

New Bill on Tobacco Products Control in Thailand Approved by NLA

On 3rd March 2017, the National Legislative Assembly (“**NLA**”) unanimously passed the final reading of the Bill on Tobacco Products Control (the “**Bill**”). The Bill will become effective 90 days after its publication in the Government Gazette.

The Bill will replace the Tobacco Product Control Act B.E.2535 (A.D. 1992) and Non-Smokers' Health Protection Act B.E. 2535 (A.D. 1992). The Bill was drafted in 2010 in line with the World Health Organization’s Framework Convention on Tobacco Control, which Thailand ratified in 2005. It has strong support from anti-smoking campaigners who describe it as an effective tool to prevent new smokers.

Under the Bill as approved by the NLA, the minimum smoking age is increased from 18 years old to 20 years old. Violators are liable to a prison term of up to three months and/or a fine of up to 30,000 baht.

The definition of “tobacco products” is expanded to include water pipes (baraku) and electronic cigarettes.

The Bill will establish the National Committee on Tobacco Products Control (the “**Committee**”) chaired by the Ministry of Public Health. The Committee is to propose measures to control tobacco products, protect health of non-smokers and recover their health. A clause in the Bill as originally proposed that bans smokers from being appointed an expert member of the Committee has been removed in order to avoid discrimination.

The Bill prohibits all forms of advertising and marketing communication for the tobacco products. Moreover, any name or trademark of the tobacco products, manufacturers or importers of the said products is not allowed on other products presented in the nature of advertisement of tobacco products.

The Bill grants Minister of Public Health the power to enact regulations on the requirements for a packaging of tobacco products in respect of its color, size, content, label, warning signs, including trademarks.

Distribution of free samples of cigarettes is also prohibited under the Bill and a retail shop is no longer allowed to open cigarette packs to sell cigarette individually or in smaller numbers.

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