

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIET NAM
Independence - Liberty - Happiness

No: 77/2013/NĐ-CP

Hanoi, July 17, 2013

DECREE

Detailing the implementation of the Laws on Prevention and Control of Tobacco Harmful Effects regarding a number of measures to prevent and control tobacco harmful effects

Pursuant to the Law on Organization of the Government dated December 25, 2001;

Pursuant to the Laws on Prevention and Control of Tobacco Harmful Effects dated June 18, 2012;

At the initiative of the Minister of Health;

The Government has enacted a Decree detailing the implementation of the Laws on Prevention and Control of Tobacco Harmful Effects regarding a number of measures to prevent and control tobacco harmful effects,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of Adjustment

This Decree stipulates in details the implementation of Clause 4 Article 12, Clause 7 Article 15, Clause 2 and Clause 4 Article 17 of the Laws on Prevention and Control of Tobacco Harmful Effects regarding conditions required to establish and organize smoking cessation interventions and smoking cessation counseling, convert indoor non-smoking areas with places designated specifically for smokers to indoor areas where smoking is completely banned and increase surface areas for printing health warning labels on tobacco packages.

Article 2. Interpretation of Terms

1. Smoking cessation intervention is the adoption of methods to help tobacco dependent people quit tobacco use.
2. Smoking cessation counseling consists of providing information so that tobacco dependent people could make their own choices and quit tobacco use of their own volition.

Chapter II

CONDITIONS TO ESTABLISH AND ORGANIZE SMOKING CESSATION INTERVENTIONS AND SMOKING CESSATION COUNSELING

Article 3. Forms of Organization Engaged in Smoking Cessation Interventions and Smoking Cessation Counseling

1. Agencies and organizations, individuals that set up smoking cessation establishments, smoking cessation counseling establishments in accordance with this Decree.

2. Clinical establishments that engage in smoking cessation interventions and smoking cessation counseling.

Article 4. Conditions to set up smoking cessation establishments

1. Having an Establishment Decision issued by competent state agencies for State establishments or a Business Registration License issued by competent state agencies for private establishments.

2. Having adequate material facilities to ensure smoking cessation interventions and smoking cessation counseling activities:

a) Having smoking cessation media and smoking cessation counseling media, including: Books, posters, flyers, CD/DVD providing information on smoking cessation and smoking cessation counseling;

b) Computer management of information and data on smoking cessation interventions and smoking cessation counseling;

c) Having dedicated rooms for smoking cessation interventions and smoking cessation counseling with surface area of at least 10m² (around 107.7 square feet); having adequate equipment to ensure smoking cessation interventions and smoking cessation counseling activities.

3. Having people directly involved in implementing smoking cessation interventions and smoking cessation counseling and must meet the following requirements:

a) Having license to practice clinical medicine;

b) Properly conduct smoking cessation procedure.

4. Having people directly involved in implementing smoking cessation counseling who are knowledgeable and educated about tobacco harmful effects on health, diseases caused by tobacco smoking and smoking cessation counseling content as stipulated in Clause 3 Article 8 of this Decree.

Article 5. Conditions to Set up Smoking Cessation Counseling Establishment

1. Having an Establishment Decision issued by competent state agencies for State facilities or a Business Registration License issued by competent state agencies for private facilities.

2. Having adequate material facilities to ensure smoking cessation counseling activities:

a) Having media materials as stipulated in Paragraph a Clause 2 Article 4 of this Decree;

b) Having computer management of information and data on smoking cessation counseling;

c) Having dedicated rooms for direct smoking cessation counseling activities with surface area of at least 10m² (around 107.7 square feet); having telephones, internet and other mass media to ensure indirect smoking cessation counseling activities.

3. Having people directly involved in implementing smoking cessation counseling as stipulated in Clause 4 Article 4 of this Decree.

Article 6. Conditions to Organize Smoking Cessation Interventions and Smoking Cessation Counseling for Clinical Establishments

1. Are clinical establishments that are issued licenses to operate in accordance with the laws on clinical medicine.

2. For smoking cessation interventions: Meet all requirements stipulated in Clause 2, Clause 3 and Clause 4 Article 4 of this Decree.

