or”.

Schedule 1
Infringement Notice for offences under the
Tobacco Products Control Act 2007

Government of the Cook Islands
Tobacco Control Act 2007 (as amended)

INFRINGEMENT NOTICE FOR OFFENCES UNDER THE
TOBACCO PRODUCTS CONTROL ACT 2007

OWNER / OPERATOR/ MANAGER

To:
Name:
Address:
Name of Company / Business
Date of birth (dd/mm/yy):

Details of alleged offence

Date (dd/mm/yy):	Time: am / pm	Day of the week: Su M T W Th F Sa
Location (address and description):		

Description of Offence(s)

Offence:	Prescribed penalty:
<input type="checkbox"/> Failure to take all reasonable action to prevent a person from smoking in a public place or workplace which is a No Smoking area. (Section 28(2) Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Failure to take all reasonable action to prevent a person from smoking in a No Smoking area of a food and beverage premises (Section 29 Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Failure to take all reasonable action to prevent a person from smoking in a No smoking area of licensed premises (Section 30 Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Display of tobacco products at a point of sale or other place (Section 4E(1) Tobacco Control Products Act 2007)	\$1,000
<input type="checkbox"/> Tobacco advertisement, promotion or sponsorship (sections 5, 6, 9, 10, 11 Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Sale of a tobacco product to a person under 21 years (Section 13(1) Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Sale/ offering to sell loose cigarettes or tobacco (section 14(1) Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Sale/ offering to sell cigarettes in a package that contains fewer than 20 cigarettes or loose tobacco in a package that contains less than 30 grams (Section 14(2) Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Sale of, or offering to sell, tobacco products without a current license (section 4C of Tobacco Products Control Act 2007)	\$1,000
<input type="checkbox"/> Other (please specify):	
Date of this notice (dd/mm/yy):	
Name of authorised officer:	

The prescribed penalty must be paid to the Ministry of Health, Tupapa or at the alternative location noted below, within 7 days of the date of this notice.

Alternative place for payment of penalty (for use in the Outer Islands):

**Summary of rights
AkapapaangaTikaanga**

1. This notice sets out one or more alleged offences against the Tobacco Products Control Act 2007. Each offence that is identified by a number is a separate offence.

Te akakite nei teia akaueanga e tai me kore e maata atu te au akaapaanga rikiriki o te Tobacco Products Control Act 2007. Ko te au akaapaanga tataki tai kua tata ia te numero ki te pae e akaapaanga takake te reira.

2. If you pay the prescribed penalty in full within 7 days of this notice no further action will be taken. Payment must be made at the Ministry of Health Tupapa, or at the alternative place for payment noted above (if applicable).

Me tutaki koe ite akaapaanga iakoe no teia akaueanga I roto ite itu (7) ra mei tera mai I oronga ia atu ei teia akaueanga, kare teia manamanata e rave akaouia. Kote au tutaki anga no runga I teia au akaapaanga, kia tutaki iatu te reira kiko ite opati o Te Marae Ora I Tupapa me kore ki tetai ngai ke atu tei akanoo ia.

3. You have a complete defence against proceedings if the prescribed penalty is paid in full within 7 days at the Cook Islands Ministry of Health, and no conviction will be recorded against you for the offence(s).

E paruru anga toou mei tetai oroanga kite akavaanga me kua tutaki koe I taau utunga tei akaue ia mai kite Tipatimani o te Akava o te Kuki Airani I tetai taime ua I roto ite itu ra I muri ake ite oronga iaatuanga teia akaueanga kiakoe.

4. You may, within the specified time, ask in writing to the Ministry of Health that the matter be heard by the Court and make submissions about liability or penalty for consideration by the Court. If the Court finds you guilty of the offence(s), you will not receive a conviction but you may incur a higher penalty, and other penalties (including prison terms for individuals for some offences and confiscation of your products and property in accordance with section 41 of the Act).

[Maori translation needed]

5. If you do not pay the prescribed penalty or ask, in writing to the Ministry of Health, that the matter be heard by the Court, within 7 days of this notice, you will be liable to prosecution for the offence(s) stated in this notice, the infringement notice will constitute the information for the offence(s) and upon conviction you may incur a higher penalty, and other penalties (including prison terms for individuals for some offences and confiscation of your products and property in accordance with section 41 of the Act).

