

# **The Tobacco Hazards Prevention and Control Act**

Promulgated on March 19, 1997 by Hwa-Tzong(1)Yi-Tzyh No. 8600065390 Directive

Articles 3 and 30 amended on January 19, 2000 by Hwa-Tzong(1)Yi-Tzyh No. 8900011940 Directive

## **CHAPTER 1**

### **General Provisions**

#### **Article 1**

This Act is specifically enacted to prevent and control the hazards of tobacco in order to protect the health of the people. Any matters not mentioned in this Act shall be governed by others laws and regulations.

#### **Article 2**

For the purposes of this Act, the terms used herein are defined as follows:

- (1) "Tobacco products" refer to products which are made of or processed from tobacco plants, including cigarettes, cigars, cut tobacco, snuff, chewing tobacco and any other products made of tobacco.
- (2) "Smoking" refers to smoking or chewing tobacco products or the act of carrying lit tobacco products.
- (3) "Tobacco product containers" refer to boxes, cans and any other objects used to carry tobacco products.

#### **Article 3**

The competent authorities for the purposes of this Act shall be the Department of Health of the Executive Yuan at the central government level, the city governments in the cities with provincial status, and the county (city) governments at the county (city) level

#### **Article 4**

The competent authority at each level shall set up a specific unit or appoint a specific individual to be fully responsible for the execution of matters concerning the prevention and control of tobacco hazards.

## **CHAPTER 2**

## Management of Tobacco Products

### Article 5

Tobacco products shall not be sold through automatic vending machines, by mail orders, electronic shopping or any other channels through which the age of the purchaser cannot be identified.

### Article 6

Tobacco products shall not be imported, manufactured or sold without prior approval by the relevant competent authority.

### Article 7

Tobacco product containers shall carry health warnings, in Chinese, in conspicuous places on the largest exterior surface.

The health warnings referred to in the preceding paragraph and the method of display shall be prescribed by the competent authority at the central government level.

### Article 8

The level of nicotine and tar contained in the tobacco products shall be indicated, in Chinese, on the tobacco product container.

The nicotine and tar levels referred to in the preceding paragraph shall not exceed the maximum amount. The maximum amount and testing method shall be determined by the competent authority at the central government level after consultation with the relevant agencies.

### Article 9

The following methods shall not be used for the promotion or advertising of tobacco products:

- (1) Advertising through radio, television, film, video, newspaper, billboard, poster, leaflet, notification, announcement, reference manual, sample, posting, display or in any other written, illustrated form or item.
- (2) Using discount as a form of promotion.
- (3) Using other items as gift or prize for selling tobacco products. However, situations

where the price of the gift or prize is under one-quarter of the price of the tobacco products shall be excluded.

- (4) Using tobacco products as gift or prize for the sale of other products.
- (5) Packaging tobacco products together with other products for sale.
- (6) Distributing tobacco products in individual form, in loose packs or packed.
- (7) Sponsoring or organizing sports, cultural or any other events under the brand name of the tobacco products.
- (8) Sponsoring or organizing testing events, concerts and lectures under the brand name of the tobacco products.
- (9) Any other methods prohibited and announced by the competent authority at the central government level.

Manufacturers, importers or retailers of tobacco products using periodicals as medium for the promotion and advertising of tobacco products shall not place more than one hundred and twenty items per year on the periodicals. In addition, such items shall not be placed in periodicals where the primary readers are juveniles under the age of eighteen.

Manufacturers, importers or retailers of tobacco products may sponsor or organize various activities under the name of the company. However, no tasting, selling or sales promotion of tobacco products may be conducted at the site of the activity.

#### Article 10

The display of tobacco products, placement of posters or demonstrating or explaining the tobacco products with words or illustrations at places where tobacco products are sold shall not be regarded as the promotion or advertising of the tobacco products referred to in the preceding article.

### CHAPTER 3

#### Prohibition of Tobacco Use by Children and Minors

#### Article 11

Persons under eighteen years of age shall not smoke.

Parents and/or guardians shall forbid persons under eighteen years of age from engaging in the activities referred to in the preceding paragraph.

#### Article 12

Persons in charge of or employees responsible for the sale of tobacco products shall not supply tobacco products to persons under eighteen years of age.

### CHAPTER 4

#### Places Where Tobacco Use Are Restricted

#### Article 13

Smoking is prohibited in the following places:

- (1) libraries, classrooms and laboratories;
- (2) performance halls, auditoriums, exhibition rooms and conference halls (rooms);
- (3) indoor gymnasiums and swimming pools;
- (4) civil air-crafts, passenger buses, cable cars, taxis, ferry boats, elevators, closed-ventilation trains, stations and carriages of mass transit systems and any other closed-ventilation public transport systems;
- (5) day care centers, kindergartens;
- (6) medical care institutions, nursing care institutions and any other medical institutions and welfare organizations for the disabled;
- (7) the business areas of banks, post offices and offices of telecommunication businesses;
- (8) places for the manufacturing, storage or sale of flammable and explosive items; and
- (9) any other places designated and publicly announced by the competent authority at the central government level.

