TOBACCO PRODUCTS CONTROL ACT

B.E. 2560 (2017)

Department of Disease Control
Bureau of Tobacco Control

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Preface

As the Tobacco Products Control Act B.E. 2560 (2017) has abrogated 2 previous Acts, i.e. Tobacco Products Control Act B.E. 2535 and Non-Smokers' Health Protection Act B.E. 2535, which had been enforced for 25 years and comprised of many articles that are inconsistent with the current situation, resulting in the inefficiency of the tobacco product control and protection of people's health against diseases arise from tobacco products. In addition, Thailand has been a member state to the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC). Therefore, it is necessary that the revision and implementation of new law has been in place to introduce more efficient measures for tobacco product control which are harmonized with the above-mentioned Framework and to improve the protection of people's health, especially the immature and youth who are the essential resources of the country.

Presently, the Tobacco Products Control Act B.E. 2560 (2017) has published in the Government Gazette Volume 134 Section 39 Kor on 5 April 2017 and will be effective from 4 July 2017 onward.

The Bureau of Tobacco Control, Department of Disease Control, Ministry of Public Health as the main authority responsible for academic, administration and operation in relevant to the enforcement of tobacco product control law has published the Tobacco Products Control Act B.E. 2560 (2017) to promulgate the main point and matters of law to people and stakeholders, and used as a supporting document for the explanation and performance of relevant officers in order to be enforced in accordance with the spirit of law.

Bureau of Tobacco Control
Department of Disease Control
June 2017

(Unofficial Translation)

TOBACCO PRODUCTS CONTROL ACT
B.E. 2560 (2017)

HIS MAJESTY KING MAHA VAJIRALONGKORN
BODINDRADEBAYAVARANGKUN

Given on the 2nd day of April B.E. 2560 (2017)
Being the 2nd Year of the Present Reign

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to revise the laws on the control of tobacco products and non-smokers' health protection.

Be it, therefore, enacted by His Majesty the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1 This Act shall be referred to as the "Tobacco Products Control Act B.E. 2560 (2017)"

Section 2 This Act shall enter into force after a period of 90 days from the date of announcement in the Government Gazette.

Section 3 The followings shall be repealed:

(1) Tobacco Products Control Act B.E. 2535 (1992)

(2) Non-Smokers' Health Protection Act B.E. 2535 (1992)

Section 4 In this Act

"Tobacco product" means the product containing tobacco leaves or *Nicotiana tabacum,* including any other product containing nicotine to be used either by smoking, sucking, inhaling, chewing, eating, blowing or spraying into the mouth or nose, applying on skin, or by other means in order to obtain the same result. Tobacco product excludes drugs under the law on drug.

"Business Operator" means manufacturer or importer of tobacco products, including those who obtain license to sell tobacco for wholesale under the law on excise tax.

"Related Person" means person or organization acting on behalf of business operator, association or club of tobacco growers, curers, traders; or the association or club of tobacco products traders.

"Tobacco products dependence" means the condition where the body needs to consume tobacco products regularly and must be dependent on such tobacco products.

"Smoking" means an act which results in the production of smoke or vapour from tobacco product or the possession of tobacco product while such product remits smoke or vapour.

"Non-smoking area" means an area where smoking is prohibited.

"Smoking area" means an area arranged for smoking, which is located in the non-smoking area.

"Package" means a pack, carton or other packages used to wrap or contain tobacco products.

"Advertising" means an act undertaken by any means to allow the public to see, hear or be informed of a message intended for commercial interest.

"Marketing communications" mean an act in various forms by advertising, publicizing, creating news, distributing news, conducting

sale promotion, displaying at point of sale, conducting direct sale, selling or promoting sale by using specific person and cyber marketing, for the purpose of selling goods or services or creating image.

"Message" includes letter, picture, cinematographic film, light, sound, sign or any act enabling the public to understand its meaning.

"Label" means a picture, design, paper or any other things showing the message relating to the goods on the goods, container or package of goods, or inserted in or put together with the goods, container or package of goods, and includes a document or hand-book on usage attached to the goods.

"Sell" means to distribute, allot, give out, exchange or hand out for commercial benefit.

"Operator" means owner, manager or the person who is responsible for the operations in public area, workplace or vehicle which is a non-smoking area.

"Public Area" means the place where the general public has legitimacy to enter either with or without invitation or gratuity payment.

"Workplace" means official place, state enterprise, other state agency and place of business of the private sector or any location where persons work together under the criteria announced and prescribed by the Minister upon recommendation of the Committee.

"Vehicle" means public vehicle or any other vehicle used to transport individuals.

"Committee" means the National Tobacco Products Control Committee.

"Competent Officer" means the person appointed by the Minister for the execution of this Act.

