

Unofficial Translation

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The guideline has been published by local government division titled "Tobacco control implementation guidelines for local government institutes".

The published guideline for public interest is applicable for all department/organization under local government division.

By Order of the president

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Guideline for Implementation of Tobacco Control Program of Local Government Institutions

Local Government Division,

Ministry of Local Government, Rural Development and Co-operatives

Bangladesh

1. Introduction & Contexts:

The use of tobacco products is harmful to public health, the economy and the environment. Due to the huge population, poverty, lack of education and awareness, Bangladesh is one of the top ten consuming countries in the world. According to the Global Adult Tobacco Survey 2017, 35.3% of adults over the age of 15 in the country use tobacco products (smoking and smokeless), of which 46% are men and 25.2% are women. Many people are indirectly affected by second hand smoking in various public places and public transport- 42.7% at work, 49.7% at restaurants, 21.6% at government offices, 12.7% at hospitals or clinics and 44% at public transport.

The Framework Convention on Tobacco Control (FCTC) was ratified at the 56th World Health Conference in Geneva in May 2003 with the aim of integrated tobacco control and reduction of tobacco use worldwide. Bangladesh is the first signatory to the agreement and ratified it in 2004. Accordingly, the Government of Bangladesh, in the light of the FCTC, enacted the Smoking and Tobacco Use (Control) Act 2005 (amended 2013) and formulated regulations in 2015. The law prohibits smoking in public places and public transport, and is mandatory to display no smoking signage in public places and public transport. In addition, all types of advertising, promotion or sponsorships of tobacco products are prohibited. Pictorial health warnings are mandatory to cover 50% of the space at the top of packets / packaging / cartons / cans of tobacco products and sale of tobacco products to or by children under 18 years of age is prohibited.

There is no specific policy in Bangladesh to control the sale and marketing of tobacco products. Even those involved in the sale of tobacco products (vendors) do

not have the trade license policy. Due to this, tobacco products are being sold uncontrollably in the vicinity of educational institutions and various entertainment centers, department stores, food shops, restaurants and other places. The number of users is increasing due to easy availability of tobacco products.

In the concluding ceremony of "Achieving Sustainable Development Goals" held in Dhaka on January 30-31, 2016, Hon'ble Prime Minister announced to completely eradicate tobacco use from Bangladesh by 2040. In addition, the country's 7th Five-Year Plan and the United Nations Sustainable Development Goals (SDGs) have obligations to take steps to implement the FCTC and address tobacco-related harms in order to achieve health-3 goals.

In order to accelerate the tobacco control activities of the government, the local government institutions under the Local Government Division must have a well-planned action plan or guideline. To this end, the Local Government Division has formulated this guideline and in the light of this, all the local government institutions will protect the citizens of the country from direct and indirect smoking through formulation and implementation of their guidelines. This guideline will provide necessary directions to protect the public from the harmful effects of secondhand smoke by reducing the use of tobacco products in all public places and public transport under the supervision of the local government division. Note that any subsequent amendment to the Smoking and Tobacco Use (Control) Act 2005 will be attached to this guideline and action will be taken accordingly.

2. Title and Initiation:

This guideline will be entitled with "Guideline for Implementation of Tobacco Control Initiatives of Local Government Institutions" and will be effective from the date fixed by the government and will be applicable to all institutions under the Local Government Division.

3. Tobacco Control Law and definitions

3.1 In this guideline, the law would mean Smoking and Tobacco Products Use (Control) Act 2005 (Amendment 2013).

3.2 Definition: Subject to contradictory sub-sections, in this guideline-

3.2.1 'Tobacco' means Smoking and Tobacco Products Use (Control) Act 2005 (Amendment 2013)'s section-2 of sub-section (b).

3.2.2 'Roles' means Smoking and Tobacco Products Use (Control) Roles 2015.

3.2.3 'Tobacco products' means tobacco products as defined in sub-section (c) of section 2 of the said Act.

3.2.4 'Smoking area' means the smoking area described in Section-2 (e) and Rules 4 and 6 of the Smoking and Tobacco Products Use (Control) Act, 2005.

