



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON HEALTH, COMMUNITY DEVELOPMENT AND SOCIAL
SERVICES**

ON THE

TOBACCO CONTROL BILL, N.A.B. NO. 40 OF 2025

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

FOREWORD

Honourable Madam Speaker, the Committee on Health, Community Development and Social Services, has the honour to present its Report on *the Tobacco Control Bill, N.A.B. No. 40 of 2025*, for the Fifth Session of the Thirteenth National Assembly. The Committee is mandated to consider any Bills that may be referred to it by the House, as per Standing Order 113 (1) and 207(j) of the National Assembly Standing Orders, 2024.

In order to acquaint itself with the ramifications of the Bill, and effectively report to the House, the Committee sought both written and oral submissions from selected stakeholders, the list of which is at Appendix II. The Report is in three parts. PART I highlights the background, objectives and provisions of the Bill, PART II covers concerns raised by stakeholders and PART III contains observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee also wishes to thank you, for affording it the opportunity to scrutinise the Bill. Further, appreciation is extended to the Clerk of the National Assembly for the support and guidance rendered to the Committee throughout its deliberations.



Mr Joseph S Munsanje, MP
CHAIRPERSON

March, 2026
LUSAKA

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1.0. COMPOSITION OF THE COMMITTEE

The Committee consisted of Mr Joseph S Munsanje, MP (Chairperson); Mrs Marjorie Nakaponda, MP (Vice Chairperson); Dr Christopher K Kalila, MP; Mr Paul Chala, MP; Mr Alex Katakwe, MP; Mr Monty Chinkuli, MP; Mr Heartson Mabeta, MP; Mr Leevan Chibombwe, MP; Mr Masautso Tembo, MP; and Mr Miles Sampa, MP.

PART I

2.0. BACKGROUND

The Government of Zambia has been addressing the rising burden of tobacco use through the Public Health (Tobacco) Regulations, Statutory Instrument No. 163 of 1992. This instrument introduced key control measures, including mandatory health warnings on tobacco products, prohibition of tobacco sales to minors, restrictions on smoking in certain public places, and limitations on selected forms of tobacco advertising. Later, the Local Government (Prohibition of Smoking in Public Places) Regulations, Statutory Instrument No. 39 of 2008 reinforced aspects of smoke-free policies by extending restrictions on smoking within public spaces under the authority of local councils.

Although regulatory interventions were considered progressive at the time, they are limited in scope and have fell short of the comprehensive standards required under the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC). For instance, the regulations do not impose a complete ban on tobacco advertising, promotion, and sponsorship; they lacked provisions mandating large pictorial health warnings on packaging; and they do not sufficiently regulate emerging tobacco, nicotine products, and related devices. In addition, tobacco taxation levels have remained comparatively low, and this has contributed to the continued affordability and accessibility of tobacco and nicotine products, particularly among young people. Weak enforcement mechanisms have also undermined compliance with existing smoke-free provisions.

In response to increasing global and regional trends in tobacco consumption and tobacco-related mortality, Zambia ratified the WHO FCTC on 14th May, 2008. Ratification obligated the country, under Article 5.2(b), to adopt comprehensive legislative and administrative measures to reduce tobacco consumption and exposure to tobacco smoke. However, over eighteen years later, Zambia has not enacted a stand-alone tobacco control law aligned with the Convention. In this regard, the enactment of the *Tobacco Control Bill, N.A.B. No. 40 of 2025* has become essential for the country to effectively fulfill its international obligations as provided under the Convention.

3.0. OBJECTS OF THE BILL

The objects of this Bill are to:

- i. provide for the protection of present and future generations from the devastating health, social, environmental and economic consequences of tobacco use, nicotine

- addiction, and exposure to the harmful emissions of tobacco products, tobacco devices, nicotine products or nicotine devices;
- ii. constitute the Tobacco Control Committee and provide for its functions;
 - iii. regulate the manufacture, distribution, sale, import of a tobacco product, tobacco device, nicotine, nicotine product and nicotine device;
 - iv. provide for the packaging and labelling of a tobacco product, tobacco device, nicotine, nicotine product or nicotine device;
 - v. regulate the advertisement, promotion and sponsorship of a tobacco product or tobacco device, nicotine, nicotine product and nicotine device;
 - vi. domesticate the World Health Organisation Framework Convention on Tobacco Control; and
 - vii. provide for matters connected with, or incidental to, the foregoing.

