

Government of the People's Republic of Bangladesh
Ministry of Health and Family Welfare

Notification

Date: 28 Falgoon 1421 BE/ 12 March 2015 AD

S.R.O No.58-Law/2015.- In exercise of the power conferred by section 16 of the Smoking and Usage of Tobacco Products (Control) Act, 2005 (Act No. 11 of 2005) the Government make the following rules, namely:-

1. **Title.-** These rules may be called the Smoking and Usage of Tobacco Products (Control) Rules, 2015.

2. **Definitions.-** (1) Unless there is anything repugnant in the subject or context, in these rules, "Act" means Smoking and Usage of Tobacco Products (Control) Act, 2005 (Act No. 11 of 2005).

(2) The words and expressions used in these rules but not defined shall have the same meaning as defined in the Act.

3. **Authorized Officer.-** "Authorized Officer" as defined in clause (a) of section 2 of the Act shall also include the following officers, namely:-

- (a) all first-class officers of the National Tobacco Control Cell;
- (b) senior health education officers;
- (c) first class officers of the Bangladesh Railway;
- (d) police officers not below the rank of Sub-inspector;
- (e) officers not below the rank of Assistant Director of the Department of Narcotics Control;

- (f) Sanitary Inspectors working in the Upazilla Health Complex, Civil Surgeon's Office, Municipalities and City Corporations;
- (g) first class officers working in the Department of Fire service and Civil Defense; and
- (h) Factory Inspectors.

4. Designation of Smoking area, etc. - (1) No place shall be marked off or designated as a smoking area in the following public places and public transports, such as:-

- (a) educational institution;
- (b) inside a library;
- (c) hospital and clinic building;
- (d) inside a cinema hall;
- (e) inside an exhibition center;
- (f) inside a theater hall;
- (g) one-room restaurant surrounded by four walls;
- (h) children's park;
- (i) covered place designated for sports and exercise; and
- (j) single-cabin public transport.

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

(3) If the public transport containing more than one cabin, such as train, steamer, launch, ferry etc., a separate place may be designated for smoking, provided that-

- (a) such place shall be at the end or backside or in an open space of the said public transport;
- (b) such place cannot be designated in the main room for carrying passengers.

5. **Provisions regarding control of displaying scene of usage of tobacco products in movies.** - (1) For the purpose of proviso of clause (e) of sub-section (1) of section 5 of the Act, if it is essential for the purpose of story of the movie to display any scene containing the usage of tobacco products, the scene can be shown in the movie by displaying a written warning in the following manner regarding the harmful effects of usage of tobacco products in the screen, such as:-

- (a) at the time of displaying the scene of usage of tobacco products, a health warning containing **"Smoking/consuming tobacco causes death"** shall have to be displayed in the middle of the screen covering at least one-fifth of the screen, in white letters against a black background, in Bangla and such health warning shall have to be displayed continuously as long as the scene runs;
- (b) in case of a movie telecasting in the television which has scene of usage of tobacco products, a health warning containing **"Smoking/consuming tobacco causes death"** shall have to be displayed in full-screen for at least 10 (ten) seconds in white letters against a black background in Bangla 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 end of the scene; and
- (c) in case of a movie showing in a cinema hall which has scene of usage of tobacco products, a health warning containing **"Smoking/consuming tobacco causes death"** shall have to be displayed in full screen for at least 20 (twenty) seconds

in Bangla before starting the movie, before and after the break and after completion of the movie.

6. Arrangement of smoking area.- For the purpose of section 7 of the Act, at the time of marking off or designating any area as a smoking area in any public place or public transport, the following conditions shall have to be followed, such as:-

- (a) smoke-free area shall have to be kept separated from the smoking area;
- (b) to ensure that the smoke from the smoking area cannot enter the smoke-free area;
- (c) to arrange fire-extinguisher and appropriate container containing sand and water at the place of smoking area to throw away the remaining parts of a bidi or cigarette;
- (d) if any smoking area is marked off or designated in a public place or public transport, it has to be ensured that a non-smoker does not have to cross such marked off or designated area;
- (e) make arrangement to display warning notices in the smoking area in Bangla and English language with text "Designated area for smoking" and "Smoking causes death"

7. Responsibility of the owner and relevant persons of the public place or public transport. - For the purpose of sub-section (1) of section 7A of the Act, the owner, custodian, controlling person or manager of every public place or public transport shall take the following actions to keep the area under their control smoke-free, such as:-

- (a) make arrangement to display warning notice to refrain from smoking;

- (b) no ashtray shall be kept in the smoke-free area;
- (c) shall make arrangement to display warning notices in the smoking area in Bangla and English language with text "Designated area for smoking" and "Smoking causes death";
- (d) any person by contravening the provisions of the Act and this Rules smokes in a smoke-free area, the owner, custodian, controlling person, manager of the area, as the case may be or the affected person receiving service there, shall request the smoker not to smoke in that area;
- (e) under the provision of clause (d), if a person after being requested to refrain from smoking, continues smoking, such person may be forced to leave the smoke-free area, refrain from providing him any service and take help from law enforcing agencies.

8. Display of warning notice regarding smoke-free area. - For the purpose of section 8 of the Act, in every public place or public transport following precautionary measures shall have to be taken, such as:-

- (a) make arrangement to display warning notice containing "Refrain from smoking, it is a punishable offence" at the entrance and in one or more places inside a public place or public transport;
- (b) the size of a warning notice board of public place shall be at least 40 centimeter X 20 centimeter;
- (c) make arrangement to display warning notice in red letters against a white background or in white letters against a red background with a no-smoking sign;
- (d) make arrangement to publish the sample of warning notice on the website of the concern ministry and the National Tobacco Control Cell.

9. Printing of pictorial warning message, etc., regarding harms on the packet, package, carton or can of tobacco products. - (1) For the purpose of section 10 of the Act, for printing of pictorial warning message regarding harms on the packet, package, carton or can of tobacco products following procedures shall have to be followed , such as:-

- (a) health warning message containing colour picture and size, colour, ratio etc. of the text provided by the government shall have to be printed unchanged;
- (b) warning message describing "Passive smoking kills" shall have to be printed;
- (c) electronic files containing pictorial warning messages shall have to be collected from the government;
- (d) the ratio of the picture and the text in the pictorial warning message will be 6:1 and the text shall have to be in white letters against a black background;
- (e) warning messages and related pictures, as stated in the Act, printed on the packets or packages of every brand of tobacco products shall have to be changed after every three months;
- (f) it shall have to be ensured by the manufacturer of the tobacco products that, pictorial warning message shall have to be printed in such a way as not to be covered up by attachment of stamp or band roll or for any other reason.

(2) The government may, after maximum 2 (two) years, include new pictures or warning messages, if necessary, after review of the existing pictures and warning messages.

(3) No tobacco products can be marketed or sold, in packet, can and packages without pictorial warning messages not more than after 12 (twelve) months of these Rules coming into force.

(4) The statement of "Approved for sale in Bangladesh only" as stated in sub-section (3) of section 10 of the Act shall be printed on the sides of packets and packages of all tobacco products and this provision shall come into effect after 12 (twelve) months of these Rules coming into force.

10. Providing information regarding ingredients at the time of importing tobacco products.- Information regarding ingredients of tobacco products has to be provided to the government at the time of import.

11. Repeal and savings.- Tobacco Products Usage (Control) Rules, 2006 is hereby repealed.

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

By Order of the President,

Shahnaz Samad

Deputy Secretary (World Health).