3.2.5 'Public place' means a public place as defined in sub-section (cha) of section 2 of the said Act.

3.2.6 'Public transport' means public transport as defined in sub-section (g) of section 2 of the said Act.

3.2.7 'Person' means a person attached to sub-section (i) of section 2 of the said Act.

3.2.8 'Playground' means the covered area designated for sports and practice; [Rule 4 (i) of the Smoking and Tobacco Use (Control) Rules 2015].

3.2.9 'Healthcare facilities' means all maternity hospital, clinics or hospital buildings, etc.; [Rule 4 (c) of the Smoking and Tobacco Use (Control) Rules 2015]. Besides, all medical colleges, district headquarters hospitals, upazila health complexes, union health care centers, community clinics, blood banks and diagnostic clinics will come under it. [Tobacco Free Health Care Facilities Guideline-Section 2 (e)].

3.2.10 'Hospitality sector' means restaurant, any type of food store and open food court, hotel, motel, guest house, resort, airport building, bar, tourist place, picnic spot, theme park, community center. , Party Centers, Auditoriums, Exhibition Centers, Theater Halls, Recreational Boats and all types of mechanical vehicles operated under this sector and places / institutions / transports designated by the Government / Local Government. [2 (f) of the Tobacco Control Law Implementation Strategy in the Hospitality Sector]

3.2.11 'Public Place/Institution under Local Government Institution' means all types of Government, Semi-Government, Private, Autonomous Offices, Educational Institutions, Playgrounds, Stadiums, Libraries, Elevators, All Covered Workplaces in the area covered by Local Government Institutions. All healthcare

facilities, courts, airports, seaports, water / river ports, railway stations, bus terminals, theaters, exhibition centers, theater halls, markets, super shops / shops, all institutions under the hospitality sector, public toilets , Parks / children's parks, fairs, any other place collectively used by the public or any other or all other places declared by the government or local government bodies, by general or special order, from time to time.

4. Rationale, goals and objectives:

Rationality: Improving public health and ensuring a healthy environment is one of the responsibilities of local government institutions. This guideline needs to be formulated as part of an integrated initiative to control smoking and tobacco use in order to improve public health and create a tobacco-free environment. In addition, this guideline will provide necessary directions for the protection of children, adolescents and youth of the country through controlling the sale of tobacco products by licensing the manufacturers / companies and sellers of tobacco products implementation of the Tobacco Control Law would be possible.

Objectives: To ensure public health protection through proper implementation of the Tobacco Control Act and to implement tobacco control activities of all local government institutes with a view to building a tobacco free Bangladesh by 2040.

The main objective of this guideline is to:

1. Ensuring implementation of the Smoking and Tobacco product Use (Control) Act 2005 (Amended 2013);

1.1 To keep public places and public transport smoke free.

1.2 Ensuring vigilance notices in public places and public transport.

1.3 Full implementation of rules and regulations relating to all types of advertising, promotion and sponsorship of tobacco products.

1.4 Stopping the sale/buy of tobacco products to or by a minor (under 18 years of age).

1.5 Ensure pictorial health warnings in the top 50% of all tobacco products in packets / packaging / boxes / cartons etc.

2. Protecting non smokers (especially women and children) from the harmful effects of tobacco use in public places, public transport and other important places under the jurisdiction of all local government institutes;
3. Reducing the number of smokers and encouraging them to quit smoking by expanding the number / coverage of public places and public transport;
4. To control the sale of tobacco products by licensing the producers / companies and sellers of tobacco products and to ensure the responsibility of the tobacco companies and sellers in complying with the tobacco control laws;
5. To increase the awareness and participation of people of different sectors and professions through tobacco control activities;
6. Ensuring improvement of environment and public health through enforcement of smoking and tobacco use (control) laws.

5. Local Government Division's Power, Responsibility and Jurisdiction:

- 5.1 To run, observe and provide instructions to all subsidiary organizations Local Government in the country which under Local Government Division.
- 5.2 A monitoring team can be set up including the focal persons for supervision of the tobacco control activities of LGD.
- 5.3 To take necessary steps to include Tobacco Control Law must be included in the laws there to run the operations of LGD.
- 5.4 In Divisional level, Director, Local Government and Deputy Director at District level can be given the task of monitoring.

