

Unofficial Translation

**TOBACCO PRODUCT CONTROL AND REGULATORY DIRECTIVE**  
**2014**

**Government of Nepal**  
**Ministry of Health and Population**  
**Ramshahpath, Kathmandu**

**Preamble:** Because smoking and tobacco consumption is harmful to health, it is imperative to minimize, control and regulate the importation, production, sale, distribution and tobacco consumption; and to improve health and economy of the general public WHO Framework Convention on Tobacco Control-WHOFCCTC and Tobacco Product (Control and Regulatory) Act, 2011 and its Regulation necessitate well managed, transparent and effective tobacco product control and regulatory tasks including monitoring,

and the Government of Nepal exercising the right conferred by Rule 23 of Tobacco Product (Control and Regulatory) Regulation 2011, has issued this directive.

### **Chapter 1: Preliminary**

**1. Short Title and Commencement:** (1) The title of this directive is 'Tobacco Product Control and Regulatory Directive, 2014.'

(2) This Directive shall come into force on the day of approval by the Ministry.

**2. Definition:** Unless the subject or context otherwise requires, in this directive:

(a) 'Act' means Tobacco Product (Control and Regulatory) Act, 2011.

(b) 'Regulation' means Tobacco Product (Control and Regulatory) Regulation, 2011.

(c) 'Directive' mean the directives issued in accordance to Section 9 of Tobacco Product (Control and Regulatory) Act, 2011 and Rule 23 of Tobacco Product (Control and Regulatory) Regulation, 2011.

(d) 'Inspector' means the person appointed by the Government of Nepal as stated in Section 12 of the Act.

(e) 'local agencies' mean District Development Committee, metropolitan city, sub-metropolitan city, municipality and Village Development Committee.

(f) 'Ministry' means Ministry of Health and Population.

(g) 'police' means the person appointed under Police Act 1955 or Armed Police Force Act, 2001. The term also denotes metropolitan city, sub-metropolitan and municipality police.

(h) 'manufacturer and related parties' mean tobacco product manufacturer, industry, company, factory, entrepreneur, importer/exporter, retailer and the term also includes tobacco farmers.

- (i) 'manufacture' means manufacturing of tobacco products.
- (j) 'tobacco industry interference' means adverse actions or protests undertaken by manufacturers against tobacco product control and regulatory policy and against prevailing Nepalese law issued by the Government of Nepal.
- (k) 'tobacco industry' means manufacturers of tobacco products, industry, company, factory, entrepreneur, importer/exporter, retailers, including tobacco farmers.
- (l) 'public agency officials' mean government, semi government, public, corporation or agency staffs, constitutional agency officials, any official or staff adopting public positions and the term also applies to any non government, professional, private organization officials or staff operating with approval from the Government of Nepal.
- (m) 'organizational social responsibility' means economic, technological, material and structural support channeled towards social, economic and private sectors by manufacturers and related parties.
- (n) 'interaction' means exhibitions, discussions, discourse, speech, presentations including expressions made during meetings, seminars, and workshops on tobacco products operated by manufacturers and related parties.
- (o) 'description' means description mentioned in Section (m) of Tobacco Products (Control and Regulatory) Regulation 2011.
- (p) 'promotion or advertisement' means publishing, broadcasting, exhibiting and distributing of commercial news, notice or information, tariff, picture or sign, logo, and brand image through any media that directly or indirectly promotes or advertises the act of manufacturing, importing, selling as well as use of tobacco products.
- (q) 'sponsorship' means undertaking activities, functions or programs, and contributing personally to activities that directly or indirectly promote or advertise the act of manufacturing, importing, selling as well as use of tobacco products.
- (r) 'tobacco product control' means reducing manufacture, demand and supply of tobacco products and minimizing and controlling the negative effect and damage caused by tobacco products to human health.
- (s) 'second-hand smoke' means smoke formed from the burning cigarette or other tobacco products and smoke exhaled by a smoker.

(t) '100% smoke-free environment' means any place, room or area where tobacco product manufacture, export, import, sale, distribution, advertisement, promotion, sponsorship and consumption has been completely prohibited.

(u) 'public place' means public area as stated in Section 3 of the Act. The term also includes places accessed by general public, built by government, private companies or individuals for public or group activities.

(v) 'indoor or enclosed space' means any temporary or permanent structure built with any material, with a roof, one or more walls or an area enclosed with a boundary wall.

(w) 'work place' means any open or enclosed, stable or unstable room or place used by a person to work for a salary or voluntarily. Besides the working space for a staff, the term also includes adjoining spaces or paths leading to rooms, elevator, staircases, waiting room, canteen, toilets, kitchen and garage or shack, separate from the building.

(x) 'public transportation' means mode of transportation, used by general public, that run on ground, fly in the air or sail in the ocean. The term also means mode of transportation run for commercial purposes or transporting public in order to earn an income.

## **Chapter 2:**

### **Making Inspector's Tasks Organized and Effective**

3. **Monitoring and Inspecting Managers Tasks:** (1) The Inspector is required to inspect whether the Manager conducted his/her duties properly in public places under his/her jurisdiction and give appropriate instructions:
  - (a) Pursuant to Section 3 of the Act, whether smoking and tobacco consumption was prohibited in public areas.
  - (b) Pursuant to Section 5 of the Act, Rule 4 and 11 of the Regulation, whether visible and readable notices prohibiting smoking and tobacco consumption were fixed in public places.
  - (c) Pursuant to Section 4 of the Act and Rule 3 of the Regulation, whether a specific area was assigned for smoking and tobacco consumption in prisons, airports or tourism standard hotels.

(d) Whether tobacco products were sold from shops or houses within 100 meters from the compound of public establishments like educational and health institutions, child welfare homes, child care centers, old age homes, and orphanages.

(e) Whether a person under the age of 18 years and a pregnant woman were engaged in the sale, transporting tobacco products or its distribution free of cost.

(f) Whether or not tobacco products were distributed free of cost or given as gifts.

