Tobacco Control Program

TOBACCO CONTROL ACT, 2003

Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, 2003

SCOPE OF THE ACT

- The Act is applicable to all products containing tobacco in any form i.e. Cigarettes, Cigars, Cheroots, bidis, gutka, pan masala (containing tobacco) khaini, mawa, mishri, snuff etc. as detailed in the schedule to the Act.
- The Act extends to whole of India.

MAIN PROVISIONS OF THE ACT

- Prohibition of smoking in public places has been implemented from 2, Oct, 2008 in the whole of India.
- Prohibition of advertisement, sponsorship and promotion of tobacco products.
- Prohibition of sale & use of tobacco products with the radius of 100 yards of the educational institutions
- Regulation of health warning in tobacco products packs.
- Regulation of tar and nicotine contents of tobacco products.

PROHIBITION ON SMOKING IN PUBLIC PLACES (SECTION 4)

- Smoking is prohibited in public places
- A “public place” means any place to which the public have access, whether as of right or not and includes auditorium, hospital buildings, railway waiting room, amusement centers, restaurants, public offices, court buildings, educational institutions, libraries, public conveyances and the like which are visited by general public but does not include any open space.
- However, the prohibition shall also apply to certain open spaces visited by the public e.g. open auditoriums, stadiums, railway stations, bus stop and such other places.
- An offence punishable with fine up to Rs. 200 and is compoundable.

PROHIBITION OF ADVERTISEMENT OF ALL TOBACCO PRODUCTS (SECTION 5)

- An advertisement includes any visible representation by way of notice, circular, label, wrapper or any other document and also includes any announcement made orally or by any means of producing or transmitting light, sound, smoke or gas.
- All forms of audio, visual and print media are therefore included.
- Both direct & indirect advertisements are prohibited.
- Total ban on sponsoring of any sport/cultural events by cigarette and other tobacco product companies.
• No trade mark or brand name of cigarettes or any tobacco product can be promoted in exchange for sponsorship, gift, prize or scholarship.
• No person can under contract or otherwise promote or agree to promote any tobacco product.
• In case of any infringement of the law, the following persons will be held liable:
  a) Person engaged in production, supply, distribution of tobacco products.
  b) Person having control over a medium.
  c) Person taking part in any advertisement, which directly or indirectly suggests or promote the use or consumption of tobacco products.

Offence punishable with maximum of 2 years of imprisonment or/and with fine up to Rs. 1000. In subsequent offence, imprisonment up to 5 years and with fine up to Rs. 5000.

**PROHIBITION ON SALE TO MINORS (SECTION 6(a))**

• Sale of tobacco products to person under the age of 18 years is prohibited.
• The seller should ensure that the person who is buying the tobacco product is not a minor.
• Offence punishable with fine up to Rs. 200 and is compoundable.

**PROHIBITION ON SALE OF TOBACCO PRODUCTS NEAR EDUCATIONAL INSTITUTIONS (Section 6(b))**

• "Educational Institution" means places/centers where educational instructions are imparted according to the specific norms and include school, colleges and institutions of higher learning establishment or recognized by an appropriate authority.
• In order to restrict access of youth for tobacco products, the sale of the same is prohibited in an area within radius of 100 yards of any educational institution.
• Distance of one hundred yards shall be measured radially starting from the outer limit of boundary wall, fence or as the case may be, of the educational institution.

**DISPLAY OF BOARD IN PUBLIC PLACE**

• Board to be displayed prominently at least one at the entrance and one at a conspicuous place inside public place.
• Minimum size of the board should be 60 cms by 30 cms.
• It should contain the warnings namely, "No Smoking Area-Smoking here is an Offence" in the Indian language(s) as applicable.

**CREATION OF SMOKING AREAS**

• Smoking areas may be created in hotels having 30 rooms, restaurants having seating capacity of 30 persons and in airports.
• Smoking Area and Non-smoking area are to be physically segregated.
• The smoking area shall be located in such a manner that the public is not required to pass through it in order to reach the non-smoking area.
• Each area should contain board indicating thereon "Smoking Area-Non Smoking Area”

**BOARD AT POINT OF SALE OF TOBACCO PRODUCTS**

• Size of board used for advertisement for tobacco products displayed on the entrance or inside warehouse or a shop where tobacco products are sold shall not exceed 90 cms by 60 cms and number of such boards will not exceed two.
• Each such board shall contain warning "Tobacco causes cancer" or "Tobacco kills" occupying 25% of top area of board.
• The board shall contain only brand name or picture of tobacco products and no other promotional message and picture.

**BOARD INDICATING NO SALE TO MINORS**

• A board is to be displayed at point of sale of tobacco products with a minimum size of 60 cms by 30cms at conspicuous place(s) containing the warning “Sale of tobacco products to a person under the age of eighteen years is a punishable offence” in Indian language(s) as applicable.

