

# **TOBACCO HAZARDS PREVENTION ACT**

Promulgated on July 11, 2007

## **CHAPTER 1 GENERAL PRINCIPLES**

Article 1 This Act is enacted to prevent and control the hazards of tobacco in order to protect the health of the people. Any subjects not mentioned herein shall be governed by other pertinent and applicable laws and decrees.

Article 2 For the purposes of this Act, the terms used herein are defined as follows:

- (1) "Tobacco products" refer to cigarettes, cut tobacco, cigars and other products entirely or partly made of the leaf tobacco or its substitute as raw material which are manufactured to be used for smoking, chewing, sucking, snuffing or other methods of consuming.
- (2) "Smoking" refers to the act of smoking, sniffing, sucking, or chewing tobacco products, or holding burning tobacco products.
- (3) "Tobacco product containers" refer to all the packaging boxes, cans, or other containers used for selling the tobacco products to the consumers.
- (4) "Tobacco product advertisements" refer to any form of commercial advertisements, promotions, recommendations, or actions, whose direct or indirect purposes or effects are to market or promote tobacco use to unspecified consumers.
- (5) "Tobacco sponsorship" refers to the donations of any form to any events, activities or individual, whose direct or indirect purposes or effects are to market or promote tobacco use to unspecified consumers.

Article 3 The competent authority for the purposes of this Act at the central government level shall be the Department of Health of the Executive Yuan; at the municipal level, the municipal government; and at the county (city) level, the county (city) government.

## **CHAPTER 2 THE HEALTH AND WELFARE SURCHARGE AND THE ADMINISTRATION OF TOBACCO PRODUCTS**

Article 4 The Health and Welfare Surcharge shall be imposed on tobacco products, the amount of which shall be as follows:

- (1) Cigarettes: NTD 1,000 every one thousand sticks.
- (2) Cut tobacco: NTD 1,000 every kilogram.
- (3) Cigars: NTD 1,000 every kilogram.
- (4) Other tobacco products: NTD 1,000 every kilogram.

The competent authority at the central government level and the Ministry of Finance shall, for once every two years, invite and assembly scholars and experts specialized in finance, economic, public health and relevant fields to conduct reviews of the amounts of the aforementioned Health and

Welfare Surcharge based on the following factors:

- (1) The various types of diseases attributable to the smoking activities, the morbidity and mortality of such diseases, as well as the medical costs thereby incur upon the National Health Insurance;
- (2) Total amount of consumption on tobacco products and smoking rate;
- (3) Ratio of tobacco levies to average retail prices of the tobacco products;
- (4) National income and consumer price index; and
- (5) Other relevant factors affecting the prices of the tobacco products and the preventions of the tobacco hazards.

If the amounts contained in the first paragraph, after being reviewed by the competent authority at the central government level and the Ministry of Finance pursuant to the second paragraph above, are considered necessary to be increased, such increased amounts shall be approved by the Executive Yuan and passed by the Legislative Yuan after examination.

The collected surcharges shall be used exclusively for the National Health Insurance reserves, for cancer prevention and control, for upgrading the quality of medical care, for subsidizing in the area where found shortage of medical supplies and the operation of related medical units, for subsidizing to the medical expenses of rare disorder or otherwise, for subsidizing to the Insurance fee of the person who need help due to economic difficulties, for implementing hazard-related preventive measures at both national and provincial levels, for promoting public health and social welfare, for investigating smuggled or inferior tobacco products, for preventing tax evasion of tobacco products, for providing assistance to tobacco farmers and workers of relevant industries. The rules of allocation and the operational agenda dealing with the collected surcharges shall be formulated by the competent authority at the central government level and the Ministry of Finance, and shall be examined and approved by the Legislative Yuan.

The definitions of the area where found shortage of medical supplies and the operation of related medical units and the person who need help due to economic difficulties in the previous paragraph will be stipulated by the central competent authority.

The Health and Welfare Surcharges of tobacco products shall be collected by the collecting agencies of the tobacco and alcohol taxes at the same time those taxes are collected. The taxpayers, the exemptions, the refunds, and the collections and the penalties relating to the above-mentioned surcharges shall be decided and conducted in accordance with the Tobacco and Alcohol Taxes Act.

Article 5 Tobacco products shall not be sold by any of the following methods:

- (1) Vending machines, mail orders, on-line shoppings, or any other methods through which the age of the consumers cannot be screened by the vendors;
- (2) Methods such as store shelves which are directly accessible by the consumers whose age cannot be screened; or
- (3) With the exception of cigars, packaging less than twenty cigarettes per vending unit or the net weight of the content of such unit is less than 15 grams.

Article 6 The tobacco products, their brand names, and the texts and marks printed on tobacco product containers shall not use expressions such as light, low tar, or any other misleading words or marks implicating that smoking has no harmful effects, or only has minor harmful effects, on health. Such rules shall not apply to the brand names of tobacco products used prior to the amendment to this Act.

