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TOBACCO CONTROL RULES AND  
REGULATIONS 2016



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## **Introduction**

The Tobacco Control Board, in accordance with the powers conferred under Section 57 of the Tobacco Control Act of Bhutan 2010, hereby frames and approves the Tobacco Control Rules and Regulations 2016 for effective implementation of the Act as follows:

### **CHAPTER I PRELIMINARY**

#### **Short Title, Extent and Commencement**

1. This Rule shall:
  - (1) Be called the Tobacco Control Rules and Regulations 2016;
  - (2) Come into force on the 6<sup>th</sup> day of 12<sup>th</sup> month of Wood Female Sheep Year of the Bhutanese calendar corresponding to 15<sup>th</sup> day of January 2016; and
  - (3) Extend to the whole of the Kingdom of Bhutan.

#### **Repeal**

2. This Rule hereby repeals Tobacco Control Rules and Regulations 2013 and any notification, circular, order or any other government directives, issued after the enactment of the Amendment Act, which is inconsistent with this Rule

## **CHAPTER II**

### **NON-SMOKING AREAS AND DUTIES OF THE PERSON-IN-CHARGE**

#### **Non-Smoking areas**

3. In addition to non-smoking areas listed under Section 3 (a) to (e) of the Act, as per Section 3(f) of the Act, smoking in any non-smoking area including inside conveyance shall be prohibited.

#### **Powers and functions of the person-in-charge of all non-smoking areas**

4. The person-in-charge of the non-smoking area shall:
  - (1) Display notices, signs or symbols indicating smoking is prohibited in the area;
  - (2) Ensure that the displayed notice is legible and visible;
  - (3) Ensure that the notice is written in both Dzongkha and English and is displayed in a prominent place;
  - (4) Brief his or her employee to ensure that no person smokes in the non-smoking area;
  - (5) Ensure that no person smokes in the non-smoking area except in the designated smoking rooms or spaces;
  - (6) Request the offending person to refrain from smoking, if the person is found smoking in the non-smoking area;
  - (7) Demand the offender to leave the place or transport, if the offending person continues to smoke; and
  - (8) Report the matter immediately to an authorized officer or law enforcement agency including the Royal Bhutan Police, if the offender declines to leave or stop smoking.

#### **Duties of the Person-In-Charge permitted to designate smoking rooms/spaces**

5. The person-in-charge of the hotels, motels, guesthouses, inns, lodgings, discotheques, snooker rooms, drayangs and karaokes shall designate smoking floors, rooms or spaces as appropriate, having

proper ventilation with notice or sign indicating that it's a smoking room, space or floor.

### **Duties of the Person-In-Charge of Public Transport**

6. In addition to the duties under Sections 4, 5, 6, 7, and 8 of the Act and Section 4 of this Rule, the person-in-charge of public transport shall:
  - (1) Verify any baggage loaded in his or her conveyance;
  - (2) Ensure the ownership of the baggage including personal belongings;
  - (3) Report any suspicious baggage to the nearest law enforcement official; and
  - (4) Maintain record of the sender and receiver of any courier, including the name, address and mobile number or such other identification details, irrespective of nature, size or weight of the courier

### **CHAPTER III**

## **IMPORTATION OF TOBACCO OR TOBACCO PRODUCTS FOR PERSONAL CONSUMPTION**

### **Permissible quantity and type for importation for personal consumption**

7. A person may import tobacco or tobacco products for personal consumption as per section 12 of the Act. The permissible quantity and type per month shall be as prescribed in Annexure I of the Act as follows:
  - (1) 800 sticks of cigarettes; or
  - (2) 1200 sticks of bidis; or
  - (3) 150 pieces of cigar; or
  - (4) 750 grams of other tobacco or tobacco products.
8. A person shall be allowed to import only one type of tobacco or tobacco product at a time under Section 7 of this Rule as authorized by Annexure I of the Act.