(g) Whether tobacco products were used to decorate shops and displayed with the intention of making them appear attractive.

(h) Pursuant to Sub-section (2) under Section 17 of the Act, whether a receipt (M.L.P. Form No. 11) was given after collecting payment as fine.

(i) Pursuant to Sub-section (2) under Section 17 of the Act, whether the payment received as fine was collected in the revenue account.

(j) Whether the related directive was implemented.

(2) The Inspector shall give instructions to public place managers periodically to implement the Act and Regulation and the Directive as well; and shall give instructions on ways to handle challenges faced during implementation.

(3) The Inspector, in the process of inspection, is required to keep updated description of instructions given to managers and shall instruct them to submit progress reports demonstrating compliance to instructions.

(4) In order to give instructions pursuant to Sub-section (2), the Inspector, targeting the public place managers, can organize meetings, seminars or interaction programs.

**4. Inspecting Labels, Trademarks, Wrappers and Packaging:** (1) The Inspector is required to inspect whether the manufacturer printed description, pursuant to Section 7 of the Act, on cartons, wrappers and packets of tobacco products.

(2) The Inspector shall check whether manufacturers prepared cigarette or *bidi* packets pursuant to Rule 7 of the Regulation.

(3) The Inspector shall inspect whether the tobacco product boxes, wrappers and packets contain messages, pictures or signs that promote or advertise tobacco products and whether the date of manufacture is mentioned on them as well.

(4) Upon inspection, pursuant to Sub-section (1), if the Inspector does not find printed description pursuant to Sub-section (1) under Section 7 of the Act, or finds violations of Sub-section (2), (3) and (4) under Section 7 of the Act, the Inspector shall immediately stop such activities and proceed to necessary actions adhering to the prevailing laws.

5. **Managing Warning Messages and Printing and Marking of Pictures:** (1) The Inspector shall inspect periodically whether or not manufacturers printed warning messages and pictures on boxes, wrappers, packets and packaging materials of tobacco products, pursuant to Section 9 of the Act, related Regulation and Directive.

(a) With regard to districts with tobacco product industries and factories, the Inspector shall conduct on-site inspection of such industries and factories and see whether the Act, Regulation and the Directive were properly followed, if not shall give immediate instruction to do so.

(b) Inspect whether or not manufacturers printed warning messages and pictures on boxes, wrappers, packets and packaging materials of cartons.

(c) Inspect tobacco product retail stores, wholesalers and distributing sites to ensure tobacco products with warning messages and pictures were being sold and distributed.

(d) Inspect whether tobacco product boxes, wrappers, packets and packaging materials consist of internal revenue office stickers and whether such stickers cover the warning messages and pictures.

(e) Inspect whether warning messages and pictures were printed on tobacco product boxes, wrappers, packets or packaging materials in accordance to the Act, related Regulations and Directive.

(f) Inspect whether the printed warning messages and pictures, pursuant to Section 9 of the Act and related Regulation and Directive, were of stated quality.

(2) Upon inspection, pursuant to Sub-section (1), if it was found contrary to Section 9 of the Act and related Regulation and Directive, expedite necessary action and inform the Ministry about the situation immediately.

(3) The Inspector shall give direction to related agencies to conduct strict inspection on tobacco product importers and check whether the imported tobacco products meet the standard, pursuant to Sub-section (1) under Section 9 of the Act. And it is everyone's duty to follow such direction.

6. **Control on Advertisement, Promotion and Sponsorship:** (1) In the process of implementing Section 10 of the Act, related Regulation and Directive, the Inspector shall undertake the following actions:

(a) Inform manufacturers, media, various organization and individuals about prohibition on advertising, promoting and sponsoring tobacco products,

(b) Monitor whether manufacturers, media, organizations and individuals engaged in the act of advertising, promoting and sponsoring tobacco products,

(c) Monitor whether any one displayed hoarding boards, flex boards, wall paintings or any other information materials advertising, promoting and sponsoring tobacco products,

(d) Inspect whether newspapers, television and radios run programs, or print messages, logos, trademarks and pictures with the intention of advertising promoting or sponsoring tobacco products,

(2) If old hoarding boards, flex boards, wall paintings or other such materials have not been taken down or removed, the Inspector shall instruct to do so,

(3) Any person or agency that violates Section 10 of the Act, related Regulation and Directive by advertising, promoting and sponsoring tobacco products, the Inspector shall take immediate action adhering to the prevailing law.

7. **Prohibition on Sale and Display:** (1) The Inspector shall inspect compliance of Sub-section (1) under Section 11 of the Act and whether the tobacco product vendor fixed a notice board, pursuant to Rule 11 of the Regulation.

(2) The Inspector shall inspect compliance of Sub-section (3) under Section 11 of the Act regularly, and ensure effective enforcement.

(3) The Inspector shall inspect whether the provision made by the Government of Nepal, requiring to obtain a license even to sell or distribute tobacco products, is complied to.

(4) The Inspector shall inspect whether the manufacturer, importer, manager, tobacco product entrepreneur, vendor, distributor, including any person, has displayed tobacco products or set up the vending site with the intention of making tobacco products appear attractive.

(5) If a manufacturer, importer, manager, tobacco product entrepreneur, vendor, distributor, buyer violates Section 11 of the Act and Rule 11, 13, 14 of the Regulation, the Inspector shall instruct the said parties to immediately stop such activities and take actions according to the prevailing law.

8. **Operating Programs:** (1) The Inspector, in coordination with District Health Office/Public Health Office, shall organize meetings, inspection and monitoring trips in order to enforce the Act, related Regulation and Directive and to direct manufacturers, importers, managers, entrepreneurs, vendors, distributors, and personnel from District Health/Public Health Office or other agencies.

(2) The Inspector shall give necessary direction to District Health/Public Health Office to control and regulate tobacco products, run public awareness and service-oriented programs on tobacco product related diseases, their prevention, containment and treatment including legal provisions on tobacco control and Regulation.

