POSITION PAPER OF THE NIGERIA TOBACCO CONTROL COMMUNITY ON THE NATIONAL TOBACCO CONTROL ACT (AMENDMENT) BILL 2025

OUR POSITION

This Bill does not protect Nigerians. Recall it.

AS A UNITED ALLIANCE OF MORE THAN 100 CIVIL SOCIETY groups, health advocates, and public-interest organisations, we have carefully reviewed the consolidated National Tobacco Control Act (Amendment) Bill 2025. **Our conclusion is that this Bill does not protect Nigerians.** It instead weakens existing safeguards and creates a wide-open market for tobacco and nicotine companies to thrive at the expense of public health. We demand its immediate recall for a comprehensive and transparent review.

We agree that our primary law, the National Tobacco Control Act of 2015, alongside its 2019 Regulations, requires updating to address evolving markets. However, modernising our legal framework must not mean rolling out a red carpet for new and emerging nicotine and tobacco products. We cannot protect public health by carving out weak rules and loopholes for vapes, heated tobacco products, and nicotine pouches.

> **THE FEW GAINS**
> While the amendment bill contains minor positive updates, such as **Clause 5** which extends smoke-free zones within 30 meters of schools and health facilities, and **Clause 3** which adds the Nigeria Police Force and Youth Development Ministry to the National Tobacco Control Committee, these provisions cannot excuse the far more reckless changes introduced throughout the text.

KEY CONCERNS

1 Rewrites the law's purpose
"Tobacco harm reduction objectives" inserted into section 1

2 Redefines heated tobacco
Excluded from the legal definition of a tobacco product

3 Reopens advertising and sponsorship channels
Adult publications, point of sale, online, events

4 Opens online sales and delivery
Remote orders, courier delivery, open retail display

5 Weakens warnings and penalties
Text-only, capped warnings; specific penalties deleted

6 Grant excessive power to the Minister and leeways to the industry
Self-approved safety dossiers; open-ended exemptions

THE ISSUES

01

“Harm reduction” is an industry decoy.

The Bill amends section 1 of the Principal Act by introducing a new paragraph (n), which inserts "tobacco harm reduction objectives" among the purposes of the Act. At first hearing, this may sound progressive. However, the phrase "harm reduction" has become an industry decoy for promoting new products and justifying lighter regulations for them. Marketing vapes and pouches as less harmful than traditional cigarettes does not make them safe. Across the world, public health professionals are already recording health complications associated with these products. **True harm reduction means breaking addiction, not enabling multinational corporations to recruit a new generation of youth.**

02

Heated tobacco is still tobacco.

Clause 16 alters section 45 of the Principal Act by defining heated tobacco products as non-combustible products and explicitly excluding non-combustible items from the legal definition of a tobacco product. This is a massive deception. **Heated tobacco products contain real tobacco.** Heating it instead of burning it does not re-move its toxicity or addictiveness. In fact, the World Health Organization is clear that heated tobacco products are tobacco products and must be regulated as such. Reclassifying them will not only set a dangerous precedent across Africa but will also undermine Nigeria's standing in the global public health community.

03

The advertising ban is reversed.

Clause 7 amends section 12 by introducing subsection (6). Section 12(1) of the NTCAct 2015 currently prohibits tobacco advertising, promotion and sponsorship. **The proposed subsection reverses this protection for non-combustible products** by permitting advertising through "adult publications," point-of-sale materials and online platforms, as well as sponsorship of cultural, social and recreational events.

04

An "adult" publication where half the readers can be children.

50% adult readership is enough to qualify

Clause 16 of the amendment bill defines an "adult publication" as one whose readership is only 50 per cent or more adults. This means that a publication could qualify as adult-oriented **even if nearly half—or, at the minimum threshold, exactly half—of its readers are children.** Tobacco and nicotine advertisements could therefore be placed in publications with substantial underage audiences while being presented as restricted to adults. The provision also raises a serious enforcement question: who will determine the age profile of readers, using what evidence, and how often will that information be verified? In Nigeria, where young people form a large share of the population (60 percent) and publications circulate widely through websites and social media, such a weak definition offers little protection. It creates a convenient legal route for tobacco advertising to reach children.

05

Shop counters become promotional hubs.

Furthermore, proposed section 12(6)(i)(b) permits point-of-sale promotional materials. When combined with Clause 6, which allows indoor vaping for product sampling, this provision would effectively **turn retail counters into promotional hubs** where consumers can see, sample and be encouraged to purchase these products.