The tobacco products containers shall, at a conspicuous place on the largest front and back outside surfaces, label in Chinese health warning texts and images describing the harmful effects of tobacco use, as well as relevant information for quitting smoking. The area occupied by such texts and images shall not be less than 35% of each labeling surfaces.

The regulations regarding the contents, sizes and other matters relating to the above-mentioned labeling requirements shall be prescribed by the competent authority at the central government level.

Article 7 The level of nicotine and tar contained in the tobacco products shall be indicated, in Chinese, on the tobacco product containers. This requirement, however, does not apply to tobacco products manufactured exclusively for exports.

The nicotine and tar levels referred to in the preceding paragraph shall not exceed the maximum amounts. The regulations relating to the maximum amounts and their testing measures, the methods in labeling such amounts, as well as other matters need to be observed, shall be prescribed by the competent authority at the central government level.

Article 8 Manufacturers and importers of tobacco products shall disclose and report the following information:

- (1) Contents and additives of the tobacco products as well as their relevant toxic information; and
- (2) Emissions produced by the tobacco products as well as their relevant toxic information.

The competent authority at the central government level shall periodically and voluntarily disclose to the public the information received in pursuant to the preceding paragraph; and may send personnel to acquire samples for conducting inspections (tests).

The regulations relating to the contents, schedules, procedures and inspections (tests) of the information required to be reported and other relevant matters pursuant to the preceding two paragraphs shall be prescribed by the competent authority at the central government level.

Article 9 The promotion or advertising of tobacco products shall not employ the following methods:

- (1) Advertising through radio, television, film, video, electronic signal, internet, newspaper, magazine, billboard, poster, leaflet, notification, announcement, reference manual, sample, posting, display, or through any other written, illustrated form, item or digital recording device.
- (2) Using journalist interviews or reports to introduce tobacco products,

or using other people's identity without proper authorization to conduct promotion.

- (3) Using discount to sell tobacco products, or using other items as gift or prize for such sales.
- (4) Using tobacco products as gift or prize for the sale of other products or for the promotion of other events.
- (5) Packaging tobacco products together with other products for sale.
- (6) Distributing or selling tobacco products in forms of individual sticks, in loose packs or sheathed.
- (7) Using merchandises with brand names or trademarks identical or similar to tobacco products in conducting promotion or advertising.
- (8) Using tea parties, meal parties, illustration conferences, testing events, concerts, lectures, sports or public interest events, or other similar methods to conduct promotion or advertising.
- (9) Any other methods prohibited by competent authority at the central government level through public notice.

Article 10 The places for selling tobacco products shall, at conspicuous locations, post the warning images and texts required by Paragraph 2 of Article 6, Paragraph 1 of Article 12 and Article 13; the display of tobacco products or tobacco product containers shall be limited to the necessary extent in allowing consumers to acquire information on brand names and prices of the tobacco products.

The scopes, contents and methods of the posting and the displaying required by the preceding paragraph, as well as other matters need to be observed, shall be prescribed by the competent authority at the central government level.

Article 11 No business premises shall provide customers with free tobacco products for the purpose of promoting or profit-making.

### **CHAPTER 3 THE PROHIBITION OF SMOKING BY CHILDREN, MINORS AND PREGNANT WOMEN**

Article 12 Persons under the age of eighteen shall not smoke.

Pregnant women shall not smoke.

The parents, guardians or other people actually in charge of the care of persons under the age of eighteen shall forbid the said persons to smoke.

Article 13 No person shall provide tobacco products to persons under the age of eighteen.

No person shall force, induce or use other means to cause the pregnant woman to smoke.

Article 14 No person shall manufacture, import or sell candies, snacks, toys or any other objects in form of tobacco products.

**CHAPTER 4**  
**PLACES WHERE TOBACCO USE ARE RESTRICTED**

Article 15 Smoking is completely prohibited in the following places:

- (1) schools at all levels up to and including high schools, children and youth welfare institutions and other places the main purposes of which are for educations or activities of children and youth;
- (2) indoor areas of universalities and colleges, libraries, museums, art galleries, and other places where the culture or social education institutions are located;
- (3) the places where medical institutions, nursing homes, other medical care institutions, and other social welfare organizations are located, with the exception of separate indoor smoking partitions equipped with independent air-conditioning or ventilation systems or outdoor areas of the welfare institutions for the elderly;
- (4) indoor areas of the government agencies and state-owned enterprises;
- (5) public transportation vehicles, taxis, sightseeing buses, rapid transit systems, stations or passenger rooms;
- (6) places for the manufacturing, storage or sale of flammable and explosive items;
- (7) the business areas of banks, post offices and offices of telecommunication businesses;
- (8) places for indoor sports, exercises or body-buildings;
- (9) classrooms, reading rooms, laboratories, performance halls, auditoriums, exhibition rooms, conference halls (rooms) and the interior of elevators;
- (10) indoor areas of opera houses, cinemas, audio-visual businesses, computer entertainment businesses, or other leisure entertainment locations open to the general public;
- (11) indoor areas of hotels, shopping malls, restaurants or other business locations for public consumption, with the exceptions of those locations equipped with separate smoking partitions with independent air-conditioning systems, semi-outdoor restaurants, cigar houses, bars and audio-visual businesses which are only open after 9:00 pm and exclusively to persons beyond 18 years of age;
- (12) indoor workplaces jointly used by three or more persons; and
- (13) other indoor public places, as well as the places and transportation facilities designated and announced by the competent authorities at various levels of the government.