(3) If any government, partner, private, social organizations or non-government hospitals operate programs, pursuant to Sub-section (2), in such situation the Inspector shall inspect and monitor and provide necessary directions.

(4) The Inspector shall provide facilitation and other support to related agencies in order to operate programs effectively, pursuant to Sub-section (2) and (3).

(5) It shall be the duty of all concerned parties to comply to the Inspector's direction, pursuant to this Section.

9. **Submission of a Brief:** (1) The Inspector shall inspect whether the manufacturer, exporter and importer submitted the required brief to the Ministry, pursuant to Section 8 of the Act and Rule 8 of the Regulation.

(2) Upon inspection, pursuant to Sub-section (1), if the brief was not been submitted, pursuant to Section 8 of the Act and Rule 8 of the Regulation, the Inspector shall immediately instruct to do so.

(3) The manufacturers, importers and exporters must comply to the instruction from the Inspector, pursuant to Sub-section (2), and submit the briefs to National Health, Education, Information and Communication Center under the Ministry, at Teku, within seven days of instruction and send a copy to the Inspector and District Health/Public Health Office.

10. **Installation of Complaint Boxes:** (1) The Inspector shall instruct Managers to install complaint boxes in public places under their respective jurisdiction to collect information



and complaints related to smoking or tobacco consumption or of violations of the Act and Rules.

(2) The Managers shall submit annual progress reports to the Inspector regarding cases filed based on complaints collected from the installed complaint boxes, pursuant to Sub-section (1).

**11. Complaints:** (1) Anyone can prepare a written complaint against activities violating the Act and Rules following the sample in Annex 1 and submit it to the Inspector.

(2) The complaint, pursuant to Sub-section (1), shall clearly specify the following in addition to other matters:

(a) In case of activities such as smoking and tobacco consumption in public places, violating the Act, its Rules and Directive, provide name of the related manager, name of the organization, address, and phone number if available.

(b) In case a manager violates the Act, its Rules and Directive by smoking and tobacco consumption in public places, provide name of the related manager, name of the organization, address, and phone number if available.

(c) Details of media or organization that advertise or sponsor tobacco products violating the Act and its Rules and Directive.

(d) Details of manufacturer or distributor that violates the Act, Rules and Directives by dealing tobacco products without printed warning messages or pictures.

(e) Additional details or evidence clarifying the complaint.

(f) If the complainant is unable to submit written complaint to the Inspector following the sample, pursuant to Sub-section (1), he/she can make verbal complaint or use any other medium.

(g) Upon preparation of a written complaint as per Clause (f), there shall be no obstacle initiating an inspection on the basis of such complaint.

(3) The Inspector shall take action keeping the name and address of the complainant, pursuant to Sub-section (1), confidential to the extent possible.

**12. Obtaining Samples of Tobacco Products:** (1) In order to ascertain whether descriptions have been printed on tobacco products, pursuant to Sub-section (1) under Section 8 of the Act and Sub-rule (1) under Rule 8 of the Regulation, the inspector has the right to

obtain tobacco product samples from manufacturing sites, warehouses or distributing locations.

(2) When collecting samples pursuant to Sub-section (1), keep a log of collected samples including the following descriptions:

(a) Name and address of the manufacturer of the collected tobacco product samples.

(b) Trademark and label description of the collected sample.

(c) Quantity of the collected sample.

(d) Location, date and time of sample collection.

(3) When collecting tobacco product samples, pursuant to Sub-section (1), to the extent possible, the Inspector shall collect in person testimonials from the locals,

(4) The Inspector shall keep the collected tobacco product samples in separate sealed containers prior to sending them to related personnel or agencies to be examined or evaluated, and also keep one sealed sample container in the office.

(5) On the outside of the sealed sample container, pursuant to Sub-section (4), name, quantity and symbolic number should be written.

13. **Conducting Inspection, Inquiry and Search:** (1) If the Inspector, on the basis of a complaint pursuant to Section 12, if additionally has valid reasons to believe that violation of the Act or the Regulation has occurred, shall conduct inspections, inquiries or searches.

(2) Prior to conducting inspection, inquiry or search, pursuant to Sub-section (1), whenever possible, the Inspector shall submit a notice or memo clarifying reasons for inspection, inquiry and search.

(3) Upon submitting the notice or memo pursuant to Sub-section (2), if the concerned person wishes to keep a copy, so can be done following rules of the prevailing law.

(4) The inspecting officer conducting the inspection, inquiry or search shall always keep his/her office issued identity card issued with himself/herself.

14. **Procedural Methods to Adopt while Conducting Inspection, Inquiry or Search:** (1) The Inspector shall fulfill the following procedure while conducting inspection, inquiry or search of any site, pursuant to Section 14:

(a) The notice of inspection, inquiry or search shall be submitted to the related person only upon reaching the site of inspection, inquiry or search.

(b) The act of inspection, inquiry and search, whenever possible, shall be undertaken only between sunrise and sunset, however, inspection of smoking in public places shall continue after sunset.

(c) When conducting inspection, inquiry or search, if available, sample collection of tobacco products shall be done with a witness present.

(d) While conducting inspection, inquiry or search, to the extent possible, no damage or loss should incur.

(2) In the process of conducting inspection, inquiry or search, pursuant to Sub-section (1), even upon submitting the notice by the Inspector if the concerned person or anybody else creates hindrance or protests, in such situation the Inspector has the authority to summon local gentry-folks as witness and carry out inspection, inquiry or search.

15. **Acquire Assistance:** (1) In order to execute inspection effectively, pursuant to the Act and Regulation, the Inspector may request for assistance from the Police, local agencies, social organizations, associations, media or any other organization or personnel.

(2) In order to operate awareness programs against tobacco products, the Inspector can mobilize active political and social organizations, associations and agencies, consumer committees, civil society, mothers groups and other such groups and encourage facilitate and give instructions to related district health/public health offices.

(3) For effective execution of the Act, Regulation and this Directive, the Inspector can request necessary technical and secretarial assistance from District Health/Public Health Office.

