

[Lao PDR Seal]

Lao Peoples Democratic Republic

Peace Independence Democracy Unity Prosperity

[stamp:]
1067

Ministry of Public Health

No. /MPH

Vientiane, Date:

AGREEMENT

[stamp:] **23 MAY 2016**

Governing Implementation of the Tobacco Control Act

- Reference: Tobacco Control Act No. 07/N.A. [National Assembly], dated 26 November 2009;
- Reference: Obligations of the Lao PDR to the World Health Organization re: Tobacco Control, Article 8, 9, 10, 11, and 13.
- Reference: Proposal of the Department of Sanitation and Health, Vol. 0085/DPH [Dept. of Public Health], dated 15 January 2016.

The Minister of Public Health Agrees That:

Part I

General Provisions

Article 1. Purpose

To expand the content of Articles 33, 34, 37, 38, and 48 of Tobacco Control Act, No. 07/NA [National Assembly], dated 26 November 2009, setting effective dates for establishing Smoke-Free Zones, printing of health warning labels on packaging materials for tobacco products, and the prohibition of advertising of tobacco products to achieve uniform implementation throughout the country.

Article 2. Definition of Terms

In addition to the various terms used in Tobacco Control Act No. 07/NA, dated 26 November 2009, there remain certain terms herein that require further explanation, as follows:

1. **Consumption of Tobacco Products** shall mean eating, burning, or spraying into the mouth or nose, or [using] by any other means;
2. **Electronic Tobacco Products** (E-cigarette or Electronic Cigarettes) shall mean an electric cigarette that contains gaseous nicotine and which can be inhaled using electric power. These electronic tobacco products are of numerous different types; some resemble tobacco pipes, while others look like Bic ballpoint pens or are shaped like small tubes.
3. **Shisha Tobacco Products** are a type of smoking device that uses electric power to allow the user to ingest gaseous nicotine that is dissolved in water through the mouth via a straw. Besides nicotine,

the water also contains different fragrances such as various fruit odors, so that the user is led to believe that the product is a natural one and safe for health.

4. **Indoors** shall mean any location enclosed by a roof, whether it has walls or not, or whether or not such walls are permanent or temporary.

5. **Toxins and Carcinogens in Tobacco Smoke**

a) **Toxins**

1) Carbon monoxide is the same gas that is present in automobile exhaust, which impairs the transport of oxygen to supply the body. It causes cardiovascular disease and leads to death.

2) Hydrogen cyanide is a toxic gas that damages the bronchial tubes and alveoli in the lungs. It causes one to cough up phlegm, results in emphysema, and leads to death.

3) Nicotine is an addictive substance found only in tobacco leaves. It restricts the arteries, causing cardiovascular disease and leading to death. It is also used as a pesticide.

4) Ammonia is the same substance that is used to clean bathrooms. It causes distress to the eyes and nose, and inflames the lungs, leading to death.

5) Nitrogen dioxide is a gas that damages lung tissue and the alveoli. It causes chronic obstructive pulmonary disease, and leads to death.

6) Arsenic is an ingredient in rodent poisons. When it enters the body by ingestion or inhalation, it damages the digestive tract and other organs, leading to death.

b) **Carcinogens**

1) Tar is the same material used to pave roads. When it accumulates in the lungs, it is a primary cause of lung cancer and chronic bronchitis, leading to death.

2) Formol, or formaline [sic, probably: formalin], is a preservative substance used to embalm corpses of the dead. It is a cause of cancer and leads to death.

3) Nitrosamine is a food preservative that causes cancer of the liver, kidneys, digestive tract, and stomach, leading to death.[initials]

Part II

Posting of Symbols in No-Smoking Areas and Permission to Smoke

Article 3. Posting of No-Smoking Symbols

- 1) Locations designated as no-smoking areas by Articles 37 and 38 of the Tobacco Control Act must be posted with signage or symbols that forbid smoking;
- 2) No-smoking symbols must be posted in open areas, easily visible, and clearly readable. It must give particular coverage at entrances to such locations.
- 3) A prohibition on smoking shall apply to all forms of smoking, including electronic or electric forms (E-cigarettes or Electronic cigarettes] and Shisha tobacco.

