

Updated and translated version from the ratification Khmer version by the Plenary Session of the National Assembly which was chaired by the President of National Assembly on Wednesday the 8 April, 2015.

**KINGDOM OF CAMBODIA
NATION RELIGION KING**

LAW

ON

Tobacco Control

Chapter 1

General provisions

Article 1.-

. The purpose of this law is to protect public health and reducing impacts on health, economic, social and environment caused by tobacco products.

Article 2.-

This law has the following objectives:

- Determine measures to manage and control tobacco products
- Promote awareness of effects of tobacco use to public and their participation;
- Cooperate with ministries, national and international institutions, and civil society to advance education and to reduce tobacco use.

Article 3.-

This law has its scope covering all acts related to all types of tobacco products which are locally manufactured, imported and distributed, sold and used in the Kingdom of Cambodia.

Article 4.-

Essential terminologies used in this law shall have the following definitions:

- “Tobacco products” refers to all types of products made of tobacco leaf, chopped tobacco or any substance of tobacco produced by tobacco industry or by any other means to be used for smoking or other forms including but not limited to sucking, chewing, or snuffing;
- “Tobacco industry” refers to tobacco manufacturers, wholesale distributors, and importers of tobacco products;
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- “Tobacco sponsorship” means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;
- “Tobacco packaging” refers to box, paper, or wrapping material, or any other material used for packaging tobacco products excluding bag or container that farmers use to contain their tobacco products;
- **“Health warning” refers to messages and pictures illustrating the effects of tobacco use and other relevant information printed in Khmer language on tobacco packages;**
- Educational facilities refer centers used for training, education from kindergarten to post graduation, including schools, institutes, universities or all level of vocational training centers;
- Health facilities refer to health posts, health centers, hospitals, clinics, pharmacies, and laboratories, private and public owned;
- “Smoke free air” refers to air which is 100% free from tobacco smoke, this includes the air in which tobacco smoke is not seen, smelled or measured;

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- Religious facilities refer to pagoda, church, cult assembly, worship house, monk house, pagoda library, religious institutions... etc. that are used for religious worship.

Chapter 2

The Competence of Tobacco Control

Article 5.-

The Ministry of Health is the competent institute to monitor all activities related to tobacco products as stipulated by this law.

Article 6.-

The Ministry of Health is the national competent institute for communication between the Royal Government of Cambodia and other parties to the World Health Organization's Framework Convention on Tobacco Control (FCTC), FCTC secretariat, as well as relevant local and international non-governmental organizations.

Article 7.-

The Royal Government shall establish tobacco control committee to educate and reduce tobacco use.

The tobacco control committee shall be chaired by the Minister of Health with participation from relevant ministries and institutes.

The tobacco control committee shall be established by a sub-decree.

Chapter 3

Disclosure of ingredients in tobacco products and implementation of health warning

Article 8.-

Local tobacco manufacturers and importers of all types of tobacco products to be distributed and sold in the Kingdom of Cambodia shall provide to the Ministry of Health with detail information on ingredients in tobacco products and emissions.

Detail information on ingredients in tobacco products and emissions shall be determined by a Prakas of the Ministry of Health

Article 9.-

The use of misleading terms in tobacco products including but not limited to light, mild, Vitamins, Caffeine shall be prohibited.

Article 10.-

Local tobacco manufacturers and importers of all types of tobacco products to be distributed and sold in the Kingdom of Cambodia shall print health warning in Khmer language and with pictures about the effects of tobacco use on **tobacco packages**.

The pictorial health warning shall be at least 50%. Printing of textual and pictorial health warning shall be determined by a particular Sub-Decree.

Chapter 4

Measures on tobacco advertising, promotion and sponsorship

Article 11.-

Advertising of tobacco products through mass media in the form of picture, text or sound on radio, television, magazine, CD, VCD, DVD, and other telecommunication services shall be prohibited.

Advertising of tobacco products on poster, billboard, banner, drawing, or other advertising materials, and advertising of tobacco products using mobile picture on wall of car, or on any type of vehicle shall be banned.

Advertising of tobacco products to public at any public place such as concert or sport event or other public event and promotion of tobacco products to customers by agents of tobacco companies shall be banned.

Article 12.-

Display of tobacco products packages is allowed at cigarettes points of sale only. Size and amount of pack display will be determined by Minister of Health Prakas.

Article 13.-

Sponsorship in concert or sport event or other public event in form of tobacco products or other materials on which tobacco brand names are shown shall be banned.

Chapter 5

Tobacco products distribution, sale, and points of sale

Article 14.-

Control of retail sale, distribution, and whole sale of all tobacco products shall be determined by a sub-decree.

Article 15.-

Sale of all types of tobacco products to persons under 18 and pregnant women shall be banned, if the pregnancy can be seen or known.

