

2. This law only applies to tax matters that arise after it has entered into force.

Approved on April 18, 2011.

The President of the Legislative Assembly, *Lau Cheok Va*.

Signed on April 20, 2011.

Let it be published.

Chief of the Executive Office, *Chui Sai On*.

**SPECIAL ADMINISTRATIVE REGION
OF MACAU**

Law No. 5/2011

Regime for prevention and control of tobacco use

The Legislative Assembly decrees, pursuant to item 1) of Article 71 of the Basic Law of the Special Administrative Region of Macau, that the following is to be enacted as law:

**CHAPTER I
General provisions**

**Article 1
Scope and objectives**

1. This law defines the regime for the prevention and control of tobacco use in the Special Administrative Region of Macau, hereinafter designated as the RAEM.
2. The regime for the prevention and control of tobacco use has as its objectives, in particular, to achieve the following:
 - 1) Protection against exposure to tobacco smoke;
 - 2) Regulation of the composition of tobacco products;
 - 3) Regulation of information to be provided on tobacco products;
 - 4) Raising awareness and education for health;
 - 5) Prohibition of advertising of tobacco, as well as its promotion or sponsorship;
 - 6) Definition of measures for reducing the supply and demand for tobacco.

**Article 2
Definitions**

For the purposes of what is set forth in this law, the following definitions shall apply:

- 1) “Health warning,” refers to a notice concerning the harmful health effects resulting from the use of tobacco, to be displayed on the most visible surfaces of tobacco packages;
- 2) “Tar or condensate,” refers to the condensate of raw anhydrous smoke that does not contain nicotine;
- 3) “Tobacco package,” refers to any form of individual packaging and any external packaging used in the retail sale of tobacco products
- 4) “Smoking,” refers to the act of inhaling or exhaling tobacco smoke, as well as the possession of any lit tobacco-based product;
- 5) “Tobacco industry,” refers to the companies engaged in the manufacture and wholesale distribution of tobacco products, as well as importers of such products;
- 6) “Ingredient,” refers to any substance or component other than the leaves and other natural or unprocessed parts of the tobacco plant, used in the manufacture or preparation of a tobacco product and present in the final product, including in an altered form, including the paper, filter, dyes and adhesives;
- 7) “Work place,” refers to the place where workers are to be found, and in which they are directly or indirectly subject to the control of the employer;
- 8) “Nicotine,” refers to nicotinic alkaloids;
- 9) “Tobacco Products,” refers to the products manufactured, in whole or in part, using tobacco leaf, whether genetically modified or not, as a raw material, and intended to be smoked, inhaled, sniffed or chewed;
- 10) “Tobacco Products for oral use,” refers to products intended for oral use consisting wholly or partially of tobacco in the form of powder or fine particles or any combination of these forms, chiefly those that are presented in individual doses or porous packages or in a manner that suggests a form of food, with the exception of products for smoking or chewing;
- 11) “Tobacco advertising,” refers to any form of communication undertaken by public or private institutions in the form of a commercial, industrial, artisanal or liberal activity, for the direct or indirect purpose of promoting a tobacco product or its consumption;
- 12) “Enclosed space,” refers to a space endowed with a roof and confined by walls, enclosures or other surfaces, with openings, whose overall area is less than 50% of the overall area of the external surfaces of the space;
- 13) “Information society service,” refers to any service provided over distance, by electronic means, based on an individual request from a service recipient and in exchange for payment of a price;
- 14) “Advertising support,” the medium used for the transmission of an advertising message;

- 15) "Tobacco," the leaves, parts of the leaves and stems of the plants *Nicotina tabacum L.* and *Nicotina rustica L.*, whether sold in the form of cigarettes, cigarillos or cigars, whether chopped up for a pipe or for the manual creation of cigarettes, whether in the form of a roll, bar, slab, cube or plate, or reduced to a powder or grains;
- 16) "Telemarketing of tobacco products," refers to the dissemination of offerings to the public, made via television channels, aiming to supply cigarettes or other products in exchange for payment;
- 17) "Tobacco use," refers to the act of smoking, inhaling, sniffing or chewing tobacco-based products.