4.0. SALIENT PROVISIONS OF THE BILL

Part I – Preliminary Provisions

Clause 1 provides for the short title and commencement date of the Bill.

Clause 2 provides for the interpretation of technical terms used in the Bill.

Part II – Tobacco Control Committee

Clauses 3 to 6 provides for the constitution, functions, prohibition of members of the committee from affiliation to tobacco industry and secretariat of the Tobacco Control Committee.

Part III – Protection of tobacco control policies from the commercial and other vested interests of the tobacco industry

Clause 7 seeks to mandate the ministry responsible for health, withsetting and implementing public health policies with respect to tobacco control and protection of tobacco control policies from the commercial interest and other vested interests of the tobacco industry.

Clause 8 seeks to limit interactions with the tobacco industry to interaction that is strictly necessary for the effective regulation of the tobacco industry, as well as ensure transparency in the interaction.

Clause 9 provides for the screening, disclosure, and management of a tobacco related conflict of interest by a person responsible for tobacco control.

Clause 11 provides for the implementation of policies to promote economically viable alternatives for tobacco growers and distributors, retailers and individual sellers of tobacco.

Part IV – Information, Education and Communication

Clauses 12 to 14 provides for, and seeks to mandate the ministry responsible for health, to undertake, through a comprehensive and nation-wide education and information campaign programme, to promote public awareness about the health consequences, addictive nature and mortal threat posed by tobacco use and exposure to tobacco smoke.

Part V – Smoke free environments

Clause 15 provides for Protection from exposure to tobacco smoke and other emissions by prescribing smoke-free environments and a penalty for contravening the provision.

Clause 16 seeks to place duties on a responsible officer to ensure adherence of rules in smoke free environments.

Part VI – Application for Licence or Permit

Clause 19 mandates the Department responsible for industry in the ministry responsible for commerce, trade and industry to administer Part VI under this Part supervision of the Permanent Secretary in the ministry responsible for industry.

Clause 20 seeks to provide for prohibitions of the manufacture, distribution at wholesale or retail or sell of a tobacco product, tobacco device, nicotine, nicotine product or nicotine device without a licence issued. Further, it provides for prohibitions of their import or export without a permit issued.

Part VIII – Product and Device Sales

Clause 29 provides for the packaging and labelling of a tobacco product or tobacco device; display of health warnings on packaging and labelling of a tobacco product or tobacco device.

Part VIII – Product and Device Sales

Clause 35 specifically prohibits the selling or offer for sale of a tobacco product, tobacco device, nicotine, nicotine product or nicotine device to persons under the age of 18.

Clause 42 provides for prohibitions of the manufacture, distribution, sell or importation of a tobacco product or nicotine product relating to the categorised ingredients or emissions.

Part IX - Advertising, Promotion and Sponsorship

Clause 44 prohibits both domestic and cross border advertising, promotion and sponsorship of a tobacco product, tobacco device, nicotine, nicotine product or nicotine device in any form or manner, including corporate social responsibility activity.

PART II

5.0. SUBMISSIONS AND CONCERNS FROM STAKEHOLDERS

The stakeholders valued the principle of introducing regulations for the tobacco industry through the *Tobacco Control Bill, N.A.B. No. 40 of 2025*. However, they presented divergent concerns largely centred on balancing public health priorities with commercial and environmental interests. The details of their concerns are set out below:

Part I: Preliminary Provisions

5.1. *Clause 1 – Short title and commencement*

Most stakeholders were concerned that the requirement of a Statutory Instrument to commence this Bill would delay its implementation. They argued that the provision was not necessary because administrative systems were already in place, further noting that, globally, many tobacco control laws commenced without Statutory Instruments. In view of this, stakeholders insisted on the removal of this provision in clause 1.

5.2. *Clause 2 - Interpretation*

5.2.a. Definition of “customs officer”.

The Bill defines “customs officer” as:

“an officer appointed by the Commissioner General of the Zambia Revenue Authority to carry out customs functions under the Customs and Excise Act.”

Stakeholders proposed to amend the definition by deleting the word “customs” before “function”, to enhance clarity and avoid ambiguity in interpretation. Therefore, the definition should read:

“an officer appointed by the Commissioner General of the Zambia Revenue Authority to carry out a function under the Customs and Excise Act.”

5.2.b. The definition of “employee”.

