

Government of the People's Republic of Bangladesh

Health and Family Welfare Ministry

NOTICE

Dated: 28 Falgoon 1421 Bengali Year / 12 March 2015 of the Christian Era

S.R.O. No. 58 – Act/2015 – According to the power delegated by Section 16 of the Smoking And Tobacco Products Usage (Control) Act, 2005 (Act No. 11 of 2005) the government has enacted a Rule as follows:-

**1. Title** – This Rule shall be called Smoking and Tobacco Products Usage (Control) Rule 2015.

**2. Definitions** – (1) In this Rule, unless there is anything repugnant to the subject or context, "Act" means Smoking And Tobacco Products Usage (Control) Act, 2005 (Act No. 11 of 2005).

(2) The Words and Terms which were used in this Rule but were not defined here, shall carry the meaning as defined in the Act.

**3. Authorized Officers** – "Authorized Officers" mentioned in sub-section (a) of Section 2 shall also include the following officers, such as:-

(a) All First Class Gazetted Officers of the National Tobacco Control Cell;

(b) Senior Health Education Officer;

(c) First Class Officers of Bangladesh Railway;

(d) Police Officers not below the Sub-Inspector level;

(e) Officers not below the level of Assistant Director of the Department of Narcotics Control;

(f) Sanitary Inspectors working in the Upazilla Health Complex, Civil Surgeon's Office, Municipal Corporation and City Corporation;

- (g) First Class Officers working in the Department of Fire Fighting and Civil Defense; and
- (h) Industrial Inspectors.

**4. Defining "Smoking" area, etc.** – (1) No place shall be marked or identified as a smoking zone in the following public places and public areas, such as:-

- (a) Educational institution;
- (b) Inside a library;
- (c) Hospital and clinic building;
- (d) Inside a cinema hall;
- (e) Inside a presentation hall;
- (f) A one-room covered restaurant surrounded by walls in all four sides;
- (g) Children park;
- (h) Covered places for sports and exercise; and
- (i) A one-room public transport.

(2) If the public place is a building, an open space of the building may be marked or designated as a smoking area.

(3) If the public transport such as a train, steamer, launch, ferry etc. has more than one room, a place can be designated for smoking, but:

- (a) The place should be at the end or backside or in an open space of the said public transport;
- (b) The place can not be designated in the main room for passengers.

**5. Rules to control displaying of usage of tobacco products in movies** – (1) To meet the objectives of article (e) of sub-section (1) of section 5 of the Act, if it is necessary to display any scene containing the usage of tobacco products, the scene can be displayed in the

following way accompanied by a written warning about the harmful effects of consuming tobacco products, such as:

(a) While displaying the usage of tobacco products, a health warning shall be displayed in the middle of the screen covering at least one-fifth of the screen, in white letters against a black background, in Bengali with the following words “Smoking/consuming tobacco causes death”, and the health warning shall be continuously displayed as long as the scene continues;

(b) In case of a movie telecasted in the television which has scenes of tobacco consumption, while showing such scenes in between two advertisement breaks, after the first advertisement break i.e. before starting the scene and also before the second advertisement break i.e. after the completion of the scene, a health warning shall be displayed in full-screen for at least 10 (ten) seconds in white letters against a black background, in Bengali with the following words “Smoking/consuming tobacco causes death”; and

(c) In case of a movie showed in a cinema hall which has scenes of tobacco consumption, a health warning shall be displayed before starting the movie, before and after the break and after completion of the movie, the health warning shall be displayed in fullscreen for at least 20 (twenty) seconds in Bengali with the following words “Smoking/consuming tobacco causes death.”

**6. Arrangement of smoking area** – To meet the objectives of section 7 of the Act, while designating a smoking area in a public place or public transport, the following conditions shall be followed:-

(a) Smoke-free area shall be kept separated from a smoking area;

(b) Ensure that the smoke from the smoking area can not enter the smoke-free area;

(c) Keep fire-extinguisher, and appropriate container to through away the remaining parts of a bidi or cigarette;

(d) If a smoking area is marked or designated in a public place or public transport, ensure that a non-smoker does not have to cross that particular marked or designated area.

