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**THE CIGARETTES AND OTHER TOBACCO PRODUCTS  
(PROHIBITION OF ADVERTISEMENT AND REGULATION OF  
TRADE AND COMMERCE, PRODUCTION, SUPPLY AND  
DISTRIBUTION) (JHARKHAND AMENDMENT) BILL, 2021**

A Bill to amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in its application to the State of JHARKHAND.

Be it enacted in the Seventy Second Year of the Republic of India by the Jharkhand Legislative Assembly as follows:-

1. Short title, extent and commencement:-

(1) This Act may be called the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) (JHARKHAND Amendment) Act, 2021.

(2) It shall extend to the whole State of Jharkhand.

(3) It shall come into force on such date as the State Government, by notification in the official gazette, appoint.

2. In the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as "the Principal Act"), for section 4, the following shall be substituted, namely:-

**"Section 4. No person shall use any tobacco products in any public place.**

**Explanation-**For the purpose of this section, the word "use" shall include, smoking and spitting of tobacco/tobacco product.

3. In the Principal Act, after Section 4, the following Section shall be inserted namely:-

"Section 4A. No person shall either on his own or behalf of any other person shall open or run any hookah bar in any place including eating house."

Explanation: For the purpose of this section, the word "hookah bar" means an establishment where people gather to smoke tobacco from a communal hookah or narghile which is provided individually;

4. In the Principal Act, for section 6, the following section shall be substituted namely:-

"Section 6 : No person shall-

- (a) Sell, offer for sale, or permit sale of, cigarettes or any other tobacco products to any person who is under twenty-one (21) year of age, or
- (b) Sell, offer for sale, or permit sale of, cigarettes or any other tobacco products in an area within radius 100 (100) meter of any educational institution, hospital, health institution, public office and court, or
- (c) Sell, offer for sale, or permit sale of, cigarettes or any other tobacco products loose or in single sticks.

5. In Section 21 of the Principal Act, in sub-section (1), for the words, "two hundred rupees" the words, "one thousand rupees" shall be substituted.

6. In the Principal Act after section 21(2), the following section shall be inserted, namely-

“Section 21(3). Punishment for running hookah bar. - Whoever contravenes the provisions of Section 4A, shall be punishable with imprisonment for a term which may extend to three years but which shall not be less than one year and with fine which may extend to one lakh rupees but which shall not be less than fifty thousand rupees.”.

7. In section 24 of the Principal Act, in sub-section (1), for the words, “two hundred rupees” the words “one thousand rupees” shall be substituted.

8. In the Principal Act, for section 27, the following section shall be substituted namely:-

“27. Offences to be cognizable and bailable:-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be bailable.

(2) For the avoidance of doubts, it is hereby declared that offences punishable under section 4A, 5 and 7 of this Act shall be cognizable.”

9. In section 28 of the Principal Act, in sub-section(1), for the words, “two hundred rupees” the words, “one thousand rupees” shall be substituted.