The Bill defined “employee” as:

“...means a person who, in return for wages or commission, enters into a contract of employment and includes—

(a) a casual employee;

(b) a person employed under a contract of apprenticeship made in accordance with the Apprenticeship Act;

(c) an independent contractor; or

(d) a person engaged to perform piece work”

Stakeholders observed that the definition imports concepts from general labour law, which would not fully capture the scope of protections and responsibilities under Part V (Smoke-Free Environments). They therefore recommended a broader and functional definition as follows:

“employee means a person who has entered into a contract of service, whether the contract is express or implied, oral or in writing, and whether the remuneration is calculated by time or work done, or is in cash or kind, and

includes a person employed under a contract of apprenticeship made in accordance with the Apprenticeship Act or a casual employee and “employment” shall be construed accordingly”

5.2.c. *Definition of “smoke”*

The Bill defines “smoke” as:

“...to inhale, exhale or be in possession or control of an ignited or heated tobacco product, tobacco device, nicotine product or nicotine device or emissions produced by an ignited or heated tobacco product, tobacco device, nicotine product or nicotine device, by any means and “smoking” shall be construed accordingly”.

Stakeholders submitted that, the definition potentially created enforcement challenges, as it did not address the result of the act, namely the emission produced, but focuses on an individual’s interaction with the product or device. Under this definition, it would be an offence to “be in possession or control of an ignited or heated” device, placing a significant evidentiary burden on enforcement officers, for purposes of issuing appropriate sanctions under clause 15 of this Bill.

An emissions-based approach, they argued, would provide a more objective and enforceable standard as it focused on device activation and the resulting emission. Consequently, stakeholders proposed the following alternative definition:

“smoke” means being in possession or control of an ignited, heated or activated tobacco product, tobacco device, nicotine product or nicotine device regardless of whether any aerosol or vapour is being actively inhaled or exhaled, and “smoking” shall be construed accordingly.

5.2.d. *The definition of “tobacco industry”.*

The Bill defined “tobacco industry” as:

“tobacco industry” means a manufacturer, wholesale or retail distributor, seller or importer of a tobacco product, tobacco device, nicotine product or nicotine device, and an entity or individual working on behalf of, or to further the interests of, the tobacco industry but does not include a tobacco grower”

Some stakeholders opposed excluding tobacco growers from the “tobacco industry,” while others supported it, noting the Bill sought to regulate consumption rather than production. They added that tobacco growers were already defined and regulated under the *Tobacco Act No. 10 of 2022*.

5.2.e. *Insert definition for “new and emerging nicotine and tobacco products and devices”.*

The Committee was informed that the Bill did not adequately address ‘new and emerging nicotine and tobacco products, such as heated tobacco products, nicotine pouches, vapes, e-cigarettes, and shisha. Stakeholders noted

that these were increasingly marketed online to young people and proposed clearer definitions and specific regulatory provisions.

Part II: The Tobacco Control Committee

5.3. Clause 3 – Constitution of the Tobacco Control Committee

Stakeholders submitted that the omission of the ministry responsible for agriculture from the Tobacco Control Committee was a significant oversight. The ministry could play a key role in implementing policies promoting viable alternatives to tobacco growing under clause 11 of the Bill which it had already demonstrated in Chipangali District. Additionally, they argued that the ministry participated in Government delegations to meetings of the Conference of Parties on the WHO FCTC. Stakeholders therefore proposed its inclusion under Clause 3(2)(b).

Further, some stakeholders expressed concern that, although the Bill established a Tobacco Control Committee, it did not provide dedicated financing for its operations. They noted that the absence of funding mechanisms could weaken implementation, enforcement, coordination, and public awareness initiatives. Therefore, they preferred the creation of a Tobacco Products and Nicotine Control Fund with defined funding sources, management and utilisation provisions.