3. For smoking cessation counseling: Meet all requirements stipulated in Clause 2, Clause 3 Article 5 of this Decree.

Article 7. Activities of Smoking Cessation Establishments, Clinical Establishments engaged in Smoking Cessation Interventions and Smoking Cessation Counseling

1. Qualified smoking cessation establishments as stipulated in Article 4 of this Decree, qualified clinical establishments as stipulated in Article 6 of this Decree are permitted to implement smoking cessation interventions and smoking cessation counseling.

2. Establishments shall submit to the Health Department of provinces and cities directly under the Central Committee where they operate their Notice of Facility Operation in smoking cessation interventions and smoking cessation counseling pursuant to Article 9 of this Decree.

3. Smoking cessation interventions shall be implemented in accordance with procedures issued by the Minister of Health.

4. Cessation drugs must be drugs that are legally marketed pursuant to pharmaceutical laws. The quality and safety of smoking cessation support products, including patches, sublingual tablets, nebulizers or other smoking cessation support products, must be ensured for tobacco quitters and their quality standards must be declared with relevant state authorities as required by law.

Article 8. Activities of Smoking Cessation Counseling Establishments

1. Qualified smoking cessation counseling establishments stipulated in Article 5 of this Decree shall carry out smoking cessation counseling only and not smoking cessation interventions.

2. Establishments shall submit to the Health Department of provinces and cities directly under the Central Committee where they operate their Notice of Facility Operation in smoking cessation counseling pursuant to Article 9 of this Decree.

3. Contents of smoking cessation counseling shall ensure to fully provide the following information:

- a) Tobacco harmful effects on consumers' health and the health of people surrounding them;
- b) Benefits of smoking cessation and a smoke-free living environment;
- c) Smoking cessation measures appropriate to tobacco quitter;
- d) Potential health effects on tobacco quitters and ways to overcome them.

Article 9. Notice on Smoking Cessation Interventions and Smoking Cessation Counseling

1. Notices from smoking cessation and smoking cessation counseling establishments, clinical establishments engaged in smoking cessation interventions and smoking cessation counseling sent to the Health Department of provinces and cities directly under the Central Committee shall include the following information:

- a) Establishment name and address;
- b) Establishment Decision Number for State facilities or Business Registration License Number for private facilities; License to Operate Number for clinical facilities;
- c) Scope of establishment activities for smoking cessation and smoking cessation counseling;
- d) Name, ID Card number, residence address of establishment leader; name, license-to-practice number of person directly responsible for smoking cessation intervention activities for smoking cessation establishment, clinical establishment engaged in smoking cessation interventions and smoking cessation counseling;
- d) List of material facilities ensuring establishment activities.

2. Before carrying out smoking cessation interventions and smoking cessation counseling, smoking cessation establishments, smoking cessation counseling establishments, clinical establishments engaged in smoking cessation interventions and smoking cessation counseling that fully meet the stipulated requirements must submit in writing to the Health Department of provinces and cities directly under the Central Committee where they operate their Notice of Facility Operation pursuant to contents stipulated in Clause 1 of this Article.

3. Establishment is permitted to carry out smoking cessation interventions and smoking cessation counseling after 10 days from the date it has directly submitted in writing its Notice of Facility Operation to the Health Department of provinces and cities directly under the Central Committee where it operates.

4. The Health Department of provinces and cities directly under the Central Committee shall have the duty to issue receipt of Notice of Facility Operation for smoking cessation interventions and smoking cessation counseling activities once it has received the notice in writing and shall facilitate operations, provide guidelines, inspections and checking for establishments throughout their operations.

Chapter III

CONVERT INDOOR NON-SMOKING AREAS WITH PLACES DESIGNATED SPECIFICALLY FOR SMOKERS TO INDOOR AREAS WHERE SMOKING IS COMPLETELY BANNED AND INCREASE SURFACE AREA FOR PRINTING HEALTH WARNING LABELS ON TOBACCO PACKAGES.

Article 10. Convert Indoor Smoking Areas with Places Designated Specifically for Smokers to Indoor Areas Where Smoking Is Completely Banned and Increase Surface Area for Printing Health Warning Labels on Tobacco Packages

1. The Ministry of Health shall take the lead and coordinate with relevant local Ministries and sectors to organize follow-up and evaluation of the implementation of regulations on indoor non-smoking areas with places designated specifically for smokers and Government initiative providing for their conversion to indoor areas where smoking is completely banned in response to requirements stipulated in Clause 2 of this Decree.

