

THE GOVERNMENT

No. 77/2013/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, July 17, 2013

DECREE

DETAILING IMPLEMENTATION OF THE LAW ON TOBACCO HARM PREVENTION REGARDING SOME MEASURES OF TOBACCO HARM PREVENTION

Pursuant to the Law on organization of Government dated December 25, 2001;

Pursuant to the Law on tobacco harm prevention dated June 18, 2012;

At the proposal of the Minister of Health;

The Government promulgates the Decree detailing implementation of the Law on tobacco harm prevention regarding some measures of tobacco harm prevention,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details implementation of clause 4 Article 12, Clause 7 Article 15, Clause 2 and Clause 4 article 17 of the Law on tobacco harm prevention regarding conditions for establishment and organization of smoking cessation and advisory, change of indoor non-smoking locations with places reserved for smokers to the indoor complete non-smoking locations and increase of the printing area of health warnings on tobacco package.

Article 2. Interpretation of terms

1. Smoking cessation means application of measures to help smoke addicts in quitting tobacco use.
2. Advisory of smoking cessation means provision for information to the smoke addicts to select and voluntarily quit tobacco use.

Chapter 2.

CONDITIONS FOR ESTABLISHMENT AND ORGANIZATION OF SMOKING CESSATION AND ADVISORY

Article 3. Forms of organization of smoking cessation and advisory

1. Agencies, organizations and individuals establish establishments of smoking cessation, advisory establishments of smoking cessation in accordance with this Decree.
2. Medical examination and treatment establishments organize activities of smoking cessation and advice about smoking cessation.

Article 4. Conditions for establishment of smoking cessation establishments

1. Possessing decision on establishment of competent state agency for establishments owned by State or business registration certificate of competent state agency for establishments owned by individuals.
2. Having sufficient material facilities ensuring for activities of smoking cessation and advising about smoking cessation:
 - a) Having communication documents on smoking cessation and advising about smoking cessation including: Bookcase, placards, brochures, tapes, compact discs providing for information on smoking cessation and advice about smoking cessation;
 - b) Information, data on smoking cessation and advice about smoking cessation are managed by computer;
 - c) Having rooms reserved for activities of smoking cessation and advising on smoking cessation with area not less than 10m², full equipment ensuring for activities of smoking cessation and advising on smoking cessation.
3. There are persons directly exercising activities of smoking cessation and meeting the following conditions:
 - a) Possessing certificate of practicing medical examination and treatment;
 - b) To comply with process of smoking cessation.
4. There are persons directly exercising advisory activities of smoking cessation with knowledge, understanding of smoking harm for their health, diseases originated from reason of smoking and advisory content of smoking cessation specified in Clause 3 Article 8 of this Decree.

Article 5. Conditions for establishment of smoking cessation advisory establishments

1. Possessing decision on establishment of competent state agency for establishments owned by State or business registration certificate of competent state agency for establishments owned by individuals.
2. Having sufficient material facilities ensuring for activities of advisory for smoking cessation:
 - a) Having communication documents specified in point a Clause 2 Article 4 of this Decree;

- b) Information and data on advisory for smoking cessation are managed by computer;
 - c) Having rooms reserved for activities of directly advising on smoking cessation with area not less than 10m², telephone, internet, and other means of information ensuring for activities of indirectly advising about smoking cessation.
3. There are persons directly exercising advisory activities of smoking cessation specified in Clause 4 Article 4 of this Decree.

Article 6. Conditions for activities of smoking cessation and advising about smoking cessation applicable to medical examination and treatment establishments

- 1. Being medical examination and treatment establishments licensed operation as prescribed by law on medical examination and treatment.
- 2. For activities of smoking cessation: Being eligible as prescribed in Clause 2, Clause 3, Clause 4 Article 4 of this Decree;
- 3. For activities of advising about smoking cessation: Being eligible as prescribed in Clause 2, Clause 3 Article 5 of this Decree.