"Minister" means the Minister taking charge of this Act.

Section 5 The Minister of Public Health shall take charge of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations prescribing fees at not more than the rates attached to this Act and reducing or waiving fees as well as issuing Ministerial Regulations and Notifications for the execution of this Act.

Such Ministerial Regulation and Notification shall come into force upon announcement in the Government Gazette.

Chapter 1
National Tobacco Products Control Committee

Section 6 There shall be the Committee referred to as the "National Tobacco Products Control Committee" consisting of:

(1) the Minister of Public Health as Chairman

(2) the Permanent Secretary of the Ministry of Public Health as Deputy Chairman

(3) the members by position, totalling 12 persons: Permanent Secretary of the Ministry of Finance; the Permanent Secretary of the Ministry of Social Development and Human Security, Permanent Secretary of the Ministry of Tourism and Sports, the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the Permanent Secretary of the Ministry of Commerce, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Labour, the Permanent Secretary of the Ministry of Education, the Commissioner General of the Royal Thai Police, the Secretary General of the National Health Security Office and the Manager of the Thai Health Promotion Foundation

(4) Five qualified members appointed by the Cabinet from those who have the recognizable expertise and experience in medical, public health, legal, protection of the rights of women or children and other fields which are useful in the control of tobacco products (one member from each field)

(5) Four qualified members appointed by the Cabinet from those nominated by the nonprofit private organizations which carry out activities concerning public health protection (3 members) and public right and liberty protection (1 member)

The Director General of the Department of Disease Control shall be a member and secretary. The Director General of the Department of Disease Control shall appoint two officers from the Department of Disease Control who are responsible for tobacco products control works as assistant secretaries.

The acquisition of qualified members shall be in accordance with the criteria, procedures and conditions as announced and prescribed by the Minister.

Section 7 The qualified members shall have the following qualifications and shall not have the following prohibited characters:

(a) Qualifications:
   (1) having Thai nationality
   (2) Having completed their 35th year of age

(b) Prohibited characters:
   (1) being or having been a bankrupt
   (2) being an incompetent or quasi-incompetent person
   (3) having been imprisoned by the judgment of a court

which is final, except for the offences committed through negligence, minor offences or libel offense

(4) Having been dismissed, discharged or forced to resign from public service, state agency or state enterprise due to malfeasance, gross misconduct or deemed to have committed corruption and misconduct in the public service

(5) being a political official or being a director or having held any position which is responsible for the management of political party, advisor to political party or officer in political party

(6) being a business operator, related person or interested person in tobacco products-related business either directly or indirectly

(7) suffering from tobacco products dependence disease

Section 8 The qualified members shall hold office for a term of four years from the date of appointment and may be re-appointed but shall not hold office for more than two consecutive terms.

Upon expiration of the term of office under paragraph one, during the period when new qualified member has not yet been appointed, the retiring qualified member shall remain in office until the successor assumes the duties.

If the office of the qualified member is vacated prior to expiration of the term of office, the Cabinet may appoint another person to hold such office. If the remaining office of the said qualified member is less than 90 days, the Cabinet may not appoint a replacement and therefore the Committee shall comprise of the remaining members.

The appointed qualified member shall retain office for the remaining duration of the full term of the qualified member whom he replaces.

Section 9 Apart from retirement upon expiration of the term of office, the qualified member shall vacate office upon:

(1) death

(2) resignation

(3) termination by the Cabinet due to failure in the performance of duty or dishonest performance of duty, failure of good behaviour, or lack of ability

(4) lacking the qualification or having the prohibited characteristic under Section 7

Section 10 The Committee shall have the following power and duties:

(1) to propose policies and strategic plans in relation to control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence to the Cabinet for consideration and approval

(2) to prescribe measures in relation to control of tobacco products, protection of nonsmoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence as well as give recommendations, advices and coordinate with public sector, state agencies, state enterprises and private organizations in order to implement such measures

(3) to give recommendations or advices to the Cabinet, the Bangkok Tobacco Products Control Committee, the Provincial Tobacco Products Control Committees, public sector, state agencies, state enterprises, private organizations and competent officers about the execution of this Act

(4) to give recommendations or advices about the issuance of Notifications for the execution of this Act

(5) to monitor, assess results and examine the operations of the Bangkok Tobacco Products Control Committee and the Provincial Tobacco Products Control Committee s in compliance with the policies and strategic plans under (1) and measures under (2) as well as prescribe criteria and procedures for reporting such operation results

(6) to prescribe criteria, procedures and conditions for fixing fines under this Act;

(7) to perform other acts as prescribed by law to be the power and duties of the Committee or as assigned by the Cabinet or Minister

Section 11 For the Committee meeting, at least half of the Committee members shall form a quorum.

