

# National Tobacco Control Programme

## Tobacco Control Program

### TOBACCO CONTROL ACT, 2003

Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, 2003

#### SCOPE OF THE ACT

- The Act is applicable to all products containing tobacco in any form i.e. Cigarettes, Cigars, Cheroots, bidis, gutka, pan masala (containing tobacco) khaini, mawa, mishri, snuff etc. as detailed in the schedule to the Act.
- The Act extends to whole of India.

#### MAIN PROVISIONS OF THE ACT

- Prohibition of smoking in public places has been implemented from 2, Oct, 2008.in the whole of India.
- Prohibition of advertisement, sponsorship and promotion of tobacco products.
- Prohibition of sale & use of tobacco products with the radius of 100 yards of the educational institutions
- Regulation of health warning in tobacco products packs.
- Regulation of tar and nicotine contents of tobacco products.

#### PROHIBITION ON SMOKING IN PUBLIC PLACES (SECTION 4)

- Smoking is prohibited in public places
- A "public place" means any place to which the public have access, whether as of right or not and includes auditorium, hospital buildings, railway waiting room, amusement centers, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space.
- However, the prohibition shall also apply to certain open spaces visited by the public e.g. open auditoriums, stadiums, railway stations, bus stop and such other places.
- An offence punishable with fine up to Rs. 200 and is compoundable.

#### PROHIBITION OF ADVERTISEMENT OF ALL TOBACCO PRODUCTS (SECTION 5)

- An advertisement includes any visible representation by way of notice, circular, label, wrapper or any other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas.
  - All forms of audio, visual and print media are therefore included.
  - Both direct & indirect advertisements are prohibited.
  - Total ban on sponsoring of any sport/cultural events by cigarette and other tobacco product companies.
  - No trade mark or brand name of cigarettes or any tobacco product can be promoted in exchange for sponsorship, gift, prize or scholarship.
  - No person can under contract or otherwise promote or agree to promote any tobacco product.
  - In case of any infringement of the law, the following persons will be held liable -a) Person engaged in production, supply, distribution of tobacco products.
- b) Person having control over a medium.
- c) Person taking part in any advertisement, which directly or indirectly suggests or promote the use or consumption of tobacco products.
- Offence punishable with maximum of 2 years of imprisonment or/and with fine up to Rs. 1000. In subsequent offence, imprisonment up to 5 years and with fine up to Rs.5000.

### **PROHIBITION ON SALE TO MINORS {SECTION 6(a)}**

- Sale of tobacco products to person under the age of 18 years is prohibited.
- The seller should ensure that the person who is buying the tobacco product is not a minor.
- Offence punishable with fine up to Rs. 200 and is compoundable.

### **PROHIBITION ON SALE OF TOBACCO PRODUCTS NEAR EDUCATIONAL INSTITUTIONS {Section 6(b)}**

- "Educational Institution" means places/centers where educational instructions are imparted according to the specific norms and include school, colleges and institutions of higher learning establishment or recognized by an appropriate authority.
- In order to restrict access of youth for tobacco products, the sale of the same is prohibited in an area within radius of 100 yards of any educational institution.
- Distance of one hundred yards shall be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

### **DISPLAY OF BOARD IN PUBLIC PLACE**

- Board to be displayed prominently at least one at the entrance and one at a conspicuous place inside public place.
- Minimum size of the board should be 60 cms by 30 cms.
- It should contain the warnings namely, "No Smoking Area-Smoking here is an Offence" in the Indian language(s) as applicable.

### **CREATION OF SMOKING AREAS**

- Smoking areas may be created in hotels having 30 rooms, restaurants having seating capacity of 30 persons and in airports.
- Smoking Area and Non-smoking area are to be physically segregated.
- The smoking area shall be located in such a manner that the public is not required to pass through it in order to reach the non-smoking area.
- Each area should contain board indicating thereon "Smoking Area-Non Smoking Area"

### **BOARD AT POINT OF SALE OF TOBACCO PRODUCTS**

- Size of board used for advertisement for tobacco products displayed on the entrance or inside warehouse or a shop where tobacco products are sold shall not exceed 90 cms by 60 cms and number of such boards will not exceed two.
- Each such board shall contain warning "Tobacco causes cancer" or "Tobacco kills" occupying 25% of top area of board.
- The board shall contain only brand name or picture of tobacco products and no other promotional message and picture.

