

**LAW OF MONGOLIA**

**01 July 2005**

**Ulaanbaatar city**

**ON TOBACCO CONTROL**

**(revised)**

**CHAPTER ONE**

**GENERAL PROVISIONS**

**Article 1. The Purpose of the Law**

1.1. The purpose of this Law is to define the legal framework of tobacco control with goal to protect the population from negative consequences of tobacco consumption and passive smoking and to regulate the relations between the state, citizens, business entities and organizations in connection with implementation of this Law.

**Article 2. The Legislation on Tobacco Control**

2.1. The legislation on tobacco control shall consist of this Law and other legislative acts enacted in conformity with it.

2.2. If International Treaty, to which Mongolia is a Party, is not in agreement with this Law, then provisions of International Treaty shall prevail.

**Article 3. Legal Definitions**

3.1. The following definitions used in this Law shall have the below mentioned meanings:

3.1.1. "Tobacco products" means manufactured products made entirely or partially of tobacco leaf as a raw material to be used for smoking, snuffing and chewing;

3.1.2. "Smoking tobacco" means industrially or hand-rolled cigarettes, cigars, pipe tobacco and similar kinds of loose tobacco intended for smoking.

3.1.3. "Passive smoking" means unintentional inhalation of tobacco smoke exhaled by smokers;

3.1.4. “Tobacco industry” means legal entities involved in manufacturing, trading and importing tobacco products;

3.1.5. “Tobacco advertising” means activities to communicate any kind of information with purpose to promote tobacco manufacturing, sales and consumption;

3.1.6. “Tobacco control” means structured policy measures to reduce tobacco demand, supply and harmful effects with goal to improve the health of the population through reducing tobacco consumption and exposure to tobacco smoke.

#### **Article 4. State Policy on Tobacco Control**

4.1. The State Policy on Tobacco Control shall be an intimate part of the State Policy on Public Health and guided by the following principles:

4.1.1. To provide secure financing of activities on tobacco control and health promotion, to prevent the initiation of the minors and to reduce tobacco consumption through continually increasing tobacco taxes;

4.1.2. To protect the public health policy from negative influence of tobacco industry within the legal framework;

4.1.3. To support participation of private and nongovernmental organizations having no relationship with tobacco industry in development and implementation of policies and programs on tobacco control;

4.1.4. To increase the access to treatment for tobacco dependence, to scientific and practical information, training and advertising on negative health, economic and environmental consequences of tobacco consumption and passive smoking.

#### **Article 5. Basic Duties of the State, Citizens and Legal Entities on Tobacco Control**

5.1. State organizations shall have the following duties on tobacco control:

5.1.1. The State Central Administrative Body in Charge of Health Matters, with respect to tobacco control, shall expand cooperation between state and non-governmental organizations, support initiatives and participation of non-governmental organizations and provide unified management and coordination;

5.1.2. State organizations at all levels and local self-governance bodies, within the framework of policy to promote and protect health of the population and according to their full authority, shall work independently or in cooperation with other organizations.

5.2. Citizens and legal entities shall have the following duties on tobacco control:

5.2.1. To implement tobacco control measures, to prevent from passive smoking and to assist and encourage citizens in every way to quit smoking;

5.2.2. To obtain scientifically based information on the health consequences, risks and harmful effects of tobacco consumption and passive smoking.

## **CHAPTER TWO**

### **THE REGULATION OF TOBACCO MANUFACTURING, TRADE, USAGE AND ADVERTISING**

#### **Article 6. Requirements for Tobacco Import, Export, Manufacturing and Trade**

6.1. The State Administrative Body in Charge of Specialized Inspection shall issue for each type of tobacco product a health certificate on sanitary conditions for tobacco manufacturing, import, export and trade and on toxic constituents of tobacco products.

6.2. The State Administrative Body in Charge of Customs shall determine the quantity of personal use tobacco products permitted for import.

6.3. The National Council on Standardization in consultation with the State Central Administrative Body in Charge of Health Matters shall approve the standard for permitted maximum content of tar, nicotine and other toxic substances in tobacco products manufacturing, trading, importing and exporting on the territory of Mongolia.