2. Stage-appropriate conversion of indoor smoking areas with places designated specifically for smokers to indoor areas where smoking is completely banned must ensure to meet the following requirements:

a) Consistent with State direction and policy for the prevention and control of tobacco harmful effects; requirements to prevent and reduce tobacco harmful effects on health;

b) Level of people's awareness about tobacco harmful effects and health;

c) Low numbers of smokers at designated areas;

d) A reasonable timeline to ensure feasibility;

dd) Consistent with situations and trends of other countries in the region and in the world.

3. Contents of initiative to convert indoor smoking areas with places designated specifically for smokers to indoor areas where smoking is completely banned must include:

a) Evaluation report on the implementation of regulations on non-smoking areas;

b) List and timeline for areas that need to be converted to indoor areas where smoking is completely banned based on the following priorities:

- Ships and trains for public transportation;
- Airport boarding gates;
- Hotels, dwellings for tourism, bars, karaoke lounges, nightclubs.

c) Projected effects of conversion of indoor smoking areas with places designated specifically for smokers to indoor areas where smoking is completely banned.

Article 11. Increase Surface Area for Printing Health Warning Labels on Tobacco Packages

1. The Ministry of Health shall take the lead and coordinate with the Ministry of Industry and Trade and relevant local Ministries and sectors to organize follow-up and evaluation of the implementation of regulations on printing health warning labels on tobacco packages and Government initiative providing for increased surface area for printing health warning labels on tobacco packages in response to requirements stipulated in Clause 2 of this Decree.

2. Stage-appropriate increase of surface area for printing health warning labels on tobacco package must ensure to meet the following requirements:

a) Consistent with State direction and policy for the prevention and control of tobacco harmful effects; requirements to prevent and reduce tobacco harmful effects on health; requirements to control tobacco manufacturing and trade;

b) Increase impact effectiveness of the printing of health warning labels on tobacco packages;

c) Consistent with situations and trends of other countries in the region and in the world regarding the printing of health warning labels on tobacco packages.

3. Contents of initiative to increase surface area for printing health warning labels on tobacco package shall include:

a) Evaluation report of the implementation of regulations on printing health warning labels on tobacco package;

b) Level of increased surface area for printing health warning labels on tobacco packages;

c) Projected effects of increasing surface area for printing health warning labels on tobacco packages;

d) Documents gathering opinions from organizations, individuals affected by initiative to increase surface area for printing health warning labels on tobacco packages.

Chapter IV

ENFORCEMENT PROVISIONS

Article 12. Implementation Responsibility

1. The Ministry of Health shall have the duty to:

a) Organize the implementation and provide operating guidelines for smoking cessation interventions and smoking cessation counseling; issue smoking cessation procedures; direct health care establishments on how to integrate quick counseling from clinicians practicing smoking cessation interventions for tobacco dependent individuals;

b) Take the lead and coordinate with relevant Ministries and sectors, People's Committee of provinces and cities directly under the Central Committee to organize the implementation of Article 10, Article 11 of this Decree.

2. Ministries, Ministerial Equivalent Bodies and Government Bodies, within their assigned functions, duties and powers, have the duties to organize the implementation of regulations under this Decree.

3. People's Committees of provinces and cities directly under the Central Committee, within their assigned functions, duties and powers, are responsible for locally organizing the rolling-out and checking the implementation of regulations under this Decree, periodically once a year submit the Implementation Results Report to the Ministry of Health to be compiled for the State Summary Report.

Article 13. Legal Effect

This Decree goes into full effect on September 15, 2013.

Article 14. Transitional Provision

Establishments that already have initiated smoking cessation interventions and smoking cessation counseling before the effective date of this Decree, within a term of no more than 60 days from the effective date of this Decree must ensure to meet the requirements stipulated in this Decree and submit in writing to the Health Department of provinces and cities directly under the Central Committee where they operate their Notice of Facility Operation in smoking cessation interventions and smoking cessation counseling pursuant to Clause 1 Article 9 of this Decree.

Article 15. Implementation Responsibility

Ministers, Heads of ministerial-level agencies, Heads of agencies attached to the Government, Presidents of People's Committees of provinces and cities

Unofficial Translation

directly under the Central Committee and relevant organizations, individuals shall have the responsibilities to implement this Decree./

**On behalf of the GOVERNMENT
PRIME MINISTER**

(signed)

Nguyễn Tấn Dũng