### **Authorized port of entry**

9. The entry points into the country as listed under Annexure I of this Rule shall be the authorized ports of entry into Bhutan.
10. The competent authority may revise the list of authorized ports of entry under Annexure I of this Rule from time to time and inform the general public through notification.
11. A person shall import tobacco or tobacco products for personal consumption only through an authorized port of entry listed under Annexure I of this Rule.
12. A person importing tobacco or tobacco products for personal consumption through authorized port of entry shall declare the tobacco or tobacco products in his or her possession at the authorized



port of entry to the Royal Bhutan Police or Customs Officials before crossing the authorized port of entry.

13. A person importing tobacco or tobacco products for personal consumption shall pay tax and duty at the nearest Regional Revenue and Customs Office listed under Annexure II of this Rule after declaring the products at the authorized port of entry.

### **Importation on behalf of another person**

14. A person shall not import tobacco or tobacco products on behalf of another person.

### **Validity of the receipt of payment of tax and duties**

15. A proof or receipt of tax and duty payments under Section 13 of the Act shall be issued by the Revenue and Customs Office and this receipt shall be valid only for one month from the date of payment of tax and duty as authorized by Annexure I of the Act.

### **Payment of taxes for personal consumption on import from India**

16. A person importing tobacco and tobacco products originating from India, for personal consumption, shall pay 100 percent sales tax.

### **Payment of taxes for personal consumption on import from countries other than India**

17. A person importing tobacco and tobacco products originating from countries other than India, for personal consumption, shall pay 100 percent sales tax and 100 percent customs duty.

### **Importer's identification**

18. At the time of declaration of tobacco or tobacco product, a person shall produce citizenship identity card or Passport or Voter Photo Identity Card or other relevant document issued by his or her country of origin.

## **Import record**

19. The Department of Revenue and Customs shall maintain the record of importers, details of importation including date of importation, quantity and type of tobacco or tobacco products imported and such record shall be made accessible to the authorized officers at all entry points of Bhutan.

## **Confiscation of excess tobacco or tobacco product**

20. If a person declare(s) tobacco or tobacco product in excess of the permissible quantity, the Department of Revenue and Customs shall confiscate the excess tobacco or tobacco product during the payment of tax and duty and the confiscated products shall be forwarded to Bhutan Narcotics Control Authority for disposal.

## **Proof of tax payment**

21. In accordance with section 14 of the Act, a person found in possession of tobacco or tobacco products for personal consumption in the area specified under section 3 of the Act or any other place declared by the Board shall, on demand by an authorized officer, provide proof of tax and duty payments.

## **Misplacement or loss of proof of tax or duty payment**

22. Notwithstanding Section 21 of this Rule, if a person has misplaced or lost the proof of tax or duty payment, he or she shall provide relevant documents and information for verification by the authorized officer.

## **Prohibited tobacco and tobacco products**

23. A person shall not import tobacco or tobacco products if the tobacco or tobacco product:
  - (1) Does not show the country of origin and health warnings on the tobacco or tobacco product;

- (2) Promotes a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions or any other indications that create a false impression that a particular tobacco product is less harmful than other tobacco products;
- 24. At the time of declaration at the port of entry, if the tobacco or tobacco product does not fulfill the requirement under Section 23 of this Rule, the Department of Revenue and Customs shall confiscate the tobacco or tobacco product.

### **Submission of quarterly report**

- 25. The Department of Revenue and Customs shall submit quarterly report on the import of tobacco and tobacco product for personal consumption to Bhutan Narcotics Control Authority.

### **Importation by a minor**

- 26. A minor shall not import any tobacco or tobacco product.

