A LEGAL STUDY ON REGULATING THE SALE OF CIGARETTES BY RETAILER ON CHILDREN WITH REFERENCE TO THE CONTROL OF TOBACCO PRODUCT REGULATIONS 2004

NURFARAHANA BINTI BAHAMAN

Dissertation submitted in partial fulfilment of the requirements for the degree of Master of Enforcement Law

Faculty of Law

February 2017
AUTHOR’S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Post Graduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

Name of Student : Nurfarahana Binti Bahaman
Student I.D. No. : 2015200332
Programme : Masters of Enforcement Law – LW707
Faculty : Law
Thesis/Dissertation Title : A Legal Study on Regulating the Sale of Cigarettes by Retailer on Children with Reference to the Control of Tobacco Product Regulations 2004.

Signature of Student : …………………………………………………
Date : February 2017
Enforcing laws banning tobacco sales to minors is widely advocated as a way to reduce young people’s access to tobacco and tobacco use. Numerous researches have been done regarding social determinant factors of smoking among adolescents and yet lack of research have been done on impact of retail tobacco access on smoking adolescents in Malaysia. This study aims to set up a specific mechanism to better regulate the sale of cigarettes by the retailers on children with reference to the Control of Tobacco Product Regulations 2004. This is a qualitative study where two sources of data are collected. A face-to-face interview is held with a qualified representative from the Ministry of Health to probe in-depth into the procedures in place as well as enforcement of the law in Malaysia. Findings from this study is that the current legislation which is regulated under the Food Act 1983, is not adequate in enforcing provisions related to tobacco use especially on minors. A new independent act needs to be enacted to regulate the tobacco control on its own as a whole and retail tobacco permitting should be implemented to retailers in order to strictly reduce adolescents’ access to tobacco and tobacco product specifically cigarettes.
# TABLE OF CONTENTS

**AUTHOR’S DECLARATION** ii  
**ABSTRACT** iii  
**ACKNOWLEDGEMENT** iv  
**TABLE OF CONTENTS** v  
**LIST OF ABBREVIATION/NOMENCLATURE** ix  

## CHAPTER ONE: INTRODUCTION  
1.1 Research Title  
1.2 Research Outline  
1.3 Research Background  
1.4 Problem Statement  
1.5 Research Question  
1.6 Research Objective  
1.7 Research Methodology  
1.8 Scope and Limitation  
1.9 Significance of Research  
1.10 Literature Review  
  1.10.1 Conceptual framework  
    1.10.1.1 Global trends in adolescent smoking  
    1.10.1.2 Reciprocal factors of smoking  
    1.10.1.3 Retail tobacco access  
  1.10.2 Legal framework  
    1.10.2.1 Tobacco control in Malaysia  
    1.10.2.2 Tobacco control in Singapore  
    1.10.2.3 Tobacco control in United States of America  

## CHAPTER TWO: TOBACCO CONTROL IN MALAYSIA  
2.1 Overview of Chapter  
2.2 Introduction of Control of Tobacco Products Regulations  
  2.2.1 WHO Framework Convention on Tobacco Control
2.3 Food Act 1983 (Act 281)

2.3.1 Amendment of Food Act 1983

2.3.1.1 Food (Amendment) Act 2001 (Act A1117)

2.3.1.2 Food (Amendment) Act 2006 (Act A1266)

2.3.2 Related terms and definitions

2.3.3 Provisions for application to tobacco, etc.

2.4 Control of Tobacco Product Regulations 2004

2.4.1 Amendments of Control of Tobacco Product Regulations 2004

2.4.1.1 Control of Tobacco Product (Amendment) Regulations 2008

2.4.1.2 Control of Tobacco Product (Amendment) (No. 2) Regulations 2009

2.4.1.3 Control of Tobacco Product (Amendment) Regulations 2010

2.4.1.4 Control of Tobacco Product (Amendment) Regulations 2011

2.4.1.5 Control of Tobacco Product (Amendment) Regulations 2012

2.4.1.6 Control of Tobacco Product (Amendment) Regulations 2013

2.4.1.7 Control of Tobacco Product (Amendment) Regulations 2014

2.4.1.8 Control of Tobacco Product (Amendment) Regulations 2015

2.4.1.9 Control of Tobacco Product (Amendment) (No 2) Regulations 2015

2.4.2 Related terms and definitions

2.4.3 Provisions relating to retailers

2.4.4 Prohibitions Regarding Minors

2.5 Enforcement of the Laws