Article 4. Locations Where Smoking is Permitted

- 1) Locations where smoking is permitted must only be outdoors and separated from the body of the building. Specifically, such locations must be at least ten meters away from doors and windows. The interiors of all buildings are no-smoking areas.
- 2) Symbols or signage that permits smoking must be posted in open areas at each such site, and must be easily visible and clearly readable.

PART III

Printing of Health Warnings and Labels on Tobacco Products

Article 5. Printing of Health Warnings on Wrappings for Tobacco Products

Tobacco products manufactured domestically or imported from abroad for sale in the Lao PDR, to include sales in duty-free shops, must be accurately imprinted with health warnings as set out below:

1. The Department of Sanitation and Health, Ministry of Public Health, shall designate health warnings consisting of an image and words in the Lao language to serve as a model for those in business to manufacture or import tobacco products. The images and warnings must be changed from time to time, every two years or at other intervals based on research by specialists among both domestic and foreign consumers.
2. Health warnings and statements consist of six types, as follows:

Type 1. Image plus the warning statement:	Tobacco smoke causes lung cancer.
Type 2. Image plus the warning statement:	Tobacco smoke causes mouth cancer.
Type 3. Image plus the warning statement:	Tobacco smoke causes stroke [literally: burst blood vessels in the brain.]
Type 4. Image plus the warning statement:	Tobacco smoke causes heart attack.
Type 5. Image plus the warning statement:	Tobacco smoke blackens teeth and causes mouth odor.
Type 6. Image plus the warning statement:	Tobacco smoke kills those around you.
- Details may be found in Attachment 1. [initials]

3. Packaging Materials for Cigarette Packs

- 1) In the event that the largest surface of a cigarette pack has an area from 41.35 to 50.4 square centimeters, the printed image and warning label shall measure 5.50 x 6.53 centimeters and shall appear next to the uppermost edge, and shall occupy not less than seventy-five percent of the area described.
- 2) In the event that the largest surface of a cigarette pack has an area larger or smaller than 41.35 to 50.4 square centimeters, the printed image and warning label may be enlarged as appropriate, but the relative proportions of width to height must be preserved, as must the clarity of the image and warning, which must still occupy not less than seventy-five percent of the area described.
- 3) In the event that the image and warning label, when diminished or enlarged proportionately, do not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the image and warning label are to be enlarged so that at least seventy-five percent of the area of the largest surface is covered.
- 4) In the event that the packaging material is not rectangular, the image and warning label as described in sub-paragraph 1) of Paragraph 3, Article 5. At least two different sets of images and warnings must be used in each carton, and the remaining area around the images and warnings must be filled in black at the top, bottom, and sides, so that the image, the warning, and the black background together occupy seventy-five percent of the prescribed parts of the cigarette packaging material.

4. Packaging Materials for Cigarette Cartons

- 1) In the event that the largest surface of a cigarette carton has an area from 229 to 242.5 square centimeters, the printed image and warning label shall measure 27.3 x 6.52 centimeters and shall appear next to the uppermost edge, and shall occupy not less than seventy-five percent of the area described.
- 2) In the event that the largest surface of a cigarette carton has an area larger or smaller than 229 to 242.5 square centimeters, the printed image and warning label may be diminished or enlarged as appropriate, but the relative proportions of width to height must be preserved, as must the clarity of the image and warning, which must still occupy not less than seventy-five percent of the area described.
- 3) In the event that the image and warning label, when diminished or enlarged proportionately, do not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the image and warning label are to be enlarged so that at least seventy-five percent of the area of the largest surface is covered.
- 4) The images and warnings set out in Paragraph 4, Article 5 of the Agreement are not to be required on cigarette cartons that are made of clear, colorless plastic, which allows the images and warnings on the individual packs of cigarettes inside to be seen clearly.[initials]

Unofficial Translation

5. Tobacco Sales Display Cases must be constructed of a clear material that allows the buyer to see clearly the actual cigarette packs inside. Such packs shall have the images, warnings, and labels as specified by the Ministry of Public Health.
6. In printing the prescribed images and warning labels, all of the six sets must be printed in rotation, changing at intervals of fifty thousand packs.
7. In the event of production or importation of varied brands of tobacco products, each having a different shape, each shape must be imprinted with a different image and warning label.
8. The images and warnings must be printed as prescribed in the model set authorized by the Department of Sanitation and Health, Ministry of Public Health. The color value, weight, size, and positioning of the font, the image, and the warning text, to include the clarity of the image, must be like the model images and warnings shown at Attachment 1.
9. The date, month and year of manufacture of tobacco products shall be printed on one side or another of the packaging material. It must be placed where it is clearly visible, and outside the area set aside for the images, warnings, and labels.