## **CHAPTER IV**

### **TOBACCO DEPENDENCE AND CESSATION MEASURES**

27. The method or strategy of cessation of tobacco use may be incorporated into the existing curriculum or programme for medical and health professionals or trainees as per the guideline issued or framed by the Ministry of Health.
28. As per section 23 of the Act, the Tobacco Control Office and the Ministry of Health shall:
  - (1) Incorporate tobacco cessation service into the primary health-care services;
  - (2) Establish easily accessible and free quit-line services; and
  - (3) Make Accessibility of pharmacological therapy.
29. The Tobacco Control Office through Demand and Supply Reduction Committee may but not limited to:
  - (1) Incorporate diagnosis and treatment of tobacco dependence and counseling services into national health and education programme, plans and strategy and develop appropriate comprehensive guidelines;
  - (2) Assist in building capacity and collaborate with key stakeholders, such as medical and health professionals, educators, youth workers and non-governmental organizations to strengthen tobacco cessation activities through behavioral pharmaceutical interventions, advice counseling based on scientific evidence and best practice;
  - (3) Implement dissemination and implementation plans, highlighting the importance of all service providers within or outside the health care sector, by setting an example of not using tobacco. The plan should be periodically reviewed and updated in light of developing scientific evidence; and
  - (4) Review and revise the guideline periodically to ensure that they continue to provide effective guidance in implementation of the cessation program and strategy.

## **CHAPTER V**

### **DEMAND AND SUPPLY REDUCTION COMMITTEE**

#### **Formation of the Committee**

30. There shall be a Demand and Supply Reduction Committee comprising of the following members which may be revised from time to time:
- (1) Chairperson, Head of Bhutan Narcotics Control Authority, Ex-officio;
  - (2) Chief Trade Officer, Ex-officio, Internal Trade Division, Department of Trade, Ministry of Economic Affairs;
  - (3) Collector, Customs and Excise Section, Department of Revenue and Customs, Ministry of Finance;
  - (4) Chief Program Officer, Non Communicable Diseases(NCD), Department of Public Health, Ministry of Health;
  - (5) Chief, Registration and Licensing, Road Safety and Transport Authority, Ministry of Information and Communication, Ex-officio;
  - (6) Chief Program Officer, School Programme Division, Department of School Education, Ministry of Education;
  - (7) A representative from the Armed Forces;
  - (8) Deputy Chief of Police, Crime and Operation, Royal Bhutan Police, Ex-officio;
  - (9) Member from relevant Civil Society Organizations, nominated by the Civil Society Organization Authority;
  - (10) A relevant member from local government;
  - (12) Chief Forest Officer, Department of Forest and Park Services, Ministry of Agriculture and Forest;
  - (13) Chief level, Bhutan Agriculture and Food Regulatory Authority, Ministry of Agriculture and Forest;
  - (14) Chief level, Bhutan Information, Communication and Media Authority; and
  - (15) Head, Tobacco Control Office, Bhutan Narcotics Control Authority as member secretary.
31. The vice chairperson shall be elected from amongst the members.

## **Meeting of the Committee**

32. The Committee shall meet at least twice a year and ad hoc meetings may be convened as deemed necessary.
33. The secretariat shall plan, coordinate, organize and record minutes of the meeting.
34. The minutes of each meeting, dated and signed by the chairperson, shall be circulated to the members within fifteen working days.
35. The chairperson shall convene the meeting. In the absence of the chairperson, the vice chairperson shall convene the meeting.

## **Quorum**

36. The presence of not less than two-third of the total number of members shall constitute a quorum for the meeting of the Committee.

## **Functions of the Committee**

37. The function of the Committee is to:
  - (1) Advise and guide the Board in implementing the Act and the regulation, strategy and action plans;
  - (2) Assist the Tobacco Control Office in developing, implementing and monitoring the tobacco control activities ;
  - (3) Assist the Tobacco Control Office in developing guidelines and standards for tobacco control;
  - (4) Facilitate the Tobacco Control Office in acquiring information from all relevant agencies relating to the implementation or enforcement of the provisions of this Act;
  - (5) Assist the Tobacco Control Office in developing training materials and in conducting training of trainers for law enforcement personnel, medical and health professional, media, government service personnel, employer and employee in the private sector; and

- (6) Facilitate the Tobacco Control Office in cooperating with regional and international intergovernmental organizations and financial and development institutions for technical and financial assistance on research, surveillance and exchange of information.