The places mentioned in the preceding paragraph shall have conspicuous non-smoking signs at all of their entrances, and shall not supply smoking-related objects.

Article 16 Smoking in the following places is prohibited except in the designated smoking areas, and smoking is completely prohibited therein if no such smoking area is designated:

- (1) outdoor areas of universalities and colleges, libraries, museums, art galleries, and other places where the culture or social education institutions are located;
- (2) outdoor stadiums, swimming pools and other leisure entertainment

- locations open to the general public;
- (3) outdoor areas of the welfare institutions for the elderly; and
  - (4) other places and transportation facilities designated and announced by the competent authorities at various levels of the government.

The places mentioned in the preceding paragraph shall have conspicuous signs at all of their entrances and other appropriate locations indicating non-smoking or smoking is prohibited outside the smoking area, and shall not supply smoking-related objects except within of the smoking area.

The designation of smoking area pursuant to Paragraph 1 shall observe the following regulations:

- (1) the designated smoking area shall have conspicuous signs and marks;
- (2) the designated smoking area shall not occupy more than one-half of the indoor and/or outdoor areas of its respective places, and the indoor smoking room shall not be located at the necessary passageway.

Article 17 Although not listed in either Paragraph 1 of Article 15 or Paragraph 1 of the preceding article, smoking is prohibited at the place where it is designated by the owners or persons in charge of such place to be non-smoking.

Smoking is prohibited in the indoor areas where pregnant women or children younger than three years of age are present.

Article 18 The person in charge of a place where smoking is prohibited or restricted, as well as the employees thereof, shall stop those who smoke in the non-smoking places listed in Articles 15 and 16, or those who under the age of eighteen to enter the smoking areas.

Other on-site persons may dissuade those who smoke in non-smoking places.

Article 19 The competent authorities of the cities with provincial status and at the county (city) level shall periodically send personnel to inspect the places listed in Articles 15 and 16, as well as the matters relating to the establishments and administrations of the smoking areas.

## **CHAPTER 5 EDUCATION AND PUBLICIZING CAMPAIGN AGAINST TOBACCO HAZARDS**

Article 20 Government agencies and schools shall actively engage in educations and publicizing campaign against tobacco hazards.

Article 21 Medical institutions, mental health counseling institutions and public interest groups may provide services on quit-smoking.

The regulations for subsidizing and rewarding the services pursuant to the preceding paragraph shall be prescribed by the competent authorities at the various levels of the government.

Article 22 The images of smoking shall not be particularly emphasized in television

programs, drama or theatrical performances, audio-visual singing and professional sports events.

## **CHAPTER 6 PENAL PROVISIONS**

Article 23 Any person in violation of the provisions set forth in Article 5 or Paragraph 1 of Article 10 shall be punished by a fine in an amount of no less than NTD 10,000 but no more than NTD 50,000. Repeated violators may be fined continuously and independently for each violation.

Article 24 Manufacturers or importers in violation of Paragraphs 1 and 2 of Article 6 or Paragraph 1 of Article 7 shall be punished by a fine in an amount of no less than NTD 1,000,000 but no more than NTD 5,000,000, and shall be ordered to recall such tobacco products within a specified period of time. Those who failed to recall within the specified period of time shall be fined continuously and independently for each violation. The tobacco products found to be in violation shall be confiscated and destroyed. Any person who sells tobacco products as in violation of Paragraphs 1 or 2 of Article 6 or Paragraph 1 of Article 7 shall be punished by a fine in an amount of no less than NTD 10,000 but no more than NTD 50,000.

Article 25 Any person in violation of Paragraph 1 of Article 8 shall be punished by a fine at an amount of no less than NTD 100,000 but no more than NTD 500,000, and shall be order to report within a specified period of time. Those who failed to report within the specified period of time shall be fined repeatedly and continuously for each failure to comply. Any person who evades, obstructs or refuses the sampling and investigating (testing) by the competent authority at the central government level pursuant to Paragraph 2 of Article 8 shall be punished by a fine at an amount of no less than NTD 100,000 but no more than NTD 500,000.

Article 26 Manufacturers or importers in violation of any subparagraphs of Article 9 shall be punished by a fine at an amount of no less than NTD 5,000,000 but no more than NTD 25,000,000, and shall be fined repeatedly and continuously for every single violations. Any person in the business of advertising or mass communication which produce advertisements for tobacco products or accept them for broadcasting, dissemination or printing in violation of the subparagraphs listed in Article 9 shall be punished by a fine at an amount of no less than NTD 200,000 but no more than NTD 1,000,000, and shall be fined for each violations. Any person in violation of the subparagraphs listed in Article 9, unless otherwise provided for by the preceding two paragraphs, shall be punished by a fine at an amount of no less than NTD 100,000 but no more than NTD 500,000, and shall be fined repeatedly and continuously for each violations.