06

“Adults-only" events will reach children online.

The Bill also permits tobacco and nicotine companies to sponsor cultural, social and recreational events supposedly directed at adults. But in today's hyper-digital environment, simply describing a concert or festival as "adults only" does not pro-ect young people. Images, videos and branded content from such events can be shared by influencers, amplified by algorithms and circulated widely across social-media platforms, **where they will inevitably reach children.**

07

Nicotine by courier, to anyone's door.

Section 15(4) of the Principal Act strictly prohibits the sale or distribution of tobacco products through the internet, mail or other online channels. Clause 9 removes this protection for non-combustible products by introducing new sub-sections 15(12) and 15(13)(b), which authorise online sales, remote orders, mail, ship-ping and courier delivery, provided age-verification measures are in place. But we do know from research that **such measures can be easily circumvented.** Adults can order for minors, identification documents can be borrowed, and someone other than the buyer can receive the delivery. Worse still, Nigeria also lacks the capacity to monitor every website, social-media vendor, courier company and delivery rider. The Bill therefore opens distribution channels that regulators will struggle to control.

08

Open displays and cigars in packs of five.

Additionally, Clause 9 allows non-combustible products to be displayed behind retail counters in shops that are not restricted to adults. It also amends section 15(5)to permit cigars to be sold in small packs of five rather than intact packages of at least 20, **lowering the cost barrier to experimentation among young people.**

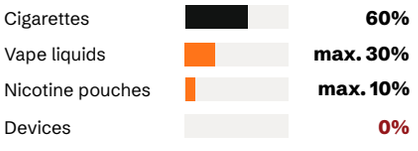
09

Penalties for selling to minors, deleted.

Clause 10 deletes section 16(1) and key penalty clauses in section 16(2)(b), which explicitly enforce punishments for selling to minors, violating packaging rules, and non-compliant distribution. Removing these specific penalties leaves enforce-ment dependent on vague general provisions, **creating legal confusion that directly benefits violators.**

10

Smaller warnings, or none at all.



Share of front of pack carrying a health warning

While conventional tobacco packaging requires 60 percent graphic health warnings, Clause 12 of the amendment bill reduces warning requirements for novel products. Vape liquids require text only warnings covering no more than 30 percent of the front, setting a maximum limit rather than a minimum requirement. Section 20(7)(vi) **explicitly exempts e-cigarette and heating devices from carrying any health warning at all.** Nicotine pouches are limited to text warnings covering no more than 10 percent of the front packaging.

11

Manufacturers mark their own homework.

The Third Schedule of the amendment bill places manufacturers in charge of generating, holding, and internally approving their own safety dossiers under Paragraph 18, while mandating that the Minister of Health to protect their information under Paragraph 18(7). **Public health cannot rely on self-generated, hidden evidence from tobacco manufacturers.**

12

A blank cheque for exemptions.

Additionally, Paragraph 21 grants the Minister **unchecked power to exempt any non-combustible product from any provision of the Bill** under undefined public interest grounds, inviting intense lobbying and regulatory capture.

Who wrote these provisions?

When HB 47 and HB 1151, now consolidated into a single Bill, were presented at a public hearing on 22 November 2024, they contained none of these worrying concessions. **Who introduced these provisions, and which public-health institutions reviewed them?** The public has been completely excluded from the process that produced these dangerous alterations.

OUR DEMANDS

1 **RECALL THE BILL**

The National Assembly must immediately recall the consolidated Bill and subject it to a transparent, public health led review.

2 **PUBLISH THE RECORD**

Publish all committee reports, voting records, and stakeholder submissions, which led to the development of this anti-health bill.

3 **MINISTRY OF HEALTH: CLARIFY**

The Federal Ministry of Health and Social Welfare must publicly clarify its position and demand the recall of the Bill if it was not properly consulted.

4 **PRESIDENT: WITHHOLD ASSENT**

President Bola Ahmed Tinubu must withhold assent should this compromised draft reach his desk.

5 **ONE PRODUCT-NEUTRAL LAW**

Nigeria needs one strong and product-neutral framework for every tobacco and nicotine product. Advertising, sponsorship, sampling, retail display and remote sales must remain prohibited.

We urge all Nigerians, public-health professionals, civil society organisations, young people, parents, the media and other stakeholders to rise and defend public health. We must not remain silent while commercial interests weaken safeguards designed to save lives and shield future generations from addiction and preventable diseases.