## **CHAPTER VI**

### **AUTHORIZED OFFICER AND AUTHORITY OF AUTHORIZED OFFICER**

#### **Authorized Officer**

38. The Board shall identify authorized officer in consultation with the head of the following agencies:
- (1) The Department of Forest and Park Services, Ministry of Agriculture and Forest;
  - (2) The Bhutan Agriculture and Food Regulatory Authority, Ministry of Agriculture and Forest;
  - (3) The Department of Trade, Ministry Economic Affairs;
  - (4) The Department of Revenue and Customs, Ministry of Finance;
  - (5) The Road Safety and Transport Authority, Ministry of Information and Communications;
  - (6) The Bhutan Information, Communication and Media Authority;
  - (7) The Royal Bhutan Police;
  - (8) The Armed Forces of the Government; and
  - (9) Any other agencies designated by Bhutan Narcotics Control Authority from time to time

#### **Authority of authorized officer**

39. The authorized officer shall:
- (1) Exercise the power conferred under section 43 and 45 of the Act, while carrying out his or her duty; and
  - (2) Investigate the case and facilitate prosecution.
40. The Head, Tobacco Control Office shall:
- (1) Coordinate with the law enforcement agency and its authorized officer for carrying out the duty as per the provisions of the Act; and
  - (2) Organize and coordinate periodic joint inspection as per the inspection procedures adopted under this rule.



## **CHAPTER VII**

### **ROLE OF IMPLEMENTING AGENCIES**

#### **Department of Forest and Park Services**

41. The Department of Forest and Park Services, Ministry of Agriculture and Forest, in the process of performing their duty, shall:
- (1) Prohibit cultivation and harvest of tobacco and tobacco product; and
  - (2) Check any conveyance for tobacco plant or tobacco product.

#### **Bhutan Agriculture and Food Regulatory Authority**

42. The Bhutan Agriculture and Food Regulatory Authority, Ministry of Agriculture and Forest, in the process of performing their duty, shall:
- (1) Inspect any shop, guesthouse, hotel, motel, inn, lodging and restaurant for tobacco or tobacco products and to implement section 3 of the Act; and
  - (2) Check any conveyance for tobacco or tobacco products.

#### **Department of Trade**

43. In addition to section 34 of the Act, the Department of Trade, Ministry of Economic Affairs shall, at any reasonable time, in accordance with laws, enter and inspect any individual, shop, vendor, market, shopping mall, supermarket, factory, hotel, motel, inn, lodging, guesthouse, restaurant, business center or any other commercial center where there is reasonable ground to believe that tobacco and tobacco product is manufactured, prepared, packaged, stored for distribution or for sale.

#### **Department of Revenue and Customs**

44. In addition to section 35 of the Act, the Department of Revenue and Customs, Ministry of Finance shall:
- (1) Impose tax on the permissible quantity of tobacco and tobacco

products imported in accordance with Sections 16 and 17 of this Rule;

- (2) Ensure that tobacco and tobacco products purported to be imported fulfill the requirement under Section 23 of this Rule;
- (3) Check any conveyance at the entry points; and
- (4) Approve and monitor the declaration of tobacco and tobacco products at the authorized port of entry.

### **Road Safety and Transport Authority**

45. In addition to section 40 of the Act, the Road Safety and Transport Authority, Ministry of Information and Communications shall:
  - (1) Ensure that “no-smoking” sign is displayed as prescribed under Section 4 of this Rule in all public transportations;
  - (2) Enforce section 3 (e) of the Act and Section 3 of this Rule.

### **Bhutan Information, Communication and Media Authority**

46. The Bhutan Information, Communication and Media Authority shall implement sections 18 and 19 of the Act and at any reasonable time enter:
  - (1) Any entertainment center licensed by the Bhutan Information, Communication and Media Authority where tobacco and tobacco products are advertised; and
  - (2) Any entertainment center under section 3 of the Act.

