

Parliament passes tough new law on smoking.

Parliament yesterday passed a Bill that will further restrict where, when and with whom smokers can light up.

After years in the mill, the Tobacco Products Control Amendment Bill was approved by the National Council of Provinces yesterday and has been sent to President Thabo Mbeki for signature.

The law will make it illegal to smoke in a car with a child under 12 or to take children under 18 into the smoking area of a restaurant or pub.

Parliament shied away from banning smoking in homes while domestic workers were present, but has forbidden smoking in any home that offers commercial services for children. A paid child-minder or tutor will not be allowed to smoke in that part of the home in which children are taught or cared for.

The Bill bans smoking in sports stadiums, in partly enclosed public spaces such as restaurant patios, in mini-bus taxis and on trains — and even on passenger ships or boats.

Once Health Minister Manto Tshabalala-Msimang has issued the regulations called for in the new law, it will become illegal to smoke outside doorways or near windows or air-conditioning inlets.

The Bill sailed through parliament, despite a misstep by Tshabalala-Msimang.

She muddled her motivation for the final vote on her latest crackdown on tobacco users.

While introducing the Bill for its final vote in the National Council of Provinces she said it would constrain tobacco advertising and prohibit the description of cigarettes as "mild" or "low tar".

In fact, the Bill was split in two and some of the provisions she said were in the proposal before the house had been held over until next year.

DA MP Gareth Morgan said that, once the Bill was signed into law, tables outside restaurants and pubs would no longer be available to smokers. Restaurant owners would have to apply to have them set aside for smoking.

Restaurant and pub owners who have been willing to risk prosecution to retain their smoking clients will find it harder when the fine goes up from R200 to a maximum of R50000. That will also be the maximum penalty for allowing children under 18 into the smoking section of a restaurant.

The Bill offers workers much tougher protection against being forced into contact with tobacco smoke and an infringement could cost an employer up to R100000.

No one may be forced to work in a smoky environment or be denied employment because they refuse to work in such an environment.

The toughest provisions hit cigarette manufacturers.

The new law will force them to provide the department of health with much more detailed information about the content and effects of their products.

Getting that wrong could cost cigarette makers up to R1-million, which is also the penalty for exporting tobacco products that do not comply with the regulations of the country in which they are to be sold.

Morgan said he was sceptical about the ban on smoking in cars carrying children.

"We don't want any smoking in cars with children, but neither do we want people to ridicule this law — and that's the risk with something that's unenforceable."

Ulreich Tromp, spokesman for cigarette maker Philip Morris, said his company had no objection to divulging information required by the government, provided it kept its promise to protect trade secrets.