

Tobacco Products Control Act of Thailand Comes into Force

The Tobacco Product Control Act B.E. 2560 (“**TPCA**”) was enacted by the National Legislative Assembly (“**NLA**”). It was published in the Royal Gazette on 5th April 2017 and will become effective on and from 5th July 2017. It has replaced the Tobacco Products Control Act B.E. 2535 (A.D. 1992) and the Non-Smokers Health Protection Act B.E. 2535 (A.D. 1992).

The TPCA prohibits sales of Tobacco Products (“**TP**”) to the under aged (younger than 20 years) and it controls channels and manners of whole sales and retail sales and promotion of TP. Any advertising or marketing communication of TP is banned. Advertising of any other goods that bears name or mark of TP or its abbreviation, modification or adaptation is prohibited.

The name or mark of TP or the name or mark of its manufacturer or importer or any symbol or any other things cannot be shown on any media for the purpose of advertising of TP. This restriction also applies to showing such name or mark on any other products or showing any abbreviation, modification or adaptation of such name or mark for advertising of TP or advertising of such name or mark for the purpose of advertising of TP.

The manufacturer or importer of TP for sales in Thailand is required to ensure that TP itself and its packaging are made in the size, color, symbol, label including a display of trademark, symbol, picture and text in compliance with the rules, procedures and conditions announced by the Minister of Public Health in its Ministerial Regulations per recommendation of the National Tobacco Product Control Board (“**NTPCB**”). Any TP not presented in the packaging or not displaying a trademark, symbol, picture and text as required by the Ministerial Regulations of the Minister of Public Health is not allowed for sales.

The NTPCB may recommend amendment of such announcement of the Ministry every two years from the effective date of the TPCA or in a shorter period in case of necessity.

Currently, there is no Ministerial Regulations issued by the Ministry of Public Health under the TPCA. The Ministerial Regulations issued under the Tobacco Products Control Act of 1992 and the Non-Smokers Health Protection Act remain applicable until replaced by the Ministerial Regulations issued under the TPCA.

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