If the Chairman of the Committee is not present at the meeting or cannot perform his duty, the Vice-Chairman shall be the chairman of the meeting. If there is no Vice-Chairman or the Vice-Chairman cannot perform his duty, the members present at the meeting shall elect one of the members to be the chairman of the meeting.

Decisions shall be made at the meeting upon majority vote. Each member is entitled to one vote. In the event of a tied vote, the chairman of the meeting shall have a casting vote.

The Committee meeting shall take place at least twice a year.

Section 12 The Committee shall have the power to appoint a sub-committee to consider or perform any matter as assigned by the Committee.

The provisions of Section 11 shall apply to the meeting of the sub-committee *mutatis mutandis.*

Section 13 In the performance of duties under this Act, the Committee and the sub-committees shall have the power to issue a written order to summons any person to give facts or opinions or to submit documents or relevant information for consideration.

Section 14 In the performance under this Act, the Committee member or sub-committee member shall be a competent officer under the Criminal Code.

Section 15 The Department of Disease Control shall be the secretariat office being responsible for the general affairs of the Committee and sub-committees and shall have the following power and duties:

(1) to propose policies and strategic plans in relation to control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence to the Committee, taking into account Thailand's existing international obligations

(2) to carry out or support study, analysis and research on control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(3) to serve as centre of information on control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(4) to coordinate, support and cooperate with the Bangkok Tobacco Products Control Committee, the Provincial Tobacco Products Control Committees, public sector, state agencies, state enterprises, education institutions, international organizations and private organization about the execution of this Act as well as the policies and strategic plans under Section 10(1) and measures under Section 10(2)

(5) to do any other acts as assigned by the Minister, the Committee and sub-committees or as prescribed by laws to be the power and duties of the Department of Disease Control

Chapter 2
Bangkok Tobacco Products Control Committee

Section 16 There shall the Committee referred to as the "Bangkok Tobacco Products Control Committee" consisting of:

(1) the Bangkok Governor as Chairman

(2) the Permanent Secretary of the Bangkok Metropolitan Administration (BMA) as Deputy Chairman

(3) the members by position, totalling 16 persons: the Metropolitan Police Commissioner, the Director of the Primary Educational Service Area Office and the Director of the Secondary Educational Service Area Office as assigned by the Secretary General of the Basic Education Commission, the Head of Excise Office-Bangkok Area as assigned by the Director-General of the Excise Department, the Director of the (Bangkok) Branch of the National Health Security Office, the Director of the BMA's Medical Service Department, the Director of the BMA's Education Department, the Director of the BMA's Social Development Department, the Director of the BMA's Culture, Sport and Tourism Department, the Director of the BMA's City Law Enforcement Department, the Director of the BMA's Health Department, the Director of the BMA's Public Relation Division, the representative of the Disease Control Department, the representative of the Office of the Higher Education Commission, the representative of the Office of the Vocational

Education Commission and the representative of the Office of the Private Education Commission

(4) Six qualified members appointed by the Bangkok Governor from those who have the recognizable knowledge, expertise and experience in medical or public health, legal, mass communications or mass media, protection of the rights of women or children, protection of public rights and liberty and other fields which are useful for the protection of public health (one person from each field)

The Deputy Director of the BMA's Health Department shall be appointed by the Bangkok Governor to be a member and secretary. The Bangkok Governor shall appoint two officers from the BMA's Health Department as assistant secretaries.

Section 17 For the criteria and prohibited characters of the qualified members under Section 16(4), Section 7 shall apply *mutatis mutandis.* The appointment, office term and vacation from office shall be in accordance with the rules, procedures and conditions as announced and prescribed by the Committee.

Section 18 The Bangkok Tobacco Products Control Committee shall have the following power and duties in the Bangkok areas:

(1) to enforce the laws on control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(2) to act pursuant to the policies and strategic plans under Section 10(1) and measures under Section 10(2)

(3) to prescribe the guidelines for performance, monitoring, assessment and examination of the operations in respect of the monitoring and prevention of children and youth's access to tobacco

products, reduction and giving up on tobacco products consumption and protection of non-smoker's health and report the results to the Committee

(4) to give recommendations and coordinate with the public sector, state agencies, state enterprises and private organizations about control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(5) give opinions about the enforcement of laws and measures in respect of control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence to the Committee

(6) to perform other acts in relation to control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence as assigned by the Minister, Committee or Bangkok Governor

Section 19 The Bangkok Tobacco Products Control Committee may appoint a sub-committee to consider or perform any matter as assigned by the Bangkok Tobacco Products Control Committee.