### **Royal Bhutan Police**

47. In addition to section 38 of the Act, the Royal Bhutan Police shall in accordance with the laws:
  - (1) At any reasonable time, enter and inspect any place where there is reasonable ground to believe that tobacco and tobacco product is manufactured, prepared, packaged, stored for distribution or for sale; any individual, shop, vendor, market, shopping mall, supermarket, factory, hotel, motel, inn, lodging, guesthouse, restaurant, business center or any other place where there is reasonable ground to believe that tobacco and

- any tobacco products are sold;
- (2) At any reasonable time, enter any place suspected of storing tobacco or tobacco product ;
  - (3) At any check point, open and examine any container or package or baggage suspected of containing tobacco or tobacco product;
  - (4) At any reasonable time, stop any person with the possession of tobacco and tobacco products and demand for proof of tax and duty payment;
  - (5) Stop or detain any conveyance suspected of illegally transporting tobacco or tobacco product;
  - (6) Detain and seize tobacco or tobacco product for such time as may be necessary;
  - (7) At any reasonable time, enter any place where any advertisement of the tobacco and tobacco product has been made or is being made;
  - (8) At any reasonable time, enter any place under section 3 of the Act;
  - (9) Assist an authorized officer of the relevant agency in execution of his or her duty as per section 206 of the Royal Bhutan Police Act of Bhutan 2009;
  - (10) Take custody of a person arrested or detained by any other authorized official of the relevant agency and keep that person under the Police custody in accordance with section 207 of the Royal Bhutan Police Act of Bhutan 2009; and
  - (11) Assist the relevant agency to complete required legal formality as per section 207 of the Royal Bhutan Police Act of Bhutan 2009.

## **Armed Forces**

48. The Armed Forces shall:

- (1) Ensure that notices or signs or symbols prohibiting smoking within the non-smoking areas under their jurisdiction are displayed.
- (2) Check conveyance governed by their Rules at the authorized port of entry if there is suspicion that the conveyance is

- carrying tobacco or tobacco product;
- (3) Implement the provisions of the Act in all the premises or areas under their jurisdiction;
  - (4) Assist in apprehending any person found illegally transporting tobacco and tobacco products across the border; and
  - (5) Implement the provisions of the Act on any uniformed person governed by their Rules.

## **CHAPTER VIII**

### **ENFORCEMENT PROCEDURES AND MEASURES**

#### **Complaint**

49. Any person who witnesses the commission of an offence against the Act and this Rule may lodge a written complaint in person as prescribed in Annexure VIII of this Rule to any of the following law enforcement agencies:
- (1) The Bhutan Narcotics Control Authority;
  - (2) The Royal Bhutan Police;
  - (3) The Department of Trade, Ministry of Economic Affairs;
  - (4) The Department of Revenue and Customs, Ministry of Finance;
  - (5) The Road Safety and Transport Authority, Ministry of Information and Communications;
  - (6) The Bhutan Information, Communication and Media Authority;
  - (7) Department of Forest and Park Services, Ministry of Agriculture and Forest;
  - (8) Bhutan Agriculture and Food Regulatory Authority; and
  - (9) Any other relevant agency designated by Bhutan Narcotics Control Authority.

#### **Anonymous complaint**

50. An authorized officer or the relevant agency shall not act on an anonymous complaint.

#### **Protection of informants and complainants**

51. The identity of any person lodging complaint or providing information on violation of any provision of the Act and this Rule shall be kept confidential and protected.
52. Any person who reveals the identity of the complainant or informer to the suspect or accused or any person that would undermine his or her best interest including personal safety shall be liable to

pay compensation for any damages caused to the informant or complainant as per the relevant laws.

### **Reward to informer or complainant**

53. An informer or complainant may be provided with reward as per the procedures adopted by the Bhutan Narcotics Control Authority.

### **Investigation**

54. If any of the law enforcement agency suspects or notices or receives a complaint on the commission of an offence under the provisions of the Act and this Rule, that agency shall immediately investigate the case and if necessary, with assistance from the Royal Bhutan Police.
55. If a person is arrested under Section 54 of this Rule, he or she shall be handed over to the Royal Bhutan Police in accordance with section 207 of the Royal Bhutan Police Act of Bhutan.

