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Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

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Government

No: 52/gov

Vientiane Capital, dated: 21 February 2019

Decree on

Penalties and Measures to Implement Tobacco Control Law and Regulations

- Pursuance to the Law on Government No. 04/na, dated 08 November 2016;
- Pursuance to the Tobacco Control Law No. 07/na, dated 26 November 2009;
- Pursuance to the proposed letter no. 0065/moh, dated 18 January 2019, Ministry of Health.

Government issues a decree:

Part 1

General Provision

Article 1 Objective

This decree defines fining rates and other measures for noncompliance to the tobacco control law and regulations and serves as legal framework for the government officials to correctly enforce penalties and apply measures nationwide, strengthen the tobacco business performances to align with laws and regulations, promoting healthy population, reduction of tobacco consumption and contribution to the national protection and development.

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Article 2 Fining and Apply Measures

Fines refer to financial penalty applies to noncompliance of tobacco control

Measures refer to additional action besides financial penalty related to tobacco control such as discipline, warn, seize and destroy tobacco products and temporary close business and withdrawal of business attestation.

Article 3 Terms

The glossaries in this decree have the following meanings:

1. Tobacco products refers to loose tobacco, manufactured tobacco, cigars, electronic cigarettes, shisha and other tobacco products that used tobacco leaves as raw materials and/or part of it made from tobacco leaves.
2. Electronic cigarettes are the most common prototype, deliver an aerosol by heating a solution that users inhale. The main constituents of the solution by volume, in addition to nicotine when nicotine is present, are propylene glycol, with or without glycerol and flavouring agents.
3. Shisha is an oriental tobacco pipe with a long flexible tube connected to a container where the smoke is cooled by passing through water.
4. Illegal tobacco products refers to tobacco products which is government do not prohibit, however; its manufactured, imported and distributed against existing laws and regulations.

Article 4 Scope of the Decree

This decree applies to individuals, organizations or agencies offend the law and regulations on tobacco control in Lao PDR.

Part 2

Fine rates and measures

Article 5 Offenses

Performances consider breaking the law and regulations on tobacco control are specified as below:

1. No labelling and pictorial health warning on cigarette packs
2. Advertisement of Tobacco products
3. Not posting "Non-smoking signs" in the non-smoking areas
4. Smoking in the non-smoking areas
5. Sale or distribution tobacco products in the prohibited areas

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6. Sale tobacco to youth or letting youth to buy or sale tobacco
7. Sale tobacco by automated machines
8. Manufacture, import, distribute or sale cigarettes less than 20 sticks per pack, sale cigarettes or can cigarettes in sticks and illegal cigarettes.

Article 6 No labelling and pictorial health warning on cigarette packs

Individuals or organizations manufactured or imported tobacco in Lao PDR without labelling and pictorial health warning pursuant to the Health Minister regulation shall be fined and applied measures as below:

1. First offence shall be fined ten million kip;
2. Second offence shall be fined twenty million kip;
3. Third and/or repeated offence shall be fined fifty million kip per time with proposition to the related sector considers to temporary close the business or withdraw the business attestation.

For the tobacco products without labelling and pictorial health warning shall be seized and destroyed.

Article 7 Advertisement of Tobacco products

Individuals or organizations broke the law and regulations on tobacco advertisement shall be fined and applied measures as below:

1. First offence shall be fined twenty million kip;
2. Second offence shall be fined forty million kip;
3. Third and/or repeated offense shall be fined eighty million kip per time with proposition to the related sector considers to temporary close the business or withdraw the business attestation.

Article 8 Not posting “Non-smoking signs” in the non-smoking areas

Establishment owners or businesspersons did not post non-smoking signs in the non-smoking areas which is under their responsibility shall be fined and applied measures as below:

1. First offence shall be disciplined and warned;
2. Second offence shall be fined one million kip;
3. Third and/or repeated offence shall be fined two million per time.

Article 9 Smoking in the non-smoking areas

Individuals smoked including electronic cigarettes and shisha in the non-smoking areas shall be fined and applied measures as below:

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1. First offence shall be disciplined and warned;
2. Second offence shall be fined two hundred thousand kip;
3. Third and/or repeated offence shall be fined four hundred thousand kip per time.

Establishment owners ignored or negligence somebody smoking in the areas of their responsibility establishment shall be fined and disciplined as below:

1. First offence shall be disciplined and warned
2. Second offence shall be fined one million kip
3. Third and/or repeated offence shall be fined five million kip per time.

Article 10 Sale or distribution tobacco products in the prohibited areas

Individuals or organizations sold and/or distributed tobacco products in the prohibited areas shall be fined and applied measures as below:

1. First offence shall be disciplined and warned;
2. Second offence shall be fined five hundred thousand kip;
3. Third and/or repeated offence shall be fined one million kip per time.

Article 11 Sale tobacco to youth or letting youth to buy or sale tobacco

Individuals or organizations sold or distributed tobacco products to youth under the age of 18 years old shall be fined as below:

1. First offence shall be fined two million kip;
2. Second offence shall be fined four million kip;
3. Third and/or repeated offence shall be fined eight million kip per time.

Individuals or organizations letting youth to buy or sale tobacco products shall be fined and applied measures as below:

1. First offence shall be disciplined and warned;
2. Second offence shall be fined one million kip;
3. Third and/or repeated offence shall be fined two million kip per time.

Article 12 Sale tobacco by automated machines

Individuals or organizations sold tobacco by automated machines shall be fined five million kip per machine with seize and destroy.