Article 6. Printing of Labels for Placement on Tobacco Products

Tobacco products manufactured domestically or imported for distribution and sale in the Lao PDR, to include sales in duty-free shops, must bear labels that comply with the following rules:

1. The Department of Sanitation and Health, Ministry of Public Health, shall be the proponent agency for labeling to disclose the presence of toxins and carcinogens in tobacco smoke, so that those in business to manufacture or import tobacco products are aware of the nine models for images and labels that are to be printed in rotation, that the images and labels must cover at least seventy-five percent of two sides or of the top and bottom of the packaging material for tobacco products, and that the images and labels must be clearly visible. New labels must be designated at two year intervals, based on research conducted both domestically and abroad.
2. The labels shall include the following nine types:
 - Type 1: Tobacco smoke contains carbon monoxide, the same poison as in auto exhaust.
 - Type 2: Tobacco smoke contains hydrogen cyanide, a poisonous gas that damages the bronchial tubes and alveoli.
 - Type 3: Nicotine in tobacco is addictive, and is used in pesticides.
 - Type 4: Tobacco smoke contains ammonia, which is used to clean bathrooms.
 - Type 5: Tobacco smoke contains the toxic gas nitrogen dioxide.
 - Type 6: Tobacco smoke contains arsenic, which is used to make rat poison.
 - Type 7: Tobacco smoke contains tar, which causes cancer.
 - Type 8: Tobacco smoke contains formal, used to embalm corpses.
 - Type 9: Tobacco smoke contains nitrosamine, which causes cancer.
- For details, please see Attachment 2.

3. **Packaging Materials for Cigarette Packs** [Paragraph title in bold, previous such titles are not.]

- 1) In the event that the sides of a cigarette pack have an area from 16.7 to 21.36 square centimeters,
the printed label for toxins and carcinogens in tobacco smoke must measure 2.2 x 6.6 centimeters. Different versions of the label must appear on the bottom-most edge of each of the sides of the cigarette pack. The label must cover at least seventy-five percent of each visible side of the pack, and must be clearly readable.
- 2) If the sides of a cigarette pack have an area larger or smaller than 16.7 x 21.36 square centimeters, the printed label for toxins and carcinogens in tobacco smoke can be diminished or enlarged as appropriate, but the proportions of width to height must be preserved. The label must cover at least seventy-five percent of the sides of the cigarette pack, and must be clearly readable.
- 3) In the event that the label for toxins and carcinogens, when diminished or enlarged proportionately, does not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the label is to be enlarged so that at least seventy-five percent of the area of the sides is covered.
- 4) In the event that the packaging material is not rectangular, the image and warning label as described in sub-paragraph 1) of Paragraph 3, Article 5. At least two different sets of images and warnings must be used in each carton, and the remaining area around the images and warnings must be filled in black at the top, bottom, and sides, so that the image, the warning, and the black background together occupy seventy-five percent of the prescribed parts of the cigarette packaging material.

4. Packaging Material for Cigarette Cartons

- 1) In the event that sides of a cigarette carton have an area from 116.05 to 127.85 square centimeters, the printed label for toxins and carcinogens shall measure 4.5 x 20.47 centimeters. The label must appear on the left-most side of the surface, and each side shall display a different label from among the models available. Each label must cover seventy-five percent of the surface where it appears, and must be clearly visible.
- 2) If the sides of a cigarette pack have an area larger or smaller than 116.05 to 127.85 square centimeters, the printed label for toxins and carcinogens in tobacco smoke can be diminished or enlarged as appropriate, but the proportions of width to height must be preserved. The label must cover at least seventy-five percent of the sides of the cigarette pack, and must be clearly visible.
- 3) In the event that the label for toxins and carcinogens, when diminished or enlarged proportionately, does not occupy the prescribed seventy-five percent of the designated area, the black background at the top, bottom, or sides of the label is to be enlarged so that at least seventy-five percent of the area of the sides is covered.