- Article 27 Any person in violation of Article 11 shall be punished by a fine at an amount of no less than NTD 2,000 but no more than NTD 10,000.
- Article 28 Any person in violation of Paragraph 1 of Article 12 shall receive quit-smoking education. For violators who are under the age of eighteen and unmarried, their parents or guardians shall be held responsible to have the violators attend the educational programs.  
Any person who, after being duly notified, fails to attend the educational program without justifiable cause shall be punished by a fine at an amount of no less than NTD 2,000 but no more than NTD 10,000, and shall be fined repeatedly and continuously for each failure to attend. For violators under the age of eighteen and unmarried, the punishment shall be imposed upon their parents or guardians.  
The educational program referred to in the first paragraph shall be prescribed by the competent authority at the central government level.
- Article 29 Any person in violation of Article 13 shall be punished by a fine at an amount of no less than NTD 10,000 but no more than NTD 50,000.
- Article 30 Manufacturers or importers in violation of Article 14 shall be punished by a fine at an amount of no less than NTD 10,000 but no more than NTD 50,000, and shall be ordered to recall such tobacco products within a specified period of time. Those who failed to recall within the specified period of time shall be fined repeatedly and continuously for each failure to recall.  
Any person who sells tobacco products as a business in violation of Article 14 shall be punished by a fine at an amount of no less than NTD 1,000 but no more than NTD 3,000.
- Article 31 Any person in violation of Paragraph 1 of Article 15 or Paragraph 1 of Article 16 shall be punished by a fine at an amount of no less than NTD 2,000 but no more than NTD 10,000.  
Any person in violation of Paragraph 2 of Article 15 or Paragraphs 2 or 3 of Article 16 shall be punished by a fine at an amount of no less than NTD 10,000 but no more than NTD 50,000, and shall be ordered to correct within a specified period of time. Those who failed to correct within the specified period of time may be fined repeatedly and continuously for each failure to correct.
- Article 32 Any person who violates this Act and is punished pursuant to the regulations prescribed in Article 23 to the preceding article, his or her personal identity and the manner of violation could at the same time be publicized.
- Article 33 The penalties prescribed by this Act, except for Article 25 which shall be enforced by the competent authority at the central government level, shall be enforced respectively by the competent authorities of the cities with provincial status and at the county (city) level.

**CHAPTER 7**  
**SUPPLEMENTARY PROVISIONS**

Article 34 The Health and Welfare Surcharges collected in pursuant to Article 4 which are allocated to central or local governments for tobacco control and public health shall be used by the competent authority at the central government level to set up a foundation in handling the relevant affairs of tobacco control and public health.

The regulations regarding the collections, expenditures, managements and uses of the foundation mentioned in the preceding paragraph shall be prescribed by the Executive Yuan.

Article 35 This Act shall come into force six months from the date of promulgation. Except the effective date for Article 4 shall be otherwise prescribed by the Executive Yuan, all provisions amended on June 15, 2007 shall take effect eighteen months after the promulgation of this Act.

A.菸品尼古丁焦油含量檢測及容器標示辦法英譯

## **Regulations for the Testing of Yields of Nicotine and Tar Contained in Tobacco Products and the Labeling of Cigarette Containers**

### **Chapter 1 General Provisions**

#### **Article 1**

These Regulations are stipulated in accordance with Paragraph 3 of Article 6 and Paragraph 2 of Article 7 of the Tobacco Hazards Prevention and Control Act.

### **Chapter 2 Labeling of Health Warnings**

#### **Article 2**

Textual and graphical warnings regarding the fact that smoking is harmful to the health and information about smoking cessation (hereinafter referred to as “Health Warnings”) shall be labeled on cigarette containers. The sets and forms thereof are shown in the attached graphs.

#### **Article 3**

Different forms of the same set of the Health Warnings shall be labeled on the largest and most conspicuous surface area of the front and back of cigarette containers.

Different forms of the same set of the Health Warnings shall be labeled averagely on each single variant of tobacco products manufactured in the same year.

## **Article 4**

For rectangular cigarette containers used for paper cigarettes, the Health Warnings shall be labeled on the largest surface area near the opening of the cigarette containers.

For cigarette containers not in rectangular shape, the Health Warnings shall be labeled on any part of the largest surface area of the front and back of cigarette containers in accordance with the proportion of each set of the Health Warnings as exhibited in the attached graphs.

## **Article 5**

Labeling of the Health Warnings shall conform to the following standards:

- (1) The Health Warnings shall be directly printed on cigarette containers in full-color in accordance with the electronic files provided by the central competent authority in charge and ratio thereof in order to enable consumers to identify them clearly, and they shall not be altered in any way.
- (2) Consumers shall still be able to identify the Health Warnings clearly when cigarette containers are opened.

## **Article 6**

Cigarette containers used for those other than paper cigarettes may be plastered with printed Health Warning labels that allow consumers to identify them clearly and that are not easily destroyed or damaged.