Individuals or organizations imported, sold or distributed automated machines for selling tobacco shall be fined fifteen million kip per machine with seize and destroy.

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Article 13 Manufacture, import, distribute or sale cigarettes less than 20 sticks per pack, sale cigarettes or can cigarettes in sticks and illegal cigarettes.

Individuals or organizations manufactured, imported and/or distributed cigarettes less than 20 sticks per pack shall be fined and applied measures as below:

1. First offence shall be fined ten million kip;
2. Second offence shall be fined twenty million kip;
3. Third and/or repeated offence shall be fined fifty million kip per time with proposition to the related sector considers to temporary close the business or withdraw the business attestation.

Individuals or organizations sold manufactured cigarettes or can cigarettes in sticks shall be fined and applied measures as below:

1. First offence shall be disciplined and warned;
2. Second offence shall be fined two hundred thousand kip;
3. Third and/or repeated offence shall be fined five million kip per time.

Individuals or organizations manufactured, imported or distributed illegal tobacco products shall be fined and applies measures as below:

1. First offence shall be fined one time of the cost of the found products;
2. Second offence shall be fined two times of the cost of the found products;
3. Third offence shall be fined three times of the cost of the found products with proposition to the related sector considers to temporary close the business or withdraw the business attestation.

All tobacco products manufactured, imported, distributed or sold less than 20 units, cigarettes and can cigarettes sold in sticks and all illegal tobacco products shall be seized and destroyed.

Part 3

Implementation of penalties and measures

Article 14 Implementation of penalties and measures

Health, Public Security and Industry and Commerce sectors are deployed to implement penalties and measures identified in this decree to tobacco control law and regulations infringement and take lead on the dissemination and orientation within ninety days and beyond, this is to ensure that society understands and actively involved in the enforcement.

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Health sector is responsible for the implementation of article 6 and 7 of this decree;

Public Security sector is responsible for the implementation of article 8, 9, 10 and 11 of this decree;

Industry and Commerce sector is responsible for the implement of article 12 and 13 of this decree.

Article 15 Roles and responsibilities of Health Sector

The health sector has roles and responsibilities as identified below:

1. Advocate and disseminate law and regulations related to tobacco control;
2. Develop a unify penalty receipt form;
3. Apply penalties and measures to the tobacco control law and regulations infringement;
4. Seize and destroy tobacco products that is not abide by the law and regulations on tobacco control;
5. Propose to other related sectors to temporary close business or withdrawal of business attestation;
6. Coordinate with other sectors and local authorities in the implementation of tobacco control law and regulations;
7. Summary and report the status of implementation of penalties and measures to management board regularly;
8. Utilize other roles and responsibilities as identified by law and regulations on tobacco control.

Article 16 Roles and responsibilities of Public Security Sector

The public security sector has roles and responsibilities as identified below:

1. Advocate and disseminate law and regulations related to tobacco control;
2. Apply penalties and measures to the tobacco control law and regulations infringement;
3. Seize and destroy tobacco products that is not abide by the law and regulations on tobacco control in collaboration with related sectors;
4. Propose to other related sectors to temporary close business or withdrawal of business attestation;
5. Coordinate with other sectors and local authorities in the implementation of tobacco control law and regulations;
6. Summary and report the status of implementation of penalties and measures to management board regularly;

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7. Utilize other roles and responsibilities as identified by law and regulations on tobacco control.

Article 17 Roles and responsibilities of Industry and Commerce Sector

The industry and commerce sector has roles and responsibilities as identified below:

8. Advocate and disseminate law and regulations related to tobacco control;
9. Apply penalties and measures to the tobacco control law and regulations infringement;
10. Seize and destroy tobacco products that is not abide by the law and regulations on tobacco control in collaboration with related sectors;
11. Propose to other related sectors to temporary close business or withdrawal of business attestation;
12. Coordinate with other sectors and local authorities in the implementation of tobacco control law and regulations;
13. Summary and report the status of implementation of penalties and measures to management board regularly;
14. Utilize other roles and responsibilities as identified by law and regulations on tobacco control.

Article 18 Roles and Responsibilities of other sectors and local authorities

Other sectors and related local authorities have responsibilities to cooperate and distribute to the management, monitoring, investigation and provision of information related to tobacco control law and regulations infringement.

Part 4

Management and utilization of fined money

Article 19 management of fined money

The fined money obtained from penalties of this decree shall be deposited to the national treasury which is managed directly by finance sector based on the related law and regulations. 70% (seventy percent) of the money shall be deployed to general government budget and 30% (thirty percent) shall be allocated to tobacco control fund in order to use for the activities specified in article 20 of this decree.

Article 20 Utility of fined money

The money transferred to tobacco control fund shall be utilized for following work;

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1. Monitoring and investigation of the implementation of penalties and measures of the government related staff and authorities;
2. Administration and management of tobacco control work;
3. Procure necessary materials and facilities for tobacco control work;
4. Other works related to tobacco control.

Part 5

Final Provision

Article 21 implementation

Assigned the Ministries of Health, Public Security and Industry and Commerce to take the lead roles and responsibilities in enforcing this decree in collaboration with related ministries, agencies equivalent to ministry and local authorities.

Other ministries, agencies equivalent to ministry, local authorities and other relevant sectors shall be well-known, informed as well as advocating this decree wisely base on its roles and responsibilities efficiently.

Article 22 activeness

This decree is active from the day of signing and after fifteen days of official gazette registration.

Decrees or regulations in parallel to this decree are truly cancelled.

Government of Lao PDR

Prime Minister

Signed and stamped

Thongloun SISOULITH

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