CHAPTER II

Restrictions on tobacco consumption

Article 3

General principle

What is set forth in this chapter aims to place restrictions on the consumption of tobacco in enclosed spaces intended for shared use and in other places indicated by this law, so as to guarantee protection against exposure to tobacco smoke.

Article 4

Prohibition of smoking in particular places

Smoking is prohibited in the following places:

- 1) In establishments where health care is provided, such as hospitals, clinics, health centers, doctors' consulting offices, emergency facilities, laboratories, pharmacies and places where non-prescription medications are dispensed.
- 2) In places intended for minors under the age of 18, such as nurseries, daycare centers and other childcare institutions, infant and youth homes, leisure time centers, holiday camps and communities and similar institutions;
- 3) In institutions of primary and secondary education;
- 4) In establishments selling inflammable products and in places where fuels are supplied;
- 5) In manufacturing or industrial units that produce, use or in any way engage in the use of inflammable materials or products;
- 6) In institutions of higher learning and vocational training centers;
- 7) In places where legislative and judicial departments are established, as well as government offices and agencies;
- 8) In work places;
- 9) In cafeterias and eating places in public and private institutions intended exclusively for the respective personnel;
- 10) In old age homes, homes for the handicapped, daytime centers, community centers, enclosed workshops, rehabilitation facilities and units for the accommodation and support of addicts and alcoholics;
- 11) In hotel establishments;

- 12) In establishments for recreation, eating, drinking and “karaoke;”
- 13) In casinos;
- 14) In bars, dance halls, sauna and massage establishments;
- 15) In banking institutions, including enclosed spaces for ATM machines;
- 16) In large shopping malls, shopping centers, supermarkets, markets and stores;
- 17) In port, airport and railway facilities;
- 18) In covered terminals for mass transit vehicles;
- 19) In shelters for mass transit vehicles;
- 20) In cinemas, theaters, facilities for public spectacles and other places intended for the presentation of arts and shows;
- 21) In parks, gardens and green zones managed by public departments;
- 22) In athletic facilities;
- 23) On beaches where safety and oversight depend on public administrative agencies;
- 24) At public swimming pools;
- 25) In museums, open collections, cultural centers, archives, libraries, conference halls, reading rooms and exhibition halls;
- 26) At health club establishments, gyms for working out or weight lifting, barber shops, hair dressers and beauty salons;
- 27) At establishments where amusement machines and video games are operated, where billiards and bowling take place and in cybercafés;
- 28) In elevators, lifts and the like, and in pedestrian overpasses and underpasses;
- 29) In vehicles and vessels intended for public transportation of passengers and in aerial tramways;
- 30) In taxis, ambulances and vehicles for transportation of people who are ill;
- 31) In covered parking lots;
- 32) In any other enclosed space intended for public use other than those indicated in the foregoing items.

Article 5
Exceptions

1. Smoking is permitted in the following places:

- 1) In open air spaces within the places mentioned in items 7) to 10), 12) to 17), 20), 25) to 27) and 31) of the foregoing article;

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- 2) In open air spaces set apart for purposes of institutions of higher learning and, as long as they are not frequented by minors under the age of 18, of the vocational training centers referred to in item 6) of the foregoing article;
 - 3) In open air spaces and in units or lodging rooms located in the places referred to in item 11) of the foregoing article;
 - 4) In smoking lounges at the airport facilities referred to in item 17) of the foregoing article;
 - 5) In areas expressly set apart for the purpose of the places mentioned in items 21) and 23) of the foregoing article;
 - 6) In areas intended for inmates expressly set aside for the purpose by the directors of correctional institutions;
 - 7) In smoking rooms of establishments exclusively for the sale of tobacco products;
 - 8) In smoking rooms at manufacturers or places for the sale of tobacco products that do not engage in retail sale of such products;
2. The smoking rooms referred to in items 4), 7) and 8) of the foregoing number must satisfy the requirements to be set by the office of the Chief of the Executive to be published in the *Boletim Oficial* of the RAEM.
 3. It is permitted to create smoking areas in the places referred to in item 13) of the foregoing article, in up to a maximum of 50% of the total area intended for the public, as long as it complies with the requirements to be determined by the office of the Chief of the Executive Office to be published in the *Boletim Oficial* of the RAEM.