Article 16.-

Bringing with tobacco products more than 200 sticks or not more than 50 sticks of cigars or not more than 250 grams of chopped tobacco or into the Kingdom of Cambodia shall be banned.

Persons under 18 shall not be allowed to bring with tobacco products into the Kingdom of Cambodia

Article 17.-

Sale and distribution of all types of tobacco products in campuses of health facilities, educational facilities, children parks, religious places, museums, cultural and historical sites, sport clubs, gas stations, and other flammable places shall be banned.

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Sale of tobacco products by indirect means, vending machine, ordering through post office, and through other telecommunication services shall be banned.

Chapter 6

Protecting from Exposure to Tobacco Smoke

Article 18.-

The Royal Government shall pay attention and take actions to protect people from exposure to secondhand smoke to ensure the rights of non-smokers to breath in smoke free air and to prevent diseases and other health impacts caused by exposure to tobacco smoke.

Article 19.-

The banning on smoking and blowing the smoke of tobacco products at workplaces and public places shall be **determined by a sub-decree**.

Chapter 7

Risks assessment, Monitoring, Evaluation and Research

Article 20.-

The Ministry of Health shall cooperate with relevant institutes to ensure appropriate risks assessment of activities related to tobacco products for monitoring and research on the effects on health, economy, environment, and society of tobacco products.

Article 21.-

The Ministry of Health and tobacco control committee shall cooperate with relevant institutes to conduct research on impacts of tobacco on health, economy, environment and society focusing on the following issues:

- Tobacco consumptions;
- quantity of export and import, prices, and consumption of tobacco, raw materials, machinery;
- incomes, tobacco farming and other issues;
- the effectiveness of tobacco control policy implementation.

Article 22.-

The Ministry of Health shall establish scientific expert group and laboratory to test tobacco products especially standard ingredients and effects caused by tobacco consumptions, if necessary MOH shall cooperate with the scientific teams and laboratory in the region and in the world.

Chapter 8

Provision of information, awareness raising, and participations from the publics

Article 23-

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The Ministry of Health and relevant Ministries and institutes shall enhance the population awareness, education and provide to public sufficient information on the effects to health, economy, and environment caused by tobacco use.

The Ministry of Health shall collaborate with competent authorities, local authorities, civil society and private sector not affiliated with the tobacco industry to enhance the awareness of tobacco use.

Article 24.-

The Ministry of Health and tobacco control committee shall work in collaboration with relevant institutes to encourage the participation from the public to enhance public awareness through **educational programs, and nationwide media campaign and help tobacco dependents to quit tobacco use.**

Article 25.-

All types of health service providers, both public and private, shall participate in providing awareness of the health effects of tobacco consumption to the public and their clients.

Article 26.-

Ministry in charge of education shall integrate the awareness on impacts of tobacco use into school curriculum both public and private.

Article 27.-

The Royal Government shall pay attention to tobacco farmers who voluntarily swift from growing tobacco to other crops.

Chapter 9 Tax policy on tobacco products

Article 28.-

The Royal Government shall have policy to impose tax increase on all type of tobacco products to adjust to the appropriate situation.

Article 29.-

The Royal government shall establish tobacco control foundation for reduction of tobacco use and impacts, health education, tobacco cessation, research and evaluation of tobacco control programs and for helping farmers to give up tobacco farming and for other purpose to serve public health.

The establishment of the foundation shall be determined a particular sub-decree.

Chapter 10 Inspection of Tobacco Products

Article 30.-

The Ministry of Health shall appoint its professional staff as inspection officers of tobacco products in order to monitor, control and enforce the law implementation.

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Article 31.-

Within the scope of the law, inspection officers have the rights to monitor and take actions as following:

- Assess regularly consumption, sale, and advertising of tobacco products as well as the printing of health warning on packaging by tobacco industry.
- Request checking and testing ingredients of tobacco products and of tobacco emission.
- Take temporary actions on distributions or sales of all types of tobacco products found containing highly dangerous substances or containing substances that cause health and environmental hazard.
- Monitor and issue fine for non-compliance to other legislative measures related to tobacco control.
- Confiscate evidence of this law violations and seal confiscated evidence with stamp.
- Fulfill other tasks as assigned by the Minister of Health.

Procedure of the inspection of tobacco products shall be determined by a Prakas of the Minister of Health.

Article 32.-

Inspection officers of tobacco products obtain legal qualifications to monitor violations mentioned in this law complying with provisions of the Code of Criminal Procedure.

Formality and procedure of the provision of the legal qualifications of inspection officers of tobacco products shall be determined by a joint Prakas of the **Minister of Justice and the Minister of Health.**

Article 33.-

All acts to monitor violations of inspection officers of tobacco products shall be in line with the code of criminal procedure.

Inspection officers of tobacco products have rights to ask for assistance from local authorities of all levels and armed forces or other relevant competent authorities to take actions against violations mentioned in the law.

