

(Unofficial Translation)



**LAO PEOPLE'S DEMOCRATIC REPLUBIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY**

Ministry of Public Health

No.1067 /MoPH
Vientiane, Dated 23 May 2016

**Decision on
The Implementation of the Tobacco Control Law**

- Pursuant to the National Assembly on Tobacco Control Law No. 07/NA, dated 26 November 2009;
- Pursuant to the Obligations of the Lao PDR to the World Health Organization regarding Tobacco Control, Article 8, 9, 10, 11, and 13;
- Pursuant to the Proposal of the Department of Hygiene and Prevention, No.0085/DHP, dated 15 January 2016.

The Minister of Public Health issues a decision as follows:

**Part I
General Provisions**

Article 1. Objectives

To expand the content of Articles 33, 34, 37, 38, and 48 of Tobacco Control Law, No. 07/NA, dated 26 November 2009, to ensure the establishment of Smoke-Free Zones, printing of health warning labels on packaging materials for tobacco products, and the prohibition of advertising of tobacco products are effectively activated and uniformly implemented throughout the country.

Article 2. Definition of Terms

In addition to the various terms used in Tobacco Control Law No. 07/NA, dated 26 November 2009, there are some terms which are explained as follows:

1. Consumption of Tobacco Products means any act to be used either by eating, snuffing, sucking or inhaling into mouth or nose or by any other means;
2. Electronic Tobacco Products (E-cigarette or Electronic Cigarettes) means an electric cigarette that contains gaseous nicotine which can be inhaled by using electric power. These electronic tobacco products are of several different types; some resemble tobacco pipes, while others look like ballpoint pens or like small tubes.

3. Shisha Tobacco Product is a smoking device that uses an electric power to allow the user to ingest gaseous nicotine, which is dissolved in water through the mouth via a tube. Besides nicotine, the water also contains different fragrances, such as various fruit aroma, which makes the user believe that the product is natural and safe for their health.
4. Indoors means any location covered by roof, or either permanently or temporary surrounded with walls or not.
5. Toxins and Carcinogens in Tobacco Smoke
 - a) Toxins
 1. Carbon monoxide, the same gas present in automobile exhaust, It can interfere with the blood's ability to carry oxygen through the body. It causes cardiovascular diseases and can lead to death.
 2. Hydrogen cyanide is a toxic gas that damages the bronchial tubes and alveoli in the lungs, which leads to cough with phlegm and causes emphysema which can lead to death.
 3. Nicotine is an addictive substance found only in tobacco leaves. It restricts the arteries causing cardiovascular diseases which leads to death. It is also used in the production of pesticides.
 4. Ammonia is the same substance used for restrooms cleaning (toilets fluid). It causes burning eyes and nose, and lung terminal inflammation, which may lead to death.
 5. Nitrogen dioxide is a gas that diffuses into the epithelial lining fluid of the respiratory epithelium leading to bronchoconstriction, which can lead to death.
 6. Arsenic is an ingredient in rodent poisons. When it enters the body by ingesting or inhaling. It damages the digestive tract and other organs which can lead to death.
 - b) Carcinogens
 1. Tar is the common name for the resins which are used for road pavement. When it accumulates in the lungs, it can be a primary cause of lung cancer and chronic bronchitis which can lead to death.
 2. Formol, or formaline is a preservative substance used to embalm corpses of the dead. It is a cause of cancer and leads to death.
 3. Nitrosamine is a food preservative substance that can cause cancer of the liver, kidneys, digestive tract, and stomach which can lead to death.

Part II

Posting Symbols in No-Smoking Areas and Smoke Permission

Article 3. Posting of No-Smoking Symbols

1. Locations designated as no-smoking areas by Articles 37 and 38 of the Tobacco Control Law must be posted with signs or symbols that forbid smoking;
2. No-smoking symbols must be posted in open areas and be visible and readable. It shall be located at the entrances of such locations.

3. A prohibition on smoking shall apply to all forms of smoking, including E-cigarettes or Electronic cigarettes and Shisha tobacco.

Article 4. Smoke-permitted locations

1. Smoke-permitted locations shall only be outdoor and distanced from the building, especially, the doorways and windows with at least 10 meters away. Smoking shall be prohibited inside the entire building.
2. Smoke-permitted signs or symbols shall be posted in open areas, visible and readable.

