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TOBACCO CONTROL BOARD
THIMPHU: BHUTAN

ལྷི་འཛིན།
CHAIRMAN

TCB/Noti/2010-11/ 4998

December 08, 2010

Notification

In continuation to the earlier Notification vide No. BNCA/TCB/Noti/10-11/4234 dated August 18, 2010; the Tobacco Control Board would like to notify the general public on the following:

1. Prohibition of Cultivation, Manufacture, Sale, Supply and Distribution of Tobacco and Tobacco Products:
 - a. As per section 11(a), (b) and (c) of the Tobacco Control Act of Bhutan, 2010 (TCA), no person in the country shall cultivate or harvest, manufacture, supply or distribute, sell and buy tobacco and tobacco products.
 - b. As per section 50 of the TCA, any person found to be cultivating or harvesting, manufacturing and supplying or distributing tobacco and tobacco products shall be punishable with a Felony of the fourth degree, which means imprisonment for a minimum terms of three years and maximum term of less than five years as per the Penal Code of Bhutan.
 - c. As per section 51 of TCA, any person found in possession of tobacco and tobacco products without receipt/proof of import for personal consumption shall be punishable with misdemeanor (imprisonment for a minimum term of one year and a maximum term of less than three years as per the Penal Code of Bhutan) if the source of the supply is revealed. If the accused fails to reveal the source of supply, the person shall be liable of smugglings (minimum of felony of fourth degree) in addition to the offence of misdemeanor.
2. Non-smoking places:

As per section 3 of the TCA, no person shall smoke in the following public places:

 - a) **Commercial centers:** all shops, shopping complexes, supermarkets, showrooms, exhibition halls, lobbies and places to which public have access in hotels, motels, guest houses, inns and lodging, bars and restaurants, clubs, internet cafes;



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- b) **Recreation centers:** discotheques, snooker rooms, health clubs, sports and game centers, playing fields and related offices, cinema, theatre, video halls and other buildings of entertainment;
 - c) **Institutions:** all offices including those in the private sector, dzongs, monasteries, museums, health, educational, religious and training centers and their vicinity;
 - d) **Public gatherings/spaces:** public meetings, Tschechu, festivals and traditional celebrations, vegetable markets, bus and taxi stands, airports;
 - e) **Public transportation:** all buses and taxis, all forms of motor vehicles and aircrafts for passenger transport; and
 - f) In addition to the above public places, as per the power conferred upon the Board by section 3(f) of the TCA, Private educational Offices shall be considered as non- smoking place.
3. As per the power conferred upon the Board by section 48 of the TCA, any person found smoking in non smoking areas as mentioned above shall be punishable with fine of Nu. 500 (Five Hundred) per incident and shall also produce import receipt issued by the Department of Revenue and Customs.
 4. In exercise of the power conferred to the Board by section 12 of the TCA, a person may import tobacco and tobacco products for personal consumption, as per the following maximum quantity approved by the Board per month:
 - a. 200 sticks of cigarettes/bidis; or
 - b. 30 pieces of cigar; or
 - c. 150 grams of other tobacco and tobacco products.
 5. A person importing tobacco and tobacco products for personal consumption shall pay 100 percent Sales Tax and 100 percent Customs Duty as per section 4.2 and 6 of the Sales Tax, Customs and Excise Act of Kingdom of Bhutan 2000 as admissible under the rules.



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6. A person, while declaring tobacco and tobacco products shall produce an Identity Card (Citizenship card, Passport, Voter Photo Identity Card) or other relevant documents issued by his/her country of origin.
7. In accordance with section 14 of the TCA, any person found in possession of tobacco and tobacco products for personal consumption shall on demand provide proof of tax and duty payment.
8. Any person, 18 years and below shall not be allowed to import tobacco and tobacco products.
9. As per sections 4 to 10 of the TCA, the owner/ manager/ supervisor/ a person responsible for the operation of that public place or transport referred or defined as the person-in-charge by the TCA shall carry out the following functions:
 - a. Display notices indicating that smoking is prohibited in the area
 - b. Ensure that the displayed notice is Legible and visible; and
 - c. Displayed in a prominent place, written in both Dzongkha and English.
10. As per section 9 of the TCA, person-in-charge of the hotels, motels, guest-houses, inns and lodgings shall arrange smoking rooms/spaces as appropriate. The smoking rooms/ spaces shall:
 - a. Have proper ventilations;
 - b. Display notice/sign indicating that it's a smoking room/space.
11. The person-in-charge may install smoke detector in all the non-smoking areas.
12. As per section 6 of the TCA, a person found smoking in a non-smoking area shall be requested to refrain from smoking, if the offender continues to smoke, the person-in-charge shall demand the offender to leave the place or transport.
13. As per section 7 of the TCA, if the offender declines to leave or stop smoking, then the person-in-charge shall report the matter to an authorized officer or law enforcement officer immediately.



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In continuation to our earlier notification, the above mentioned provisions of the Tobacco Control Act, 2010 of Bhutan shall come into force with effect from January 1, 2011. Therefore, the Tobacco Control Board solicits the kind cooperation of the general public in making Bhutan a Tobacco Free Society and promoting the physical and mental wellbeing of the people.

Zangley Dukpa
Chairperson
Tobacco Control Board

CC:

- 1 Honourable Prime Minister, Royal Government of Bhutan;
- 2 Honourable Chief Justice, Supreme Court, Royal Court of Justice;
- 3 Honourable Speaker, National Assembly of Bhutan;
- 4 Honourable Chairperson, National Council of Bhutan;
- 5 Honourable Cabinet Ministers, Ministries;
- 6 Honourable Opposition Leader;
- 7 Honourable Secretary to His Majesty the King, Tashichhodzong;
- 8 Honourable Secretary to His Majesty the Fourth King;
- 9 All the Secretaries to the Government;
- 10 Honourable Chief Justice and Justices of High Court, Royal Court of Justice;
- 11 Chief Operations Officer, Royal Bhutan Army;
- 12 Chief of Police, Royal Bhutan Police;
- 13 Vice Chancellor, Royal University of Bhutan;
- 14 All Dasho Dzongdags of Dzongkhags;
- 15 All Dasho Drangpons of Dzongkhags and Dungkhags;
- 16 All Chairpersons of Dzongkhag Tshogdu;
- 17 All Chairpersons of Gewog Tshogde;
- 18 President and General Secretary, Bhutan Chamber of Commerce and Industries;
- 19 All Thrompoens of Thromdes;