

[LPDR Seal]

Lao Peoples Democratic Republic
Peace Independence Democracy Unity Prosperity

Office of the Prime Minister

No. 370 / PMO

Vientiane, Date: 23 AUG 2010

DECREE

**Prescribing Health Warning Notices to be Printed on
Packaging for Tobacco Products**

- Pursuant to LPDR Statute on Government No. 02 / Sor.Phor.Xor. [National Assembly; N.A], dated 6 May 2003;
- Pursuant to LPDR Statute on Sanitation, Disease Prevention, and Items Deleterious to Health No. 01 / N.A., dated 10 April 2001;
- Pursuant to the Tobacco Control Act, No. 07 / N.A., dated 26 November 2009; and
- Pursuant to Minister of Public Health Proposal No. 584 / M.P.H. [Ministry of Public Health], dated 30 July 2010.

The Prime Minister Issues the Following Decree:

Part I

General Provisions

Article 1. Purpose

This Decree sets out principles, regulations, and measures for control, monitoring, and inspection of health warning labels to be printed on packaging for tobacco products. The wording of these warnings shall show the dangers to health posed by tobacco products, encourage persons to stop smoking or not to begin smoking, protect and improve the health of all sectors of the population, reduce the excessive expense of treating [tobacco related] disease, and incorporate this effort into our work of nation-building.

Article 2. Health Warnings

Health Warnings are a set of written statements to be printed on packaging materials for tobacco products. They are to warn consumers of tobacco products that these products are a hazard to the user's health and to the health of others.

Article 3. Definition of Terms

Certain terms used in this Decree are defined as follows:

1. "Tobacco Products" shall mean products derived from the leaves of the tobacco plant, either as the sole or partial ingredient, produced for use in smoking, smelling, or chewing.
2. "Packaging Materials" shall mean packs, cartons, boxes, and other items used to wrap tobacco products.
3. "Tobacco Industry" shall mean producers, importers, and / or distribution agencies of tobacco products.

Article 4. Principles for Printing Warnings

Principles for printing health warnings on packaging materials for tobacco products are:

1. Tobacco products sold in the LPDR must bear health warnings printed in both the Lao and English languages;
2. Health warnings printed on packaging materials for tobacco products must conform to specifications determined by the Ministry of Public Health; and
3. Health warnings must convey information relating to the health hazards posed by habitual tobacco use and by secondary inhalation of tobacco smoke by the population at large.

Article 5. Scope of Application of this Decree

This Decree shall apply to finished tobacco products produced in industrial facilities and distributed for sale in the LPDR, and shall apply to both domestic producers and importers of tobacco from abroad.

Article 6. International Coordination and Cooperation

The state is open to and encourages coordination and cooperation in the exchange of lessons learned, news, and technology applying to control of printed health warnings on packaging materials for tobacco products, subject to the international agreements and treaties on such warnings which the LPDR has signed and is a party.

Part II

Printing of Warnings

Article 7. Controls on the Printing of Warnings

Tobacco products produced domestically and imported from abroad for distribution and sale in the LPDR must bear health warnings that conform to the principles, procedures, and conditions set out for such warnings in Part II of this Decree.

Article 8. Printing of Warnings

Printing of health warnings must be carried out as follows:

1. The text of health warning statements must conform to specifications set out by the Ministry of Public Health.
2. The health warnings described in Paragraph 1 of this Article are 6 in number, as follows:

[translator has rendered the six statements somewhat literally]

- Tobacco smoke causes lung cancer.
 - Smoking causes blockage of blood vessels that feed the heart.
 - Smoking causes blood vessels in the brain to break.
 - Smoking causes cancer of the mouth.
 - Tobacco smoke kills those around you.
 - Smoking causes blackened teeth – bad breath.
3. Printing of these health warnings must be rotated within each batch of 500,000 (five hundred thousand items) so that each of the 6 warnings is used [an equal number of times.]
 4. In addition to the 6 statements above, The Ministry of Public Health may specify additional statements at 2-year intervals in response to ongoing research, as set out in Article 10, below:
 5. The health warnings must cover 30% of the [apparently: upper portion of the] front and back of the tobacco packaging material.

Article 9. Printing Procedures

Producers or importers of tobacco products for distribution and sale in the LPDR must print health warning labels on tobacco packaging materials only according to samples provided by the Ministry of Public Health. This is to ensure that the size, positioning of text, and content of the warnings conform to specification. Producers and importers must comply within 12

months, and distributors must sell all non-labeled merchandise within 15 months from the effective date of announcements by the Ministry of Public Health.

Article 10. Usable Life of Health Warnings

The content of each type of health warning to be printed on packaging materials for tobacco products shall be usable for a term of 2 years. Thereafter, the Ministry of Public Health will review the statements periodically.