Part III

Printing of Health Warnings and Labels on Tobacco Products

Article 5. Printing of Health Warnings on the packaging of Tobacco Products

Local or imported Tobacco products for sale in the Lao PDR, including in the duty-free shops, shall be accurately imprinted with health warnings as set out below:

1. The Department of Hygiene and Prevention of Ministry of Public Health, shall designate health warnings consisting of images and words in Lao language to serve as a model for businesses, manufacturers or importers of tobacco products. The images and health warnings shall be changed from time to time, every two years or periodically in accordance with the domestic and international research.
2. Health warnings and statements consist of six types as follows:
 - Type 1. Image plus the warning statement: Tobacco smoke causes lung cancer.
 - Type 2. Image plus the warning statement: Tobacco smoke causes mouth cancer.
 - Type 3. Image plus the warning statement: Tobacco smoke causes stroke.
 - Type 4. Image plus the warning statement: Tobacco smoke causes heart attack.
 - Type 5. Image plus the warning statement: Tobacco smoke blackens teeth and causes mouth odor.
 - Type 6. Image plus the warning statement: Tobacco smoke kills surrounding people.
 - Details may be found in Attachment 1.
3. Packaging Materials for Cigarette Packs
 - 1) If the largest surface of a cigarette pack is 41.35 to 50.4 square centimeters, the printed image and warning label shall be 5.50 x 6.53 centimeters, located next to the top edge, and occupy not less than seventy-five percent of the area described.
 - 2) If the largest surface of a cigarette pack is either larger or smaller than 41.35 to 50.4 square centimeters, the printed image and warning label can be enlarged or diminished as appropriate, but the relative proportions of width to height and the clarity of the image and warning shall be preserved with not less than seventy-five percent of the area described.
 - 3) If the image and warning label after diminishing or enlarging proportionately do not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the image and warning label are to be enlarged to ensure that at least seventy-five percent of the area of the largest surface is covered.

- 4) If the packaging material is not rectangular, at least 2 different sets of the image and warning label as defined in sub-paragraph 1) of Paragraph 3, Article 5 shall be used in each carton and the surrounding of the images and warnings shall be filled in black to ensure that the image, the warning and the black background occupy seventy-five percent of the prescribed parts of the cigarette packaging material.

4. Packaging Materials for Cigarette Cartons

- 1) If the largest surface of a cigarette carton is from 229 to 242.5 square centimeters, the printed image and warning label shall be 27.3 x 6.52 centimeters appearing next to the uppermost edge, and occupy not less than seventy-five percent of the area described.
- 2) If the largest surface of a cigarette carton is larger or smaller than 229 to 242.5 square centimeters, the printed image and warning label can be enlarged or diminished as appropriate, but the relative proportions of width to height and the clarity of the image and warning shall be preserved and still occupy not less than seventy-five percent of the area described.
- 3) If the image and warning label after diminishing or enlarging proportionately do not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the image and warning label are to be enlarged to ensure that at least seventy-five percent of the area of the largest surface is covered.
- 4) The images and warnings defined in Paragraph 4, Article 5 of the Decision are not to be required on cigarette cartons made of clear, colorless plastic, which allows the images and warnings on the individual packs of cigarettes inside visible.
- 5) Tobaccos Sales Display Cases shall be made of a clear material that allows the buyer see clearly the actual cigarette packs. Such packs shall have the images, warnings, and labels as defined by the Ministry of Public Health.
- 6) In printing of the prescribed images and warning labels, all of the six sets shall be printed in rotation in every fifty thousand packs.
- 7) In the case of production or importation of various brands of tobacco products, each of them shall be imprinted with a different image and warning label.
- 8) The images and warnings shall be printed in accordance with the models defined by Department of Hygiene and Promotion, Ministry of Public Health. The dense of color, weight, size and positioning of the font, the image and the warning text include the clarity of the image shall be as good as the model images and warnings shown in the Attachment 1.
- 9) The date, month and year of tobacco products manufacture shall be printed on a side of the packaging material. It shall be placed where it is clearly visible and outside the area set for the images, warnings and labels.

Article 6. Printing of Labels for Placement on Tobacco Products

Domestic and imported Tobacco products for distribution and sale in the Lao PDR including sales in duty-free shops shall make sure their labels comply with the following rules:

1. The Department of Hygiene and Promotion, Ministry of Public Health, shall define the labels to disclose the presence of toxins and carcinogens in tobacco smoke to businesses,

manufacturers or importers of tobacco products. These labels have 9 different models consisting of with images and labels which shall be printed in rotation. The images and labels shall cover at least seventy-five percent of two sides or of the top and bottom of the packaging material for tobacco products, and the images and labels shall be clearly visible. New labels shall be designated every two years or periodically in accordance with the domestic and international research.

2. The labels shall include the following nine types:

Type 1: Tobacco smoke contains carbon monoxide, the same poisonous substance as in automobile exhaust.

Type 2: Tobacco smoke contains hydrogen cyanide, a poisonous gas that damages the bronchial tubes and alveoli.

Type 3: Nicotine in tobacco is addictive, and is used in pesticides.

Type 4: Tobacco smoke contains ammonia, which is used to clean bathrooms.