## **Chapter 3 Testing of Yields of Nicotine and Tar Contained in Tobacco Products**

### **Article 7**

The permitted yields of nicotine and tar contained in paper cigarettes shall be limited as follows:

- (1) Prior to 31 March 2009, yields of nicotine contained in each paper cigarette stick shall not exceed 1.2 milligrams; yields of tar contained in each paper cigarette stick shall not exceed 12 milligrams.
- (2) After 1 April 2009, yields of nicotine contained in each paper cigarette stick shall not exceed 1 milligram; yields of tar contained in each paper cigarette stick shall not exceed 10 milligrams.

## **Article 8**

The method of conducting the sampling test of yields of nicotine and tar contained in tobacco products shall be in accordance with the testing method provided by the Bureau of Standards, Metrology and Inspection.

## **Article 9**

The central competent authority in charge may authorize relevant authorities (institutions) to conduct the sampling test of yields of nicotine and tar contained in tobacco products.

The designated authorities (institutions) prescribed in the preceding paragraph shall inform the central competent authority in charge of the testing result after completing the tests.

## **Chapter 4 Labeling of Yields of Nicotine and Tar contained in Tobacco Products**

### **Article 10**

A manufacturer and an importer of tobacco products shall label yields of nicotine and tar contained in each paper cigarette stick on cigarette containers. However, tobacco products other than paper cigarettes where yields of nicotine and tar contained therein are unable to be tested in accordance with Article 8 shall be labeled with “This tobacco product contains nicotine and tar after being

burnt”.

The yields prescribed in the preceding paragraph shall be labeled in milligram. The yields of nicotine shall be shown to one decimal place. The yields of tar shall be shown in whole numbers.

The last digits of the labeling prescribed in the preceding paragraph shall be rounded up or down according to its next decimal place.

## **Article 11**

The labeling in the preceding Article shall be in accordance with the following:

- (1) Printed in black font which shall not be smaller than Chinese font size 6 on white background.
- (2) Cigarette containers used for those other than paper cigarettes, having the material or nature which creates obvious difficulty in direct printing, printed nicotine and tar labels shall be firmly plastered thereon in a way that consumers could identify them clearly and that are not easily destroyed or damaged.

## **Chapter 5 Supplemental Provisions**

### **Article 12**

The tobacco products manufactured or imported prior to the implementation of these Regulations shall not be sold or displayed after these Regulations come into effective unless the labeling stipulated pursuant to these Regulations have been printed thereon or adhered by means of using printed labels in accordance with these Regulations.

### **Article 13**

These Regulations shall come into effect on 11 January 2009.

## Attachment

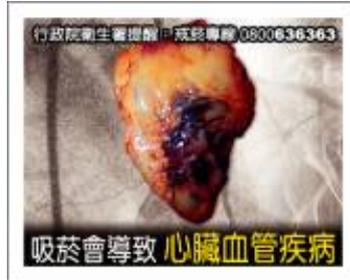
### SET 1 (1.24:1)



1-1

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Smoking causes lung cancer and  
emphysema)



1-2

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Smoking causes heart diseases)



1-3

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Smoking causes halitosis and  
cavity diseases)



1-4

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Smoking causes sexual  
dysfunction)



1-5

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Second hand smoke harm family  
health)



1-6

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)

(Smoking and second hand  
smoking causes abnormality of  
baby or premature birth)

**SET 2 (1.42 : 1)**



2-1

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes lung cancer and emphysema)



2-2

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes heart diseases)



2-3

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes halitosis and cavity diseases)



2-4

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes sexual dysfunction)



2-5

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Second hand smoke harm family health)



2-6

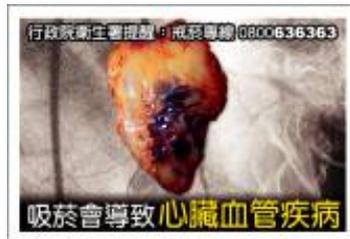
(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking and second hand smoking causes abnormality of baby or premature birth)

**SET 3 (1.47 : 1)**



3-1

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes lung cancer and emphysema)



3-2

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes heart diseases)



3-3

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes halitosis and cavity diseases)



3-4

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes sexual  
dysfunction)



3-5

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Second hand smoke harm family  
health)



3-6

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking and second hand  
smoking causes abnormality of  
baby or premature birth)

**SET 4 (1.87 : 1)**



4-1

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes lung cancer and  
emphysema)



4-2

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes heart diseases)



4-3

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes halitosis and  
cavity diseases)



4-4

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking causes sexual  
dysfunction)



4-5

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Second hand smoke harm family  
health)



4-6

(Warning from the DOH:  
Smoking Quitting Hotline:  
0800636363)  
(Smoking and second hand  
smoking causes abnormality of  
baby or premature birth)

## B. 販賣菸品場所標示及展示管理辦法

### **Regulations for the Administration of the Display and the Labeling of Tobacco Products at Tobacco-Selling Premises (announced June 23, 2008)**

#### **Article 1**

These Regulations are stipulated in accordance with Paragraph 2 of Article 10 of the Tobacco Hazards Prevention and Control Act (hereinafter referred to as “the THPCA”).