The places set forth in the preceding paragraph shall carry conspicuous notices prohibiting the use of tobacco products.

#### Article 14

Smoking in the following places is permitted only in the designated smoking areas (rooms):

- (1) schools, social education halls, memorial halls, libraries, museums, art galleries, cultural centers;
- (2) opera houses, movie theaters and other places of performance;
- (3) tourist hotels, department stores, super-markets, shopping centers and restaurants with a floor area exceeding 200 square meters;
- (4) non-closed ventilation trains and ferry boats;

- (5) ticket offices and passenger waiting lobbies of train stations, ports and airports;
- (6) government offices and state-owned enterprises;
- (7) social welfare institutions; and
- (8) any other places designated and publicly announced by the competent authority at the central government level.

The smoking areas (rooms) referred to in the preceding paragraph shall be conspicuously segregated and marked.

#### Article 15

Persons in charge of government agencies, public and private businesses as well as persons in charge of or employees of the premises where smoking is prohibited shall persuade and stop those smoking in prohibited areas from doing so. Any other person on the scene may also persuade and stop those from smoking in the areas.

#### Article 16

The competent authorities at the municipal level and the county (city) level shall periodically send officials to inspect the facilities and management of the non-smoking and smoking areas (rooms) specified in paragraph 2, article 13 and paragraph 2, article 14.

### CHAPTER 5

#### Education and Publicity on Tobacco Hazards

#### Article 17

Organizations and schools shall actively conduct education and publicity on the hazards of tobacco.

#### Article 18

Medical care institutions, mental health counseling institutions and public interest groups may provide counseling services on methods to stop smoking.

The competent authorities shall set incentive measures to the institutions referred to in the preceding paragraph that provide counseling services.

#### Article 19

The image of smoking shall not be specifically emphasized in television programs, drama or theatrical performances, audio-visual singing and professional sports events.

## CHAPTER 6

### Penalties

#### Article 20

Any person in violation of article 5 shall be penalized by a fine of not less than NT\$ 10,000 but not more than NT\$ 30,000. The violator shall be fined on a daily basis until the termination of the violating practices.

#### Article 21

Any person in violation of paragraph 1, article 7, paragraph 1, article 8 or the method prescribed according to paragraph 2, article 7 shall be penalized by a fine of not less than NT\$ 100,000 but not more than NT\$ 300,000. The manufacturers, importers or retailers shall be notified to recall the tobacco products and make corrections within a specified period of time. Those who failed to comply within the specified period of time shall be ordered to suspend the manufacturing, importation or sale of tobacco products for six months to one year. The tobacco products found to be in violation shall be confiscated and destroyed.

#### Article 22

Any person in violation of any one of the items of article 9 shall be penalized by a fine of not less than NT\$ 100,000 but not more than NT\$ 300,000. Violators who have been penalized for three times shall be ordered to suspend the manufacturing, importation or sale of tobacco products for six months to one year.

Advertisers or mass communication businesses which produce advertisements for tobacco products or accept them for broadcasting, dissemination or printing in violation of item 1 of article 9 shall be penalized by a fine of not less than NT\$ 50,000 but not more than NT\$ 150,000. A fine may be imposed for each violation.

#### Article 23

Any person in violation of paragraph 1 of article 11 shall receive education on ways to stop smoking.

The educational program referred to in the preceding paragraph shall be prescribed by the competent authority at the central government level.

#### Article 24

Any person in violation of article 12 shall be penalized by a fine of not less than NT\$ 3,000 but not more than NT\$ 15,000.

#### Article 25

Any person in violation of item 1 of article 13 or item 1 of article 14 by smoking in an area where it is prohibited and refuse to cooperate after persuasion as prescribed by article 15 shall be penalized by a fine of not less than NT\$ 1,000 but not more than NT\$ 3,000.

#### Article 26

The violation of item 2 of article 13 or item 2 of article 14 by the failure to display signs prohibiting the use of tobacco products or the lack of distinctly segregated and indicated smoking and non-smoking areas shall be penalized by a fine of not less than NT\$ 10,000 but not more than NT\$ 30,000 and to make corrections within a specified period of time; failure to do so shall be penalized on a daily basis until the relevant corrections are made.

#### Article 27

Where payment is overdue for an administrative fine imposed under this Act, the case shall be transferred to the court of justice for enforcement.

#### Article 28

The cease and desist order issued by the competent authorities to suspend the manufacturing, importation or sales of tobacco products as prescribed by the provisions of this Act shall be transferred to the relevant government agency responsible for the particular business for enforcement.

## CHAPTER 7

### Supplementary Provisions

#### Article 29

The enforcement rules of this Act shall be prescribed by the competent authority at the central government level after consultation with the relevant agencies.

Article 30

This Act shall come into force six months from the date of promulgation.

The amendments to this Act shall come into force upon promulgation.