Type 5: Tobacco smoke contains the toxic gas nitrogen dioxide.

Type 6: Tobacco smoke contains arsenic, which is used to make rat poison.

Type 7: Tobacco smoke contains tar, which causes cancer.

Type 8: Tobacco smoke contains Formalin, used to embalm corpses.

Type 9: Tobacco smoke contains nitrosamine, which causes cancer.

- For details, please see Attachment 2.

3. Packaging Materials for Cigarette Packs

1) If the sides of a cigarette pack are between 16.7 to 21.36 square centimeters, the printed label for toxins and carcinogens in tobacco smoke shall be 2.2 x 6.6 centimeters. Different types of the label shall appear to the bottom-most edge of each the sides of the cigarette pack. The label shall cover visibly at least seventy-five percent of each side of the pack.

2) If the narrow sides of a cigarette pack are smaller or larger than 16.7 x 21.36 square centimeters, the printed label for toxins and carcinogens in tobacco smoke can be diminished or enlarged as appropriate, but the proportions of width to height shall be preserved. The label shall cover at least seventy-five percent of each sides of the cigarette pack and be visible.

3) If the label for toxins and carcinogens after diminishing or enlarging proportionately does not occupy the prescribed seventy-five percent of the designated area, the black background on the bottom-most and 2 sides of the label shall be enlarged to ensure at least seventy-five percent of the area of the sides is covered and visible.

4) If the packaging material is not rectangular, the printed label for toxins and carcinogens in tobacco smoke shall be printed in the remaining space opposite the picture and warnings and ensure the label is as high as the picture and the warnings.

4. Packaging Material for Cigarette Cartons

1) If the sides of a cigarette carton are between 116.05 to 127.85 square centimeters, the printed label for toxins and carcinogens in tobacco smoke shall be 4.5 x 20.47 centimeters and located on the left-most side of the surface, and each sides shall display different label of the models available. Each label shall cover seventy five percent of the surface of each side, and be clearly visible.

- 2) If the sides of a cigarette pack are smaller or larger than 116.05 to 127.85 square centimeters, the printed label for toxins and carcinogens in tobacco smoke can be diminished or enlarged as appropriate, but the proportions of width to height shall be preserved. The label shall cover at least seventy-five percent of each sides of the cigarette pack, and be clearly visible.
- 3) If the label for toxins and carcinogens after diminishing or enlarging proportionately does not occupy the prescribed seventy-five percent of the designated area, the black background on the top and 2 sides of the label shall be enlarged. The size of the label and black background together shall be at least seventy-five percent of each sides is covered.
- 4) The label defined in Paragraph 3, Article 6 of this Decision are not to be required on cigarette cartons made of clear, colorless plastic, which allows labels for toxins and carcinogens on the individual packs of cigarettes inside are clearly seen.
- 5) Manufacturers and importers of tobacco products shall print labels for toxins and carcinogens in tobacco smoke in rotation and the models shall be changed in every fifty thousand cartons.
- 6) In the case of production or importation of tobacco products with different models, each model shall be printed with different labels for toxins and carcinogens in tobacco smoke.
- 7) Manufacturers and importers of tobacco products shall print labels for toxins and carcinogens in tobacco smoke in accordance with the models provided by Department of Hygiene and Promotion and ensure that the dense of the color, weight, size, and positioning of the font printed in the labels for toxins and carcinogens in tobacco smoke as good as the models shown in Attachment 2.

Article 7. The data report of Tobacco Products

The manufacturers and importers of tobacco products for distribution in the Lao PDR shall report data about the components and identify the detailed ingredients imported for manufacturing tobacco products, to the Department of Hygiene and Promotion, Ministry of Public Health at least once a year.

Part IV

Additional Prohibitions for Tobacco Products related businesses

Article 8. Additional Prohibitions for Tobacco Products related businesses

Tobacco Products related businesses are not allowed to engage in the following behaviors:

1. Advertise and promote the consumption of tobacco products in any form, advertise in display case, advertise tobacco products internationally, or under any Corporate Social Responsibility-CSR.
2. Print any text, health warnings, or labels on packaging materials of any tobacco products that are not permitted by the Department of Hygiene and Promotion, Ministry of Public Health.
3. Print any misleading statements on tobacco packaging materials on features and effects of tobacco on human health, such as: Mild, Medium, Light, Ultra-Light, Ultra-Mild, or

Low Tar or any statements and symbols that have similar meaning or flavors and scent labels such as Menthol, Fruity, etc.