Article 6

Signage

1. The prohibition of smoking inside the places referred to in Article 4 must be indicated, in a prominent manner, by the respective institutions, by putting up signs with minimum dimensions of 15 cm x 20 cm or 20 cm x 9 cm, in accordance, respectively, with models to be approved by administrative regulations.
2. Under the aforesaid signs in the foregoing number there must be stated the amount of the maximum fine applicable to smokers who violate the smoking ban, in Chinese and Portuguese.

Article 7

Liability

1. Public or private entities that have under their responsibility the places referred to by this law should ensure compliance with what is set forth in Articles 4 to 6.

2. Whenever a violation of what is set forth in Article 4 is detected, the institutions referred to in the foregoing number must order smokers to refrain from smoking, and if they do not comply, they must call the competent administrative or police authorities.

3. All users of the places referred to in Article 4 have the right to demand that smokers refrain from smoking, and may, for such purpose, call the authorities referred to in the foregoing number.

CHAPTER III

Composition and measurement of the substances contained in tobacco products

Article 8

Maximum tar content of cigarettes

Cigarettes sold or manufactured in the RAEM may not have a tar content greater than 17 mg of tar per cigarette.

Article 9

Measurement and tests

Measurements and tests of the content of tar, nicotine and other substances in tobacco products are to be conducted by the Department of Health.

Article 10

Information concerning tobacco products

1. Manufacturers or importers of tobacco products must, pursuant to terms to be defined by the office of the Secretary for Social Affairs and Culture, submit to the Department of Health a list of the ingredients and respective quantities used in their manufacture, by brand and individual type.

2. For new products to be introduced on the market, the list referred to in the previous number must be submitted up to one month prior to their commercialization in the RAEM.

3. The list referred to in No. 1, as well as the results of the measurements or tests conducted pursuant to the terms of Article 9, are disclosed by the Department of Health to consumers, with the exception of information concerning formulas for specific products that constitute trade secrets.

4. For the purposes set forth in the foregoing number, manufacturers or importers of tobacco products must specify the information they believe must not be disclosed on the grounds that it constitutes a trade secret.

CHAPTER IV
Labeling and packaging of tobacco products

Article 11.

Labeling

1. The two largest surfaces of all units of cigarette packaging must exhibit one of the models to be approved by administrative regulation.
 2. Each model referred to in the foregoing number is made up of an illustration, a health warning, a phone number for specialized outpatient consultations on quitting smoking of the Department of Health and the statement of the tar and nicotine content.
 3. The two largest surfaces of unit packages for cigars, pipe tobacco, rolling tobacco and cigarillos must exhibit one of the models to be approved by administrative regulation.
 4. Each model referred to in the foregoing number is made up of an illustration, a health warning, and a phone number for specialized outpatient consultations on quitting smoking of the Department of Health.
 5. The models referred to in this article must appear on unit packages, as well as any external packaging used for the retail sale of the product, excluding transparent outer wrappings.
 6. Each model referred to in No. 1 must be printed on the respective package for a maximum continuous period of 12 months.
 7. What is set forth in the foregoing number applies, with appropriate adaptations, to other tobacco products.
 8. The printing of the models referred to in this article must be done indelibly, and not be obscured, hidden or separated by other statements or images.
 9. Without impairment to what is set forth in No. 11, the Chinese version of the model must be printed on one of the larger surfaces of the packaging unit referred to in Nos. 1 and 3, and the Portuguese version on the other, and the model is to be printed parallel to the lower edge of the package.
 10. The model to be printed pursuant to the terms of the foregoing number must cover at least 50% of the external surface area corresponding to the tobacco unit package on which it is printed.
 11. On one of the larger surfaces of the unit packages containing only one cigar the Chinese and Portuguese versions of any of the models to be approved must be printed.
 12. In the case of tobacco products other than cigarettes, the respective models can be affixed by adhesives as long as they are securely attached to the unit packages.
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13. In addition to the requirements set forth in the foregoing numbers, the respective lot number or equivalent must appear on each package, so as to make it possible to identify the place and time of production.

Article 12

Packaging

Each pack of cigarettes can only be sold containing a minimum of 20 units.