6.4. The tobacco products shall carry health warnings about harmful effects of tobacco and those warnings shall meet the following requirements:

6.4.1. Shall cover no less than one third of the external surface of all sides of tobacco pack;

6.4.2. Shall have large, clearly visible and easily readable text, pictures or pictograms about harmful effects on health caused by tobacco products.

6.5. The State Central Administrative Body in Charge of Health Matters shall approve the design of health warnings.

6.6. The health warnings and other required messages shall be written in Mongolian language.

6.7. The following shall be prohibited when importing, exporting, manufacturing and trading tobacco products on the territory of Mongolia:

6.7.1 the content of tar, nicotine and other toxic substances is not indicated or in excess of permitted standard;

6.7.2 cigarette packs containing fewer than 20 sticks;

6.7.3 no health warnings or health warnings do not meet requirements specified in 6.4 of this Law;

- 6.7.4 no health certificate as indicated in 6.1 of this Law;
- 6.7.5 manufactured in other country with label “Made in Mongolia”;
- 6.7.6 message on packs, packages and outside packaging of tobacco products that states a particular tobacco product is less harmful than others;
- 6.7.7 sale of tobacco products to and by persons under the age of eighteen;
- 6.7.8 sale of cigarettes individually; sale of pipe and other similar loose tobacco products in hand-wrapped form and out of open packages;
- 6.7.9 operation of tobacco vending machines;
- 6.7.10 organization of lotteries and promotional sales of any form with purpose to increase tobacco sales;
- 6.7.11 tobacco products that doesn't have on packs, packets and outside packaging the following: excise tax stamp, name of producing country, date of manufacturing, name of manufacturer, name of importer and proof of license to sell in Mongolia;
- 6.7.12 sale of tobacco products in places other than indicated in license.

#### **Article 7. Licensing**

7.1. The Government (Cabinet) shall issue a license to manufacture tobacco products and to plant tobacco based on recommendation of the State Central Administrative Body in Charge of Food and Agriculture Matters; shall issue a license to import tobacco products based on recommendation of the State Central Administrative Body in Charge of Trade and Industry Matters. A license to manufacture tobacco products and to plant tobacco shall be issued on a tender basis. The Government (Cabinet) shall approve the tender regulations.

7.2. The license to manufacture tobacco products and to plant tobacco shall be issued for period of two years and extended for the same duration.

7.3. Soum and District Governors shall issue license to trade tobacco products.

7.4. The Law on Licensing Business Activities shall regulate other relations in connection to licensing tobacco manufacture, planting and trade.

#### **Article 8. Prohibiting Tobacco Advertising**

8.1. The following forms of tobacco advertising shall be prohibited:

8.1.1. Use of trade name, trademark and related images of tobacco products and tobacco manufacturers to advertise in press, other mass media, movies, on internet, billboards, posters, announcements, decorations, passenger tickets and in other physical forms;

8.1.2. Teaching and encouraging children to smoke tobacco;

8.1.3. Naming of a legal entity by the trade name of tobacco products and tobacco manufacturers;

8.1.4. Tobacco industry contributing to any donations, assistance or grants, participating as a sponsor of cultural, physical fitness, sports and other social events;

8.1.5. Use of trade name, trademark and logos of tobacco products and tobacco manufacturers on goods, clothes and consumer items;

8.1.6. Other forms of tobacco advertising.

8.2. Tobacco advertisement materials shall be prohibited to enter the national border.

### **Article 9. Smoking Prohibited Areas**

9.1. Smoking shall be prohibited in the following facilities:

9.1.1. Public transport and airplanes;

9.1.2. Passenger compartments and passageways of trains and ships;

9.1.3. Gasoline stations, factories manufacturing oil, flammable and explosive substances, their storage areas.

9.2. Smoking shall be prohibited in facilities of the following organizations except for specially designated spots:

9.2.1. Passenger stations, public service halls of hotels;

9.2.2. Public eateries, stores, shows, services, bars, entertainment places;

9.2.3. Workplaces of any organizations and business entities.

9.3. Public eateries with two or more service halls shall designate a special hall for non-smokers.

9.4. Business entities and organizations indicated in 9.2 of this Law shall place appropriate signs and warnings in facilities where smoking allowed or prohibited, and shall reflect in their internal regulations and implement the tobacco control measures as indicated in this Law.