Article 7. Operation of smoking cessation establishments, medical examination and treatment establishments those organize activities of smoking cessation and advising about smoking cessation

- 1. Smoking cessation establishments eligible as prescribed in Article 4 of this Decree, medical examination and treatment establishments eligible as prescribed in Article 6 of this Decree may perform activities of smoking cessation and advising on smoking cessation.
- 2. Establishments must send a notification to Health Services of provinces and central-affiliated cities, where establishments are operating, about their activities of smoking cessation and advising on smoking cessation as prescribed in Article 9 of this Decree.
- 3. The smoking cessation must comply with the process promulgated by the Minister of Health.
- 4. The smoking cessation drugs must be drugs allowed to legally circulate as prescribed by law on pharmacy. Products supporting for the smoking cessation include patches, lozenges, sprays or other products supporting for smoking cessation must ensure quality and be safe for smoking cessation persons and must be registered announcement of quality standard at competent state agencies as prescribed by law.

Article 8. Operation of smoking cessation advisory establishments

- 1. Smoking cessation advisory establishments eligible as prescribed in Article 5 of this Decree, may perform activities of advising for smoking cessation only, not perform activities of smoking cessation.

2. Establishments must send a notification to Health Services of provinces and central-affiliated cities, where establishments are operating, about their activities of advising for smoking cessation as prescribed in Article 9 of this Decree.

3. Content of advisory for smoking cessation must ensure to supply full the following information:

- a) Tobacco harm for health of users and surrounding persons;
- b) Benefits of smoking cessation and living environment without tobacco smoke;
- c) Measures of smoking cessation suitable with the smoking cessation persons.
- d) Influences to health that may happen for the smoking cessation persons and remedy.

Article 9. Notification of activities of smoking cessation and advising about smoking cessation

1. Content of notification of smoking cessation establishments, smoking cessation advisory establishments, medical examination and treatment establishments those organize activities of smoking cessation and advising about smoking cessation to send to Health Services of provinces and central-affiliated cities includes the following information:

- a) Name, address of establishments;
- b) Number of establishment decision for establishments owned by State or number of business registration certificate for establishments owned by individuals; number of operational license for the medical examination and treatment establishments.
- c) Operational scope of smoking cessation, advising about smoking cessation of establishments;
- d) Full name, ID number, residence address of head of establishments, full name, number of certificate of practicing medical examination and treatment of persons directly exercising activities of smoking cessation for smoking cessation establishments, medical examination and treatment establishments those organize activities of smoking cessation and advising about smoking cessation;
- e) List of material facilities ensuring operation of establishments.

2. Before performing activities of smoking cessation, advising about smoking cessation, the smoking cessation establishments, smoking cessation advisory establishments, medical examination and treatment establishments those organize activities of smoking cessation and advising about smoking cessation satisfying full conditions as provided must send notification to Health Services of provinces and central-affiliated cities, where establishments are operating, about operation of establishments according to contents prescribed in Clause 1 of this Article.

3. Establishments may perform activities of smoking cessation, advising about smoking cessation 10 days after directly sending notification about operation of establishments to Health Services of provinces and central-affiliated cities, where establishments are operating.

4. The Health Services of provinces and central-affiliated cities shall issue receipt of written notification about activities of smoking cessation, advising about smoking cessation of establishments after receiving document and facilitate, guide, inspect, examine establishments during their operation.

Chapter 3.

CHANGE OF INDOOR NON-SMOKING LOCATIONS WITH PLACES RESERVED FOR SMOKERS TO THE INDOOR COMPLETE NON-SMOKING LOCATIONS AND INCREASE OF THE PRINTING AREA OF HEALTH WARNINGS ON TOBACCO PACKAGE

Article 10. Change of indoor non-smoking locations with places reserved for smokers to the indoor complete non-smoking locations

1. The Ministry of Health shall assume the prime responsibility for, and coordinate with relevant Ministries, sectors and localities in monitoring execution and assessing implementation of provisions on indoor non-smoking locations with places reserved for smokers and proposing to the Government for regulation which changes such locations to the indoor complete non-smoking locations when meet requirements at Clause 2 of this Article.