(e) Make arrangement to display in the smoking area warning notices in Bengali and English language with text such as “Designated place for smoking” and “Smoking causes death”.

#### **7. Responsibility of the owner and related persons of the public place or public transport –**

To meet the objectives of sub-section (1) of section 7a, the owner, caretaker, controlling person or manager of every public place or public transport shall take the following measures to keep their controlled area smoke-free, such as:-

(a) Post anti-smoke signs to refrain others from smoking;

(b) No ashtrays shall be kept in the smoke-free area;

(c) Make arrangement to display in the smoking area warning notices in Bengali and English language with text such as “Designated place for smoking” and “Smoking causes death”.

(d) If anybody contravenes the Act and the laws of this Rule and smoke in a smoke-free area, the owner, caretaker, controlling person, manager, or the effected person staying at that area shall request the smoker not to smoke in that place;

(e) According to the rule of article (d), after requesting a person not to smoke, if they continue smoking, the person responsible for the premises can expel the smoker, refrain to provide them any service and take assistance from law and order agencies.

**8. Display of caution notice regarding smoke-free area –** To meet the objectives of section 8 of the Act, every public place or public transport shall take the following precautionary measures, such as:-

(a) Shall arrange to display a caution notice “Refrain from Smoking, It is a Punishable Offence” in Bengali and in English language at the entrance and in one or more places inside a public place or public transport;

(b) The size of a caution notice board in a public place shall be at least 40 centimeter X 20 centimeter;

(c) Shall arrange to display the caution notice in red letters against a white background or in white letters against a red background with a no-smoking sign;

(d) Shall arrange to publish the sample of caution notice on the website of the relevant ministry and the National Tobacco Control Cell.

**9. Printing of warning notice, etc. about damages with pictures on the packets, packages, carton or can of tobacco products** – (1) To meet the objectives of section 10 of the Act, following method shall be observed in printing warning notice about damages with pictures on the packets, packages, carton or can of tobacco products, such as:-

(a) The color pictures and health warning messages provided by the government shall be printed as it is with the size, color, ratio etc. of the script;

(b) Warning notice describing “Passive smoking kills” shall be printed;

(c) Electronic files of warning messages with pictures shall be collected from the government;

(d) In the pictorial warning messages the ratio of the pictures and the text will be 6:1 and the script shall be in white letters against a black background;

(e) The warning messages and related pictures printed on the packets or packages of every brand of tobacco products as manufactured observing the suggestion of the Act shall be changed after every three months;

(f) Warning message with pictures shall be printed in such a way as not to be covered up by attachment of stamp or band roll or for any other reason and it shall be ensured by the manufacturer of the tobacco products.

(2) The government may add fresher pictures or warning messages, if necessary, at best in every 2 (two) years with revision of the pictures and warning messages.

(3) No tobacco products in packet, can and packages without pictorial warning messages can be marketed or sold at best after 12 (twelve) months of this Rule comes into effect.

(4) The statement "Approved for sale in Bangladesh only" shall be printed on the sides of packets and packages of all tobacco products as it is prescribed in subsection (3) of section 10 of the Act and this provision will be executable after 12 (twelve) months of this Rule come into effect.

**10. Disclosure of information about ingredients in importing tobacco products** – At the time of importing tobacco products, the Government shall be informed about the ingredients in the said tobacco product.

**11. Repeals and Savings** – (1) Tobacco Products Usage (Control) Rule, 2006 shall stand repealed.

(2) Notwithstanding such repeal under sub-section (1), anything done or any actions taken under the repealed Rule shall be considered as done or taken under this Rule.

According to the order of the President

**Shahnaz Samad**

Deputy Secretary (World Health).

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