6. Local Government Institutes Power, Responsibility and Jurisdiction:

6.1 City Corporation/Municipality:

6.1.1: According to Local Government (City Corporation) Law 2009 section-41's third number schedule it is mentioned to protect public health as per their given major responsibility. In the same manner, Local Government (Municipality) Law 2009 rules (50-71) and in the second schedule it is mentioned about the Municipality's duty to protect public health. Hence, it is important to proper

implementation of Tobacco Control Law are the core responsibilities of the city corporation and the municipality.

6.1.2: Apart from this, Local Government Division (City Corporation) Law-2019's rule 11.1 (Food and Water Merchandise) impose license upon selling, power of imposing prohibition on mobile sales of and Municipality Ideal Taxation Schedule 2016's 6a mentions serial number-11's 8 number to impose tax on profession, business, bio-data, company have instructed about giving license for sale of cigarette products. Henceforth, the Local Government Division controls the marketing and promotion and supervises of Tobacco products. The City Corporation controls the Tobacco production by ensuring that only tobacco producing companies/sellers who have valid licenses can sell tobacco products and, in this way, it is also fulfilling the responsibility of protecting children and youth.

6.1.3 All the points mentioned in the guideline have to be implanted in all areas under the LGD.

6.1.4 Fulfill given responsibilities and enforce power of the taskforce committee.

6.2 District/Sub-District/Union Parishad:

6.2.1 To ensure public health and environment is the responsibility of the District/Sub-District/Union Parishad. Tobacco usage causes obstruction of the development of the women and children. Hence, through tobacco control can the environment be protected and development of women and children would be the responsibility of the District/Sub-District/Union Parishad.

6.2.2 District/Sub-District/Union: It is the responsibility of the District/Sub-District/Union to enhance the development of the women and the children through mass awareness.

6.2.3 Fulfill given responsibilities and enforce power of the taskforce committee.

6.3 Other organizations under Local Government Division:

6.3.1 Other departments under LGD, such as Local Government Engineering Department, National Institute of Local Government, Department of Public Health Engineering, Registrar General Office, Birth and Death Registration, Mosquito Prevention Department's own workplaces/offices have to be kept smoke free and no smoking notice has to be displayed in all the concerned offices.

6.3.2 To ensure that the “Tobacco Control Implementation Guideline” in the National Institute of Local Government (NILG)’s Training Curriculum.

6.3.3 In the Registrar General Office, Birth and Death Registration Authority should ensure that the anti-tobacco message would be added in the birth and registration form/certificate.