### **BOARD INDICATING NO SALE TO MINORS**

- A board is to be displayed at point of sale of tobacco products with a minimum size of 60 cms by 30cms at conspicuous place(s) containing the warning "Sale of tobacco products to a person under the age of eighteen years is a punishable offence" in Indian language(s) as applicable.

### **BOARD AT EDUCATIONAL INSTITUTIONS**

Board indicating no sale around educational institutions:-

- A board is to be displayed at a conspicuous place(s) outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of the educational institution is strictly prohibited and that it is an offence punishable with the fine which may extend to two hundred rupees.

## **National Tobacco Control Programme**

### **Achievement of Punjab Government**

The Punjab State is implementing the "Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, (COTPA) 2003" and its Rules in letter and spirit.

**The following steps have been taken so far: -**

- **Punjab is a Tobacco Smoke Free State as all 22 Districts of Punjab have been declared as Tobacco Smoke Free (TSF) on the basis of Compliance Studies by School of Public Health PGI Chandigarh.**

**For effective implementation of Tobacco Control Act: Notifications done/Circulars issued by Punjab Govt.**

- a. Regarding constitution of District and State Level Tobacco Control Committees issued on 20th May 2008
- b. To authorize the competent persons to Act against any person who commits any offence under Section 4 or Section 6 of the said Act , at any Public Place issued on 4th Aug 2015.
- c. Regarding Constitution of State Level & District Level Monitoring Committees issued on 17th January, 2013
- d. To authorize Public Analyst, State Food Lab, Chandigarh as competent authority to test Tobacco and Nicotine in any food product on dated 3-08-12
- e. Regarding prohibition on manufacture, storage, distribution or sale of "*Gutkha*", "*Pan Masala*", *processed/flavoured/scented chewing tobacco* and any other Food products, containing Tobacco or Nicotine as ingredients by whatsoever name available in the market under section 2.3.4 of Food Safety & Standard Act 2006 on 5-09-12 onwards.
- f. Regarding constitution of State Level Coordination Committee on dated 26-04-16
- g. Regarding constitution of "Permanent District Task Force" to monitor COTPA & abuse of Nicotine in chemical form dated 17-08-15.
- h. Regarding incorporating the implementation of COTPA in general conditions for granting License to any commercial establishment dated 12-08-14.
- i. Regarding ban Loose Cigarettes and Loose Tobacco without specified health warnings in compliance of Section 7 of COTPA dated 6-01-15.
- j. A circular has been issued on 16/4/15 regarding inclusion of COTPA and action against Nicotine in chemical form under Poisons Act to be included in Monthly crime review.
- k. Regarding constitution of District Level Coordination Committee (DLCC) on dated 26-04-16
- l. Regarding constitution of Permanent State Level Task Force on dated 17-07-15

- m. Regarding constitution of Empowered Committee to implement Article 5.3 of WHO Framework Convention on Tobacco Control dated 13-07-15
- n. A circular dated 23-09-2015 was issued by Commissioner FDA, regarding cancellation of food license in case of selling tobacco products along with food .
- Guidelines for implementation of "Smoke Free Rules" and Health Workers Guide released on 20-4-13.
- **World No Tobacco Day:-**Every year 31st May is celebrated in the State of Punjab as "World No Tobacco Day". This year, it was celebrated by organising a week long campaign regarding implementing all sections of COTPA, especially Section 7. The week long celebration was launched By Principal Secretary, Department of Health and Family Welfare.
- **Punjab was invited in World No Tobacco Day celebration by Ministry of Health and Family Welfare and World Health Organisation.** Dr. Rakesh Gupta, State Program Officer, Tobacco Control shared Punjab's experience in tobacco control.
- **A compilation of notifications, demi officials, and circulars related to Anti - Tobacco Laws and Re assessment survey report of 10 Districts, CD containing IEC material was also launched by PSHFW and MD-NHM.**
- With the approval of Hon'ble Chief Minister, Punjab, "PUNJAB STATE NO TOBACCO DAY" will be celebrated all over Punjab on 1st November every year with different theme each year. This year on 1<sup>st</sup> November 2015, a State Level function was held in the form of biker rally in Mohali in support of various NGOs. Awareness campaigns to make general masses aware about ill effects of COTPA were organized in district, block & tehsil level from 1<sup>st</sup> Nov to 7<sup>th</sup> Nov 2015.
- NGOs have been empowered to issue notices to violators of COTPA.
- State Drug Controller has declared that use of Electronic Nicotine Delivery System (ENDS) is illegal as it contains Nicotine, which is an unapproved drug & contravenes the provisions of Drugs & Cosmetics Act.
- Joint meeting of officials of Punjab, Haryana and UT Chandigarh held on 11-9-14 to monitor abuse of Nicotine in Chemical form on 11-9-14 under Commissioner, FDA Punjab.
- Electronic Nicotine Delivery System (E-Cigarettes) have been seized in Hoshiarpur, Mohali, Ludhiana, Sangrur & Jalandhar court case have been launched. **The first conviction of the world in case of E cigarette was ordered by SAS Nagar, District and Session Court, amounting to one lakh Rs Fine and three years' imprisonment.**
- **Dr Rakesh Gupta, SPO; NTCP was nominated by MOHFW and Deptt of Health and FW Punjab to attend the consultation sponsored by WHO and Govt of Panama on policy options for Electronic Nicotine Delivery Systems (ENDS) sharing country experiences.**