Section 20 The provisions of Sections 11, 13 and 14 shall apply to the meeting and performance of duties of the Bangkok Tobacco Products Control Committee and the Bangkok Tobacco Products Control Committee-appointed sub-committee *mutatis mutandis.*

Chapter 3
Provincial Tobacco Products Control Committee

Section 21 There shall the Committee called the "Provincial Tobacco Products Control Committee" consisting of:

(1) the Provincial Governor as Chairman

(2) the Vice Governor assigned by the Provincial Governor as Deputy Chairman

(3) the members by position, totalling 13 persons: the Provincial Chief Public Prosecutor, the Deputy Provincial Governor, the Commander of Provincial Police , the Director of the Provincial Primary Educational Service Area Office as assigned by the Secretary General of the Basic Education Commission, the Director of the Secondary Educational Service Area Office which is responsible for the provincial areas, the Director of the Office of Disease Prevention and Control which is responsible for the provincial areas, the Chief of the Provincial Social Development and Welfare Office, the Chief of the Provincial Public Relations Office, one Excise Officer in the area as appointed by the Provincial Governor, Director of the Branch of the National Health Security Office which is responsible for the provincial areas and 3 executives of the local administration organization(s) in the provincial areas as appointed by the Provincial Governor

(4) Six qualified members appointed by the Provincial Governor from those who have the recognizable knowledge, expertise and experience in medical or public health, legal, mass communications or mass media, protection of the rights of women or children, protection of public rights and liberty and other fields which are useful for the protection of public health (1 person from each field)

The Provincial Public Health Chief shall be member and secretary. The Provincial Governor shall appoint two officers from the Provincial Public Health Office as assistant secretaries.

Section 22 For the criteria and prohibited characters of the qualified members under Section 21(4), Section 7 shall apply *mutatis mutandis.* The appointment, office term and vacation from office shall be in accordance with the criteria, procedures and conditions as announced and prescribed by the Committee.

Section 23 The Provincial Tobacco Products Control Committee shall have the following power and duties in the provincial areas:

(1) to enforce the laws on control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(2) to act pursuant to the policies and strategic plans under Section 10(1) and measures under Section 10(2)

(3) to prescribe the guidelines for performance, monitoring, assessment and examination of the operations in respect of the monitoring and prevention of children and youth's access to tobacco products, reduction and giving up on tobacco products consumption and protection of non-smoker's health and report the results to the Committee

(4) to give recommendations, advices and coordinate with the public sector, state agencies, state enterprises and private organizations about control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence

(5) give opinions about the enforcement of laws and measures in respect of control of tobacco products, protection of non-smoker's health and

treatment and health rehabilitation of those suffering from tobacco products dependence to the Committee

(6) to perform other acts in relation to control of tobacco products, protection of non-smoker's health and treatment and health rehabilitation of those suffering from tobacco products dependence as assigned by the Minister, Committee or Provincial Governor

Section 24 The Provincial Tobacco Products Control Committee may appoint a sub-committee to consider or perform any matter as assigned by the Provincial Tobacco Products Control Committee.

Section 25 The provisions of Sections 11, 13 and 14 shall apply to the meeting and performance of duties of the Provincial Tobacco Products Control Committee and the Provincial Tobacco Products Control Committee-appointed sub-committee *mutatis mutandis.*

Chapter 4
Control of Tobacco Products

Section 26 No person shall be allowed to sell or give tobacco product to a person who does not attain 20 full years of age.

In case of doubt about the age of buyer or receiver of tobacco product, the seller or giver of tobacco product shall ask the said person to first show national identification card or other evidence of such person's age, as the case may be.

No one shall assign, employ, ask or allow the person who is below 18 full years of age to sell or give tobacco product.

Section 27 For the sale of tobacco products by retailer, the retailer shall be prohibited from doing any of the following acts:

(1) to sell tobacco products by vending machines

(2) to sell tobacco products through electronic media or computer network

(3) to sell tobacco products outside the places stated in the Tobacco Sales License

(4) to sell tobacco products with the distribution, addition, gift of or exchange of tobacco product with other product, provision of service or other privilege, as the case may be

(5) to sell tobacco product by acting in such a way to show the reduction of tobacco product price at the point of sale

(6) to sell product or provide service with the distribution, addition, gift of or exchange with tobacco products, as the case may be

(7) to hawk tobacco products

(8) to give or offer the right to attend game, show, service, lucky draw, prize contest or any other benefit as a consideration to the buyer of tobacco product or a person bringing package or label or anything relating to tobacco product for exchange or redemption therefor

(9) to display prices of tobacco products at a point of sale in such a way as encouraging tobacco product consumption

Section 28 No person shall be allowed to distribute tobacco product as a sample of the tobacco products or to make such tobacco products become widespread or to persuade the public to consume such tobacco products.