### **Procedure for search and seizure**

56. The law enforcement agency shall exercise power of search and seizure in accordance with relevant provisions of the Civil and Criminal Procedure Code of Bhutan.

### **Statement from the suspect or accused**

57. Upon the arrest of a suspect, the authorized officer or the law enforcement agency shall be required to take written or recorded statement from the accused or suspect immediately upon arrest in presence of at least one independent witness and may obtain more statements as and when necessary to establish the facts.

### **Remand Order**

58. The agency responsible for arresting the suspect shall obtain remand order in accordance with the Civil and Criminal Procedure Code or

request Royal Bhutan Police in writing, to obtain the remand order until case is charged sheeted in the Court of Law or withdrawn due to lack of locus standi.

59. The Royal Bhutan Police shall escort the person detained under Section 58 of this Rule before the Court of Law in accordance with the Civil and Criminal Procedure Code of Bhutan.

### **Charge Sheet**

60. The Royal Bhutan Police or the Office of the Attorney General shall frame the charge sheet and file the petition in the Court of Law as per the Civil and Criminal Procedure Court and other relevant laws.

### **Prosecution**

61. The Royal Bhutan Police or the Office of the Attorney General shall prosecute as per the prevailing laws.
62. The law enforcement agency or prosecution shall inform Bhutan Narcotics Control Authority in writing to dispose the tobacco or tobacco products handed over in the format prescribed under Annexure VI of this Rule provided:
  - (1) The judgment of the Court is final and binding; or
  - (2) The seized tobacco products are no longer required as evidence for legal proceedings.

## **CHAPTER IX**

### **PROCEDURE FOR COLLECTION OF FINES**

#### **Payment of fines imposed**

63. A person liable to pay fines for violating the provisions of the Act or this Rule shall pay the fines on the spot.
64. If a person is unable to pay the fines on the spot, the authorized officer or Joint Inspection Team shall issue an infringement notice as provided in Annexure III of this Rule.
65. If a person found smoking in a non-smoking area is unable to pay fine immediately upon being caught, he or she shall pay the fine within twenty four hours to the authorized agencies listed under Annexure IV of this Rule.
66. If a person violating the provisions of the Act and this Rule, other than smoking in a non-smoking area, is unable to pay fine immediately upon being caught, he or she shall pay the fines within fourteen days to the authorized agencies listed under Annexure IV of this Rule.
67. If the imposing law enforcement agency is unable to realize the fines on the spot, he or she shall direct the person to pay the fines to the nearest authorized agency listed under annexure IV of this Rule.
68. The authorized officer shall take a copy of any personal identification card including license, citizenship identity card, voter photo identity card or any other identification documents issued by the Royal Government for the realization of the fines imposed.

#### **Seizure Memo**

69. The authorized officer shall issue a seizure memo as per the format given in Annexure V of this Rule immediately upon seizure of the tobacco or tobacco product.



70. Notwithstanding Section 69 of this Rule, the law enforcement agencies having their own seizure memo shall continue to issue the same upon seizure of the tobacco or tobacco product.
71. The authorized officer or the law enforcement agency shall submit a copy of the seizure memo to the Tobacco Control Office within seven working days from the date of seizure.
72. If a team of law enforcement officer carries out the search and seizure, the team leader shall sign the seizure memo.
73. The seizure memo for the seizure of tobacco or tobacco product shall be dispatched as follows:
  - (1) Original Copy shall be retained with law enforcement agency or authorized officer and later submit it to the prosecutor for production in court of law.
  - (2) A copy of the seizure memo shall be submitted to:
  - (3) Bhutan Narcotics Control Authority along with the seized tobacco or tobacco products,
  - (4) The authorized agency realizing the fines imposed, and
  - (5) The offender.
74. Handing and taking over of tobacco and tobacco products shall be as per Annexure VII of this Rule.