- A DO was issued by Principal Secretary, Health to Secretary to Government Of India, Ministry Of Health and Family Welfare **regarding guidelines for initiating action against manufacturing and sale of Electronic Nicotine Delivery System (ENDS) popularly called E-Cigarettes.**
- Awareness notices have been issued to E-commerce sites for prohibiting the selling of E-cigarettes in Punjab. As a result now **no E-Cigarette is delivered by these sites in Punjab.**
- **An advisory E- Cigarettes was also issued in leading newspapers.**
- Court Challans have been issued against sellers of Loose cigarettes U/S 7 of COTPA in Distt Hoshiarpur.
- **Hukkah Bar raid at district Jalandhar:** A team from the Directorate Health services, members of District level task Force along with the officials of Police Department conducted a surprise raid at Hukkah Bar in Jalandhar. Hukkahs, Pipes, Flavored tobacco & Tobacco molasses were seized.
- Workshop for Psychiatrists and Psychiatric social workers held on 30-10-14 to train them for Tobacco/ Nicotine De-addiction.
- A State Level Sensitisation Workshop for members of Distt level Task Force was held on 16-3-15 under Chairmanship of C-FDA and a workshop for all stake holders was held on 16/4/15 under Chairmanship of Hon'ble HM
- Raids on more than 2000 Hotels/eateries & Pan/Cigarette Shops were conducted to check violations under Cigarettes & Other Tobacco Products Act (COTPA)/Ban on chewable tobacco(Food Safety & Standard Act of India (FSSAI)/E-Cigarettes(Drugs & Cosmetics Act) /Hukkah Bars,in compliance of directions of Hon'ble High Court .In first of a kind initiative anywhere in India, a special 3 day campaign 16<sup>th</sup>.to 18<sup>th</sup>.March 2015 was conducted in all districts of Punjab to act against abuse of Tobacco and Nicotine and to detect any functional Hukkah Bar and illegal sale of E-Cigarettes, Loose cigarettes and flavoured/scented chewable tobacco. more than 800 violators were challaned for violation of Anti-Tobacco Act/Ban on chewable tobacco. No Hukkah bar is functional in Punjab.
- An advisory against Hookah Bars stating the various health impacts and legal implications was also issued in leading newspapers.
- **A D.O has been issued by Principal Secretary, Health to Excise & Taxation Department to take action against illicit trade of Tobacco products.**
- A D.O has been issued by Principal Secretary, Health to Food & Civil Supply Department to not allow Cigarette packs containing less than 10 sticks.
- A D.O has been issued by Principal Secretary, Health to Additional DGP, Prisons to ban tobacco products in prisons.
- **A circular has been issued by Commissioner, Food & Drug Administration to cancel the licence of those vendors who sell tobacco products on the licence of food products under Food & Drug Administration.**

- Direction has been issued by Local Bodies department to take action against unlicensed tobacco vendors.
- **A D.O has been issued by Principal Secretary, Health to Commissioner, Department of Excise and Taxation regarding Punjab Tobacco Vend Fees Act, (PTVFA) 1954**
- Instructions have been issued by Labour Department to Instructions to declare building & societies & under construction sites as "Tobacco Smoke Free Homes".
- **Juvenile Justice (Care and Protection of Children) Act, 2015 have been popularized in Punjab by issuing a public notice regarding it in vernacular newspaper**
- **Punjab was invited to be part of "world knowledge hub" of tobacco control.**
- **Action against violators:** 20,910 COTPA violators have been challaned w.e.f from April 2015 to March 2016.