#### **Article 2**

This Regulation apply to the display of any tobacco product, tobacco product container or any object whose appearance, colour, size, material or textual and graphical warnings is similar to packages, cans, images or others of tobacco product containers.

#### **Article 3**

The following textual warnings shall be labelled in the Chinese language on a conspicuous spot at the tobacco-selling premises and the textual warnings shall not be smaller than 3 centimetres both in length and in width.

1. “Smoking harms health”
2. “Toll free smoking quitting hotline: 0800-636363”
3. “This premise does not provide tobacco products to those under the age of 18”
4. “Any one under the age of 18 may not smoke”
5. “No one may compel or induce pregnant women to smoke”

The textual warnings prescribed in the preceding paragraph shall be labelled together with the graphs provided in the attachment herein or any set of textual and graphical warnings used on containers of tobacco products.

The textual and graphical warnings prescribed in the preceding two paragraphs shall be fixed and adhered to the place for the display of tobacco products, which enable consumers to clearly identify them and shall not be removed or covered in any way.

#### **Article 4**

The display of tobacco products shall meet the following requirements:

1. Tobacco product display shall be at least 1.3 meters above the ground and shall be placed at least 2 meters away from the cashier counter. However, the display area of tobacco products that are located behind the counter where the clerk provides his/her services are exempt.
2. The total area of the display of tobacco products at each tobacco-selling premise shall not exceed 2 square meters.
3. The display of the same variant of tobacco products shall be limited to the largest area of the smallest unit of the tobacco product being sold at the premise.
4. The display of tobacco products shall not be facing unspecified people outside the selling premise. However, the display of tobacco products that is more than 2 meters away from the outside of the premise is exempt.
5. All health warning signs on containers of tobacco products shall be identifiable to consumers.

For any tobacco-selling premises that has a business area smaller than six square meters or that is a fixed street vendor, the first item of the previous paragraph does not apply.

#### **Article 5**

A tobacco-selling premise that is operated by a single business operator shall be limited to having only one place for the display of tobacco products. However, a department store or a large scaled-multiple business facility that has a total business area of 3,000 square meters or more with various merchandise retail sub-units may have one more tobacco product display area for every 3,000

square meters or an additional tobacco product display area that is less than 2 square meters.

The single business operator prescribed in the proviso of the preceding paragraph shall be the person who actually carries out the business. All relevant supporting documents shall be provided for assessment and inspection.

## **Article 6**

The total area prescribed in Item 2, Paragraph 1 of Article 4 shall be calculated in accordance with the following methods:

1. The area of the tobacco product display area on the same flat surface shall be calculated based on the area of the rectangle formed with the two units of the farthest distance as diagonal line. Within that rectangle, the area where no tobacco products are displayed shall not be deducted.
2. If the tobacco product display area has multiple flat surfaces, it shall be calculated based on the sum of the areas of all flat surfaces calculated according to the preceding item. If there are no flat surfaces, the total tobacco product display area shall be calculated based on the total surface area thereof.
3. When there are tobacco products other than paper cigarettes that are displayed in moisture-proof chest, the display area of the moisture-proof chest shall be calculated based on the sum of the areas of all flat surfaces of that moisture-proof chest calculated in accordance with the preceding two items.

## **Article 7**

The following situation is not subject to Items 1 to 3 of Paragraph 1 of Article 4, Article 5 and the preceding Article.

1. Premises used by a single business operator solely for the sale of tobacco products and liquor and other related products.
2. Premises located inside restricted zones at international airports that are separated into independent areas and are used solely for the sale of tobacco products and liquor and other related products.

## **Article 8**

Tobacco-selling premises may not display tobacco products by using digital screens, motion pictures, movable setting, sound, scent, light or any other means that attract people's attention.

## **Article 9**

These Regulations shall come into force on 11 January 2009

## C. 室內吸菸室設置辦法

### The Regulations for Establishment of Indoor Smoking Rooms

#### **Article 1**

These Regulations are stipulated in accordance with Paragraph 3 of Article 15 of the Tobacco Hazards Prevention and Control Act (hereunder referred to the “Act”).

#### **Article 2**

Indoor smoking rooms (hereunder referred to as “Smoking Rooms”) may be established in hotels, shopping malls, dining and drinking establishments, or other indoor places for public consumption (hereunder referred to as “Indoor Place”), as well as welfare institutions for the elderly (hereunder referred to as “Institution”). The area of each Smoking Room shall be no less than 6 square meters and no more than 35 square meters. The total area of Smoking Rooms therein shall not exceed 20 percent of total area of that Indoor Place or Institution.

#### **Article 3**

A dining and drinking establishment, where, on the same floor, there are no walls or its total open areas directly facing outside are more than one-fourth of its total wall areas, and has good ventilation, shall be regarded as semi-outdoor open space and may be exempt from the restrictions on Smoking Room establishment under these Regulations.

#### **Article 4**

Smoking Rooms may not be used for any other purpose except for smoking.

