

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

Translation

BHUMIBOL ADULYADEJ REX.

Given on the 30th day of March B.E.2535

Being the 47th year of the Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:
Whereas it is expedient to promulgate the law on the health protection of non-smokers,
Be it therefore enacted by the King, by and with the advice and consent of the National Assembly acting as the Parliament, as follows:

Section 1

This Act is called the "Non-Smokers' Health Protection Act, B.E. 2535 (1992)"

Section 2

This Act shall enter into force as from the day following the date of its publication in the Government Gazette.

Section 3

In this Act

"Cigarette" means a cigarette, cigar, other cigarettes, and tobacco or modified tobacco pursuant to the law on tobacco.

"Smoking" includes any act, which results in the production of smoke from the burning of cigarette.

"Public place" means a place or any vehicle where the public is entitled to enter.

"Operator" means an owner, manager, supervisor or a person responsible for the operation of the public place.

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

"Smoking area" means an area where smoking is allowed.

"Authority" means a person who is appointed by the Minister to execute this Act.

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

Section 4

The Minister shall have the power to publish in the Government Gazette.

- (1) Designating the names of types of public places where the health of non-smokers shall be protected;
- (2) Designating any part or all of the public places under (1) as a smoking or non-smoking area,
- (3) Designating the condition, nature and standard of non-smoking or smoking areas with respect to smoke or air ventilation;
- (4) Designating the criteria and procedures of sign demonstration in the smoking or non-smoking areas.

The publication under (3) or (4) shall also fix the date, time or period on which the operator must complete such compliance.

Section 5

After publication by the Minister under Section 4, the operator shall have the duty

- (1) to arrange any part or all of the public places as the smoking and non-smoking areas;
- (2) to arrange the smoking area to have such condition, nature and standard as designated by the Minister;
- (3) arrange for the signs in the smoking or non-smoking areas in accordance with the criteria and procedures designated by the Minister.

Section 6

No persons shall be allowed to smoke in a non-smoking area,

Section 7

The authority shall have the power to enter such public places as published by the Minister under Section 4 (1) and Section 4 (2) during sunrise and sunset or working hours of such places for inspection or supervision of the implementation of this Act.

Section 8

In performing the duty, the authority shall present the identity card to the persons concerned.

Such identity card of the authority shall be in accordance with the form prescribed by the Minister and published in the Government Gazette.

Section 9

The operator and persons concerned with the public places shall reasonably facilitate the authority performing the duty under Section 7.

Section 10

In executing this Act, the authority shall be the officers under the Penal Code.

Section 11

Any operator failing to comply with Section 5 (1) shall be subject to a fine not exceeding twenty thousand Baht.

Any operator failing to comply with Section 5 (2) shall be subject to a fine not exceeding ten thousand Baht.

Any operator failing to comply with Section 5 (3) shall be subject to a fine not exceeding two thousand Baht.

Section 12

Any person violating Section 6 shall be subject to a fine not exceeding two thousand Baht.

Section 13

Any person obstructing or failing to facilitate the authority performing the duty under Section 7 shall be subject to an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both.

Section 14

The competent inquiring officer inquiring a case shall have the power to affect the fine in accordance with the Criminal Procedure Code.

Section 15

The Minister of the Ministry of Public Health shall take charge of this Act and shall have the power to appoint the authorities as well as to prescribe the announcements for the execution of this Act.

Such announcements shall enter into force after their publication in the Government Gazette.

Countersigned by
Mr. Anand Punyarachun
Prime Minister

Note: The reason for the promulgation of this Act is that it is recognized among the physicians that cigarette smoke causes several harms to the health of smokers and non-smokers alike such as lung cancer or cancer of other organs and Coronary Artery Thrombosis. Cigarette smoke also aggravates the symptom of certain diseases such as chronic bronchitis or allergies. Moreover, it is proved that the non-smokers inhaling such cigarette smoke of other persons suffer health deterioration the same way as cigarette smokers do especially in case where the inhaling persons of such cigarette smoke are children. It is therefore expedient to protect the health of non-smokers against the cigarette smoke in the public places by prohibiting cigarette smoking in certain places or by designating specific smoking areas or otherwise. It is therefore necessary to promulgate this Act.

Published in the Government Gazette, Book 109, Part 40 dated 7 April 1992

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