**BOARD AT EDUCATIONAL INSTITUTIONS**

Board indicating no sale around educational institutions:-

• A board is to be displayed at a conspicuous place(s) outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of the educational institution is strictly prohibited and that it is an offence punishable with the fine which may extend to two hundred rupees.

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**Achievement of Punjab Government**

The Punjab State is implementing the "Cigarettes and other tobacco products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and distribution) Act, (COTPA) 2003" and its Rules in letter and spirit.

The following steps have been taken so far: -

• Punjab is a Tobacco Smoke Free State as all 22 Districts of Punjab have been declared as Tobacco Smoke Free (TSF) on the basis of Compliance Studies by School of Public Health PGI Chandigarh.

For effective implementation of Tobacco Control Act: Notifications done/Circulars issued by Punjab Govt.

a. Regarding constitution of District and State Level Tobacco Control Committees issued on 20th May 2008
b. To authorize the competent persons to Act against any person who commits any offence under Section 4 or Section 6 of the said Act, at any Public Place issued on 24th May 2010.
d. To authorize Public Analyst, State Food Lab, Chandigarh as competent authority to test Tobacco and Nicotine in any food product on dated 3-08-12
e. Regarding prohibition on manufacture, storage, distribution or sale of “Gutkha”, “Pan Masala”, processed/flavoured/scented chewing tobacco and any other Food products, containing Tobacco or Nicotine as ingredients by whatsoever name available in the market under section 2.3.4 of Food Safety & Standard Act 2006 on 5-09-12 onwards.
f. Regarding constitution of State Level Coordination Committee on dated 17-01-14

h. Regarding incorporating the implementation of COTPA in general conditions for granting License to any commercial establishment dated 12-08-14.

i. Regarding ban Loose Cigarettes and Loose Tobacco without specified health warnings in compliance of Section 7 of COTPA dated 6-01-15.

j. A circular has been issued on 16/4/15 regarding inclusion of COTPA and action against Nicotine in chemical form under Poisons Act to be included in Monthly crime review.

- Punjab Govt. has been awarded with WHO “World No Tobacco Day Award” for the year 2015.


- State Drug Controller has declared that use of Electronic Nicotine Delivery System (ENDS) is illegal as it contains Nicotine, which is an unapproved drug & contravenes the provisions of Drugs & Cosmetics Act.

- World No Tobacco Day:-Every year 31st May is celebrated in the State of Punjab as "World No Tobacco Day". This year it has been celebrated by focussing on Tobacco Free Educational Institutes and “NO TOBACCO PLEDGE DAY” in all Govt. & private educational institutions.

- NGOs have been empowered to issue notices to violators of COTPA.

- Joint meeting of officials of Punjab, Haryana and UT Chandigarh held on 11-9-14 to monitor abuse of Nicotine in Chemical form on 11-9-14 under Commissioner, FDA Punjab.

- Electronic Nicotine Delivery System (E-Cigarettes) have been seized in Hoshiarpur, Mohali & Ludhiana w.e.f. July 2014 to Sept 2014 & court case have been launched.

- Court Challans have been issued against sellers of Loose cigarettes U/S 7 of COTPA in Distt Hoshiarpur

- Workshop for Psychiatrists and Psychiatric social workers held on 30-10-14 to train them for Tobacco/ Nicotine De-addiction.

- A State Level Sensitisation Workshop for members of Distt level Task Force was held on 16-3-15 under Chairmanship of C-FDA and a workshop for all stake holders was held on 16/4/15 under Chairmanship of Hon’ble HM

- Raids on more than 2000 Hotels/eateries & Pan/Cigarette Shops were conducted to check violations under Cigarettes & Other Tobacco Products Act (COTPA)/Ban on chewable tobacco(Food Safety & Standard Act of India (FSSAI)/E-Cigarettes(Drugs & Cosmetics Act)
In first of a kind initiative anywhere in India, a special 3 day campaign 16th to 18th March 2015 was conducted in all districts of Punjab to act against abuse of Tobacco and Nicotine and to detect any functional Hukkah Bar and illegal sale of E-Cigarettes, Loose cigarettes and flavoured/scented chewable tobacco. More than 800 violators were challaned for violation of Anti-Tobacco Act/Ban on chewable tobacco.

- **Android App Launched in Punjab to report any violations of Cigarettes & Other Tobacco Products Act 2003/ Ban on chewable Tobacco/ Ban on E-cigarettes.**

- **RAID AT HUKKAH BAR AT JALANDHAR:** A team from the Directorate Health services, members of District level task Force along with the officials of Police Department conducted a surprise raid at Hukkah Bar. Hukkahs, Pipes, Flavored tobacco & Tobacco molasses were seized.

- **Action against violators:** 4,727 COTPA violators have been challaned in the month of April & May 2015.