Section 29 No person shall sell tobacco products in the following places:

(1) temple or place for performance of religious ceremony

(2) place for public health service and medical establishment under the law on medical establishment and drugstore under the law on drug

(3) education establishment under the law on national education

(4) public park, zoo and amusement park

(5) other places as prescribed and announced by the Minister upon recommendation of the Committee

The Minister upon recommendation of the Committee may announce and prescribe the distance from the places under paragraph one so that no tobacco product shall be sold within the said distance. The sign or symbol shall be prepared to indicate the said prescribed area.

Section 30 No person shall advertise or conduct marketing communications of tobacco products.

Section 31 No person shall display the name or mark of tobacco products, name or mark of manufacturer or importer of tobacco products, or any other symbol or thing which make the general public understand that the name or mark belongs to tobacco products, manufacturer or importer of tobacco products in order to advertise tobacco products in the following cases:

(1) in printed matter, tape or television material, movie, radio broadcast, radio television, electronic media, computer network system or advertisement bill

(2) in theatre, movie theatre or show, game, contest, competition, service provision or any other activity in the same nature

(3) in any other media or location used for advertisement or marketing communications as prescribed and announced by the Minister upon recommendation of the Committee

Section 32 No person shall display the name or mark of tobacco products, name or mark of manufacturer or importer of tobacco products on any other product, which is not tobacco product, or cut, add the name or mark of tobacco products or alter the message to be a part of such product in order to advertise the name or mark of tobacco products or the name or mark of manufacturer or importer of tobacco products.

No person shall import for sale, advertise or sell the product under paragraph one in the Kingdom.

Section 33 No person shall advertise any product using the name or mark of tobacco products as the name or mark of such product, or advertise by cutting, adding the name or mark of tobacco products or altering the message to be a part of the name or mark of such product in such a manner as may be understood to mean to advertise tobacco products.

Section 34 No person shall manufacture, sell, import for sale or general distribution, advertise, or conduct marketing communications the followings in the Kingdom:

(1) the product having such an appearance as to be understood as an imitation of tobacco product

(2) the product to be consumed by way of smoking and that contains substance which is hazardous to health as prescribed and announced by the Minister upon recommendation of the Committee

(3) package of the product under (1) and (2)

Section 35 No business operator and related person shall sponsor or support person, group of persons, state agency or private organization in any of the following manners:

(1) to create image of tobacco products, manufacturer or importer of tobacco products

(2) to effect or potentially effect the intervention of tobacco products control policy

(3) to advertise tobacco products, manufacturer or importer of tobacco products

(4) to promote tobacco consumption

The provisions of paragraph one shall not apply to the act among business operators, related persons and those involved in the tobacco products manufacturing and trading process or donation or humanitarian aid in the event of severe disaster.

No person shall disseminate activity or news in order to publicise the activity under paragraphs one and two.

Section 36 No tobacco products retailers shall display or consent to display tobacco products at the place of retail sale.

The display of name and price of tobacco products and the display of place of retail sale shall be in accordance with the criteria, procedures and conditions as prescribed and announced by the Minister upon recommendation of the Committee.

Tobacco products retailer shall display the media for campaign for reduction and cutting down on tobacco products consumption which is prepared by the Ministry of Public Health in accordance with the criteria, procedures and conditions as prescribed and announced by the Minister upon recommendation of the Committee.

Section 37 Tobacco products to be sold in the Kingdom shall have the components and emission products as prescribed in the Ministerial Regulations.

The manufacturer or importer of tobacco products under paragraph one shall have the duty to inform the Ministry of Public Health of the particulars of components of the tobacco products and emission products and send the sample of the tobacco products to the Ministry of Public Health for examination and disclosure to the public as informed in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

In case where the components and emission products of the tobacco product under paragraph two comply with the Ministerial Regulations under paragraph one, the Ministry of Public Health shall issue the certificate of registration and notification of the said components and emission products. The certificate issuance, term and its replacement issuance shall be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

In case where the components and emission products of the tobacco product under paragraph two do not comply with the Ministerial Regulations under paragraph one, the Minister shall order prohibiting sale or import or destroying such manufactured or imported tobacco products and announce such order to the public for acknowledgement.

The expenses arising from the examination of the components of tobacco products under paragraph two or the destruction or the announcement under paragraph four shall be borne by the manufacturer or importer of such tobacco products in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

To protect the health, sanitation and safety of the general public, the Ministerial Regulations under paragraph one shall stipulate that the Minister may announce the criteria concerning technical and academic details and matters that must be changed swiftly.

