

Notification of the Ministry of Public Health (No. 17) B.E.2549 (2006)

Re: Designating Names of Categories of Public Places Where There Must be Provided Non-Smoker's Health Protection, and Designating Any or All Parts of Said Public Places as Smoking Area of Non-Smoking Areas, and Designating Conditions, Descriptions and Standards of Smoking Area of Non-Smoking Area under Non-Smoker's Health Protection Act B.E.2535(1992)

Translation

By virtue of Section 4 (1), (2), (3) and Section 15 of the Non-Smoker's Health Protection Act B.E. 2535 (1992), which is a law containing certain provisions relating to the restriction of personal rights and freedom, for which Section 29 incorporation Section 31, Section 35, Section 48 and Section 50 of the Constitution of the Kingdom of Thailand provide that such can be made by virtue of the provisions of a law, the Minister of Public Health hereby issues a Announcement as follows:

Article 1

The following shall be repealed:

- (1) Notification of Ministry of Public Health (No. 10) B.E. 2545(2002) Re Designating Names of Categories of Public Places Where There Must be Provided Non-Smoker's Health Protection, and Designating Areas of Zones of Such Places as Smoking Area of Non-Smoking Area;
- (2) Notification of Ministry of Public Health (No. 13) B.E. 2546(2003) Re Designating Names of Categories of Public Places Where There Must be Provided Non-Smokers Health Protection, and Designating Areas or Zones of Such Places as Smoking Area or Non-Smoking Area;
- (3) Notification of Ministry of Public Health (No. 16) B.E 2548(2005) Re Designating Names or Categories of Public Places Where There Must be Provided Non-Smoker's Health Protection, and Designation Areas or Zones of Such Places as Smoking Area or Non-Smoking Area.

Article 2

The following places shall be a public place where there must be provided non-smoker's health protection, whereby all shall be designated as a non-smoking area:

- (1) Fixed route passenger vehicle or hired passenger vehicle.
- (2) School or university bus of all kinds.
- (3) Passenger vehicle used in a common mission of administration agencies, state enterprises or other government agencies.
- (4) Passenger shelter or area used for waiting before or after the use of passenger vehicle of all kinds.
- (5) Passenger lift.
- (6) Public telephone booth or area provided for the use of public telephone services.
- (7) Toilet.
- (8) Entertainment house.
- (9) Library.
- (10) Meeting room, training room or seminar room.
- (11) Pharmacy building.
- (12) Clinic or medical treatment place for both humans and animals of the category not admitting overnight patients or animals.
- (13) Building used as place of business of Thai massage or traditional massage.

- (14) Building used as place of business of health spa, health massage or beauty massage.
- (15) Building providing services of sauna, steam sauna or herbal sauna.
- (16) Building for indoor exercises or indoor sports ground building, however, excluding places for indoor sports of snooker or billiard as per the Ministerial Regulations No. 27 B.E. 2534(1991) Issued under Gambling Act B.E. 2478(1935)
- (17) Stadium for watching sports or shows.
- (18) Children playground.
- (19) Pre-school kindergarten.
- (20) School or educational institute lower than university level.
- (21) Religious place or place for performing religious rites of various sects or religions, specifically where the religious rites are performed.

All public places under paragraph one shall be a non-smoking area.

- (22) The following public places, specifically where they are air-conditioned:

22.1 Place for holding arts or cultural shows, museum or arts house.

22.2 Department store, trade centre, exhibition hall.

22.3 Barber's shop, dressmaker's shop/tailor's shop, beauty salon.

22.4 Place providing computer, internet, games or karaoke services.

22.5 Lobby or hotel, resort, dormitory, rented room, condominium building, court or apartment.

22.6 Food selling place, beverage selling place, food and beverage selling place, or banquet hall, except the following:

- (1) Food selling place, beverage selling place, food and beverage selling place, or banquet hall, specifically which is or is located within the service houses under Section 3 (1), (2) and (3) of the Service Houses Act, B.E. 2509(1966), amended by the Service Houses Act (No. 4), B.E. 2546 (2003)
- (2) Food selling place, beverage selling place, food and beverage selling place, or banquet hall, specifically which is located within the service houses under Section 3 (4) and (5) of the Service Houses Act B.E. 2509(1966), amended by the Service Houses Act (No. 4) B.E. 2546 (2003), where the persons under the age of 20 years old who are not working in such places are not allowed to enter therein during service hours, whereby there must be displayed at least one permanent warning sign in Thai language of white background and "Si Praya" font, or other similar font, in red of a size not smaller than 200 points reading "Cigarette Smoke Kills" or "Cigarette Smoke Causes Lung Cancer" at the conspicuous place of the entrance of such place.

The Food selling place, beverage selling place, food and beverage selling place, or banquet hall, which is or is located within the said service houses must not be a service house located at the public places under No. 2 and No. 3 of this Notification of Ministry of Public Health.

Article 3

The following places shall be a public place where there must be provided non-smoker's health protection, whereby they all shall be designated as non-smoking area, however, subject to certain exceptions:

- (1) Administration agencies, state enterprises or other government agencies.
- (2) Private entity's workplace specifically where there is air-conditioning system, except the work place which is a service house under Section 3 of the Service

Houses Act, B.E. 2509 (1966), amended by the Service house that is located at the public places under No. 2 and No. 3 of this Notification of Ministry of Public Health.

- (3) Passenger terminals of all kinds, including airport and boat pier.
- (4) Oil or gas service station.
- (5) University or educational institute from university level upwards.
- (6) Learning park or centre, occupation training centre, tutoring place, language teaching place, music-singing teaching place, acting teaching place, arts teaching place, sports teaching place, sports teaching place, self-defense arts teaching place, and others.
- (7) Bank, financial institution.
- (8) Religious place or place for performing religious rites of various sects or religions in all other parts than the area where religious rites are performed.
- (9) Outdoor exercising ground or sports ground.
- (10) Public park, zoo, botanical park.
- (11) Hospital or medical treatment place for both humans and animals of the category admitting overnight patients or animals.
- (12) Public places in No. 2 (22.1 to 22.5) in all other parts than those located within the air-conditioned area.

The public places under paragraph one shall not be a non-smoking area specifically in the following cases:

- (1) Private rest room or private work room of the worker in such public place, specifically where it is used by the said person only.
- (2) Areas provided as "Smoking Area" specifically, whereby the condition and the description of the Minister of the Ministry of Public Health, which may or may not be arranged by the operator.

Article 4

Any public place where the word "building" is not specified shall mean to include an area used for operating such missions as well, whether or not it is fenced.

For any public place which is not designated or not clearly designated, it shall be based on the circumstances whether or not smoking at such place is a nuisance to other persons.

Article 5

This Notification shall be enforced after the lapse of 90 days from the day following the date of publication in the Government Gazette onwards.

Notified on this 24th day of August 2006

Pinit Jarusombat

Minister of the Ministry of Public Health

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