

DECREE

Sanctions on Administrative Violations of Public Health

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Article 23. Violations of regulations on smoke-free areas

1. A warning or a fine from 100,000 VND to 300,000 VND will be imposed on any of the following violations:
 - a) Smoking in designated smoke-free areas. Smoking on airplanes will be levied penalties according to the regulations on administrative violations on commercial aircrafts;
 - b) Discarding cigarette ash or cigarette butts improperly while smoking in designated smoking areas.
2. Any of the following violations will carry a fine from 3,000,000 VND to 5,000,000 VND:
 - a) Failure to put up "No Smoking" signs in designated smoke-free areas;
 - b) Failure to request smokers to stop smoking in one's establishment;
 - c) Failure to implement, to provide guidelines, to inspect and to promote compliance to the smoking ban in areas under one's management and operation.
3. A fine from 5,000,000 VND to 10,000,000 VND will be imposed on any of the following violations in designated smoking areas:
 - a) Failure to provide a room with a ventilation system completely separated from the smoke-free areas;
 - b) Failure to provide ashtrays;
 - c) Failure to put up signs at applicable and clearly visible places;
 - d) Failure to have fire safety equipment.

Article 24. Violations of regulations on selling cigarettes

1. A warning or a fine from 100,000 VND to 300,000 VND will be imposed on violations of using cigarettes before the age of 18.
2. Any of the following violations will carry a fine from 1,000,000 VND to 2,000,000 VND:
 - a) Displaying more than one pack or one carton of a specific cigarette brand;
 - b) Selling cigarettes without labels or without health warnings printed on the packages according to the law.
3. Regulation Enforcement Measures:
Confiscation of cigarette packages without labels or health warnings in case of violations of the regulation mentioned in Item b of Part 2 in this Article.

Article 25. Violations of regulations on labeling or printing health warnings on cigarette packages

1. Any of the following violations will carry a fine from 20,000,000 VND to 30,000,000 VND:
 - a) The health warning design, position, size, or color are not compliant to the law;
 - b) Failure to specify the number of cigarettes in the pack or the weight of other forms of tobacco products;
 - c) Using words and phrases that mislead users into believing that cigarettes do not cause great harms, or into misunderstanding the harms that cigarettes and cigarette smoke can cause to people's health.
2. Any of the following violations will carry a fine from 30,000,000 VND to 40,000,000 VND:

- a) Producing or importing cigarettes into Vietnam without adhering to the regulations regarding labeling or printing health warnings on the packaging;
 - b) Producing cigarettes of foreign brands for sale domestically without proper authorization from the appropriate authorities.
3. Additional sanctions:
- a) Suspension of the permission to produce, commercialize, or import cigarettes for 3-6 months in case of violations of the regulation mentioned in Part 1 of this Article;
 - b) Confiscation of all illegal items in case of administrative violation of the regulation mentioned in Part 2 of this Article.

Article 26. Violations of regulations on smoking cessation

1. A warning or a fine from 100,000 VND to 300,000 VND will be imposed on smoking cessation counselors who use cigarettes.
2. Any of the following violations will carry a fine from 1,000,000 VND to 2,000,000 VND:
 - a) Illegally setting up smoking cessation counseling center or smoking cessation center without being regulatory compliant;
 - b) Failure to have a separate room for one-on-one smoking cessation counseling;
 - c) Failure to have flyers, brochures or communication materials about smoking cessation and smoking cessation counseling;
 - d) Failure to have telephone line, Internet connection, or other means of communication in order to provide indirect smoking cessation counseling;
 - dd) Failure to notify the local Health Department the practice and its location before providing smoking cessation services or smoking cessation counseling.

Article 27. Violations of other regulations on prevention of harmful effects of cigarettes

1. A fine of from 500,000 VND to 1,000,000 VND will be imposed on any act of promoting or encouraging other people using cigarettes.
2. Any of the following violations will carry a fine from 3,000,000 VND to 5,000,000 VND:
 - a) Using pictures of cigarettes in newspapers or publications that are specifically for children;
 - b) Forcing other people using cigarettes;
 - c) Failure to include measures of prevention of harmful effects of cigarettes in annual operating plan; failure to include banning of smoking in the workplace in company policy.
3. Any of the following violations will carry a fine from 20,000,000 VND to 30,000,000 VND:
 - a) Using cigarette names, brands, or symbols along with other products/services;
 - b) Advertising cigarettes directly to consumers in any shape or form;
 - c) Being in arrears in submitting the required contribution according to the law;
 - d) Giving incorrect reports that lead to insufficiently submitting the required contribution according to the law.
4. Any of the following violations will carry a fine from 30,000,000 VND to 40,000,000 VND:
 - a) Financial sponsoring in any shape or form, except for cases permitted by law;
 - b) Avoiding or fraudulently submitting the required contribution according to the law.
5. Regulation Enforcement Measures:
 - a) Confiscation of products in case of violations of the regulation mentioned in Item a of Part 3 in this Article.
 - b) Interest payments must be made on the difference due to misreporting or due to the contribution amount in arrears in case of violations of the regulations mentioned in Item c and Item d of Part 3 in this Article.
 - c) Reimbursements must be made for the contribution amounts that were not paid or fraudulently submitted in case of violations of the regulation mentioned in Item b of Part 4 in this Article.

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