Section 38 The manufacturer or importer of tobacco products for sale in the Kingdom shall arrange for the package of the tobacco products to be in the size, colours, marks, labels and to exhibit trademarks, marks, pictures and messages in accordance with the criteria, procedures and conditions prescribed by the Minister upon recommendation of the Committee before moving out of the manufacturing site or before importation into the Kingdom, as the case may be.

No one shall sell tobacco products which are not in the package or which are in the package not exhibiting the trademarks, marks, pictures and messages as prescribed in paragraph one.

To protect the health, sanitation and safety of the general public, the Committee may consider whether it is appropriate to update the prescriptions under paragraph one or not every two year from the date of this Act enforcement. In case of necessity, the Committee may consider updating the said prescriptions in a shorter timeframe.

Section 39 No one shall manufacture or import tobacco products for sale in the Kingdom in the category of cigarette in the pack or packaging of less than 20 rolls.

It is prohibited to sell by means of division of tobacco products in the category of cigarette.

The sale of tobacco products in other categories shall be in accordance with the criteria, procedures and conditions prescribed by the Minister upon recommendation of the Committee.

Section 40 Manufacturer or importer of tobacco products for sale in the Kingdom shall have the duty to submit the information about the volume of manufacturing or importation into the Kingdom, marketing expenses, earnings and expenses under Section 35, annual reports, balance sheet certified by the certified public accountant and other information which is useful for the control of tobacco products to the Committee in accordance with the criteria, procedures and conditions prescribed by the Minister upon recommendation of the Committee.

Chapter 5
Protection of Non-Smoker's Health

Section 41 The Minister upon recommendation of the Committee shall have the power to prescribe the types and names of public areas, workplaces and vehicles, any part thereof or the whole, as non-smoking areas.

The Minister upon recommendation of the Committee may prescribe smoking areas within the non-smoking areas under paragraph one.

Section 42 No one shall smoke in the non-smoking area, except in the smoking area designated under Section 41, paragraph two.

Section 43 After the Minister upon recommendation of the Committee designated any public areas, workplaces and vehicles as non-smoking areas, an operator shall arrange for such places or vehicles to be in the following nature or characteristics:

(1) put up the non-smoking area sign which is clearly visible

(2) contain no equipment or facility for smoking

(3) be in other nature and characteristics as prescribed by the Minister upon recommendation of the Committee

Section 44 In the smoking area designated as smoking area under Section 41, paragraph two, an operator may arrange for a smoking area to be in the following nature and characteristics:

(1) put up the smoking area sign which is clearly visible

(2) not located in the entrance/exit area of the place or vehicle or in any clearly visible and disclosed area

(3) be in clearly separated area, taking into account the proper ventilation, and have no characteristic which may disturb others

(4) exhibit the media for campaign for reduction and cutting down on tobacco products consumption as prescribed and announced by the Minister upon recommendation of the Committee

(5) be in other nature and characteristics as prescribed by the Minister upon recommendation of the Committee

Section 45 The non-smoking sign under Section 43(1) or the smoking sign under Section 44(1) arranged by an operator must be in accordance with the characteristics and procedure as prescribed and announced by the Minister upon recommendation of the Committee.

Section 46 An operator shall have the duty to publicise or warn that that place is a non-smoking area and control, warn or take any other act to prevent smoking in the non-smoking area.

In case a violator smoking in the non-smoking area, if an operator has acted appropriately under paragraph one, the operator shall not be guilty.

Chapter 6
Competent Officers

Section 47 To perform in compliance with Chapter 4, a competent officer shall have the following power and duties:

(1) to enter any place during sunrise and sunset or working hours of such place or enter any vehicle in order to search in case where there is a reasonable ground to suspect that the offense under Chapter 4 has been committed

(2) to take necessary quantity of tobacco product as a sample for inspection

(3) to seize or attach tobacco products or other things, in whole or in part, which are directly relating to the manufacturing, importation, sale or act which is the commission of offense under Chapter 4 as evidence for case prosecution

(4) to issue an inquiring letter or summons any person to give statement or explanation, documents, information or other items required for the competent officer's consideration or case prosecution

(5) to take pictures, cinematographic films, sound records or collect any items as evidence

Section 48 To perform in compliance with Chapter 5, a competent officer shall have the following power and duties:

(1) to enter a public area or workplace during sunrise and sunset or working hours of such place for inspection under Chapter 5

(2) to stop or enter a vehicle for inspection per Chapter 5 where there is a reasonable ground to suspect that an offense has been committed

(3) to issue an inquiring letter or summons any person to give statement or explanation, documents, information or other items required for the competent officer's consideration or case prosecution

(4) to demand national identification card or other documents which contain the name, address and picture of beholder for information record where an offense or there is a reasonable evidence that an offence under Chapter 5 has been committed

(5) to take photographs, motion pictures , sound records or collect any items as evidence

(6) to issue a written order for fine payment for the offense committed under Chapter 5. The criteria, procedures and conditions for order issuance and order form shall be as prescribed and announced by the Minister upon recommendation of the Committee

Section 49 A competent officer in any position or level shall have the power as prescribed in Sections 47 and 48, in whole or in part, or shall receive approval from any person before taking action. The performance of duties and the qualifications of competent officers in each position or level shall be as announced and prescribed by the Minister. In the performance of duties, an assignment paper shall be prepared for the assigned competent officer to carry and present to related persons.