Part V

Monitoring, Inspection, Implementation of Law and Decisions on Tobacco Control

Article 9. Monitors, Inspectors of Law and Decisions on Tobacco Control

Inspectors and enforcement authority of measures toward violators shall be:

1. The Departments of Hygiene and Promotion (Tobacco Control and Environmental Hygiene Units) and the Food and Drug Inspection Units at every level from central to provincial level.
2. The Environmental Police Unit is assigned for the major police command at every level, from central to provincial level.
3. The Information, Culture and Tourism sector at every level from central to provincial level.
4. The Finance sector at every level from central to provincial level.
5. The Industry and Commerce sector at every level from central to provincial level.
6. Other related agencies, personnel and individuals.

An decision of designation mentioned above shall comply with the provisions defined in Attachment 3.

Article 10. Rights and Duties of Monitors, Inspectors of the implementation

1. The Department of Hygiene and Promotion, Ministry of Public Health
 - Conduct actual and regular inspections of non-smoking areas, printing of health warnings on cigarette packs and bans on advertisement of tobacco products and assimilating such inspections into daily activities.
 - If a violation is found:
 - Notify the Environmental Police of General Police Department, at each level from central to provincial level.
 - Notify the tobacco products producing or importing businesses about their violations toward printing of health warnings on cigarette packs and the ban on advertising tobacco products.
 - Propose other related agencies to temporary or permanent ceasing of businesses, case by case according to the degree of violations.
 - Summarize and report about the result of inspections to the National committee for Tobacco Control.
 - Implement other measures as assigned.
2. Food and Drug Inspection Units, Ministry of Public Health
 - Conduct actual and regular inspections of non-smoking areas, printing of health warnings on cigarette packs and bans on advertisement of tobacco products and assimilating such inspections into daily activities.
 - If a violation is found, it shall be notified to the Environmental Police, General Police Department, at each level from central to provincial level.
 - Summarize and report about the result of inspections to the Secretariat of the National committee for Tobacco Control.

- Implement other measures as assigned.
3. The Environmental Police, Ministry of Public Security
 - Conduct actual and regular inspections of non-smoking areas, printing of health warnings on cigarette packs and bans on advertisement of tobacco products and assimilating such inspections into daily activities.
 - Summarize and report about the result of inspections to the Secretariat of the National committee for Tobacco Control.
 - Implement other measures as assigned.
 4. Department of Media, Department of Advertising and Printed Matter Controls and Tourism Office, Ministry of Information, Culture, and Tourism
 - Conduct actual and regular inspections of bans on advertising of tobacco products, and assimilating such inspections into daily activities.
 - If a violation is found, it shall be notified to the Environmental Police, General Police Department, at each level from central to provincial level.
 - Summarize and report about the result of inspections to the Secretariat of the National committee for Tobacco Control.
 - Implement other measures as assigned.
 5. Customs Department, Ministry of Finance
 - Conduct actual and regular inspections of non-smoking areas, printing of health warnings on cigarette packs and bans on advertisement of tobacco products and assimilating such inspections into daily activities.
 - If a violation is found, it shall be notified to the Environmental Police, General Police Department, at each level from central to provincial level.
 - Develop and distribute fines forms to the Environmental Police Department at each level from central to provincial level.
 - Summarize and report about the result of inspections to the Secretariat of the National committee for Tobacco Control.
 - Implement other measures as assigned.
 6. Department of Domestic Trade, Ministry of Industry and Commerce
 - Conduct actual and regular inspections of non-smoking areas, printing of health warnings on cigarette packs and bans on advertisement of tobacco products and assimilating such inspections into daily activities.
 - If a violation is found, it shall be notified to the Environmental Police, General Police Department, at each level from central to provincial level.
 - Notify the tobacco products producing or importing businesses to sign an acknowledgement letter about their violations toward printing of health warnings on cigarette packs and the ban on advertising tobacco products or illegal tobacco, then a fines order is issued.
 - Consider a temporary or permanent suspensions of tobacco related business case by case in accordance with the degree of violations.
 - Summarize and report about the result of inspections to the Secretariat of the National committee for Tobacco Control.
 - Implement other measures as assigned.
 7. Other related agencies, persons and individuals

- If violation toward non-smoking areas, printing of health warning labels, the ban on advertising, or contraband tobacco products are found, it shall be reported to the officials defined in Article 9 of this Decision.

PART VI

Final Provisions

Article 11. Implementation

The National Committee for Tobacco Control is the primary proponent agency to promote, disseminate and implement this Decision. Other concerned agencies shall extend full cooperation to achieve strict implementation of the provisions of this Decision broadly and completely.

Article 12. Enforcement

This decision enters into force from the date of signature and be published in the Lao Official Gazette for 15 days.

The printing of the images of health warnings and labels defined in Articles 5 and 6 of this Decision shall enter into force within one hundred twenty days from the dates published in the Lao Official Gazette

The Chair of National Coordination Board for Tobacco Control
Minister of Public Health

(Signed and sealed)

Dr. Bounkong SIHAVONG