Article 34.-

During an operation to implement the law, inspection officers of tobacco products shall dress in uniform and bring with their identification cards and letters of permission when fulfill a missions.

Uniform and identification card of inspection officers of tobacco products shall be determined by a Prakas of the Minister of Health.

Article 35.-

Individual who does not accept any measure taken by inspection officers of tobacco products may submit a complaint within 30 days to the Minister of Health counting from the date of receiving an order or being confiscated.

The Minister of Health shall deal complaints within 45 working days counting from the date of receiving the complaint.

In case, an individual is not satisfied with a decision of the Minister of Health, the individual has rights to submit the complaint to the court.

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Article 36.-

During an operation to implement the law, if an evidence of violation is a prohibited or dangerous product, inspection officers of tobacco products have rights to request for a court order from prosecutor to destroy the products in line with existing procedure.

Expenditure of destruction of the products in the operation shall be the responsibility of the owners of the products.

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Article 37.-

All monetary fines shall be counted as the government revenues.
The Royal Government may provide incentives to officers who take part in coping with any specific violation of this law.

Chapter 11 Punishments

Article 38-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 8 of the law, shall be jailed from 1 (one) month to 6 (six) months and shall liable for a fine from 4,000,000.00 (four million) to 20,000,000.00 (twenty million) riel.

In case of repeat infringement, the fine shall be double.

Article 39.-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 9 of the law, shall liable for a fine from 1,000,000.00 (one million) to 4,000,000.00 (four million) riel.

In case of repeat infringement within two years afterward, the fine shall be double.

Article 40.-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 10 of the law, shall liable for a fine from 4,000,000.00 (four million) to 20,000,000.00 (twenty million) riel.

In case of repeat infringement within two years afterward, the fine shall be double.

Article 41.-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 11 of the law, shall liable for a fine from 8,000,000.00 (eight million) to 40,000,000.00 (forty million) riel.

In case of repeat infringement within two years afterward, the fine shall be double.

Article 42.-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 12 of the law, shall liable for a fine from 1,000,000.00 (one million) to 4,000,000.00 (four million) riel.

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In case of repeat infringement within two years afterward, the fine shall be double.

Article 43 .-

Local tobacco manufacturers and importers of all types of tobacco products for distribution, sale and use in the Kingdom of Cambodia who violate provisions under article 13 of the law, shall liable for a fine from 8,000,000.00 (eight million) to 40,000,000.00 (forty million) riel.

In case of repeat infringement within two years afterward, the fine shall be double.

Article 44.-

Any act of selling or distributing all types of tobacco products to persons aging under 18 or to pregnant women, if pregnancy can be seen or known, shall be jailed from 6 (six) days to 1 (one) month and shall be liable for a fine from 100,000.00 (ten thousand) to 1,000,000.00 (one million) riel.

Article 45.-

Any quantity of cigarette or tobacco products banned by article 16 of this law, shall be confiscated by competent officers.

Article 46.-

Any act of selling or distributing all types of tobacco products in campuses of health facilities, educational facilities, children parks, religious places, museums, cultural and historical sites, sport clubs, gas stations, and other flammable places, shall be liable for a fine from 100,000.00 (then thousand) to 1,000,000.00 (one million) riel.

Any act of selling all types of tobacco products by indirect means, vending machine, ordering through post office, and through other telecommunication services, shall be liable for a fine from 200,000.00 (twenty thousand) to 2,000,000.00 (two million) riel.

Article 47.-

Legal entities may be declared to be under criminal liability stipulated by article 42 (criminal liability of legal entities) of the Criminal Code for violation mentioned in articles 38 to 43, and paragraph two of article 46 of this law.

Legal entities shall be liable for double monetary fines together with one or more additional punishments as following:

1. Termination based on the formality stated by article 170 (termination and clearance of legal entities) of Criminal Code.
2. Keep under the state controlled by the court following formalities stated by article 171 (Being under a state controlled by the court) of Criminal Code.
3. Restriction from doing one or more activities following formalities stated by article 172 (restriction from doing any activity) of Criminal Code.

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4. Announcement of decision on punishment as stated by article 180 (Announcement of decision on punishment) of Criminal Code.
5. Publication of decision on punishment on printed media or broadcasting on Television and Radio following formalities stated by article 181 (publication of decision on punishment on telecommunication means including but not limited to television and radio) of Criminal Code.

Chapter 12

Transitional Provision

Article 48.-

Existing legislations related to Tobacco Control shall remain valid unless they are replaced by new legislations in line with this law.

Chapter 13

Final Provision

Article 49.-

Any provision that contradicts to this law shall be considered as null and void.

This law is approved by the
National Assembly on
....., during the ...th National
Assembly session,th
mandate
Phnom Penh,,,

President of the National Assembly
Heng Samrin