Section 50 A related person shall appropriately facilitate a competent officer in the performance of duties under Sections 47 and 48.

Section 51 In the performance of duties under this Act, a competent officer shall present an identity card to related persons.

Such identity card shall be in accordance with the form prescribed and announced by the Minister.

Section 52 In the performance of duties under this Act, a competent officer shall be the officer under the Penal Code.

Chapter 7
Penalties

Section 53 Any person violating Section 26, paragraph one or paragraph three, or Section 27 (1), (2) or (3) shall be subject to an imprisonment not exceeding three months or a fine not exceeding THB 30,000 or both.

Section 54 Any person violating Section 27 (4), (5), (6), (8) or (9), Section 28 or Section 29 shall be subject to a fine not exceeding THB 40,000.

Section 55 Any person violating Section 27 (7) shall be subject to a fine not exceeding THB 20,000.

Section 56 Any person violating Section 30 or Section 31 shall be subject to an imprisonment not exceeding six months or a fine not exceeding THB 500,000 or both.

If the offense under Section 30 or Section 31 is committed by manufacturer, importer or exporter of tobacco products, advertisement maker or marketing communications maker, the penalty shall be an imprisonment not exceeding one year or a fine not exceeding half of the expenses for advertisement or marketing communications production, whereby the fine shall not be less than THB 1,500,000, or both.

In addition to the penalties under paragraph one and paragraph two, the violator shall be subject to a fine not exceeding THB 50,000 a day throughout the violation period or until the same is performed correctly.

Section 57 Any person violating Section 32, paragraph one, shall be subject to a fine not exceeding THB 100,000.

Any person violating Section 32, paragraph two, shall be subject to a fine not exceeding THB 50,000.

Section 58 Any person violating Section 33 shall be subject to a fine not exceeding THB 200,000.

Section 59 Any person manufacturing, importing for sale or general distribution, advertising or conducting marketing communications of the product under Section 34 (1), (2) or (3) shall be subject to a fine not exceeding THB 100,000.

Any person selling the product under Section 34 (1), (2) or (3) shall be subject to a fine not exceeding THB 50,000.

Section 60 Any business operator who violates Section 35, paragraph one, shall be subject to an imprisonment not exceeding one year or a fine not exceeding half of the expenses for carrying out such activity, whereby the fine shall not be less than THB 1,500,000, or both.

In the case of the act under paragraph one was conducted by a contractor or any person assigned to act under Section 35, paragraph one, the penalty shall be the same as the business operator's under paragraph one.

Any related person who violates Section 35, paragraph one, shall be subject to an imprisonment not exceeding one year or a fine not exceeding THB 500,000, or both.

Any person violating Section 35, paragraph three, shall be subject to a fine not exceeding THB 500,000.

Section 61 Any tobacco products retailer who violates Section 36, paragraph one, shall be subject to a fine not exceeding THB 40,000.

Any tobacco products retailer who does not comply with Section 36, paragraph two and paragraph three, shall be subject to a fine not exceeding THB 5,000.

Section 62 In case where the violator of Section 26, Section 28, Section 29, Section 32, Section 33 or Section 36, paragraph one, is the manufacturer or importer of tobacco products, the penalties shall be three times the penalties prescribed for such offense.

Section 63 Any manufacturer or importer of tobacco products failing to inform the particulars, informing incomplete particulars or informing false particulars under Section 37, paragraph two, shall be subject to an imprisonment not exceeding six months or a fine not exceeding THB 200,000 or both.

Any manufacturer or importer of tobacco products who violates the order prohibiting sale or import or destroying tobacco products under Section 37, paragraph four, shall be subject to an imprisonment not exceeding one year or a fine not exceeding THB 500,000 or both.

In case the person violating the order prohibiting sale or import or destroying tobacco products under Section 37, paragraph four, is not the manufacturer or importer of tobacco products, the penalties shall be a fine not exceeding THB 40,000.

Section 64 Any person failing to comply with Section 38, paragraph one, shall be subject to a fine not exceeding THB 200,000.

Any person violating Section 38, paragraph two, shall be subject to a fine not exceeding THB 40,000.