7. Guideline Implementation Strategy:

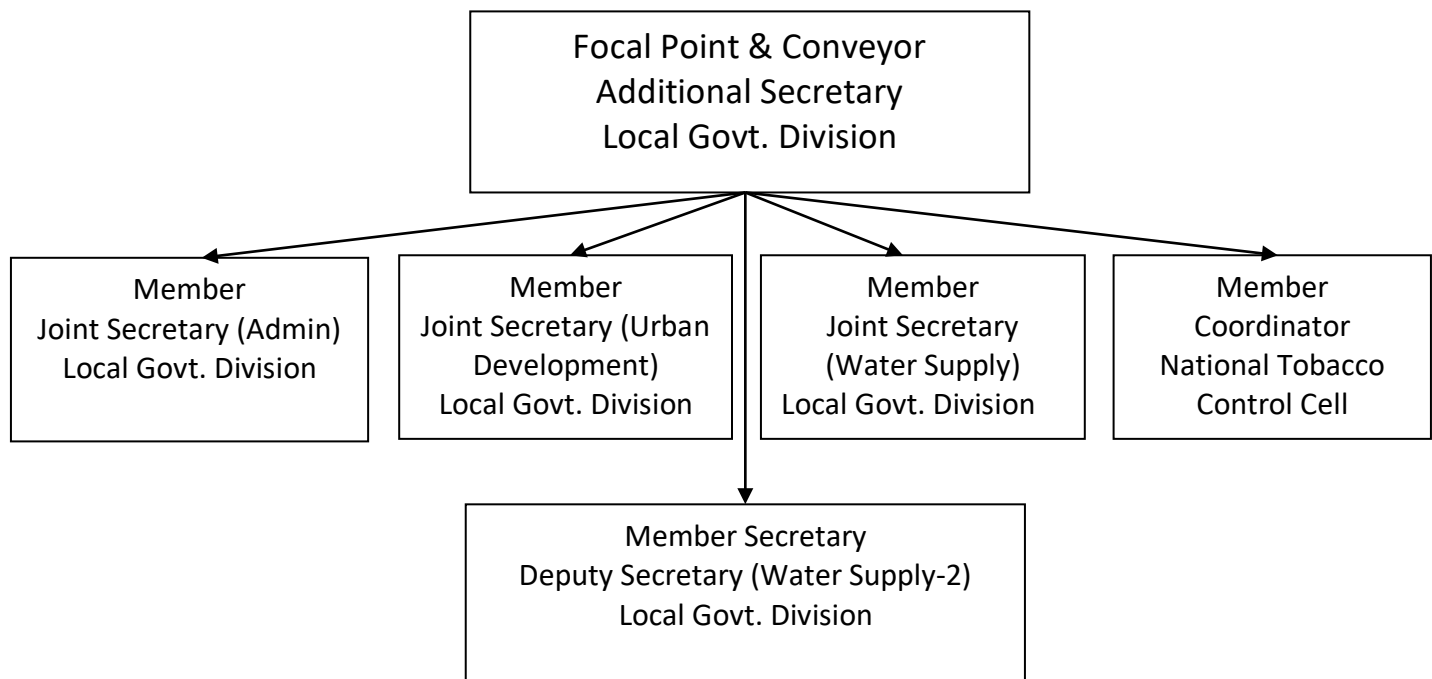
7.1 Strategies to be adopted by Local Govt. Division:

7.1.1 To give instructions to all the institutions under the Local Government Department to implement this guideline initially and to give various instructions to the local government institutions from time to time for the proper implementation of the Tobacco Control Act.

7.1.2 To take legal action in case of failure to comply with the instructions given in the guidelines.

7.1.3 To form a monitoring team under the Tobacco Control Focal Point of the Local Government Division for the purpose of implementation and monitoring of the guidelines.

Monitoring Team



7.2 Strategies to be adopted by Local Govt. Institutes:

7.2.1 In the light of the guidelines, local government institutions should prepare and implement action plans for their respective organizations.

7.2.2 To give instructions to all the officers / departments / branches / divisions under the local government institutions to implement the guideline and to give various instructions from time to time by the local government institutions for the proper implementation of the Tobacco Control Act.

7.2.3 To provide assistance and guidance to all local government institutions, public places, public transport and individuals in implementing the guidelines.

7.2.4 To make the guideline accessible to all citizens, to display it on the web sites of local government bodies and to distribute it at fixed price (at minimum cost) on request.

7.2.5 Tobacco control as a focal point in local government institutions for implementation and monitoring of guidelines (Chief Health Officer in case of City Corporation; Chief Executive Officer / Medical Officer in case of Municipality; Female Vice Chairman / Secretary in case of Union Parishad; Secretary in case of District Council; Female Vice Chairman / Secretary in case of Upazila council) is working and constantly monitoring the tobacco control activities by the focal point and submitting the monitoring report along with the tobacco control focal point of the local government department.

7.2.7 Inclusion of tobacco control issue in the agenda of the monthly coordination meeting.

7.2.6 To allocate funds in the annual budget of the local government institutions for tobacco control activities and to implement tobacco control activities with the allocated money and to submit quarterly / annual progress report to the tobacco control focal point and monitoring team of the local government department.

7.2.6 Incorporate “Tobacco Control Activities Implementation Guidelines” in the training curriculum of local government institutions and provide training in this regard.

7.2.9 To control the sale of tobacco products by bringing the producers / companies and sellers of tobacco products under license and to ensure the responsibility of tobacco companies and sellers to abide by the tobacco control laws.