Part III: Protection of Tobacco Control Policies from the Commercial and other Vested Interests of the Tobacco Industry

5.4. Clause 7 – Protection of Tobacco Control Policies

Most stakeholders raised concern over Clause 7(1) assigning the ministry responsible for health sole responsibility to safeguard tobacco control policies from the commercial interest and other vested interests of the tobacco industry. They argued that this could create a regulatory gap, as interference could occur in other sectors such as trade, finance, education, and agriculture. Stakeholders therefore emphasised adherence to Article 5.3 of the WHO FCTC, which required protection across all government institutions, and proposed amending Clause 7(1) to reflect a more inclusive government approach, as follows:

“The ministry responsible for health shall, together with ministries responsible for trade, finance, education, and agriculture, in setting and implementing public health policies with respect to tobacco control, protect the tobacco control policies from the commercial interest and other vested interests of the tobacco industry”

Some stakeholders highlighted Zambia’s poor ranking of 94 out of 100 countries in the 2025 Global Tobacco Industry Interference Index, indicating high susceptibility to industry interference. They emphasised the need for stronger safeguards to protect public policy-makers from undue influence by the players in the tobacco industry.

Further, some stakeholders reasoned that terms like “commercial interests” and “relevant stakeholders” in clause 7(1) were ambiguous and could exclude legitimate industry actors from policy dialogue. They, therefore, proposed inserting clearer

definitions of the terms to enable structured engagement, warning that severe criminal penalties might deter or penalise innocent participation.

5.5. Clause 9 - Prevention and Management of Conflicts of Interest

The exclusion in clause 9(2), which prohibited persons from the tobacco industry from being nominated or appointed to serve on a national delegation to meetings of the Conference of the parties relating to the Convention, was viewed by some stakeholders as overly restrictive. However, others justified the provision as necessary to prevent known instances of tobacco industry interference in public health policymaking.

5.6. *Clause 11-Economical Viable Alternative*

Stakeholders proposed revising Clause 11 to make it legally binding by replacing the discretionary term “may” with the mandatory “shall”, ensuring enforceable support for livelihoods affected by tobacco control measures.

Additionally, other stakeholders proposed establishing a transitional funding mechanism to support alternative agricultural activities for tobacco farmers. However, others noted that existing Government initiatives such as, the Comprehensive Agriculture Transformation Support Programme, Farmer Input Support Programme, and Constituency Development Fund were adequate to provide support for such transitions.

Part IV: Information, Education and Communication

5.7. *Clause 14 - Tobacco Control Education and Dissemination to Form Part of Health Care*

Stakeholders submitted that, although the Bill included provisions on Information, Education and Communication (IEC), the absence of explicit cessation services created ambiguity for healthcare providers and individuals seeking support to quit tobacco or nicotine use. They argued that, IEC initiatives would inevitably generate demand for rehabilitation services, making cessation support an essential component of the Bill.

To address this gap, stakeholders proposed including cessation provisions under Part IV, particularly in clause 14(2). Stakeholders proposed inserting the following provision:

“the ministry responsible for health shall provide training for healthcare providers to acquire skills for proper information dissemination and education on tobacco and nicotine use or exposure to tobacco smoke, and offer tobacco cessation services.”

Further, they recommended empowering the Minister responsible for health to issue SI's on tobacco cessation services by expanding clause 55(2) to include a new sub-clause (2)(t), requiring measures that promoted cessation, including treatment capacity, evidence-based guidelines, and medical support.

Part V: Smoke-Free Environments

5.8. *Clause 15- Protection from Exposure to Tobacco Smoke and other Emissions*

The Committee learnt that while clause 15(2) prescribed smoke-free environments, Regulation 5(1) of SI No. 163 under the Public Health (Tobacco) Regulations, 1992 also prescribed the restricted smoking areas. Similar provisions were contained in, sections 2 and 3(1) of the Local Government (Prohibition of Smoking in Public Places) Regulations, SI. No. 39 of 2008. They therefore urged the responsible ministries to revoke the SI once the Bill was enacted to avoid regulatory delicacy and reduce inconsistencies.

Part VI: Application for a Licence or Permit

5.9. Clause 19 - Administration of Part

Most stakeholders expressed concern that clause 19(1) would transfer the issuance of licences or permits for tobacco and nicotine products to the department responsible for industry, thereby omitting the ministries responsible for health and environment from this function. They argued that tobacco control was primarily a public health and environmental matter, and therefore licensing should be undertaken in consultation with the concerned ministries.

In this regard, stakeholders proposed the addition of a new clause at 19 (3) to read:

“The Department responsible for licensing and permits in the administration of this Part shall consult with the ministries responsible for public health and environment to ensure all the requirements under this Act are fully complied with by a manufacturer, importer or distributor of tobacco and nicotine products prior to issuing such licence or permit”.

