

(An Authentic English Text of Bangla)

The Smoking and Using of Tobacco Products (Control) Rules, 2006.

1. Short title.-These Rules may be called the Smoking and Using of Tobacco Products (Control) Rules, 2006.

2. Definitions.-In these Rules, unless there is anything repugnant in the subject or context, "Act" means the Smoking and Using of Tobacco Products (Control) Act, 2005 (Act No. XI of 2005).

3. Provisions for distribution or supply of tobacco products by shopkeepers or businessmen.-(1) For the purposes of clause (d) of sub-section (1) of section 5 of the Act, no shopkeeper or businessman who sells tobacco products, can make publicity or exhibit any kind of tobacco products directly or indirectly except only for distribution or supply of leaflet, handbill or any document to the purchaser of tobacco products in compliance with the conditions of sub-rule (2).

(2) For the distribution or supply of any leaflet, handbill or document mentioned in sub-rule (1), the following conditions shall be applied, such as:-

(a) its size shall not exceed $5\frac{1}{2}$ " (five and a half inch) x $8\frac{1}{2}$ " (eight and a half inch); and

(b) warnings mentioned in sub-section (1) of section 10 of the Act shall be printed in specific measurement mentioned in rule 7 in black and white in clearly visible letters.

4. Specifying of smoking zone, etc.- (1) No zone for smoking shall be marked or specified in the following public places or public vehicles, such as:-

(a) children's pre-school or care centre, primary school, high school or hostel for high school students;

(b) any room or place for giving education or training;

(c) all mother care centres, clinics or hospital buildings;

(d) sheds fixed for sports and exercise, and

(e) any public vehicle of single compartment.

(2) Smoking shall not be allowed in any queue or place specified for the passengers waiting to get up in public vehicles regarding this queue or place as public place.

(3) Where the public place is a building, one of the rooms of the building may be fixed for smoking, but the said room must be smaller than non smoking zone.

(4) Where the public vehicle is a train, steamer, launch or ferry, a separate place or room may be fixed for smoking, but-

(a) such place or room shall be the last part or back side of it; and

(b) such place or room shall, in no way, be specified in the main room of passengers.

(5) If any place or room is marked or specified in any public place or public vehicles, the owner, the care taker or the controlling person or the manager of the public place or vehicles shall ensure that any non-smoker need not to pass through this marked or specified place; and that the smoke emitted from the said place or room may not enter into the said room or place.

5. Description of smoking zone.- For the purposes of section 7 of the Act, the following conditions shall be complied with marking or specifying any place for smoking in any public place or public vehicles, such as:-

- (a) the smoking zone must be separated from non-smoking zone and, if necessary, it should be covered;
- (b) by taking separate measures for emission of smoke from the smoking zone, it must be ensured that such smoke shall not enter into the non-smoking zone;
- (c) in the smoking place there shall be arrangement of suitable bin with sand and water for throwing or leaving the remains of Biri or Cigarette including the arrangement of fire- extinguisher.

6. Exhibiting of warning notice.- For the purposes of section 8 of the Act, in every public place or public vehicles where any place for smoking is marked or specified, the following warning measures shall be taken, such as:-

- (a) a warning notice as "Be abstain from smoking, it is a punishable offence" with an internationally recognized sign of non smoking shall be displayed in Bangla and if necessary in English, at a conspicuous place of the non-smoking zone, outside the place marked or specified as smoking zone.
- (b) the size of the warning notice of any public place shall be at least 60 cm.x30 cm;
- (c) such warning notice shall be hung or fixed at any side of the entrance of the public place and the warning notice shall be displayed in the public place in such a way that it may come to the notice of everybody;
- (d) the warning notice, with the non-smoking sign mentioned in clause (a), shall be displayed: in different :conspicuous places of the public vehicles;
- (e) the warning notice, with the non-smoking sign shall be written in red letters with white background and in yellow letters with black background.

7. Printing, etc. of health warnings on the package or packet of tobacco products.- (1) Every warning specified in sub-section (1) of section 10 of the Act, shall be printed on each packet or package of tobacco products imported or manufactured in Bangladesh, according to the provisions of the section.

(2) Any one of the warnings specified in the said section shall be printed in clear Bangla letters (at the upper portion) of the both sides of the principal display areas of the packet or the package and its size shall have to be at least 30% of the total area of the packet or the package:

Provided that, the warnings mentioned in the Act shall be printed on the packet or package of each brand of tobacco product by changing them rotationally at every six month.

Explanation.- For the purpose of this section the expression "the principal display areas" includes the two largest surfaces of the packet or package.

(3) The Ministry of Health and Family Welfare shall, by special order, determine the time of changing the warnings as mentioned in the provision of sub-section (2).

(4) The size of the "Sutonny MJ" font of the warnings on the packet or package of tobacco products shall have to be 18 point and the size of the warnings of the cartoon of the tobacco products shall have to be 36 point.

(5) The warnings shall be printed in white letters with black background or in black letters with white background at the upper portion of the two principal display areas of the packet or package of tobacco products or, if the stand or band-roll is fixed at the upper portion of the principal display areas, the warnings shall be printed at its lower portion.

(6) No person or institution shall use any mark, word, colour or picture on the printed packet or cartoon of the tobacco products which are inconsistent with the warnings specified in the Act or contrary to its context.

(7) The manufacturer of the tobacco products shall ensure that the warnings are printed on the surface of the packet or package of the tobacco products in such a way that it may not be covered for affixing stand or band-roll or any other reason.

(8) From 1 September 2006 no tobacco product shall be marketed by any person without printing warnings on it.

8. Sending of information¹ about ingredients in the case of importing tobacco products.- In the case of importing tobacco products, the information about ingredients shall be submitted to the Ministry of Health and Family Welfare at the time of importing such products.

9. Destruction and forfeiture of tobacco products.- (1) If any person, in contravention with any provision of the Act or these Rules, proposes to buy or sell tobacco products or imports any tobacco products without submitting appropriate information, the authorized officer shall, in accordance with the provisions of the Act or these rule, transfer, destroy or forfeit such tobacco products and such officer may, if necessary, take assistance of the law enforcing agency.

(2) If any authorized officer under sub-rule (2), seeks assistance of any law enforcing agency, the force concerned shall provide the officer with necessary assistance.

10. Authorized officer.- For the purposes of the definition of the expression "authorized officer" mentioned in clause (a) of section 2 of the Act, the Police Officers empowered under the Railways Act, 1890 (Act IX of 1890), the Juvenile Smoking Act, 1919 (Ben. Act II of 1919), the Dhaka Metropolitan Police Ordinance, 1976 (Ord. No. III of 1976), Chittagong Metropolitan Police Ordinance, 1978 (Ord. No. XLV III of 1978), the Khulna Metropolitan Police Ordinance, 1985 (Ord. No. LIII of 1985) and the Rajshahi Metropolitan Police Act, 1992 (Act XXIII of 1992) shall also be included.

By order of the President

MD. ABU BAKKER SIKDER
Deputy Secretary.