Article 13.

Prohibited names

1. Texts, designations, marks and figurative symbols or other signs that suggest that a particular product is less harmful than others cannot be used on packages of tobacco products.
2. The use of distinctive commercial markings that on the date of publication of this law are duly registered as industrial property and are already being used on tobacco products in circulation in the market of the RAEM is excepted from what is set forth in the foregoing number.

CHAPTER V

Sale of tobacco products

Article 14.

Prohibition of sale of tobacco products

1. The sale of tobacco products is prohibited in the following instances:
 - 1) To minors under the age of 18;
 - 2) In the places referred to in items 1) to 3), 6), 9), 10), 22), 24) and 27) of Article 4;
 - 3) By means that make them directly accessible to buyers, such as through exhibitors;
 - 4) Through telemarketing;
 - 5) Through other remote means in which it is not possible to ascertain the age of the buyers, notably via the Internet or postal service.
 2. For purposes of the prohibition stated in item 1) of the foregoing number, sellers of tobacco must adopt the following measures:
 - 1) Require the presentation of identification prior to the act of sale, whenever there are doubts concerning the age of the buyer;
 - 2) Affix in a prominent manner at points of sale for tobacco products, the appropriate notice in accordance with the model to be approved.
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3. Refusal to show the identification referred to in item 1) of the foregoing number calls for the presumption that the party in question is under age.
4. It is prohibited to sell tobacco products to minors under the age of 18.
5. The commercialization of promotional packages of tobacco products is prohibited.

Article 15.

Tobacco intended for oral use or to be inhaled

The commercialization of tobacco intended for oral use or to be inhaled is prohibited.

Article 16

Vending machines for tobacco products

The introduction or use of vending machines for tobacco products is prohibited.

CHAPTER VI

Advertising, promotion and sponsorship of tobacco and tobacco products

Article 17

Advertising and promotion

1. All forms of advertising and promotion of tobacco and tobacco products are prohibited, including hidden, concealed or subliminal advertising, through advertising supports or information society services, except as provided in numbers 2 to 7 and 10.
 2. What is set forth in the foregoing number is not applicable to the indicator of prices and table of prices of tobacco products on display at places of sale.
 3. The indicator of prices referred to in the foregoing number must only contain the name and price of the product, and its surface cannot be greater than that of the price indicator for any other products for sale in the same place, and may not under any circumstances exceed 50 cm².
 4. The table of prices referred to in No. 2 must meet the following requirements:
 - 1) It must contain only the names and prices of the tobacco products for sale in the place, and the reference to each name with its respective price must not occupy a space greater than that indicated in the foregoing number, without impairment to what is stated in item 3);
 - 2) It must have a surface no greater than 1,500 cm²;
 - 3). It must contain the notice in accordance with the model that is to be approved, and such notice must cover at least 20% of the surface area of the table.
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5. [*sic*] In establishments for the exclusive sale of tobacco products, a catalogue containing the names and prices of the products for sale may be presented.
6. What is set forth in No. 1 is not applicable to advertising used in establishments for manufacturing and wholesale distribution of tobacco products, as long as they are not visible on the outside thereof.
7. Advertising in the press and in other print media is only permitted in publications intended exclusively for professionals in the tobacco trade, or in internal publications of companies in the industry sector.
8. The free distribution or promotional sale of tobacco products is prohibited, or that of any goods for consumption that seek or have the direct or indirect effect of promoting such products.
9. The distribution of promotional gifts, awarding of prizes or conduct of contests, even if only addressed to smokers, by companies that are directly or indirectly involved in the manufacture, distribution or sale of tobacco products, is prohibited.
10. The promotion of tobacco products is only allowed when addressed exclusively to professionals in the tobacco trade and is done outside the realm of activity of sales to the public.
11. The insertion of coupons or other extraneous elements into packaging and outer packaging of tobacco products, or between the former and the latter, in addition to the actual tobacco product and the respective labeling, is prohibited.