Additionally, they submitted that the above amendments would ensure the Bill’s licensing and regulatory framework under Part VI (clauses 19-27) complemented other laws such as, the Public Health Regulations and emission licence requirements prescribed in section 34 of the *Environmental Management Act No. 12 of 2011* (as amended by Act No. 8 of 2023).

5.10. Clause 20 - Prohibition of Manufacture, Distribution, Sell, Import or Export of Tobacco Product, without Licence or Permit

The Committee was informed that clause 20(1), which required licensing across the entire retail chain, could disrupt the tobacco distribution networks serving about 15,000 small and medium retailers, increase compliance costs, and reduce industry contributions of about ZMW700 million through the importation of illicit tobacco and nicotine products and devices. Stakeholders therefore proposed limiting licensing to manufacturers, importers, and distributors, with simplified retailer registration and phased implementation.

Further, other stakeholders justified that illicit tobacco was not a significant concern in Zambia, noting that the country had a relatively low illicit cigarette prevalence of approximately 12.2% compared to some Sub-Saharan African countries where levels reached about 54%. They added that any operational concerns could be addressed through regulations issued by the minister responsible for licensing and permits.

Stakeholders submitted that Clause 20(2), provides that:

“A person shall not import or export a tobacco product, tobacco device, nicotine, nicotine product or nicotine device without a permit issued under section 21.”

Stakeholders submitted that the clause did not reference licensing under *the Customs and Excise Act, Chapter 322 of the laws of Zambia*, or permits under the *Control of Goods Act, Chapter 421 of the laws of Zambia*. They added that importing cigarettes required stamps from the Zambia Revenue Authority. These controls were vital for regulating the manufacture, distribution, sale, and import of tobacco products, aligning with the Bill’s objectives and strengthening enforcement. On that premise, stakeholders proposed revising the clause to read:

“A person shall not import or export a tobacco product, tobacco device, nicotine, nicotine product or nicotine device without a permit issued under section 21 and any other applicable law”

Part VII: Packaging and Labelling

5.11. Clause 29-Display of Health Warnings on Packaging and Labelling of Tobacco product or Tobacco Device

Some stakeholders expressed concern that clause 29(1)(a) restricted the packaging and labelling of tobacco products and devices by requiring prominent health warnings indicating their dangers. They submitted that the WHO FCTC recommended warnings covering 30 to 50 per cent of the principal display area, whereas the Bill mandated graphic warnings covering 75 per cent. According to the stakeholders, such a requirement could significantly limit legitimate brand visibility, weaken brand differentiation, and make it more difficult for consumers to identify authentic products, thereby potentially facilitating illicit trade and undermining regulatory objectives. On the other hand, the Customs and Excise Act, Chapter 322 of the Laws of Zambia prescribed the use of a standard tax stamp affixed to cigarette packs sold in Zambia.

Conversely, other stakeholders disputed the claims, citing Article 11(1)(b)(iv) of the Convention, which allowed health warnings to cover 50 per cent or more of the principal display areas, provided they were not less than 30 per cent. They therefore, argued that clause 29(1)(a) was consistent with the WHO FCTC recommended standards. Regarding, tax stamps, some stakeholders submitted that the stamps covered only a small portion of tobacco product packaging. However, they noted the need to revise the design of tax stamps in accordance with section 108A of the Customs and Excise Act, Chapter 322 of the Laws of Zambia.

Part VIII: Product and Device Sales

5.12. Clause 35 - Prohibition of sale of tobacco product, tobacco device, nicotine, nicotine product or nicotine device to persons under eighteen years

The Committee was informed that the prohibition under Clause 35(1) on the sale of tobacco and nicotine products to persons under eighteen was inadequate. Stakeholders

argued that scientific evidence showed that the brain's prefrontal cortex, responsible for decision-making and impulse control, developed in people aged between twenty two and twenty six (mid-twenties) making young people vulnerable to nicotine addiction. They therefore recommended raising the legal age for purchase and use to twenty-one (21).

5.13. Clause 42- Prohibitions Relating to Ingredients or Emissions

Some stakeholders considered clause 42 unnecessary, arguing that the Bill already establishes an age threshold allowing individuals aged eighteen years and above to make informed decisions on the consumption of flavoured tobacco and nicotine products and devices. In their view, adults should retain the freedom to choose among product variants, similar to practices in the alcohol industry. They further cautioned that prohibiting flavoured products, particularly menthol or mint variants, could shift up to 40 per cent of legal consumption to illicit markets due to sustained consumer demand. As a result, Government could potentially lose significant revenue and employment opportunities within the industry. Stakeholders, therefore, contended that regulatory efforts should prioritise the strict enforcement of age-restriction mechanisms rather than imposing a blanket prohibition arising from enforcement weaknesses.