Unofficial Translation

- 4) Use of the label as described in Paragraph 3, Article 6 of this Agreement, is not compulsory for cigarette cartons that are made of clear, colorless plastic, which allows labels for toxins and carcinogens on the individual packs of cigarettes inside to be seen clearly.[initials]
5. Manufacturers and importers of tobacco products shall arrange to print labels for toxins and carcinogens in tobacco smoke, and shall arrange for rotation of the labels, changing among the models at intervals of fifty thousand cartons.
6. In the event of production or importation of varied brands of tobacco products, each having a different shape, each shape must bear a different label for toxins and carcinogens in tobacco smoke.
7. Manufacturers and importers of tobacco products must print labels for toxins and carcinogens in tobacco smoke only according to models that they can obtain from the Department of Sanitation and Health. The color value, weight, size, and positioning of the font used to print the labels for toxins and carcinogens must be like the model labels for toxins and carcinogens shown at Attachment 2.

Article 7. Reporting of Data about Tobacco Products

Manufacturers and importers of tobacco products for distribution within the Lao PDR must report data on ingredients, pointing out the details of any additives imported for use in manufacturing tobacco products, to the Department of Sanitation and Health, Ministry of Public Health at least once a year.

Part IV

Additional Prohibitions for Producers of Tobacco Products

Article 8. Additional Prohibitions for Producers of Tobacco Products

No producer of tobacco products shall engage in the following behaviors:

1. Advertise and promote the consumption of tobacco products in any form, advertise within a tobacco products display case, advertise tobacco products internationally, or the producer's corporate social responsibility.
2. Print any text, health warnings, or labels upon packaging materials for tobacco products that are not permitted by the Department of Sanitation and Health, Ministry of Public Health.
3. Print any statements upon tobacco packaging materials that may cause consumers to misunderstand the characteristics and effects of tobacco on human health, such as: Mild, Medium, Light, Ultra-Light, Ultra-Mild, or Low Tar. Any statements or symbols that might be misunderstood in a similar way are also forbidden, such as: Menthol, Fruit, [one word unknown], etc.

Part V

Monitoring, Inspection, Implementation of Law and Agreements on Tobacco Control

Article 9. Monitors, Inspectors, and Implementation

Inspectors and enforcers of measures toward violators shall consist of:

1. The Departments of Sanitation and Health (Tobacco and Environmental Units) and the Food and Drug Inspection Units at every level from central to community.[initials]

Unofficial Translation

2. The Environmental Police Unit, assigned to the major police command at every level, from central to community.
3. The Information – Culture – Tourism staff at every level from central to community.
4. The Finance Department staff at every level from central to community.
5. The Industry and Commerce Department staff at every level from central to community.
6. Other concerned staff elements, personnel, and corporate entities.

Appointment procedures and rosters of units / personnel who may be appointed under the provisions above must comply with the provisions set out in Attachment 3.

Article 10. Rights and Duties of Monitors, Inspectors, and Organizations

1. The Department of Sanitation and Health, Ministry of Public Health

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.
- In the event a violation is found:
 - Notify the Environmental Police, National Police Department, at each level from central to community.
 - Notify the tobacco producing or tobacco product importing business entity of any violations concerning the printing of health warnings on cigarette packs or of the ban on advertising tobacco products.
 - Notify any other concerned entities so that each may make inquiries in their areas of responsibility, whether temporary or permanent, on a case by case basis.
- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

2. Food and Drug Inspection Units, Ministry of Public Health

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.
- In the event a violation is found, notify the Environmental Police, National Police Department, at each level from central to community.
- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

3. The Environmental Police, Ministry of Public Security

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.[signature]

Unofficial Translation

- In the event a violation is found, record the matter and issue citations as set out for each violation.
- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

4. Department of Public Information, Department of Advertising and Printed Matter Controls; and Tourism Office, Ministry of Information, Culture, and Tourism

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.
- In the event a violation is found, notify the Environmental Police, National Police Department, at each level from central to community.
- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

5. Department of Revenue, Ministry of Finance

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.
- In the event a violation is found, notify the Environmental Police, National Police Department, at each level from central to community.
- Prepare and supply citation and fine assessment forms to the Environmental Police Department at each level, from central to community.
- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