Article 18

Advertising on objects of consumption

1. In advertising activities, it is prohibited to place names, brands and emblems or other distinctive images of a tobacco product on objects of consumption that are not actual tobacco products.
 2. Excepted from the prohibition set forth in the foregoing number are goods and services that make use of names or brands identical to those of tobacco products, as long as the following requirements are fulfilled:
 - 1) Their sale or sponsorship is not related to the sale of tobacco products;
 - 2) The use of such names and brands is clearly different from the names and brands of the tobacco products.
 3. It is prohibited to manufacture and commercialize games, toys, electronic games, foods or candies in the shape of tobacco products, or with distinctive images of tobacco brands.
 4. Excepted from the foregoing number are games, toys, electronic games, foods or candies whose outer appearance on the date of the publication of this law has been duly registered as an industrial design or model and that is already in circulation in the market in the RAEM.
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Article 19
Sponsorship

Any form of sponsorship or public or private contribution, particularly on the part of companies engaged in the manufacture, distribution or sale of tobacco products, allocated to an event, an activity, an individual, an audiovisual work, a radio or television program, that has the effect or probable effect of promoting a tobacco product or its consumption, directly or indirectly, is prohibited.

CHAPTER VII
Measures of prevention and control of tobacco use

Article 20
Information campaigns

Campaigns or other initiatives are prohibited that are promoted by or sponsored by companies that are producers or distributors of tobacco products, or subsidiaries or affiliates thereof, that are directly or indirectly concerned with information and prevention efforts regarding tobacco use.

Article 21
Information and education or health

1. The government of the RAEM, particularly the departments concerned with health, education, youth, sports, consumer protection, environment, labor, economy and culture, must undertake to inform citizens and contribute to the creation of conditions favorable to the prevention and control of tobacco use.
2. Healthcare institutions, regardless of their legal character, particularly hospitals, clinics, doctors' consulting offices and pharmacies must promote and support information and education regarding the health of the citizenry concerning the harmful effects resulting from tobacco consumption, and the importance of quitting smoking, through campaigns, programs and initiatives addressed to the general public or to specific groups, notably children and young people, pregnant women, parents, women of child-bearing age, people who are ill, teachers and other workers.
3. Educational institutions, regardless of the age of the students and the level of instruction, must also promote and support health information and education.

Article 22
Outpatient consultation on quitting smoking

The Health Department must create outpatient consulting services specializing in support for smokers who intend to quit smoking, through the subordinate services of which it is composed.

CHAPTER VIII
Regime of sanctions

Article 23
Infractions

1. Violations of Article 4, no. 2 of Article 5, Article 6, Article 8 and Article 10 to 20 constitute administrative infractions, which are sanctioned by the following fines:
 - 1) 400 patacas for anyone smoking in the places referred to in items 6) through 32) of Article 4;
 - 2) 600 patacas for anyone smoking in the places referred to in items 1) through 5) of Article 4;
 - 3) 2,000 patacas for the owners of private establishments, group enterprises, even if irregularly established, or associations without juridical personality that violate what is set forth in items 2) through 5) of No. 1 and Nos. 4 and 5 of Article 14;
 - 4) 2,000 patacas for anyone who sells tobacco products that is not in compliance with the labeling and packaging requirements stated in Articles 11 and 12;
 - 5) 2,000 patacas for anyone selling tobacco products intended for oral use or inhalation;
 - 6) 3,000 patacas for the owners of private establishments, group enterprises, even if irregularly established, or associations without juridical personality that violate what is set forth in item 1) of No. 1 of Article 14;
 - 7) From 10,000 to 100,000 patacas for private entities that violate what is set forth in No. 2 of Article 5, Article 6, item 2) of No. 2 of Article 14, and Articles 16 through 20;
 - 8) From 10,000 to 100,000 patacas for public entities that violate what is set forth in Article 6;
 - 9) From 10,000 to 100,000 patacas for tobacco industries that violate what is set forth in Article 8, Nos. 1 and 2 of Article 10, Articles 11 to 13, and Article 15.
2. Negligence is punishable.

Article 24
Accessory sanctions

Products and objects apprehended because of violation of Article 8 and Articles 11 through 18 may be declared forfeited to the RAEM and their destruction may be ordered.

Article 25
Competency

The application of the fines and accessory sanctions set forth in Articles 23 and 24 fall within the competency of the director of the Department of Health.