(4) It will be District Health/Public Health Office's duty to operate programs, pursuant to Sub-section (2) and provide assistance, pursuant to Sub-section (3).

16. **Establishing Sub-committee:** (1) In order to execute committee activities smoothly, pursuant to Section 19 of the Act, Tobacco Product Control and Regulatory Sub-committees could be established under district, metropolitan city, sub-metropolitan city, municipality and Village Development Committee, pursuant to Clause (d) of the Rule 17 under the Regulation as follows:

(a) **District**

- |     |   |                     |
|-----|---|---------------------|
| (1) | Inspector   | Chairperson         |
| (2) | Local Development Officer or an official representative appointed by him/her, District Development Committee                  | Member              |
| (3) | Chief or an official representative appointed by him/her, District Police Office  | Member              |
| (4) | Chief or an official representative appointed by him/her, Internal Revenue Office   | Member              |
| (5) | Chief or official representative appointed by him/her, District Education Office  | Member              |
| (6) | Chief or an official representative appointed by him/her, District Agriculture Development Office                             | Member              |
| (7) | Chief, Health Post or Primary Health Center or District Health/Public Health Office or a representative appointed by him/her. | Member<br>Secretary |

**(b) Metropolitan City, Sub-metropolitan City and Municipality**

- |     |  |                     |
|-----|--|---------------------|
| (1) | Mayor or at the absence of a Mayor, Chief Executive Officer  | Chairperson         |
| (2) | Chief, City Police Office  | Member              |
| (3) | Chief, Agriculture Development and Livestock Service Center  | Member              |
| (4) | Chief, Primary or Secondary School or a person nominated by High School/College  | Member              |
| (5) | Chief, Public Health Department of Metropolitan City or Sub-metropolitan City or Municipality                                | Member              |
| (6) | Chief, Ayurvedic Medical Center or Pharmacy  | Member              |
| (7) | Chief, Health Post or Primary Health Center or District Health/Public Health Office or a representative appointed by him/her | Member<br>Secretary |

**(c) Village Development Committee**

- |     |   |                     |
|-----|---|---------------------|
| (1) | Chairperson, or at the absence of a Chairperson, Secretary                      | Chairperson         |
| (2) | Chief of Village or Area Police Office  | Member              |
| (3) | Chief, Agriculture Development and Livestock Service Center                     | Member              |
| (4) | Chief, Primary or Secondary School or a person nominated by High School/College | Member              |
| (5) | Chief, Ayurvedic Medical Center or Pharmacy                                     | Member              |
| (6) | Chief, Health Post or Primary Health Center                                     | Member<br>Secretary |

(3) Pursuant to Sub-section (2) Clause (a), (b) and (c), Sub-committee Chairperson shall, upon recommendation from Member Secretary, nominate a Member, pursuant to Sub-section (2); and the term for the nominated Member shall be 2 years.

(4) In areas with customs office, cottage and small industries office and commerce office, Chief of such offices or the nominated official representatives shall be Members of district level sub-committees, pursuant to Clause (a) of Sub-section (2); and in areas with armed police office, Chief of such office or the nominated official representatives shall be Members in district level sub-committees, pursuant to Clause (a), (b), and (c) of Sub-section (2).

(5) Districts without Internal Revenue Office, Chief of Tax Service Office or District Treasury Office or the official representative nominated by him/her shall be a Member in district level sub-committee, pursuant to Clause (b) of Sub-section (2).

(6) Upon recommendation from the Sub-committee Chairperson, pursuant to Sub-section (2), Member Secretary shall prepare an agenda for a meeting, and upon his/her instruction the Member Secretary shall call for a Sub-committee meeting.

(7) Member Secretary shall assist with organizing and operating the Sub-committee meeting, pursuant to Sub-section (2).

(8) After the Chairperson verifies the Sub-committee's decisions, pursuant to Sub-section (2), they shall be further executed by the Chairperson and the Member Secretary.

(9) Other arrangement regarding Sub-committee meeting operation, pursuant to Sub-section (2), shall be as determined by the Sub-committee itself.

(10) If the Sub-committee Chairperson, pursuant to Sub-section (2), deemed necessary to invite experts or any other person in the Sub-committee meeting, he/she may do so.

(11) In order to make the tasks of the Sub-committee effective, pursuant to this Section, the Sub-committee may form a task force.

(12) If the Chief of District Health/Public Health Office is not present as Member Secretary in the Sub-committee, pursuant to Clause (a) of Sub-section 2, it shall be his/her primary duty to assist the Inspector in operating that Sub-committee meeting and implementing its decisions.

(13) Whereupon the Inspector nominated by the Government of Nepal is not an official of the District Administration Office, the official nominated by the Chief District Officer shall become the Member for the district level Sub-committee.

**17. Tasks, Duties and Rights of the Sub-committee:** (1) The tasks, duties and rights of the Sub-committee, pursuant to Section 16, shall be as follows:

- (a) Present recommendations before the Committee, pursuant to Section 19 of the Act, in order to control and regulate tobacco products,
- (b) Organize awareness programs to control smoking and tobacco consumption,
- (c) Inspire smokers and those who consume tobacco to adopt ways to quit the habit,
- (d) Assist in monitoring and evaluation of tasks related to controlling and regulating tobacco products,
- (e) Take actions to prevent, control and contain import, manufacture, sale distribution and consumption of tobacco products; and assist the Inspector,
- (f) Collect necessary local resources and mobilize them to control import, manufacture, sale distribution and consumption of tobacco products, and prevent tobacco product related diseases,
- (g) Give necessary suggestions to the Inspector regarding execution of the laws,
- (h) Encourage tobacco farmers to substitute tobacco farming with other farming options,
- (i) With regard to controlling and regulating tobacco products, coordinate and consult with concerned agencies,
- (j) Monitor whether warning messages and pictures are printed or marked on tobacco product boxes, wrappers, packets, packaging materials and labels; instruct not to sell or distribute tobacco products without printed warning messages and pictures; and request and assist the Inspector to take necessary legal action against those who disregard the instruction,
- (k) Instruct public place managers about effective implementation of the Act, related Regulation and Directive,

(l) Monitor whether provisions stated in Tobacco Product (Control and Regulatory) Act, Regulation and Directives are implemented, if not undertake effective implementation,

(m) In order to monitor whether the provisions stated in the Act, related Regulation and Directive are implemented and whether they are effective, involve and secure assistance from the Nepal Police, pursuant to Section 26 of the Act and Clause (g) and (h) under Rule 15 of the Regulation,

(n) Execute other tasks determined or directed by Tobacco Product Control and Regulating Committee.