7.2.10 To provide anti-tobacco message in various forms / papers / documents used by local government institutions.

7.2.11 In case of issuance of trade license, provide condition to keep tobacco free in the license book.

7.2.12 Recording information on smoking cessation in the Citizen's Charter.

7.2.13 To take appropriate steps to stop all kinds of advertisements, publicity and misleading information of tobacco companies.

7.2.14 To increase the awareness and participation of people from different walks of life through various anti-tobacco campaign activities by local government institutions and tobacco control activities. To take steps to disseminate information about anti-tobacco and anti-tobacco and tobacco control laws through various means such as local cable operators, television channels, newspapers, social media, etc.

7.2.15 Participate in the meeting of the Task Force Committee and present the report of tobacco control activities of the local government institution in the meeting.

8. Issuing License and Renewal Guideline:

8.1 Separate licenses must be issued for the sale of tobacco products or for the sale and purchase of tobacco products and renewal of such licenses by application subject to payment of a fixed fee every year.

8.2 Licensees must comply with all the prohibitions set forth in the Smoking and Tobacco Use (Control) Act 2005 (Amended 2013).

8.3 A licensee can conduct business in one place. Separate licenses must be obtained for more than one place / shop and not to issue licenses for sale of tobacco products in any department store, food shop, grocery store and restaurant.

8.4 Not to issue license to any type of tobacco sales center except holding number.

8.5 Not to issue any license for sale of tobacco products within 100 meters of all types of educational institutions and health care providers. However, local government institutions can increase the coverage if they wish.

8.6 The issue of licensing of tobacco sales outlets shall be decided by the local government bodies, taking into account the population density and demand, excluding educational institutions and health care providers.

8.7 The above 8.1 and 8.2 guidelines will also apply to those who have obtained a trade license before 8.6.

8.8 Trade licenses relating to the sale of tobacco products shall be deemed non-transferable and a copy of the license must be kept in a visible position at the point of sale.

8.9 Tobacco products (Bidi, Cigarettes, Cigarettes, Jorda, Sadapata, Gul, Khaini, Nasy, Electronic Cigarette, Liquid Nicotine, Heated Cigarette, Vending Machine or any other substance containing nicotine which is not manufactured in Bangladesh or not approved by the Government of Bangladesh) Or tobacco products) and no tobacco products can be sold without pictorial health warnings.

8.10 Reactors or factories producing tobacco products should also be licensed and no reactors or factories within 100 meters of all educational institutions and healthcare providers should be licensed.

9. The reasons for the cancelation of license:

9.1 If fails to comply with Smoking and Tobacco Products Uses (Control) Law 2005 (Revised in 2013).

9.2 If gets failed or lacks support to comply with this given guideline.

10. Display cautionary notice

According to Smoking and Tobacco Use (Control) Act 2005 (amendment 2013), every public place, public transport is required to display vigilance notices in public places and public transport and take the following steps:

10.1 Warnings to the effect that "Abstain from Smoking, it is a punishable offense" should be displayed in a number of visible places, in Bengali and English, with an internationally recognized smoke-free sign.

10.2 The notice should be written in red letters on white background or white letters on red background.

10.3 If a public place or public transport has multiple entrances, vigilance notices should be displayed in the visible places of multiple entrances.

10.4 The minimum size of a notice board in a public place will be 40 cm and 20 cm. In the form that is visible in the case of public transport, warning notices should be placed in the place of display.

11. Inspection/Monitoring and Complain:

11.1 Self-inspection:

Focal person/Concerned Authority/Assigned Officer can go for inspection in different public place or public transport as per their own initiative. The main objective of this inspection is to create smoke free places in public places and public transports, stop advertisement, marketing and promotion of tobacco products and provide suggestions for illustrated inspections of the health cautionary messages.

11.2 Inspection after receiving complain

11.2.1 Inspection on the basis of such allegations that the instructions regarding non-smoking have been violated. Bring the complaint to the notice of the authorized officer / officer in charge / focal point by written, oral, email, fax or any other means.