## **CHAPTER THREE**

### **FINANCING OF TOBACCO CONTROL ACTIVITIES**

#### **Article 10. The Health Promotion Fund**

10.1. The Health Promotion Fund (further the Fund) shall be established with purpose to enhance healthy lifestyle of citizens and to reduce tobacco consumption.

10.2. The Fund shall comprise of assets equal to two percent of tobacco excise tax.

10.3. The Fund can receive donations and contributions from citizens and legal entities, including international and foreign organizations, foreign citizens, individuals without citizenship and can obtain funds from other sources not prohibited by legislation.

10.4. Assets of the Fund shall be placed in the Government Funds for Special Purposes.

10.5 Based on decision of the Fund's Board the assets of the Fund shall be used for the following purposes:

10.5.1. To implement programs and projects on tobacco control and health promotion;

10.5.2. To finance activities to promote health and prevent tobacco-related diseases and disorders;

10.5.3. To monitor and to conduct training, advertising and to disseminate information on harmful effects of tobacco;

10.5.4. To increase supply of drugs, tools and equipment necessary for cessation and treatment for tobacco dependence;

10.5.5. To conduct studies on tobacco consumption and its harmful consequences on health and economy.

10.6. The Government (Cabinet) shall approve the charter of the Fund, appointment of the Board and its operational guidelines.

## **CHAPTER FOUR**

### **MISCELLANEOUS**

#### **Article 11. Monitoring of the Implementation of Legislation on Tobacco Control**

11.1. The state monitoring of the implementation of legislation on tobacco control shall be conducted by the Government, Governors of all levels, the State Administrative Body in Charge of Specialized Inspection, the police and other organizations and officials authorized to this effect each according to their authority.

11.2. The management of business entities, organizations and their affiliate units, according to own authority as stated in this Law, shall monitor the implementation of legislation on tobacco control.

11.3. The Association for Protection of Consumer Rights and other non-governmental organizations can conduct public monitoring of the implementation of legislation on tobacco control.

## **Article 12. Filing Complaints**

12.1. Citizens and legal entities that claim impairment of their rights and legal interests due to violation of legislation on tobacco control can file complaints to the concerned organization, official and legal court.

## **Article 13. Liability for Offenders of Legislation**

13.1. If the offender of legislation on tobacco control is not punishable under the Penal Code, Governors of soum, district, bag and horoo, authorized police officers, state inspectors shall impose the following administrative penalties:

13.1.1. In case of violation of 6.4, 6.6, 6.7.1- 6.7.6, 6.7.8, 8.2 of this Law, the tobacco products and illegal revenues shall be confiscated and the offending citizen, official or legal entity shall be fined for 30000-50000, 40000-60000 or 230000-250000 MNT respectively;

13.1.2. In case of violation of 6.7.7, 6.7.9-6.7.12, 7.1 of this Law, the tobacco and illegal revenues shall be confiscated and the offending citizen, official or legal entity shall be fined for 20000-30000, 30000-60000 or 200000-250000 MNT respectively;

13.1.3. In case of violation of 8.1.1-8.1.3, 8.1.5, 8.1.6 of this Law, the illegal revenues shall be confiscated and the offending citizen, official or legal entity shall be fined for 30000-40000, 40000-60000 or 200000-250000 MNT respectively;

13.1.4. In case of violation of 8.1.4 of this Law, the advertising activities shall be discontinued and the offending official or legal entity shall be fined for 40000-60000 or 200000-250000 MNT respectively;

13.1.5. In case of violation of 9.1, 9.2 of this Law, the offending citizen shall be fined for 5000-10000 MNT;

13.1.6. In case of violation of 9.3 of this Law, the offending legal entity shall be fined for 100000-150000 MNT;

13.2. In case of violating 13.1.1-13.1.4, 13.1.6 of this Law two and more times, the license of the offending legal entity shall be suspended according to the Law on Licensing Business Activities.

The Chairman of the State Great Hural of Mongolia

Ts. Nyamdorj

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