Section 65 Any person violating Section 39, paragraph one, shall be subject to a fine not exceeding THB 300,000.

Any person violating Section 39, paragraph two, or failing to comply with Section 39, paragraph three, shall be subject to a fine not exceeding THB 40,000.

Section 66 Any manufacturer or importer of tobacco products failing to submit the information or submitting incomplete information under Section 40 shall be subject to an imprisonment not exceeding six months or a fine not exceeding THB 100,000 or both.

Any manufacturer or importer of tobacco products submitting false information under Section 40 shall be subject to an imprisonment not exceeding one year or a fine not exceeding THB 200,000 or both.

Section 67 Any person violating Section 42 shall be subject to a fine not exceeding THB 5,000.

Section 68 Any person failing to comply with Section 43 or Section 44 shall be subject to a fine not exceeding THB 50,000.

Section 69 Any person failing to comply with Section 45 shall be subject to a fine not exceeding THB 5,000.

Section 70 Any person failing to comply with Section 46, paragraph one, shall be subject to a fine not exceeding THB 3,000.

Section 71 Any person obstructing or failing to accord facilitation to an competent officer in the performance of duties under Section 47 or Section 48 shall be subject to an imprisonment not exceeding one month or a fine not exceeding THB 10,000 or both.

Section 72 Any person failing to pay the fine per the order issued by a competent officer under Section 48 (6) within a prescribed period without reasonable ground shall be subject to a fine two times the fine under such order.

Section 73 In the case where the offender is a juristic person, if the commission of offense by the said juristic person arises as a result of an order or action of a director or a manager or a person responsible for the operations of such juristic person, or in the case where such person has a duty to order or act and refrains from ordering or acting which causes such juristic person to commit an offense, such person shall also be subject to the penalties prescribed for such offense.

Section 74 For all the offenses under this Act which are subject to a fine only, the Committee or the Committee-assigned person shall have the power to fix the amount of the fine per the regulations prescribed by the Committee and published in the Government Gazette.

After the offender pays the fine in the fixed amount within the prescribed period, the case shall be deemed to be settled under the Criminal Procedure Code.

Provisional Clauses

Section 75 In the initial period, the National Tobacco Products Control Committee shall comprise the directors under Section 6 (1), (2) and (3) and the Director-General of the Department of Disease Control shall be the director and secretary. They shall perform the duties of the National Tobacco Products Control Committee until the qualified members under Section 6 (4) and (5) are appointed but not beyond 120 days from the date of this Act enforcement. The Director General of the Department of Disease Control shall appoint two officers from the Department of Disease Control who are responsible for tobacco products control works as assistant secretaries.

Section 76 In the initial period, the Bangkok Tobacco Products Control Committee shall comprise the directors under Section 16 (1), (2) and (3) and the Deputy Director of the BMA's Health Department shall be appointed by the Bangkok Governor to be a member and secretary. They shall perform the duties of the Bangkok Tobacco Products Control Committee until the qualified members under Section 16 (4) are appointed but not beyond 120 days from the date of this Act enforcement. The Bangkok Governor shall appoint two officers from the BMA's Health Department as assistant secretaries.

Section 77 In the initial period, the Provincial Tobacco Products Control Committee shall comprise the directors under Section 21 (1), (2) and (3) and the Provincial Public Health Chief shall be member and secretary. They shall perform the duties of the Provincial Tobacco Products Control Committee until the qualified members under Section 21 (4) are appointed but not beyond 120 days from the date of this Act enforcement. The Provincial Governor shall appoint two officers from the Provincial Public Health Office as assistant secretaries.

Section 78 The particulars of components of the tobacco product informed pursuant to the Tobacco Products Control Act B.E. 2535 prior to the date of this Act enforcement shall remain valid until its expiry date as stated in the Certificate of the Notified Particulars of Components of Tobacco Products.

Section 79 All Ministerial Regulations and Notifications issued under the Tobacco Products Control Act B.E. 2535 and the Non-Smokers' Health Protection Act B.E. 2535 enforced on the day prior to the date of this Act enforcement shall remain in force so long as they do not in conflict with or contradict to this Act until the Ministerial Regulations, Rules and Notifications issued under this Act come into force.

The Ministerial Regulations, Rules and Notifications under this Act shall be completely issued within 1 year from the date of this Act enforcement. Otherwise, the Minister shall report the grounds for such failure to the Cabinet.

Countersigned by
General Prayut Chan-o-cha
Prime Minister

Fee Rates

1. the certificate of registration and notification of the components and emission products of the tobacco product THB 100,000 each
2. the document issued in lieu of the certificate of registration and notification of the components and emission products of the tobacco product THB 2,000 each

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