

Bill for a legislative act

**amending the Tobacco Control Act No. 6/2002,
as subsequently amended (chewing tobacco)**

(Submitted to the Althing at its 139th legislative session 2010-2011.)

Article 1.

The following amendments are made to Article 8 of the Act:

- a. The words “with the exception of chewing tobacco” in the fifth paragraph are replaced by: including chewing tobacco.
- b. A new paragraph shall be inserted following the fifth paragraph, reading as follows:
The importation, manufacture and sale of all flavoured and scented smokeless tobacco is prohibited.
- c. The reference “under paras. 8 and 9” in the tenth paragraph, becoming the eleventh paragraph, is replaced by: under paras 9 and 10.

Article 2.

This Act shall enter into force immediately.

Notes on the bill

This legislative bill was prepared in co-operation with the Public Health Institute of Iceland. Its purpose is to reduce the consumption of smokeless tobacco and the damage to health caused by such consumption, as studies have shown that the consumption of smokeless tobacco can lead to a number of diseases. In this context it should be noted that smokeless tobacco contains substances which can cause cancer, principally in the oral cavity, oesophagus and pancreas. The consumption of smokeless tobacco, especially when taken orally, can also cause various periodontitis, loss of teeth and gingival recession, while sweeteners mixed with tobacco can cause dental caries. Also, the consumption of smokeless tobacco can cause premature birth and preeclampsia, and studies have



shown a potential link between smokeless tobacco and diabetes, metabolic syndrome and cardiovascular disease.

The consumption of smokeless tobacco is no less addictive than consuming smoking tobacco, and the smokeless tobacco also contains nicotine, which is easily absorbed through the mucous membrane of the nose and mouth. Nicotine is a type of neurotoxin that can cause toxic symptoms such as nausea and respiratory problems, which can lead to respiratory arrest and resultant death.

In recent years, smoking has become less widespread, but at the same time the use of tobacco for oral use among young people has increased. In other respects, it is unreasonable to compare the use of tobacco for oral use with smoking, as there are few things as hazardous as smoking; it is therefore more reasonable to compare the consumption of tobacco for oral use with abstinence. It should also be noted that marketing by tobacco manufacturers relating to the use of smokeless tobacco in areas where smoking is prohibited poses a general obstacle to the policy of governments across the world to reduce the consumption of tobacco.

In recent years there has been considerable public discussion of the increased use of tobacco for oral use by young males and the use of Icelandic snuff as tobacco for oral use. The Public Health Institute of Iceland commissioned Capacent Gallup to conduct a survey of tobacco for oral use among young people aged 16 – 23. Two surveys were made, with the first done in October and November 2009, and the second in April and May 2010. The conclusions of the surveys confirmed that the consumption was significant, and that the most common use was to dip Icelandic snuff. According to both surveys, the consumption is almost exclusive to boys, with 20% of boys saying that they dip snuff, 15% daily and 5% less than daily. It is safe to say that the conclusions are consistent with the steadily increasing production of Snuff by the State Alcohol and Tobacco Company of Iceland, from 16.8 tonnes in 2007 to 25.5 tonnes in 2010.

In Iceland, the importation, manufacture and sale of fine-grained snuff and tobacco for oral use, with the exception of chewing tobacco, have been prohibited by law since 1 February 1997, when the provisions of Act No. 101/1996 took effect in response to Directive 92/41/EEC, which required Member States of the European Union and the EEA States to ban tobacco for oral use. The notes to the legislative bill for the act pointed out that outside Iceland there had been widespread evidence of attempts by tobacco manufacturers to market new types of flavoured tobacco for oral use and scented fine-grained snuff. These new types of tobacco were especially intended to appeal to young people, with the consequence that in some places, e.g. in Sweden, a significant proportion of young people were beginning to use smokeless tobacco on a regular basis. The notes pointed out that this tobacco was no less addictive than smoking tobacco.

In light of the experience in other countries and the increased consumption by young people of Icelandic snuff as tobacco for oral use, a need is seen to legislate restrictions on the further product development of smokeless tobacco, e.g. through scenting or flavouring. Concurrently, provisions are made for the prohibition of the importation, manufacture and sale of chewing tobacco, which go beyond the provisions of Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products. It should also be noted that according to information from the State Alcohol and Tobacco Company of Iceland, chewing tobacco has not been imported or manufactured in Iceland for the past seven years, notwithstanding permission under Icelandic law to import, manufacture and sell chewing tobacco.

Article 1(a) of the bill proposes that the permission for chewing tobacco should be terminated and that chewing tobacco should be banned like other tobacco for oral use. In reality, it is being ensured that the use of chewing tobacco should not gain a foothold once more in Iceland, as the State Alcohol and Tobacco Company of Iceland has not offered tobacco of this kind for sale in recent years.



In order to prevent the increased use of smokeless tobacco, Article 1(b) of the Bill proposes that all flavoured and scented smokeless tobacco should be prohibited in Iceland. The marketing of tobacco of this kind has primarily targeted young people, and it is therefore important to contain such use, as it is a matter of high priority to prevent the use of tobacco among young people.

This Bill goes further than Directive 2001/37/EC, which prohibits all tobacco for oral use, with the exception of chewing tobacco. This is done for the purpose of securing public health in Iceland and prevent young people from taking up the use of smokeless tobacco.

Since the Bill proposes stricter provisions in Iceland than the provisions of Directive 2001/37/EC, the Bill needs to be presented in the EEA Area in compliance with Act No. 57/2000 concerning the exchange of information on technical regulations on goods and distance marketing of services.

Attachment.

Ministry of Finance

Budget Department:

Comment on a legislative bill amending the Tobacco Control Act No. 6/2002, as subsequently amended (chewing tobacco)

The purpose of this bill of law is to enhance still further the defensive measures against the use of smokeless tobacco. The Bill proposes the withdrawal of exemptions for the importation, manufacture and sale of chewing tobacco. Also, a proposal is introduced on prohibition of the importation, manufacture and sale of all flavoured and scented smokeless tobacco.

According to information from the State Alcohol and Tobacco Company of Iceland, chewing tobacco has not been available for sale in Iceland for a number of years, and there has been no sale of other scented and flavoured smoking tobacco in recent years.

The enactment of the legislative bill will therefore have no impact on the expenditures and revenues of the State Treasury.

 Reykjavik, 21/03/2011
Certified translation
Jón Skaptason