## **Article 5**

Smoking Rooms shall be compartmentalized according to the following stipulations:

1. Partitioned from other indoor spaces with roofs (or ceilings), floors and walls (concrete wall, partition board or other materials).
2. The materials used for compartmentalization shall be air and fire proof, and shall not be designed with hollows that may lead to smoke leakage. The materials shall also comply with the stipulations of fire control laws and regulations.
3. The entrances and exits thereof shall be designed as being horizontal sliding mode and able to close automatically. It may not be opened except when people enter or exit.

## **Article 6**

An independent ventilation system of Smoking Rooms shall conform to the following stipulations:

1. It shall have ventilation pipes for the sole purpose of air-taking and exhausting linked to outdoor space, which shall not be interlinked with other indoor spaces, air-conditioning or ventilation system.
2. The atmospheric pressure thereof compared to that outside shall be negative and shall be more than 0.816 mmH<sub>2</sub>O (8 Pascal).
3. The quantity of ventilation per hour thereof shall not be less than 30 cubic meters per square meter of the floor area. Fresh air in the amount that is more than 10 times the volume of the Smoking Room shall be provided every hour.
4. The ventilation pipes shall be positioned 5 meters or more away from the entrances and exits of the building and other building, or any places where smoking is prohibited by law.

## **Article 7**

Entrances of Smoking Rooms shall be placed with conspicuous signs in Chinese language containing the following:

1. No smoking allowed except in this smoking room.
2. Information related to warnings on the harms of smoking and smoking cessation.
3. No entry for persons under 18 years of age.
4. The certificates of approved inspection described under Article 9.

The length and width of each word on the signs prescribed in Item 1 to 3 in the preceding paragraph shall not be smaller than two centimetres.

## **Article 8**

Smoking Rooms shall not be used within 1 hour prior to and after cleaning or maintenance. During the suspended hours, independent ventilation equipment therein shall be continuously switched on to allow ventilation.

## **Article 9**

Any establishment of Smoking Rooms or change of facilities thereof shall be certified with certificate by persons with appropriate profession and technical licences.

The scope of the persons prescribed in the preceding paragraph shall be published by the central competent authority in charge.

The certified certificates prescribed in Paragraph 1 shall be valid for 2 years.

## **Article 10**

These Regulations shall be implemented from January 11, 2009.

**Appendix: Result of Inspection of the Establishment of Indoor Smoking Rooms**

Date of Inspection:				
Address of Inspected Place:				
Establisher	Name			
	Telephone No.		FAX	
Inspector	Name			
	Telephone No.		FAX	
	Licence No.			
Inspected Items			Result of Inspection	
1. The area is no less than 6 square meters and no more than 35 square meters.				
2. The area is no more than 20% of the total area of the premise.				
3. Is an independent compartmentalized room.				
4. With independent ventilation systems.				
5. The entrances and exits thereof are designed as being horizontal sliding mode and able to close automatically.				
6. The atmospheric pressure thereof is negative and over 0.816 mmH <sub>2</sub> O8 (8 Pascal)				
7. The quantity of ventilation thereof per hour is more than 30 cubic meters per square meter of the floor area. (The amount of fresh air provided per hour is at least 10 times the volume of the Smoking Room.)				
8. The ventilation pipes shall be positioned 5 meters or more away from the entrances and exits of the building, other building, or any places where smoking is prohibited by law.				
Overall Inspection Result				

Establisher Signature:

Inspector Signature:

# 菸品資料申報辦法

## Regulations on the Declaration of Tobacco Products

第一條 本辦法依菸害防制法第八條（以下稱本法）第三項規定訂定之。

### Article 1

These Regulations are stipulated in accordance with Article 8, Paragraph 3 of the Tobacco Hazards Prevention and Control Act (hereinafter referred to as the “Act”).

第二條 本法應申報之菸品成分如下：

- 一、菸草種類、菸草重量。
- 二、捲紙之原料、印刷油墨及接著劑。
- 三、濾嘴之原料、印刷油墨、接著劑及活性碳含量。
- 四、其他化學成分。
  - (一) 尼古丁 (Nicotine/free nicotine)。
  - (二) 重金屬〈砷As，鎘Cd，鉻Cr，鉛Pb，汞Hg，鎳Ni及 硒Se〉。
  - (三) 亞硝胺【N-亞硝基降菸鹼(NNN)、4-甲基亞硝胺-1-3-吡啶基-1-丁酮(NNK)、N-亞硝基新菸鹼(NAT)和 N-亞硝基新菸草鹼(NAB)】。

應依菸品品項申報前項成分於每支菸品之平均重量；同時應申報化學成分之檢測方法。

紙菸以外之菸品得免為第一項第四款之申報。

### Article 2

The ingredients of tobacco products that shall be declared under the Act is as follows:

1. The types and weights of tobacco leaf;
2. The raw materials, printing ink and glue of roll paper;
3. The raw materials, printing ink, glue of filters and the amount of activated carbon contained therein;
4. Other chemicals:
  - a. Nicotine/free nicotine;
  - b. Heavy metal (As, Cd, Cr, Pb, Hg, Ni and Se);
  - c. Nitrosamines (NNN, NNK, NAT, and NAB).