2. Change of indoor non-smoking locations with places reserved for smokers to the indoor complete non-smoking locations in conformity with each period must ensure the following requirements:

- a) To be suitable with orientations, policies of State on tobacco harm prevention; requirements on preventing and reducing tobacco harm for health;
- b) People's awareness level of tobacco harm for health;
- c) Quantity of smoking persons at reserved places is not many;
- d) Having a suitable roadmap to ensure feasibility;
- e) Conformity with conditions and tendency of countries in region and on the world.

3. Content of proposal about change of indoor non-smoking locations with places reserved for smokers to the indoor complete non-smoking locations must include:

- a) Assessment report about implementation of provision on non-smoking places;

b) List and roadmap of places which need turn into the indoor complete non-smoking places under the following priority level:

- Public means of transport such as ships, trains;
- Isolation areas of airport;
- Hotels, tourism accommodation establishments, bars, karaoke rooms, discotheque.

c) Tentative effects of changing the indoor non-smoking locations with spaces reserved for smokers into the indoor complete non-smoking locations.

Article 11. Increase of the printing area for healthy warning on tobacco package

1. The Ministry of Health shall assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade and other relevant Ministries, sectors and localities in monitoring execution and assessing implementation of provisions on printing healthy warnings on tobacco package and proposing the Government for regulation on increasing the area of healthy warning on tobacco package when meet requirements at Clause 2 of this Article.

2. The increase of the printing area for healthy warning on tobacco package in conformity with each period must ensure the following requirements:

a) To be suitable with orientations, policies of State on tobacco harm prevention; requirements on preventing and reducing tobacco harm for health; requirements on controlling the tobacco production and trading activities;

b) To increase effectiveness of the printing healthy warning on tobacco package;

c) Conformity with conditions and tendency about printing the healthy warnings on tobacco package of countries in region and on the world.

3. Content of proposal on increase of the printing area for healthy warning on tobacco package includes:

a) Assessment report about implementation of provision on printing healthy warnings on tobacco package;

b) The increasing level of the printing area for healthy warning on tobacco package;

c) Forecast on influence of increasing the printing area of health warnings on tobacco package;

d) Documents summing up comments of organizations, individuals subject to impact of proposal on increase of the printing area for healthy warning on tobacco package

Chapter 4.

IMPLEMENTATION PROVISIONS

Article 12. Responsibilities for implementation

1. The Ministry of Health shall:

a) Carry out and guide activities of smoking cessation, advising on smoking cessation; promulgate the process of smoking cessation; to provide directions to health establishments in carrying out activities that integrate with fast advisory of persons practicing medical examination and treatment about smoking cessation for smoking addicts;

b) Assume the prime responsibility for, and coordinate with relevant Ministries and sectors, People's Committees of provinces and central-affiliated cities in implementing Article 10 and Article 11 of this Decree.

2. Ministries, Ministerial-level agencies, agencies under Government shall, within their assigned functions, tasks and powers, organize implementation of provisions of this Decree.

3. The provincial People's Committees shall, within their assigned functions, tasks and powers, organize implementation and examine implementation of provisions of this Decree in their localities, and annually report result of implementation to the Ministry of Health for summing up and reporting to Government.

Article 13. Effect

This Decree takes effect on September 15, 2013.

Article 14. Transitional provisions

Establishments which have carried out activities of smoking cessation and advising about smoking cessation before the effective date of this Decree, within 60 days after this Decree takes effect, must ensure conditions as prescribed by this Decree and send notification about their activities of smoking cessation and advising about smoking cessation, to Health Services of provinces or central-affiliated cities where establishments are operating, as prescribed in Clause 1 Article 9 of this Decree.

Article 15. Responsibilities for implementation

Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, chairpersons of People's Committees of provinces and central-affiliated cities, and relevant organizations and individuals shall implement this Decree.

**ON BEHALF OF GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

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