

Registered No. DA-1

Bangladesh Gazette

Tuesday, March 15, 2005

**Bangladesh National Parliament
Dhaka**

This law was passed on Tuesday, March 15, 2005.

2005 No. 11 Law

Smoking and tobacco products production, use, selling-purchasing, and advertising control law

Since smoking and tobacco use harm health;

Since the 56th World Health Assembly, to discourage smoking and tobacco use, approved the Framework Convention on Tobacco Control (FCTC), which Bangladesh signed on 16 June 2003 and ratified on 10 May, 2004; and

Since in order to carry out the responsibilities in the Convention, Bangladesh, it is necessary and vital to restrict smoking and tobacco production, use, selling-purchasing, and advertising;

This law was made:--

1. **Short name and date**—(1) This law will be known as the smoking and tobacco products use (control) act, 2005.

(2) The date on which the Gazette is published is the date on which the law will come into effect:

But a condition exists, that for different sections of the law, different dates for enactment will be used.

2. **Definitions**—The following are the definitions of key words and phrased used in this Act--

- a. "Enforcement officials" means TNO or THO or an official in the Health Department at that level or above that level and any official that has responsibility for enforcing its related other law;
- b. "Tobacco" means nicotine tabaccum or nicotine bastika plant or any plant or leaf related to them;
- c. "Tobacco product" means any product made from tobacco that through smoking is inhaled; and bidi, cigarette, cheroot, cigar and pipe mixture;
- d. "Smoking" means the smoke of a tobacco product that is inhaled and exhaled or anything emitting smoke of a tobacco product;
- e. "Smoking place" means any public place or public transport that is set aside specifically for smoking;
- f. "Public place" means government office, semi-government office, Library, Left, Hospital, Clinic Building, Court Building, Airport Building, SEA-Port Building, Inland river-port Building, Railway Station Building, Bus Terminal Building, Ferry, Cinema Hall, Covered Display Center, Theater Building, Shopping Building, Public Toilet, Government and Non-government Child Park and other place which declared by government Order
- g. "Public transport" means Motor Car, Rail, Tram, Launch, any kind of public motor vehicle, Airplane and other transport which declared by government Order
- h. "Rules" means the rules that accompany this law;
- i. "Person" means any company, Cooperative, Sangtha, committee,

3. Exciting other law- The Railways Act-1890, The Juvenile Smoking Act 1919 (Ben. Act II of 1919), The Dhaka Metropolitan Police Ordinance,1976 (Ord. No. III of 1976) The Chittagong Metropolitan Police Ordinance, 1978 (Ord. No. XLV III of 1978), The Khulana Metropolitan Police Ordinance 1985 (Ord. No. LII of 1985) and The Rajshai Metropolitan Police Ordinance 1992 (Ord. No. 23) and other related law which is not contradict with the law.

4. Ban on smoking in public places and public transport—(1) According to Section 7, no person can smoke in any public place or on public transport.
(2) If any individual violates Sub-section (1) then he will be punished 50 taka fined.

5. Ban on promotion of tobacco products—(1) No Person—
(a) No cinema hall, government or non-government radio or television channel can broadcast or cause to be broadcast any advertisement, image, or sounds;
(b) Sell or cause to be sold any tobacco product advertisement, film, video tape or such other item;

(c) No book, magazine, leaflet, handbill, billboard, paper or other printed material published in Bangladesh can print or publish any tobacco product advertisement;

(d) Distribute any leaflet, handbill, document which contains any tobacco product brand name, color, logo, trademark, sign, symbol, or advertisement;

Explanation—In this section, advertisement means any kind of print and electronic media, e-mail, internet, telecast, or other written, printed, or spoken medium.

(2) Sub-section (1) (d) does not apply to any outlet of tobacco products.

(3) No person can give or cause to be given to the public any free product to encourage the use of tobacco.

(4) No person can offer or accept any donation, prize, scholarship or organize or enter into any tournament or agreement with the intention to encourage the use of tobacco.

(5) If any person violates this section, he will be subject to three months' imprisonment without labor or a one thousand taka fine or both.

6. Ban on automatic vending machines—(1) No person can place or cause to be placed an automatic vending machine of tobacco products in any publicly accessible road, public place, or public transport or give permission for its placement.

(2) If any person violates Sub-section (1) he will be punished one thousand taka fined.

Explanation—In this section, automatic vending machine means any machine that for placing any coin or token or other items, any tobacco product can be obtained.

7. Smoking zone—(1) The owner or manager or supervisor or caretaker of a public place or owner or manager or supervisor or caretaker of public transport can designate a section of the public place or public transport as a smoking zone.

(2) The borders, description, other materials and security of any smoking zone in any public place or public transport will be defined in the rules.

8. Warning notice—The owner or manager or supervisor or caretaker of a public place or owner or manager or supervisor or caretaker of public transport, in line with Section 7, will display a sign “No smoking, smoking here is a crime” in Bengali and English in the public place.

9. Power of authorized officers— 1) In order to enforce the law the authorized officer of that area will be able to enter and supervise the public areas within his sphere of command.

(2) If any person disregards the law in this regard, an authorized officer can remove him from the premises.

(3) If any person, in violation of this act, sells or proposes to sell any tobacco product, then the authorized officer can seize and destroy those tobacco products.

(4) Under Sub-Section (3), if the authorized officer takes any action, he will inform the Government within 7 days.

10. Packet health warning etc.—(1) Those who produce tobacco products will, in large font, in clear and visible fashion (covering not less than 30% of the surface) print the following health warning on the tobacco packet or wrapping:

(a) Smoking kills;

(b) Smoking causes stroke;

(c) Smoking causes heart disease;

(d) Smoking causes lung cancer;

(e) Smoking causes respiratory problems; or

(f) Smoking harms the health.

(2) Under Sub-section (1), no tobacco product packet can be sold or cause to be sold.

(3) Any individual violating Sub-section (1) or (2) will be subject to three months' imprisonment without labor or a one thousand taka fine or both.

11. Disclosure of ingredients in imported tobacco products—(1) At the time of importing tobacco products, the importer will provide to the Government a list of the quantity of tobacco products being imported and their contents.

(2) If any individual imports tobacco but does not provide this information, the tobacco products will be seized.

12. Loan for the cultivation of alternative crops—(1) In order to encourage tobacco farmers to grow other crops and to encourage the cultivation of other crops, the government will make loans easily available, for the five (5) years following the passage of this law.

(2) In order to discourage those working in the tobacco industry and to assist them in finding alternative employment, the Government will create rules to address this matter.

13. Public servant : In this law Public Servant Meaning according to The Penal Code, 1860 (Act XLV of 1860) Section 21.

14. Crime Accept for Judgment and Bailable : Whatever Mention The Code of Criminal Procedure, 1898 (ACT 1898), Under the law all Offence will be

- a. Cognizable and Bailable
- b. Any Class of Magistrate can Judgment

2. No offence will be consider any court of Bangladesh without written complain of Authorized officer.

15. Crime by Company: Any offence has been happen under this law, if the person is company. it will consider company owner, director, manager, secretary or other officer or Agent. If he will not proven the offence

16. Power to make rules – The Provincial Government may make rules for carrying out the Purpose of this Law

17. Authentic Version: This Act will be translated in English. But if there is confusion in understanding any time Bangla version will be authentic for consideration.

18.

- a. The East Bengal Prohibition of Smoking in Show Houses Act 1952 (E.B Act XIII of 1952)
- b. Tobacco Produce Sales (Control) law 1988 (45 No law of1988)