6. Department of Internal Commerce, Ministry of Industry and Commerce

- Conduct actual, regular inspections of non-smoking areas, printing of health warnings on cigarette packs, and bans on advertising of tobacco products, incorporating such inspections into daily activities.
- In the event a violation is found, notify the Environmental Police, National Police Department, at each level from central to community.
- Prepare summons letters to entities that manufacture and import tobacco products for their acknowledgement to the Department of violations of requirements for printing health warnings on tobacco packaging, violations of the ban on advertising tobacco products, and contraband tobacco products. The Department shall record all violations and issue citations as needed.
- Consider temporary or permanent suspensions of [permits to conduct] tobacco business on a case by case basis.[signature]

Unofficial Translation

- Collect, summarize, and make periodic reports of all inspection results to the National Coordination Board for Tobacco Control.
- Impose other measures as assigned.

7. Other Concerned Entities, Persons, or Corporate Entities

In the event that a violation of regulations on non-smoking areas, printing of health warning labels, the ban on advertising, or contraband tobacco products, other concerned entities shall have the right to report the matter to the officials identified in Article 9 of this Agreement.

PART VI
Concluding Provisions

Article 11. Implementation

The National Coordination Board for Tobacco Control is the primary proponent agency for the widest possible advertisement, distribution, and implementation of this Agreement. Other concerned agencies shall extend full cooperation to achieve strict implementation of the provisions of this Agreement.

Article 12. Effective Date

This Agreement shall become effective fifteen days following the date of its signature and publication in the Government Gazette.

As for the printing of the images, health warnings, and notices as set out in Articles 5 and 6 of this Agreement, the specified requirements shall become effective one hundred twenty days from the dates specified in official notification letters.

Chair, National Coordination Board for Tobacco Control

Minister of Public Health

[signature over illegible seal]

[name stamp: Dr. Bounkong SIHAVONG]

Images and Health Warning Statements to Be Printed on Packaging Materials for Cigarette Packs

Tobacco smoke causes lung cancer.	Tobacco smoke causes oral cancer.
Tobacco smoke causes heart attack.	Tobacco smoke causes stroke [literally: burst blood vessels in the brain.]
Tobacco smoke blackens teeth and causes mouth odor.	Tobacco smoke kills those around you.

Images and Health Warning Statements to Be Printed on Packaging Materials for Cigarette Cartons

Tobacco smoke causes lung cancer.	Tobacco smoke causes oral cancer.	Tobacco smoke causes heart attack.	Tobacco smoke causes stroke [literally: burst blood vessels in the brain.]	Tobacco smoke blackens teeth and causes mouth odor.	Tobacco smoke kills those around you.

Attachment 2

Labels on Toxins and Carcinogens to Be Printed on Packaging Materials for Cigarette Packs

Tobacco smoke contains carbon monoxide, the same poison as in **AUTO EXHAUST**

Tobacco smoke contains **HYDROGEN CYANIDE**, a poisonous gas that damages the **BRONCHIAL TUBES** and **ALVEOLI**.

Nicotine in tobacco is **ADDICTIVE**, and is used in **PESTICIDES**.

Tobacco smoke contains **AMMONIA**, used to clean **BATHROOMS**.

Tobacco smoke contains the toxic gas **NITROGEN DIOXIDE**.

Tobacco smoke contains **ARSENIC**, USED TO MAKE **RAT POISON**.

Tobacco smoke contains **TAR**, which causes cancer.

Tobacco smoke contains **FORMOL**, an embalming fluid for **CORPSES**.

Tobacco smoke contains **NITROSAMINE**, which causes cancer.

**Tobacco smoke contains carbon monoxide,
the same poison as in AUTO EXHAUST**

**Tobacco smoke contains HYDROGEN CYANIDE,
a poisonous gas that damages the
BRONCHIAL TUBES and ALVEOLI.**

**Nicotine in tobacco is ADDICTIVE,
and is used in PESTICIDES.**

**Tobacco smoke contains AMMONIA,
used to clean BATHROOMS.**

**Tobacco smoke contains the toxic gas
NITROGEN DIOXIDE**

**Tobacco smoke contains ARSENIC,
used to MAKE RAT POISON.**

**Tobacco smoke contains HYDROGEN CYANIDE,
a poisonous gas that damages the
BRONCHIAL TUBES and ALVEOLI.**

**Tobacco smoke contains TAR,
which causes cancer.**

**Tobacco smoke contains NITROSAMINE,
which causes cancer.**