On the contrary, other stakeholders emphasised the importance of clause 42 in prohibiting flavoured tobacco and nicotine products. They contended that flavours were widely known to attract young users and encouraged early nicotine addiction. Consequently, banning flavoured additives and other features that increased product appeal would be an important measure to prevent youth initiation and reduce future nicotine dependence.

5.14. Clause 44- Prohibition of Advertising, promoting or Sponsoring Tobacco Product

Some stakeholders submitted that while clause 44 prohibited advertising, promotion, and sponsorship, clause 44(4)(d) and (s) identified display at a Point of Sale and Corporate Social Responsibility (CSR) activities by the tobacco industry as prohibited. Stakeholders submitted that this consideration was justified by concerns regarding the marketing of tobacco products near schools and the display of tobacco products alongside sweets, which possibly increased their appeal and accessibility to children and other young persons. They, specifically, argued that CSR activities often operated as reputational shields, enabling companies to portray themselves as socially responsible while continuing to market products that caused serious harm to public health in Zambia. In this regard, the stakeholders maintained that prohibiting these activities would help prevent direct or indirect promotion of tobacco and nicotine products.

However, other stakeholders cautioned that a blanket prohibition on all forms of advertising, promotion, and sponsorship, could restrict legitimate community support programmes. They cited the construction of schools, health facilities, reforestation efforts or support for local events in tobacco-growing communities as tangible examples. Prohibiting CSR initiatives, they argued, could undermine community development and sustainability efforts. In light of this, they proposed that silent CSR initiatives be permitted, provided they were not branded or publicly attributed to tobacco companies or the industry.

Part XI: General Provisions

5.15. Clause 50- Appeals

Stakeholders urged the Committee to maintain the provision relating to appeals for licensing and permits under the ministry responsible for health, noting that the Bill was a public health matter. They further proposed that clause 50 be reclassified and placed under Part VI of the Bill, where provisions relating to licences and permits were addressed, in order to ensure appropriate legislative structuring.

5.16. Clause 53- General Penalty

The clause states that:

“A person who commits an offence for which a penalty is not provided is liable, on conviction, to a fine not exceeding three hundred thousand penalty units, or to imprisonment for a term not exceeding three years, or to both.”

To avoid ambiguity as to which law the offence under consideration was committed, stakeholders proposed the inclusion of the words “under this Act” just after the word “offence”.

Therefore, the section should state:

“A person who commits an offence under this Act for which a penalty is not provided is liable, on conviction, to a fine not exceeding three hundred thousand penalty units, or to imprisonment for a term not exceeding three years, or to both.”

CROSS CUTTING CONCERNS

5.17. Commercial interest of tobacco

Stakeholders informed the Committee that the tobacco industry remained economically significant for Zambia, with an estimated 46,329 farmers engaged in tobacco production, mainly in Eastern, Western and Central Provinces. They submitted that approximately 95–97 per cent of tobacco produced was exported, while only about 3–5 per cent was consumed domestically. The Committee was further informed that, in 2025, tobacco remained a key non-traditional export, with production reaching about 72 million kilograms valued at approximately USD 200 million, representing a 62 per cent increase from 2024 and accounting for about 22.2 per cent of agricultural export earnings. Additionally, stakeholders projected that production would increase to around 80 million kilograms in 2026, potentially generating about USD 230 million in export revenue.

5.18. Overlapping mandates

Some stakeholders submitted that, although the Bill was primarily a public health measure, it could indirectly reduce tobacco production, thereby potentially conflicting with the objectives of the *Tobacco Act No. 10 of 2022*, which provided for the promotion and regulation of tobacco production. They submitted that certain provisions appeared

to overlap with the mandates of ministries responsible for commerce and agriculture, particularly section 4(a) which provided for functions of the Tobacco Board of Zambia. In this regard, they proposed that the Bill should be limited to regulating the consumption of tobacco and nicotine products, while production and trade oversight should remain under existing commercial regulatory frameworks.