- 18. Providing Assistance by the Police in Monitoring and Inspection:** (1) With regard to whether the provisions in the Act, Regulation and Directive were implemented, the Sub-committee Chairperson, pursuant to Clause (a), (b) and (c) of Sub-section (2) under Section 16, undertakes monitoring and inspection and ensures their effective implementation, pursuant to Clause (e) under Rule 17 of the Regulation; in such situation it is admissible to involve the police for assistance, pursuant to Clause (g) and (h) under Rule 15 of the Regulation and Section 26 of the Act.

(2) The police should provide assistance in monitoring and inspecting whether the provisions in the Act, Regulation and Directives were implemented in district, metropolitan city, sub metropolitan city and municipality and Village Development Committee level, pursuant to Sub-section (1), and also provide support in their effective implementation.

(3) In addition to tasks pursuant to Sub-section (1) and (2), the Police shall monitor whether acts of smoking or tobacco consumption occurred in public places, pursuant to Sub-section 3 of the Act, and upon occurrences of smoking or tobacco consumption in public places, shall assist the Manager in removing the violator from the premises or charging a fine of Rs 100 or taking both disciplinary actions, pursuant to Sub-section (1) under Section 17 of the Act.

(4) Pursuant to this Section the Police shall submit a detailed report to related public place Manager or Sub-committee Chairperson or the Inspector within seven days of undertaking such disciplinary action.

- 19. Inspection and Monitoring Checklist:** (1) The checklist necessary to execute inspection and monitoring according this Directive is determined by National Health, Education, Information and Communication Center.

**Chapter 3:**

**Controlling Interference in Policy Making and Implementation**

20. **Limited Interaction and Transparent Information:** (1) Manufacturers and related parties are prohibited to distribute, interact, publish, broadcast and exhibit any notice, message, news or information via any media or medium with the purpose of promoting, advertising or sponsoring tobacco products.

(2) Manufacturer and related parties are required to provide transparent and factual information to consumers about harmful chemicals in tobacco products, as stated in the Act, Regulation and Directive.

(3) Manufacturer and related parties are prohibited to give false descriptions or misleading releases, notices, messages, information, news and expressions with the purpose of promoting, advertising or sponsoring tobacco products.

(4) Manufacturer and related parties are prohibited to display manufacturer logo, message, banner on shelves, boxes, showcases, cabinets, at the shop or in the front part of department store, vending and distributing sites.

(5) Manufacturer and related parties are required to provide factual and transparent information to laborers and tobacco farmers working in tobacco industry about adverse effects of tobacco farming on health and related diseases.

(6) Officials of public agencies are prohibited to accept any assistance, participation or cooperation from tobacco industries in any activity or program related to tobacco product control and Regulation.

(7) No one should adopt code of ethics, constitutional provisions, policy or such materials prepared by tobacco industries with the purpose of comprising the task of controlling and regulating tobacco products.

(8) The yearly revenue received by the Government of Nepal as tax, duty and customs clearance fee from manufacturers should be transparent and made public by the Ministry of Finance.

(9) Manufacturer and related parties are required to make tobacco product manufacture, marketing, trading and branding information accessible to the government and general public.



**21. Prohibition on Partnerships and Participations:** (1) Public agency officials are prohibited to involve manufacturer and related parties in tobacco product control and Regulation, including policy assessment and implementation.

(2) Manufacturer and related parties are prohibited to be involved in Revenue Consultative Committee and similar policy making agencies, committees, meetings and programs.

(3) It is prohibited to organize programs on tobacco product control in partnership with tobacco product manufacturer and related parties.

**22. Prohibition on Assuming Organizational Social Responsibility:** Manufacturer and related parties are prohibited to provide any financial, technical, material, and structural assistance to educational seminary, theatre, religious discourse, preaching or health related organizations operated by government, no- government or private sectors.

(2) It is prohibited to accept financial material and structural assistance from manufacturers and related parties, and they are prohibited to offer such assistance as well.

(3) It is prohibited to accept scholarships, financial assistance, award and stipends from tobacco industries, and manufacturer and related parties are prohibited to offer such assistance as well.

(4) It is prohibited to accept free of cost products offered by tobacco industries, and manufacturers and related parties are prohibited to provide free of cost assistance as well.

(5) Tobacco industries, with the purpose of promoting advertising, sponsoring the product, export, sale and distribution are prohibited to allocate yearly budget for donation, award, financial assistance, and social work, directly or indirectly.

(6) The public agency officials are prohibited to participate in any tobacco industry sponsored programs to accept assistance or awards, as well as participate in national and international programs like meetings, trips, trainings, seminars and conferences organized with invitation and assistance from tobacco industries.

(7) It is prohibited to accept tobacco industry assistance or collaboration offered in the name of educational development, ethnic or social class upliftment or supporting emergency services; and manufacturers and related parties are prohibited to provide such assistance.

(8) In this Section and elsewhere, regardless of what is written, it is mandatory for the manufacturer to bear all expenses for diseases, health check-ups, diagnosis, medicines, treatments including health insurance for any person, laborer and farmer involved in tobacco product manufacture, sale, distribution and consumption.

23. **Manufacturer and Related Parties Prohibited to Participate in Tobacco Product Control and Regulatory Task:** (1) No one is allowed to permit manufacturer and related parties to participate in tobacco product control and regulatory policy making, mechanism, task force, meetings and policy implementation.