Part III

Obligations and Prohibitions on Printing of Warnings

Article 11. Obligations Related to Printing of Warnings

Elements of the tobacco industry that are established in compliance with the laws of the LPDR must fulfill their obligations thus:

1. Print the prescribed health warnings on packaging materials for tobacco products produced or imported for resale in the LPDR in conformance with formatting and content set out in Part II of this Decree.
2. Control, monitor, and inspect such printed health warnings on their own packaging materials for tobacco products for conformity with the requirements of this Decree.

Article 12. Prohibitions

1. No person or juristic person shall be permitted to distribute for sale any tobacco products that do not bear health warnings as prescribed in this Decree.
2. No element of the tobacco industry operating within the LPDR shall print any statement in any format that would cause a consumer reading the statement to believe that a particular tobacco product is less harmful to health or contains reduced levels of toxicity than other types of tobacco. Use of words such as “Mild”, “Medium”, “Light”, “Ultralight”, “Low Tar”, or other phrases or symbols with similar meaning shall not appear on tobacco products.
3. No element of the tobacco industry shall print health warnings on packaging materials for tobacco products without approval from duly constituted control authority.
4. No tobacco products bearing advertisement of any flavors or odors, such as “Fruit”, “Strawberry”, etc., shall be produced, imported, or distributed for sale, except for “Menthol”.

Part IV

Control and Inspection of Printing of Warnings

Article 13. Control and Inspection Organizations

Control and inspection organizations for the printing of health warnings shall consist of:

1. Central Government Level: - Ministry of Public Health
- Ministry of Industry and Commerce
- Ministry of Finance
2. Local Government Level: - Provincial and Municipal Departments of Public Health, District and City Level Public Health Offices.
- Provincial and Municipal Departments of Industry and Commerce, District and City Level Industry and Commerce Offices
- Provincial and Municipal Finance Departments, District and City Level Finance Offices

Article 14. Rights and Duties of Central Government Control and Inspection Organizations

at the Central Government level for the printing of health warnings shall have the following rights and duties:

1. To research, consider, and specify the content of health warnings so that the warnings are consistent with prevailing national, regional, and international conditions. These procedures must conform to accepted medical practice;
2. To consider authorization of tobacco industry proposals related to the printing of health warnings;
3. To motivate, monitor, and inspect elements of the tobacco industry (factories, importers, and distributors for sale) in the implementation of the printing of health warnings;
4. To research, consider, and submit to the government names for awards for outstanding performance or compliance, and to deal promptly with violators of this Decree, as appropriate; and
5. To exercise such other rights and duties as are specified under the law.

Article 15. Rights and Duties of Local Government Control and Inspection Organizations

Control and inspection organizations at the local government level for the printing of health warnings shall have the following rights and duties:

1. To research and consider suggestions related to the printing of health warnings made by elements of the tobacco industry located within their areas of responsibility, and to forward such suggestions to control and inspection organizations at the Central Government level, and to inspect the printing of health warnings that have been authorized at the Central Government level;
2. To monitor and inspect the printing of health warnings on packaging materials for tobacco products produced, imported, or distributed for sale at locations within their areas of responsibility;
3. To coordinate with other departments and organizations concerned with implementation of punitive measures against violators of this Decree;
4. To report the status of implementation of printing of health warnings, and to report other problems through established channels; and
5. To exercise such other rights and duties as are specified under the law.

Part V

Policy toward Outstanding Performers and Measures against Violators

Article 16. Policy toward Outstanding Performers

Any person, juristic person, or element of the tobacco industry who complies with the provisions of this Decree and other applicable policy shall be recognized appropriately.

Article 17. Measures against Violators

Any person, juristic person, or element of the tobacco industry who violates the prohibitions set out in Article 12 of this Decree shall be subject to the following measures:

- First Offense: Warning, remedial training, written citation;
- Second Offense: Criminal penalties and fines equal to the value of the tobacco products sold on the market and computed by the actual number of items observed or by the number of items for which officially recognized invoices exist;
- Third Offense: Criminal penalties and fines equal to 3 times the value of the merchandise, computed as for the second offense, above.
- Fourth Offense: Criminal penalties and fines equal to 5 times the value of the merchandise, computed as for the second offense above, as well as proposing that the concerned authorities revoke authorization to operate the business, either temporarily or permanently, according to the severity of the offense.

Part VI

Concluding Provisions

Article 18. Implementation

The Control and inspection organizations for the printing of health warnings as described in Article 14 of this Decree are central to coordination of actual implementation with other concerned entities to achieve.

Persons, juristic persons, and elements of the tobacco industry are to acknowledge and strictly implement this Decree.

The Ministries, Cabinet level organizations, and lower ranking authorities at every level are to acknowledge and cooperate in achieving effective implementation of this Decree.

Article 20. Effective Date [sic; source has no Article 19]

This Decree shall become effective 90 days from the date of signature. Any requirements or provisions that conflict with the content of this Decree are hereby repealed.

Prime Minister of the LPDR

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The Prime Minister of [signature]
The LPDR]

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