However, other stakeholders disagreed with this position. They submitted that the *Tobacco Control Bill No. 40 of 2025* was clearly targeted at regulating consumption and public health aspects of tobacco use rather than production. They further noted that the Bill aimed to regulate the manufacture, importation, distribution, and sale of tobacco and nicotine products, while also contributing to the achievement of Sustainable Development Goals 3 and 13 relating to health and climate action, respectively.

5.19. The Health and Environmental Considerations

Another section of stakeholders submitted that, despite the tobacco sector's commercial importance, tobacco use remained a major public health concern in Zambia, contributing to disability, premature deaths and a rising burden of non-communicable diseases such as cancers, cardiovascular diseases and chronic respiratory conditions. The Committee was informed that tobacco consumption contributed to more than 7,100 preventable deaths annually and imposed a significant economic burden estimated at about ZMW 2.8 billion each year, including approximately ZMW 154 million in direct health care expenditure. Stakeholders further noted that while the tobacco industry contributed about 0.4 per cent to Zambia's Gross Domestic Product (GDP), tobacco-related losses were estimated at approximately 1.2 per cent of GDP.

Stakeholders also cited findings from the Regulatory Impact Assessment conducted under the Business Regulatory Act No. 3 of 2014, which suggested that the enactment of the *Tobacco Control Bill No. 40 of 2025* could significantly reduce per-person healthcare costs. They further submitted that projections under the WHO FCTC indicated that, in fifteen years, Zambia could save approximately ZMW 12.4 billion in healthcare and productivity losses and prevent more than 40,000 tobacco-related deaths. In this regard, they observed that the economic and health costs of tobacco use outweighed the revenues generated from the sector.

The Committee was further informed that emissions from tobacco consumption and production contributed to environmental degradation, including deforestation associated with approximately 59,000 hectares of farmland used for tobacco cultivation. Stakeholders therefore emphasised the need for environmental safeguards consistent with Article 18 of the WHO Framework Convention on Tobacco Control to protect public health and the environment.

PART III

6.0. COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

After carefully considering submissions from all stakeholders, the Committee observes that, stakeholders generally supported the regulation of tobacco. However, they maintained highly polarized considerations for public health, commerce, and the environment. Nonetheless, in its assessment of these competing interests, the Committee supports the Bill and presents the following observations and recommendations.

Short title and commencement

- 6.1. The Committee, in agreeing with majority stakeholders, observes that the provision requiring a Statutory Instrument by the Minister to operationalise the Bill is unnecessary. It, therefore, recommends that due to the need to urgently operationalise the Bill, there is need to hasten putting in place all the administrative measures so that the Bill comes into operation within the shortest possible time.

Interpretation

- 6.2. The Committee observes that some definitions in the Bill present technical challenges for interpretation and enforcement. It therefore recommends revising terms such as “customs officer”, “employee” and “smoke” to ensure clarity, as proposed. Additionally, the Committee recommends the introduction of definitions for ‘new and emerging nicotine and tobacco products and devices’ and ‘commercial interest’ and provide for their regulation.

Constitution of the Tobacco Control Committee

- 6.3. The Committee observes that the ministry responsible for agriculture has been excluded from the Tobacco Control Committee in the Bill. In this regard, the Committee recommends that the ministry be included under Clause 3(2)(b) so that they form part of the Tobacco Control Committee, recognizing the Ministry’s effective coordination on agricultural matters, including policies that promote viable alternatives to tobacco growing.
- 6.4. The Committee observes the absence of a dedicated financial mechanism to support the operationalisation of the Tobacco Control Committee. In view of this, the Committee recommends for the establishment of the Tobacco and Nicotine Products Control Fund, noting that adequate funding is critical to ensure the effective implementation and sustainability of measures proposed in the Bill.

Protection of tobacco control policies

- 6.5. The Committee notes the need for an inclusive government approach to implementing tobacco control policies, as proposed, rather than limiting responsibility to the ministry responsible for health. As such, it recommends revision to clause 7(1) to enable inclusion of all relevant government sectors, including trade, finance, education, and agriculture.

Tobacco control education and dissemination to form part of health care

- 6.6. The Committee is concerned about the absence of cessation services to rehabilitate vulnerable consumers of tobacco and nicotine products. It therefore recommends that the Bill be amended to provide for tobacco cessation services under clause 14(2), as proposed. Further, the Committee recommends strengthening the provision by inserting a sub-clause under clause 55(2), to empower the Minister responsible for health to issue regulations promoting cessation services.