(2) Tobacco industries that carry out protests against the issued tobacco product control and regulatory policy are denied benefits or assistance availed by the public agencies.

(3) Except tasks directly related to tobacco industries such as, constitution implementation, monitoring, evaluation and revenue collection, a public agency official is prohibited to collaborate, coordinate and assist in any other tasks.

24. **Conduct of Public Agency Officials:** (1) Public agency official is prohibited to participate in any tobacco industry activities.

(2) It is prohibited to publish, broadcast or exhibit any picture of a public agency official using tobacco product via any media or medium.

(3) A public agency official's interactions, meetings or communications with tobacco industry personnel on the subject of tobacco product control and regulatory tasks should be transparent, with participation of two or more persons or representatives from the media.

(4) Upon unnecessary hindrance and interference from tobacco industry in the implementation of tobacco product control and regulatory tasks, the public agency official shall immediately express objection to such interference through the media and other mediums.

(5) Repeated disregard to the objection, pursuant to Sub-section 4, and continuing with interferences, in such situation the public agency official shall write to the Inspector to take necessary action.

25. **Government Owned Tobacco Industry and the Same Approach towards it as towards Other Tobacco Industry:** (1) Priority shall not be given to establishing and operating tobacco industry under the ownership of the Government of Nepal.

(2) The Government of Nepal shall adopt the policy of gradually disestablishing the existing tobacco industry under its ownership.

(3) In the process of making tobacco product control policy and its implementation, all Nepal government offices shall treat government owned tobacco industries in the same manner as they will other industries.

(4) Public agency officials are prohibited to involve representatives from government owned tobacco industries in tobacco product control policy making and implementation.

(5) The government of Nepal shall ensure that the agency managing tobacco product industries and the agency implementing tobacco product control policy are separate.

(6) The government of Nepal shall not provide any government benefit or facility to encourage tobacco industries with government ownership.

(7) Regardless of what is mentioned in this Section and elsewhere, at the time of enforcing this Directive, the remuneration and welfare expenses of government owned tobacco industry laborers will be as determined by the Ministry of Finance.

**26. Prohibition on Exhibiting and Displaying Vending Machine at the Vending Site:** (1) Manufacturer and related parties are prohibited to display and decorate the vending site with tobacco products.

(2) No one, including the manufacturer and related parties, is permitted to install vending machines to sell tobacco products.

**27. Prohibition on Selling via Social Media:** (1) It is prohibited to sell and distribute tobacco products via electronic and social media such as the Internet, various websites, Facebook, and Twitter etc.

**28. Prohibition on Single Unit or Retail Sale of Cigarette, *Bidi*, Cigar and Using Electronic Cigarette:** (1) No one, including the manufacturer and related parties, is permitted to make a single unit or retail sale of tobacco products such as cigarette, *bidi*, cigar and electronic cigarettes.

(2) Manufacturer and related parties are prohibited to sell or distribute boxes, packets or wrappers of tobacco products such as cigarette, *bidi*, cigar and electronic cigarette with broken seals.

(3) It is prohibited to manufacture, import, sell, distribute electronic cigarettes in public places and inside public transportations for consumption; and also prohibited to promote and advertise through the media.

(4) It is prohibited to sell and distribute tobacco products such as *bidi*, *cigar*, *sisā*, *kakkad*, *chilam*, *sulpa*, chewing tobacco, tobacco, *gutkha* etc. from tax free stores.

**29. Prohibition on Marking with Trademark Label and Packaging Boxes, Packets and Wrappers in a Manner that Covers, Damages, or Rips the Warning Messages and Pictures:** (1) Manufacturer and related parties are prohibited to place stickers on tobacco product boxes, packets, wrappers, cartons or packaging materials and package them in a manner that covers, damages or rips the warning messages and pictures.

(2) Manufacturer and related parties are prohibited to make two layers, inner and outer, of tobacco product boxes, packets and wrappers and package tobacco products.

**30. No Provision of Receiving Government Benefit or Facility:** The Government of Nepal is not compelled to provide any benefit or facility to tobacco industry, that otherwise are availed to other industries.

**31. Coordination:** (1) In order to control the tobacco product industry interference, the Tobacco Product Control and Regulatory Committee, pursuant to Section 19 of the Act, will undertake the coordination task.

(2) The sub-committees and technical committees formed under Tobacco Product Control and Regulatory Committee, pursuant to Section 19 of the Act, shall provide assistance to carry out the coordination task as stated in this Section.

**32. Tasks, Duties and Rights of the Committee:** (1) Tasks to be executed by the Committee, pursuant to this Directive, are as follows:

(a) Instruct the subsidiary agency officials to implement tobacco industry interference control policy effectively.

(b) Encourage public agency officials to remain alert and on guard towards possible disruption from tobacco industry when implementing the Act, Regulation and Directive.

(c) Inform public agency officials to refrain from implementing any policy that may have favorable effect in the manufacture of tobacco products.

(d) Ensure that public agency officials are aware about prohibition on involving tobacco industry in policy making and its implementation.

(e) Give instructions and recommendations to the Sub-committee and technical committee to control the tobacco industry interference.

(f) In order to control and regulate tobacco industry interference, undertake effective policy making and implementation.