11.2.2 To take legal action by inspecting the complaints received within a specified period of time (7 to 10 days).

12. Roles of the focal point/concerned authority/public servant in implementing the law and the guideline:

12.1 There is a need for additional manpower for the implementation of the law. In this case the local government institutes will appoint or assign a responsible officer / focal point who will be responsible for the implementation of the guideline.

12.2 Focal points / responsible officers / public servant of the local government division and all the institutions under it will take necessary steps to implement the provisions of the Smoking and Tobacco Products use (Control) Act 2005 (amended 2013).

13. Enforcement of the Law:

13.1 Filed regular cases

In case of violation of law, to file a case against the violator as per rules.

13.2. Mobile court operate

Authorized officers of local government institutes will take initiative to operate mobile courts to control smoking and tobacco use through executive magistrates. Regularly operated mobile courts would immediately take cognizance of the offense of violating the law: punish according to the law and provide assistance in enforcing the law.

13.3. Provide written and verbal warnings

The officer in charge of the local government institutes / focal point / authorized officer can take the following steps in law enforcement-

13.3.1 Verbal Warning: In case of non-smoking in a non-smoking area, the organization is responsible for not displaying warning notices, advertising and promoting tobacco products, selling tobacco products without illustrated health warnings, and buying and selling tobacco products with children. Verbally warn the owner / supervisor / manager / officer.

13.3.2 Written Warning: Warning notice may be given in writing if necessary.

13.3.3 To ensure the application of the law in accordance with the guidelines.

14. Budget allocation and implementation:

All local government institutions will allocate budget for the implementation of tobacco control activities every financial year and with the allocated funds will formulate and implement plans for implementation of tobacco control activities in their respective jurisdictions and submit quarterly / annual reports to the Tobacco Control Focal Point and Monitoring Team of Local Government Division.

15. Setting up the helpline:

The helpline desk would be there to receive any complain or provide other support. It will be responsible to receive any complain if the tobacco control law is not complied or the guideline is not followed.

16. Help to quit smoking:

Local government institutes can provide encouragement and support to individuals who are interested in quitting smoking. The local government can provide appropriate advice and assistance in quitting smoking or tobacco through various hospitals or health care centers of the institutions or through established helpline. In addition, local government institutions will conduct smoking cessation awareness and counseling activities from each health care center.

17. Implementation, management, monitoring and guideline revision:

17.1 Local government institutes will implement the guidelines in coordination with various departments. Law enforcement will be based primarily on an annual implementation plan that will be enriched through review. In this case, if necessary, the advice / cooperation of a wise law officer can be taken.

17.2 The responsibility for the implementation of the guidelines rests with the owners or managers or responsible officers of the various agencies, workplaces, public places and public transport and they will carry out their work properly. Their responsibilities are:

- Issue vigilance notices at designated places as per the guideline
- Remove the ashtray from the smoke free area
- Monitor the implementation of the law
- Encourage a person not to smoke in a smoke free place

17.3 The success of the guidelines can be measured primarily on the amount of space that is smoke-free and conducts survey work every five years. The issue should be included in the agenda of the monthly coordination meeting and the quarterly monitoring meeting should ensure that the guidelines are being implemented thoroughly.

17.4 The guideline will also be amended in the light of amendments to the existing Smoking and Tobacco Use (Control) Act. The guideline may be reviewed again 2 years after its enactment, and if the guidelines do not yield the desired results, the guidelines may be reviewed.

17.5 People who are suffering from usage of tobacco products can file complain in all offices and have to provide remedy. A person has to be assigned whose phone number has to be displayed at an easily watchable place.

Source:

1. Smoking and Tobacco Products Use (Control) Law 2005 (amended 2013).
2. Smoking and Tobacco Products Use (Control) Rules 2015.
3. World Health Organization-Global Adult Tobacco Survey (GATS) Report 2017.
4. Local Government Institution Act (City Corporation and Municipality) 2009.
5. Tobacco Control Law Implementation Strategy in the Hospitality Sector (2018).
6. Tobacco Free Health Care Center Implementation Guideline.
7. Smoke Free Guideline, Dhaka South City Corporation-2013
8. Smoke Free Guideline, Dhaka North City Corporation-2012.
9. Smoke Free Guideline, Chattogram City Corporation.