[for re-writing] Mei te mea e kare koe I tutaki I teia akaueanga I roto ite itu (7) ra I muri ake ite oronga iaatuanga teia akaueanga, ka kave ia koe kite akavaanga, e me akautuanga iakoe, ka tutaki koe ite utunga moni.

s. 39A(2), (3) and (7)

Schedule 2
Infringement Notice for offences under the
Tobacco Products Control Act 2007

Government of Cook Islands
Tobacco Control Act 2007 (as amended)

INFRINGEMENT NOTICE FOR OFFENCES UNDER THE TOBACCO
PRODUCTS CONTROL ACT 2007

INDIVIDUAL

To: (name)	
Address	
Date of birth (dd/mm/yy):	
Occupation: (if working) Unemployed (if not working) (circle one and state)	Employer:

Details of alleged offence

Date (dd/mm/yy):	Time: (circle) am / pm	Day of the week:(circle) Su M T W Th F Sa
Location (address and description):		

Description of Offence(s)

Offence:	Prescribed penalty:
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in a public place or workplace which is a No Smoking area. (Section 28(1)(e) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in a health care facility (Section 28 (1)(b) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in any part of a government owned or operated buildings, facility or premises (Section 28(1)(c) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in any part of an education facility (Section 28(1)(a) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in any public transport vehicle including air, land or sea (Section 28(1)(d) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in a prescribed public place (Section 28(1)(f) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in a No Smoking area of a food and beverage premises (Section 29 Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Failure to comply with any conditions to stop smoking in a No Smoking area of a licensed premises (Section 30 Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Sale of a tobacco products to a person under 21 years of age (Section 13(1) Tobacco Products Control Act 2007)	\$500
<input type="checkbox"/> Other (please specify):	
Date of this notice (dd/mm/yy):	
Name of Authorised officer: Name..... Signature.....	

The prescribed penalty can be paid at the Ministry of Health, Tupapa or at the alternative location noted below, within 7 days of the date of this notice.

Alternative place for payment of penalty (for use in the Outer Islands):

Summary of rights
Akapapaanga Tikaanga

1. This notice sets out one or more alleged offences against the Tobacco Products Control Act 2007. Each offence that is identified by a number is a separate offence.

Te akakite nei teia akaueanga e tai me kore e maata atu te au akaapaanga rikiriki o te Tobacco Products Control Act 2007. Ko te au akaapaanga tataki tai kua tata ia te numero ki te pae e akaapaanga takake te reira.

2. If you pay the prescribed penalty in full within 7 days of this notice no further action will be taken. Payment must be made at the Ministry of Health Tupapa or at the alternative place for payment noted above (if applicable).

Me tutaki koe ite akaapaanga iakoe no teia akaueanga I roto ite itu (7) ra mei tera mai I oronga ia atu ei teia akaueanga, kare teia manamanata e rave akaou ia. Kote au tutakianga no runga iteia au akaapaanga, kia tutaki iatu te reira kiko ite opati o Te Marae Ora I Tupapa me kore ki tetai ngai ke atu tei akanooia.

3. You have a complete defence against proceedings if the prescribed penalty is paid in full within 7 days at the Cook Islands Ministry of Health, and no conviction will be recorded against you for the offence(s).

E paruruanga toou mei tetai oroanga kite akavaanga me kua tutaki koe I taau utunga tei akaue ia mai kite Tipatimani o te Akava o te Kuki Airani I tetai tai me ua i roto ite itu ra I muri ake ite oronga ia atu anga teia akaueanga kia koe.

4. You may, within the specified time, ask in writing to the Ministry of Health that the matter be heard by the Court and make submissions about liability or penalty for consideration by the Court. If the Court finds you guilty of the offence(s), you will not receive a conviction but you may incur a higher penalty, and other penalties (including prison terms for individuals for some offences and confiscation of your products and property in accordance with section 41 of the Act).

[Maori translation needed]

5. If you do not pay the prescribed penalty or ask, in writing to the Ministry of Health, that the matter be heard by the Court, within 7 days of this notice, you will be liable to prosecution for the offence(s) stated in this notice, the infringement notice will constitute the information for the offence(s) and upon conviction you may incur a higher fine, and other penalties (including prison terms for individuals for some offences and confiscation of your products and property in accordance with section 41 of the Act).

[for re-writing] Mei te mea e kare ko

e I tutaki I teia akaueanga I roto ite itu (7) ra I muri ake ite oronga ia atu anga teia akaueanga, ka kave ia koe kite akavaanga, e me akautuanga ia koe, ka tutaki koe ite utunga moni.

This Act is administered by the Ministry of Health.
Printed under the authority of the Cook Islands Parliament—2024.