#### **Chapter 4:**

#### **Develop Public Awareness and Make Public Places Smoke and Tobacco Consumption Free**

- 33. Raise Awareness about Tobacco Product Addiction and its Risks:** (1) Raise widespread awareness regarding prohibition on smoking, using, consuming tobacco products such as, cigarette, *bidi*, cigar, electronic cigarette, chewing tobacco, tobacco, *gutkha*, *hukkah*, *sis*, *kakkad*, *chilam*, *sulpa* etc. in public places, work places and public transportation as mentioned below:
- a) The Manager shall run awareness programs to inform public agency officials as well as the general public about the negative impacts, addition, risks, diseases and death caused by consumption of tobacco products,
  - (b) Motivate the general public into organizing and participating in programs, pursuant to Sub-section (1), with assistance and collaboration from government, non-government and private sectors,
  - (c) Upon learning about the action plan and strategy adopted by the manufacturer and related parties to promote, advertise and sponsor tobacco products, the Manager, public agency official, women social worker, and the general public should notify the Inspector or the local agency,
  - (d) Upon receiving the notice, pursuant to Sub-section 3, the local agency shall inform the Inspector,
  - (e) Encourage public and privately owned electronic media to broadcast warning messages and information about tobacco products and preventing related diseases free of cost,
  - (f) During public health programs, integrate the task of effectively encouraging people to quit smoking and consuming tobacco with primary health services; inquire service seekers about smoking and tobacco consumption; suggest them to quit and make arrangements to create appropriate environment.
- 34. Capacity Building and Provision of Sufficient Resources:** (1) In order to control cigarette smoking and tobacco consumption, related agencies shall organize trainings and capacity building programs for health workers and other concerned parties.

(2) Sufficient resources necessary to control cigarette smoking and tobacco consumption shall be provided.

**35. Creating Smoking and Tobacco Consumption Free Environment:** (1) The Manager has to create a system to periodically collect factual information of number of existing smokers, tobacco consumers, their knowledge, habit, mannerisms etc. and disseminate them.

(2) To create smoking and tobacco consumption free environment on the basis of collected information, pursuant to Sub-section (1), form effective mechanism and methods as follows:

(a) Organize a meeting of local agencies and express commitment towards creating a smoking and tobacco consumption free environment,

(b) Organize meetings, pursuant to Clause (a) and discuss the Act, Regulation and Directive; organize activities to share advantageous information about smoking and tobacco consumption free environment such as, prevention from cancer and heart disease, saving on medical expenses and increasing productivity,

(c) Local agencies and public agencies shall effectively enforce the law with regard to creating smoking and tobacco consumption free environment by integrating it with programs organized at local level.

**36. Notice and Information Dissemination:** (1) Local agencies shall inform general public about the Act, Regulation and Directive via local media.

(2) To disseminate information, pursuant to Sub-section (1), Tobacco Product Control and Regulating Sub-committee meeting shall be held at local level, the matter about notice and information dissemination shall be discussed and appropriate decisions made, and following tasks undertaken:

(a) Organize local level interaction program with participation from the media representatives, and political workers,

(b) Prepare press release about the program, pursuant to Clause (a), and distribute it to TV, FM radio, newspapers and news correspondents for information dissemination,

(c) Distribute educational materials against smoking,

(d) With regard to maintaining smoking and tobacco consumption free environment, carry out discussions and disseminate information with community groups such as, Healthy Mothers Group, Credit Groups etc.,

(e) Programs organized against smoking and related proposals, information and notices are to be disseminated via social network, websites and Facebook,

(f) Organize orientation programs for students and teachers and disseminate information and notices at the household level.

**37. Implementing Prohibition Law on Smoking and Tobacco Consumption in Public Places:**

(1) Everyone should comply fully to the prohibition law on smoking and tobacco consumption in public places.

(2) All concerned parties should be well informed about compliance to the prohibition law on smoking and tobacco consumption in public places.

(3) In order to monitor compliance to the prohibition law on smoking and tobacco consumption in public places, Tobacco Product Control and Regulatory Sub-committee can establish a monitoring task force or a mechanism by involving local health offices, educational institutions, religious organizations, hotels, restaurants, athletic organizations, transportation associations, other government agencies and security agencies.

(4) The Inspector and District Health/Public Health Office, shall include the task force or the mechanism, pursuant to Sub-section 3, in orientation programs related to law implementation and monitoring and inspection.

(5) Make provisions to distribute and set up signs, posters, signage informing prohibition on smoking and tobacco consumption in public places, and samples of such posters and signage should be made available on the website.

**38. Monitoring the Implementation of Prohibition Law on Smoking and Tobacco**

**Consumption in Public Places:** (1) In order to effectively implement the prohibition law on smoking and tobacco consumption, Managers of public places shall conduct internal monitoring and provide written and verbal notice to staffs within the building.

(2) Inspector and the manager shall monitor and conduct inspection regularly to ensure proper implementation of prohibition law on smoking and tobacco consumption in public places.

(3) If the prohibition law on smoking and tobacco consumption in public place is violated, the authorized official may determine the penalty and charge a fine as per the law.

- 39. Progress Monitoring and Evaluation from National Health Education, Information and Communication Center:** (1) The Manager shall conduct studies, investigation and survey to monitor and evaluate the impact on disease prevention and economic and social sectors after implementing the prohibition law on smoking and tobacco consumption in public places.

(2) Monitor the air quality in public places following implementation of the provision on creating smoking and tobacco consumption free environment.

## **Chapter 5:**

### **Effective Control on Advertising, Promotion and Sponsoring**

- 40. Prohibition on Promoting, Advertising and Sponsoring Tobacco Products:** (1) Manufacturer and related parties are prohibited to advertise, promote tobacco products, directly or indirectly, via any media or mediums such as newspapers, bulletins, magazines, booklets, calendars, posters, pamphlets, fliers, wall charts, handouts, proposals, television, radio (at-site or satellite based), FM, internet, email, websites, video, DVD, CD, computer games, interaction programs, hoarding boards, billboards, wall paintings, logos, signs, marks, articles, pictures, audio clips, persons etc.; and are prohibited to sponsor any programs, news programs or information communication programs.
- (2) Manufacturer and related parties are prohibited to organize any program, function, event or activity that advertise, promote or sponsor tobacco products.
- (3) Manufacturer and related parties are prohibited to provide any type of financial, technical, material or structural contribution or assistance that may promote, advertise and sponsor tobacco products.
- (4) Manufacturer and related parties are prohibited to promote, advertise and sponsor tobacco products through any media or mediums.
- (5) Manufacturer and related parties are prohibited to publish or broadcast the tobacco product catalogue with tariff.