Article 26
Allocation of fines

The fines resulting from the sanctions applied for violation of this law shall revert in their entirety to the Department of Health.

Article 27
Joint liability

1. When the offender is a group enterprise, whether public or private, the officials of its governing body shall be held jointly liable.
2. When the offender is an association without legal personality, its common assets shall be used for payment of the fine, and in their absence or insufficiency, the assets of each one of the members, jointly.
3. When advertising agencies, promoters, manufacturers and public and private entities violate what is set forth in Articles 17, 18 or 19, they shall be held jointly liable for payment of the fine.
4. When those in charge of establishments or institutions commit the infractions stated in item 7) of No. 1 of Article 23, they shall be jointly liable for payment of the fine.
5. When the owners of vending machines for the sale of tobacco products and those in charge of the management of places where they are located violate what is set forth in Article 16, they shall be jointly liable for payment of the fine.

Article 28
Enforcement

1. Without impairment to what is set forth in Article 7, enforcement of compliance with what is set forth in this law, in the context of their respective attributions, is incumbent upon the Department of Health, the Institute for Civic and Municipal Affairs, the Bureau of Inspection and Coordination of Games and the Public Safety Police, hereinafter referred to as the CPSP.
 2. Enforcement agents that are not of the CPSP are endowed with powers of public authority, and should it become necessary, they may call upon the CPSP, pursuant to the law, for collaboration, particularly in cases of opposition or resistance to the exercise of their duties.
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3. The agents referred to in the foregoing number may, in the exercise of their duties, adopt the following measures or actions:

- 1) Enter, in accordance with the law, into places where smoking is legal prohibited;
 - 2) Order a smoker to refrain from smoking, and to provide his name, address, and show his identification document, and they must request the assistance of the CPSP if the offender refuses to refrain from smoking or to provide such information;
 - 3) Undertake the confiscation of the tobacco products, in the case of violations of Articles [*sic*] 8 and Articles 11 through 15;
 - 4) Undertake the confiscation of the vending machines for tobacco products, in the case of violations of Article 16;
 - 5) Undertake the confiscation of the advertising media, in the case of violations of Article 17;
 - 6) Undertake the confiscation of the objects of consumption, in the case of violations of Article 18;
 - 7) Remove and destroy the structure or support for advertising of tobacco products, when a definitive punitive decision has been arrived at that holds them to be illegal.
4. Any costs resulting from the adoption of the measures indicated in item 7) of the foregoing number are to be borne by the offender.
5. Anyone disobeying the order referred to in item 2) or No. 3 commits the crime of simple disobedience.
6. Public or private entities are required to provide collaboration in the context of this law whenever so requested by enforcement personnel, particularly in joint operations for the control of tobacco use.

Article 29

Conduct of Proceedings

1. It is incumbent upon the entities referred to in No. 1 of the foregoing Article, in the context of their respective attributions, to conduct proceedings for administrative infractions.
 2. Infractions of what is set forth in this law, ascertained by entities other than those referred to in No. 1 of the foregoing article, are to be communicated to the Health Department for the appropriate purposes.
 3. If an enforcement agent witnesses an infraction, or there are sufficient indications thereof, the process of penalization may be instigated at once, along with the accusation and notification of the offender, of the party in charge of the offending entity or the representative of the economic agent present on the premises.
 4. In cases of punitive proceedings, notifications sent to the address indicated by the actual accused, by registered mail without return receipt, are considered to have been delivered on the third day subsequent to the recording thereof, or on the next ensuing business day in cases when the aforesaid third day is not a business day.
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5. If the parties in question are outside of the RAEM, the period indicated in the foregoing number shall only commence after the lapse of the waiting periods indicated in Article 75 of the Code of Administrative Procedure.

6. The circumstance indicated in No. 4 can only be addressed by challenged by the notified party when the reception of the notification occurs on a date later than the presumed date, for reasons to be imputed to the postal service.

7. When a decision has been reached to impose a fine, it must be paid within a period of 30 days, counting from the date of notification of the decision.

Article 30
Confiscation

1. Enforcement agents may proceed to undertake the confiscation indicated in items 3) to 6) of No. 3 of Article 28 of this law.