### **Retention of seized tobacco or tobacco product**

75. The investigating or prosecuting agency shall, if deemed necessary, keep the seized tobacco or tobacco product until the judgment of the court has become final and binding as per sections 96.4 and 96.5 of the Civil and Criminal Procedure Code of Bhutan.
76. A law enforcement agency or authorized officer shall impose fine as per the provisions of the Act and this Rule.
77. A law enforcement agency, authorized agency or authorized officer shall issue a money revenue receipt to the offender and submit a copy

of the same to Bhutan Narcotics Control Authority and maintain a record of the fines realized.

78. If the offender refuses to pay the fine or provide the details, he or she shall be handed over to the Royal Bhutan Police and fine shall be imposed through the court of law.
79. The fines collected under this Rule shall be deposited into the revenue account of the relevant agency within the next working day from the date of collection.
80. A copy of the endorsed bank deposit statement shall be submitted to Bhutan Narcotics Control Authority within a week of the deposit.
81. If a person trying to bring any tobacco or tobacco product into the country escapes before the law enforcement officer apprehends him or her and if the person absconding is not traceable or apprehended or in case of unclaimed baggage, the respective law enforcement agency shall safe keep the seized products and inform Bhutan Narcotics Control Authority in writing and where applicable, Royal Bhutan Police.

## **CHAPTER X**

### **DISPOSAL OF TOBACCO AND TOBACCO PRODUCTS**

#### **Disposal Committee**

82. There shall be a Disposal Committee consisting of at least:
  - (1) One authorized officer of the Bhutan Narcotics Control Authority;
  - (2) One representative from the Department of Revenue and Customs; and
  - (3) One representative from the Royal Bhutan Police.
83. The tobacco product confiscated or seized by the authorized officer or law enforcement agency shall be disposed of by the Disposal Committee in line with the national disposal guideline or any other guideline as may be agreed between the Bhutan Narcotics Control Authority and the National Environment Commission.
84. The Committee shall ensure that disposal of tobacco and tobacco product does not cause harm to the society or environment by using appropriate available technology or method.
85. The Committee shall record the details of tobacco and tobacco products destroyed or disposed as per Annexure VI of this Rule.

## **CHAPTER XI**

### **FINES AND PENALTIES**

#### **Fines**

86. A person smoking in any non-smoking area shall be imposed a fine of Nu.500 (Ngultrum Five Hundred) per incident according to section 48 of the Act.
87. If a minor is imposed fine by any law enforcement agency or the Royal Court of Justice for violation of any provisions of the Act or this Rule, the parent or guardian shall pay the fines imposed.
88. A person-in-charge of a non-smoking area failing to comply with Sections 4 and 9 of the Act and Sections 4 (1), (2), (3) and 5 of this Rule shall be imposed a fine of Nu.10,000 (Ngultrum Ten Thousand) per incident.
89. A person-in-charge of a non-smoking area failing to comply with Sections 5, 6 and 7 of the Act and Section 4 (4), (5), (6), (7) and (8) of this Rule shall be imposed a fine of Nu.1,000 (Ngultrum One Thousand) per person found smoking in his or her premise.
90. A person-in-charge of the Public Transport failing to comply with Section 6 of this Rule shall be fined:
  - (1) Nu.10,000 (Ngultrum Ten Thousand) per incident, or the value of the tobacco products confiscated, whichever is higher.
  - (2) For every repeated violation under this Section, an amount of Nu.10,000 (Ngultrum Ten Thousand) and the value of the tobacco products confiscated in addition to the fine imposed under sub-clause (1) of this Section.
91. A person possessing tobacco or tobacco products without proof of tax and duty payments and within the permissible quantity but with more than one type of tobacco product shall be fined double the total value of tobacco or tobacco products.