(6) Manufacturer and related parties are prohibited to send mails, conduct telemarketing, consumer survey and research that may contribute to promotion, advertisement or sponsorship of tobacco products.

(7) Manufacturer and related parties are prohibited to sell, supply and display tobacco products at educational institutions, guest areas, fete venues, sport events, cultural or musical programs, dance programs or any other recreational event sites, where they get promoted, advertised or sponsored.

(8) Manufacturers and related parties are prohibited to pack tobacco product boxes, packets and wrappers and labels in a way that promotes or advertises tobacco products.

(9) Manufacturer and related parties are prohibited to print promotional message or advertise on a stick of cigarette or single unit of other tobacco products.

(10) No one is permitted to promote or advertise tobacco products such as cigarette, *bidi*, cigar, electronic cigarette, chewing tobacco, tobacco, *gutkha*, *hukkah*, *sis*a, *kakkad*, *chilam*, *sulpa* etc.

**41. Prohibition on Displaying at Vending Sites:** (1) Manufacturer and related parties are prohibited to display or decorate vending sites to advertise, promote or sponsor tobacco products.

(2) Manufacturer and related parties are prohibited to install vending machines and display them to advertise, promote or sponsor tobacco products.

**42. Prohibition on Using Labels and Trademarks on Boxes, Packets, Wrappers and Packaging Materials Advertising, Promoting or Sponsoring Tobacco Products:** (1) Manufacturer and related parties are prohibited to use labels and trademarks advertising, promoting or sponsoring tobacco products.

(2) Manufacturers and related parties are prohibited to use logos, marks, words, colors, pictures, photos, signage and print on packaging material of boxes, packets, on the inside and outside of wrappers, on a unit of *bidi*, cigarette and other tobacco products advertising, promoting or sponsoring tobacco products.

**43. Prohibition on Advertising, Promoting and Sponsoring via Internet:** (1) Manufacturer and related parties are prohibited to display pictures, photos, tariff etc. of tobacco products in the Internet, websites, Viber and Social media like Facebook, Twitter and Skype to advertise, promote and sponsor tobacco products.

(2) Manufacturer and other parties are prohibited to put tobacco product catalogue with tariff in the Internet.

(3) Manufacturer and related parties are prohibited to upload scenes and audio clips from TV programs, TV series, movies, and sports in the Internet that advertise, promote or sponsor tobacco products.

(4) If manufacturer and related parties upload any A/V, audio and visual materials in the Internet that advertise, promote or sponsor tobacco products, the social networking sites, Internet Service Providers, Internet search engine operators shall restrict access of general public and remove such A/V, audio and visual materials.

**44. Prohibition on Advertising and Promoting via Mobile Phones:** Manufacturer and related parties are prohibited to talk, text, send pictures, signs, marks, scenes, and audio of tobacco products advertising or promoting the tobacco products via mobile phones.

**45. Prohibition on Brand Expansion and Brand Partnership:** Manufacturer and related parties are prohibited to adopt brand, name, sign, trademark, logo or color composition of any non-tobacco product or service and integrate them with any tobacco product to advertise and promote, leading to brand expansion and brand partnership.

(2) Manufacturer and related parties are prohibited to use brand marking (brand color, color composition, logo or trademark) at recreational sites, retail stores, vehicles or equipment.

(3) Manufacturer and related parties are prohibited to organize contests and competitions relating them to tobacco product brand names.

**46. Prohibition on Showing Tobacco Products and Tobacco Product Consumption in Media:**

(1) Media or any related outlets are prohibited to produce, broadcast and publish recreational, educational, religious, cultural and informational programs, movies, news and documentary that advertise, promote and sponsor tobacco products.

(2) Pursuant to Sub-section (1) it is prohibited to show tobacco products, show scenes of smoking, and tobacco consumption, indicate logo or trademark, or show logo, brand or brand image of tobacco product industry or company.

**47. Prohibition on Advertising, Promoting and Sponsoring Inside Nepal Border:** Including domestic and foreign manufacturer, everyone is prohibited to advertise, promote and sponsor tobacco products via Internet, cable, network, television, radio, publications including other media or mediums.

**48. Prohibition on Giving or Receiving Gifts, Free of Cost Items and Cash:** (1) Including the manufacturer and related parties, no one is permitted to give or receive items intended for advertising, promoting or sponsoring such as, key ring, t-shirt, baseball hat, lighter, cigarette or similar item offered upon purchase of tobacco product.

(2) Including manufacturer and related parties, no one is permitted to distribute tobacco product samples, conduct market survey or product tasting.

(3) Including manufacturer and related parties, no one is permitted to promote prize giving or implement a royalty plan - distributing exchangeable coupons received upon purchase of tobacco product.

(4) It is prohibited to encourage sellers and give cash prizes to sell and supply items that look similar to tobacco products.

(5) Including the manufacturer and related parties, no one is permitted to distribute items like empty boxes, cabinets or shelves to arrange tobacco products; and sellers are not permitted to accept such items either.

**49. Miscellaneous:** Upon violation of this Directive, the Inspector shall take appropriate action against the violator adhering to the prevailing law.

**50. Amendment:** (1) The Ministry has authority to make necessary amendments of the Directive.

(2) The amendment, pursuant to Sub-section (1) shall come into force on the date determined by the Ministry.

**Annex 1**

(Complaint Outline Related to Sub-section 1 under Section 11)

Complaint submitted to: \_\_\_\_\_

**Subject:**

First name/Last name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

**Against**

Full name of person, manager, manufacturer, distributor that violated the Act/Rule, or the name of advertising or sponsoring person/organization: \_\_\_\_\_

Address: \_\_\_\_\_

1. Nature of complaint: (Details about the violation)
2. Other details: (Adverse impact on tobacco product control and regulating task)
3. Evidence: (Supporting or clarifying the complaint)

Complainants Signature: \_\_\_\_\_

Date: \_\_\_\_\_