

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

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 29th day of March B.E.2535

Being the 47th year of the Present Reign

His Majesty King Bhumibhol Adulyadej has been graciously pleased to proclaim that:

Whereas it is expedient to promulgate the law on control of tobacco products;

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 "Tobacco Products Control Act, B.E. 2535 (1992)"

Section 2

This Act shall enter into force after the period of one hundred and twenty days as from the date of publication in the Government Gazette.

Section 3

In this Act

"Tobacco product" means the tobacco under the law on tobacco and any other product composed of tobacco leaves or nicotiana tabacum plant to be used either by smoking, sucking, sniffing, munching, eating, blowing or spraying into the mouth or nose or by other means in order to obtain the same result.

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

"Advertising" means an act undertaken by any means to allow the public to see, hear or know the statement for commercial interest.

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

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

Section 4

No person shall be allowed to dispose of, sell, exchange or give the tobacco products to a person whom is known to the former that the buyer or receiver does not attain eighteen full years of age.

Section 5

No person shall be allowed to sell the tobacco products by vending machines.

Section 6

No person shall be allowed to do any of the following acts:

- (1) To sell goods or render services with the distribution, addition, gift of tobacco products or exchange with the tobacco products as the case may be,
- (2) To sell the tobacco products with the distribution, addition, gift of or exchange with other goods or services,
- (3) To give or offer the right to attend the games, shows, services or any other benefit as a consideration to the buyer of tobacco products or a person bringing the package of tobacco products for exchange or redemption therefore.

Section 7

No person shall be allowed to distribute the tobacco products as a sample of the tobacco products so as to proliferate such tobacco products or to persuade the public to consume such tobacco products except for a customary gift.

Section 8

No person shall be allowed to advertise the tobacco products or exposing the name or mark of the tobacco products in the printed matters, via radio broadcast, radio, television or any other advertiseable thing or to use the name or mark of the tobacco products in the shows, games, services or any other activity the objective of which is to let the public to understand that the name or mark belongs to the tobacco products.

The provisions of paragraph one does not apply to the live broadcast from abroad via radio or television and the advertisement of the tobacco products in the printed matters printed outside the Kingdom without the objective to dispose of specifically in the Kingdom.

Section 9

No person shall be allowed to advertise the goods using the name or mark of the tobacco products as a mark of such goods in such a manner as to make such a mark to be understood as that of the tobacco products.

Section 10

No person shall be allowed to manufacture, import for sale or general distribution or advertise any other goods having such an appearance as to be understood as an imitation of such tobacco products as cigarettes or cigars under the law on tobacco or of the package of the said products.

Section 11

The tobacco to be sold shall have the composition in accordance with the standards prescribed in the Ministerial Rules.

The manufacturer or importer of the tobacco products shall have a duty to inform the Ministry of Public Health of the particulars of composition of the tobacco products in accordance with the criteria, procedures and conditions prescribed in the Ministerial Rules.

In case where the composition of any product does not comply with the standards prescribed in paragraph one, the Minister shall have the power to order the prohibition of sale or import of such tobacco product.

Section 12

The manufacture or importer of the tobacco products must exhibit the labels on the packages of tobacco products before moving out of the manufacturing site or before importation into the Kingdom as the case may be.

The criteria, procedures and conditions of exhibition of such labels and the statements therein shall be in accordance with those published in the Government Gazette by the Minister.

Section 13

No person shall be allowed to sell the tobacco products without exhibition of the labels as provided for in Section 12 on the packages of such tobacco products.

Section 14

In performing the duties under this Act, the authority shall have the power to

- (1) enter any place during sunrise and sunset or working hours of such place or enter any vehicle which in order to search in case where there is reasonable ground to suspect that the offenses hereunder have been committed;
- (2) take reasonable quantity of the tobacco products as a sample for inspection;

- (3) issue an inquiring letter or summon any person for interrogation or submission of the accounts, documents, evidence or other items required for consideration.

In performing the duties under paragraph one, the persons concerned shall reasonably accord facilitation therefore.

Section 15

In performing the duties under this Act, the authority shall present the identity card to the persons concerned.

Such identity cards of the authority shall be in accordance with the form prescribed in the Ministerial Rules.

Section 16

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

Section 17

Any person violating Section 4 or Section 5 shall be subject to an imprisonment not exceeding one month or a fine not exceeding two thousand Baht or both.

Section 18

Any person violating Section 6, Section 7, Section 9 or Section 10 shall be subject to a fine not exceeding twenty thousand Baht.

Section 19

Any person violating Section 8 paragraph one shall be subject to a fine not exceeding two hundred thousand Baht.

Section 20

Any manufacturer or importer failing to inform the particulars or informing incomplete particulars or informing false particulars or selling or importing the tobacco products in violation of Section 11 shall be subject to an imprisonment not exceeding six months or a fine not exceeding one hundred thousand Baht or both.

Section 21

Any manufacturer or importer violating Section 12 shall be subject to a fine not exceeding one hundred thousand Baht.

Section 22

Any person violating Section 13 shall be subject to a fine not exceeding twenty thousand Baht.

Section 23

Any person obstructing or failing to accord facilitation to the authority in performing the duties under Section 14 shall be subject to an imprisonment not exceeding one month or a fine not exceeding ten thousand Baht or both.

Section 24

In case where the violation of Section 4, Section 5, Section 6, Section 7, Section 8 paragraph one, Section 9, Section 10, or Section 13 is the manufacturer or importer, the violator shall be subject to the penalty twice that provided for such offenses.

Section 25

In case where the offender who is subject to the penalty hereunder is a juristic person, the managing director or a person responsible for the operation of such juristic person shall also be subject to the penalty provided for by law for such offenses unless it is proved that the action of such juristic person is committed without the knowledge or approval of such managing director or responsible person.

Section 26

The Minister of the Ministry of Public Health shall take charge of this Act and shall have the power to appoint the authority and to prescribe the Ministerial Rules for the execution of this Act.

Countersigned by

Mr. Anand Punyarachun

Prime Minister

Note

The reason for the promulgation of this Act is that at present it is recognized among the physicians that the tobacco products cause fatal diseases to the consumers as well as affect the fetus in case where the consumers are pregnant and also have adverse effect on the persons nearby. However, at present there exists no law to exclusively control the tobacco products thereby proliferating the advertisement and promotion of the sale of tobacco products by various means especially among the juveniles who are the significant resources of the nation which creates a serious obstacle for the prevention of diseases caused by the consumption of tobacco products and for the maintenance of health of the public. It is therefore necessary to promulgate this Act.

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