2. Until a definitive decision has been reached on the process of imposing sanctions, the products and objects confiscated shall remain in the custody of the institution that undertook the confiscation.

3. When the confiscation indicated in No. 1 of this article is thwarted by the offender, the latter shall be subject to a minimum fine equal to the value of the products or objects, and a maximum fine equal to double the value of the products or objects.

Article 30
Decisions

1. The definitive administrative decision to impose sanctions may require that the products or objects confiscated revert to the RAEM, and their sale or destruction.

2. When the administrative decision arrived at definitively finds that no administrative infraction has occurred, the party in question is notified to undertake the removal of the products or objects confiscated in accordance with the terms of the foregoing article.

3. With the lapse of 6 months of the period set for such removal, if the products or objects are not removed, the entity that confiscated them may order their sale or destruction.

Article 32
Voluntary payment

1. Voluntary payment, within a period of 15 days counting from the date of notification of the accusation, is permitted for the fines indicated in items 1) to 6) of No. 1 of Article 23.

2. Voluntary payment of the fine indicated in item 5) of No. 1 of Article 23 does not imply a right to remove the confiscated products as per the terms of item 3) of No. 3 of Article 28.

3. In the period indicated in No. 1, the accused may present a defense or proceed to make payment of the fine, and in the latter case, the amount of the fine shall be reduced by half.

4. With the lapse of the period indicated in No. 1, if there has been no voluntary payment or presentation of a defense, steps are to be taken by the presiding authority with a view to ascertaining the existence of the infraction and drafting a decision, which is submitted for the consideration of the director of the Department of Health for application of the sanction.

CHAPTER IX

Final and transitory provisions

Article 33

Subsidiary legislation

For everything that has not been especially addressed in this law, what is set forth in the legislation defining the general regime of administrative infractions and the respective procedure in the Code of Administrative Procedure is to be applied in a subsidiary fashion.

Article 34

Report of oversight and evaluation

1. The Department of Health ensures oversight of the consumption of tobacco in the RAEM in order to make it possible to propose suitable alternatives for the prevention and control of tobacco use.

2. With the aim of evaluating the impact of this law, particularly in casinos, the Department of Health shall draft a report containing the elements referred to in the foregoing number, every three years following the date that it entered into force.

Article 35

Authorized commercial designations

1. Tobacco products that, on the date that this law enters into force, use designations that suggest that the product is less harmful to health, may continue to be sold as long as they are accompanied by a special warning to be defined by the office of the Chief of the Executive Office for publication in the *Boletim Oficial* of the RAEM.

2. Starting on the date of publication of this law, the use of analogous designations on new products shall not be permitted in the market in the RAEM.

Article 36

Removal of advertising

Advertising supports in the RAEM containing images or other concealed devices that make use of

Advertising for tobacco products, must be removed by the respective licensor within 90 days counting from the date of publication of this law.

Article 37

Smoking areas in casinos

1. Smoking areas in casinos, referred to in No. 3 of Article 5 of this law, must be created within a period of one year counting from the date that it enters into force.
2. In non-smoking areas in casinos, smoking is prohibited.
3. Violation of what is set forth in the foregoing number constitutes an administrative infraction sanctioned by a fine of 400 patacas, and the Punitive Regime indicated in Chapter VIII of this law is to be applied thereto, with appropriate adaptations.

Article 38

Revocation

Law No. 21/96/M of August 19 (Regime for the prevention and limitation of tobacco use) as amended by Law No. 27/96/M of December 30, and Law No. 10/97/M, of August 11, is hereby revoked.

Article 38

Entry into force

- 1) The provisions of the prohibition of smoking in the places indicated in item 13) of Article 4 are to enter into force one year after the date referred to in the foregoing number;
- 2) The provisions of the prohibition of smoking in the places indicated in item 14) of Article 4 are to enter into force three years after the date referred to in the foregoing number;
- 3) The provisions of the prohibition of the sale of tobacco products that are not in compliance with the requirements set forth in this law with regard to maximum tar content, labeling, packaging and names, are to enter into force one year after the date referred to in the foregoing number.

Approved on April 18, 2011

The President of the Legislative Assembly, *Lau Cheok Va*.

Signed on April 25, 2011.

Let it be published.

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