

Considerations when drafting TAPS legislation



World Health
Organization



International Union
Against Tuberculosis
and Lung Disease

Think about all the different types of TAPS

- What types are there in your country? See the glossary.
- Are there any new types in your country that need to be covered?
- What about future forms of TAPS? How can you prevent them?
- What might be coming up? Have you talked to a marketing specialist recently?

What are you trying to do?

- Implement WHO FCTC Article 13?
- Close existing loopholes?
- Start from scratch?

Do you have existing legislation?

Why do you have what you have?

What loopholes need to be filled?

What obstacles will you face?

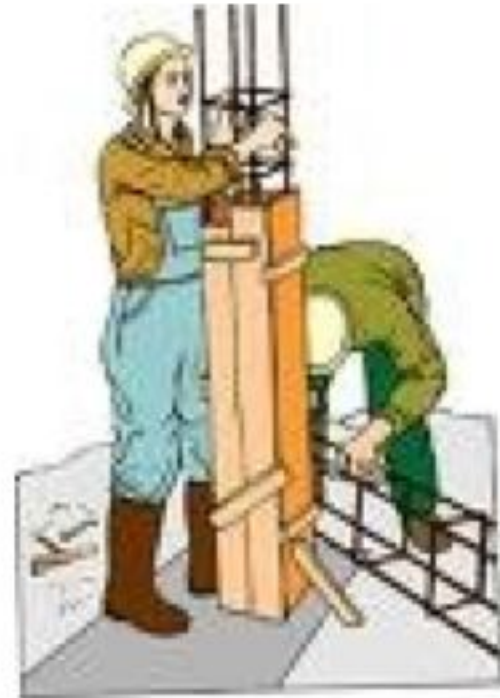
What help/resources do you need?

Structure of the draft law

- Reasons for having the law (preamble)
- Definitions
- A comprehensive ban on TAPS!
- Provision allowing it to be updated where necessary
- Details of legislation repealed by the new law
- Date of entry into force

Definitions are important

- Good definitions are the foundation of a good law



Without good definitions,
you end up with this



More on definitions...

“Most controversies would soon be ended, if those engaged in them would first accurately define their terms, and then adhere to their definitions.”

Tryon Edwards

“Every definition is dangerous”

Erasmus

The solution?

Use WHO FCTC definitions

See WHO FCTC Article 1 (c)

“tobacco advertising and promotion” means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.

And 1 (g)...

- **“tobacco sponsorship”** means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly.
- Article 13 Guidelines offer further explanation, stating that the definition of “tobacco sponsorship” covers “any form of contribution”, financial or otherwise, regardless of how or whether that contribution is acknowledged or publicized.

What tools are available to you?

- An existing law in your country that shows you the loopholes and what more needs to be done?
- WHO FCTC Article 13 guidelines
- Political will to implement Article 13?
- Good laws from other jurisdictions
- Technical legal help from the Bloomberg partners

Does your law stand the WHO FCTC test?

Will you have:

- a comprehensive advertising ban within five years of ratification...
- covering all areas listed in the Article 13 guidelines...
- with good definitions and...
- a provision allowing you to update it if necessary?