Revising the legal age for purchase of tobacco products and devices

- 6.7. The Committee notes that the prescribed legal age for the sale and use of tobacco and nicotine products and related devices is inadequate. It, therefore, recommends amending Clause 35(1) to raise the minimum legal age for the sale and use of tobacco and nicotine products and devices from eighteen to twenty-one, to reduce vulnerability to nicotine addiction among young people.

Application for a licence or permit

- 6.8. The Committee observes that clause 19 designates the ministry responsible for industry as the primary licensing authority, while omitting the ministries responsible for health and environment. The Committee therefore, recommends that the clause be revised to provide for consultation among these ministries in the issuance of licences and permits, and further urges the ministries to streamline administrative procedures for establishing a one-stop-licensing mechanism.

Appeals relating to licensing and permits

- 6.9. The Committee observes that assigning appeals on licensing and permits to the ministry responsible for industry undermines the public health aspirations of the Bill. It, therefore, recommends that this function be vested in the ministry responsible for health and that the relevant provisions under Clause 50 be reclassified and placed under Part VI of the Bill to enhance structural coherence.

Prohibition of advertising, promoting or sponsoring tobacco product

- 6.10. The Committee observes that restrictions on advertising, promotion, and sponsorship of tobacco products are necessary. However, it is concerned that blanket prohibitions may affect genuine community-focused Corporate Social Responsibility (CSR) initiatives. It therefore recommends allowing silent CSR activities, provided they are not branded and do not directly promote tobacco or nicotine products.

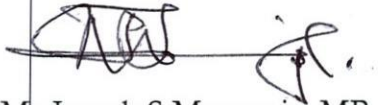
Strengthen harmonisation and enforcement of legislation

- 6.11. The Committee observes that public health regulations relating to tax compliance, licensing and permits, and environmental protection require better coordination. In this regard, the Committee recommends that existing regulations under the relevant ministries be harmonised to address the fragmented nature of public health legislation on tobacco control, accordingly.

- 6.12. The Committee notes that weak implementation of prevailing tobacco regulations has undermined confidence in the Bill. In this regard, the Committee recommends strengthening enforcement of tobacco control regulations and measures if the Bill's public health objectives are to be achieved.

7.0. CONCLUSION

While acknowledging commercial interests, the Committee supports the *Tobacco Control Bill, N.A.B. No. 40 of 2025*, as a vital public health intervention to reduce tobacco and nicotine abuse and exposure. It underscores the need for clear, enforceable provisions on health and environmental protection, especially for children, adolescents, and young adults. These measures will help prevent tobacco-related diseases, reduce premature deaths, and promote healthier communities nationwide. The Committee therefore urges the House to endorse this Report, and hopes that the Executive will address the highlighted concerns and recommendations.



Mr Joseph S Munsanje, MP
CHAIRPERSON

March, 2026
LUSAKA

APPENDIX I - NATIONAL ASSEMBLY OFFICIALS

Mr Charles Haambote, Director (Social Committees)
Mrs Chitalu K Mumba, Deputy Director (Social Committees)
Mr Geoffrey Zulu, Deputy Director (Financial Committees)
Mr Darius Kunda, Senior Committee Clerk (SC1)
Mr Kelezo Lushako, Committee Clerk
Mr Andrew Siwale, Committee Clerk
Ms Catherine Chibuye, Administrative Assistant II
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi S Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II–LIST OF WITNESSES

Alliance for Accountability Advocates Zambia
Alliance One Zambia Limited
Amref Health Africa - Zambia
British American Tobacco (Zambia) Plc
Cancer Diseases Hospital
Centre for Primary Care Research
Centre for Trade, Policy and Development
Development Gateway
Japanese Tobacco International
Ministry of Agriculture
Ministry of Commerce, Trade and Industry
Ministry of Green Economy and Environment
Ministry of Health
Ministry of Justice
Roland Imperial Tobacco Company Limited
Tobacco Board of Zambia
Tobacco Control Consortium of Zambia
Tombwe Processing Limited
United Nations System
Zambia Alliance for Tobacco Control
Zambia Association of Manufacturers
Zambia Cancer Society
Zambia Chamber of Commerce and Industry
Zambia Medical Association
Zambia Non-Communicable Diseases Alliance
Zambia Paediatrics Association
Zambia Revenue Authority
Zembaleaf Tobacco Company Limited