The average weight of the ingredients listed in the preceding paragraph contained in each tobacco product shall be declared according to the type of tobacco products. At the same time, the method of testing for chemicals shall also be declared.

Tobacco products other than cigarettes are exempt from the declaration required by Paragraph 1, Subparagraph 4.

第三條 本法應申報之菸品添加物應按名稱與功能為申報，其分類如下：

- 一、助癮劑 (Addictiveness enhancer)。
- 二、香味料 (Flavor)。
- 三、防腐劑 (Preservative)。
- 四、保濕劑 (Humectants)。
- 五、色素 (Color)。
- 六、其他。

應依菸品品項申報前項添加物於每支菸品之平均重量。

### Article 3

The list of additives which shall be declared under the Act is as follows:

1. Addictiveness enhancer;
2. Flavor;
3. Preservative;
4. Humectants;
5. Color;
6. Other additives.

The average weight of the ingredients listed in the preceding paragraph contained in each tobacco product shall be declared according to the type of tobacco products.

第四條 本法應申報之菸品排放物如下：

- 一、尼古丁 (Nicotine/free nicotine)。
- 二、焦油 (Tar)。
- 三、一氧化碳 (Carbon monoxide)。
- 四、苯并芘 (benzo[ $\alpha$ ]pyrene)。
- 五、苯 (benzene)
- 六、甲醛 (formaldehyde)。
- 七、氰化氫 (hydrogen cyanide)。

應依菸品品項申報前項排放物於每支菸品之平均重量。

紙菸以外之菸品得免為第一項之申報。

### Article 4

The emissions of tobacco products that shall be declared under the Act is as follows:

1. Nicotine/free nicotine;
2. Tar;
3. Carbon monoxide;
4. Benzo[ $\alpha$ ]pyrene;
5. Benzene;
6. Formaldehyde;
7. Hydrogen cyanide.

The average weight of the ingredients listed in the preceding paragraph contained in each tobacco product shall be declared according to the type of tobacco products. Tobacco products other than cigarettes are exempt from the declaration required by Paragraph 1.

第五條 應詳實申報菸品成分、添加物及排放物之已知毒性資料及相關資訊，不得隱匿。

#### **Article 5**

Any known toxic information in the ingredients of tobacco products, additives and emissions shall be declared accurately and in detail and shall not be concealed.

第六條 菸品成分、添加物及排放物之檢測，應依經濟部標準檢驗局公告或國際通用之標準檢測方法檢測之；無前述檢測方法者，依菸品製造或輸入業者（以下稱業者）採用之方法檢測之。

#### **Article 6**

The method of testing of ingredients, additives, and emissions of tobacco products shall conform to the relevant standards enacted by the Bureau of Standards, Metrology and Inspection or other international standards; any method of testing not meeting such standards shall conform to the relevant standards adopted by a manufacturer or an importer of tobacco products (hereinafter as the “Producer”).

第七條 菸品成分、添加物及排放物之申報，以中文為限，並附英文或化學式；其已知毒性資料及相關資訊得以中文或英文為申報。

前項之申報，以電子資料或書面或中央主管機關指定公告之方式為之。

#### **Article 7**

The declaration of ingredients, additives, and emissions of tobacco products shall be made in Chinese, accompanied with the English or chemical formula. The declaration of the known toxic information and other related information may be made in either Chinese or English.

The declaration of the preceding paragraph shall be made in electronic or written form, or in the format required and announced by the central competent authority.

第八條 業者應於本辦法公告後六個月內，向中央主管機關為第一次申報。菸品之新增品項、品項變更或內容變更者，應於新增或變更後之三十日內為申報。

業者應依本辦法規定之第一次申報後之次年度起，於每年十二月間更新所為之申報。

#### **Article 8**

The Producer shall make the first declaration within six months after these Regulations have been announced. Any new addition or changes of the types of tobacco products or any changes in content shall be declared within thirty days after the addition or changes have been made.

Starting from the year following the first declaration made pursuant to these Regulations, the Producer shall renew the declaration in December of each year.

第九條 必要時，中央主管機關得檢查與申報內容相關之其他資料或文件；並得取樣檢驗，業者不得拒絕、規避或妨礙。但取樣數量以足供檢驗之用者為限。

前項檢查（驗）結果，與申報之資料不符或漏未申報者，應於三十日內補正，未補申報或補申報資料仍不符者，以未申報論。

#### **Article 9**

The central competent authority may, if necessary, request to review and inspect any information relating to the declaration made and may also take samples for testing. The Producer shall not refuse, avoid or hinder such testing. However, the amount of the sample to be obtained for testing shall be limited to the amount needed.

If the inspection (test) results of the preceding paragraph are inconsistent or missing from the information previously declared, the information declared shall be rectified within thirty days. Failure to rectify or the information rectified is still found to be inconsistent shall be considered as no declaration has been made.

第十條 本辦法自中華民國九十八年一月十一日施行。

#### **Article 10**

These Regulations shall come into effect on January 11, 2009.