92. A person possessing tobacco or tobacco products within the permissible quantity without proof of tax and duty payments shall be fined double the value of tobacco or tobacco products as per Section 51B (a) of the Act.
93. A person shall be fined Nu.30,000 (Ngultrum Thirty Thousand) and shall not be permitted to import tobacco or tobacco products in his or her name for the next three years from the date of imposing the fines if he or she is found:
- (1) Providing or permitting the use of his or her receipt of payment of tax and duty for importation of tobacco or tobacco product to any other person for any purpose; or
  - (2) Using a receipt of payment of tax and duty for importation of tobacco or tobacco products other than his or her own.
94. A person possessing tobacco and tobacco product within the permissible quantity after expiry of the validity of the receipt under Section 15 of this Rule shall be fined double the value of tobacco or tobacco product and seizure of tobacco or tobacco products.
95. A person transporting tobacco or tobacco product within the permissible quantity without proof of tax and duty payments shall be fined double the value of tobacco or tobacco products as per Section 51C (a) of the Act.
96. A person violating section 18(a)(b)(c)(d)(e)(f) or (g) of the Act shall be imposed a fine ranging from Nu.1,000 (Ngultrum One Thousand) to Nu.36,000 (Ngultrum Thirty Six Thousand) per incident.

## **Penalties**

97. A person engaging in sale of tobacco or tobacco products in another person's business license shall be prosecuted in accordance with the provisions of the Act and the license of that business firm shall be suspended or cancelled as per the relevant laws.

98. A person possessing tobacco or tobacco products beyond the permissible quantity shall be liable for a petty misdemeanor and a fine equivalent to five times the value of the tobacco or tobacco products as per section 51B (b) of the Act.
99. A person violating section 11(d) of the Act for the second time shall be liable for a misdemeanor and a fine equivalent to ten times the value of the tobacco or tobacco products, as per Section 51B (c) of the Act.
100. A person cultivating, harvesting, manufacturing, selling or distributing tobacco or tobacco products shall be liable for a misdemeanor and a fine equivalent to a minimum of 12 months and maximum of 35 months of minimum wage as per Section 50 of the Act.
101. A person violating Sections 11 (a) and (b) of the Act for the second time shall be liable for a felony of fourth degree as per Section 50A of the Act.
102. A person transporting tobacco or tobacco products beyond the permissible quantity shall be liable for a petty misdemeanor and a fine equivalent to five times the value of the tobacco or tobacco products as per Section 51C (b) of the Act.
103. A person violating section 11 (e) of the Act for the second time shall be liable for a misdemeanor and a fine equivalent to ten times the value of the tobacco or tobacco products as per Section 51C (c) of the Act.
104. A person buying tobacco or tobacco products within the permissible quantity shall be liable for a petty misdemeanor.
105. A person buying tobacco or tobacco products beyond the permissible quantity shall be liable for a misdemeanor and a fine equivalent to three times the value of the tobacco or tobacco products.

106. A person violating Section 11 (c) of the Act for the second time shall be liable for a misdemeanor and a fine equivalent to six times the value of the tobacco or tobacco products.
107. A person violating Section 11 (c) of the Act for the third time shall be liable for a felony of fourth degree.

## **CHAPTER XII MISCELLANEOUS**

### **Authority for Amendments**

108. The Tobacco Control Board shall have the powers to amend this Rule and may revise this Rule from time to time if deemed necessary.

### **Interpretation**

109. The power to interpret this Rule shall vest with the Bhutan Narcotics Control Authority who may issue such instructions or notifications as may be necessary to give effect to and implement the provisions of this Rule and its interpretation shall be final and binding.

### **Rules of construction**

110. In this Rule, unless the context otherwise indicates, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

### **Definition**

111. In addition to the following terms, unless the context otherwise requires, the words and terms used in this Rule shall have the same meaning as assigned in the Act.

- (1) “Act” means the Tobacco Control Act of Bhutan 2010;
- (2) “Baggage” means any type of container containing any goods or consignments irrespective of size, shape, weight or nature;
- (3) “Board” means the Tobacco Control Board;
- (4) “Conveyance” means any mode of transport;
- (5) “Law enforcement agency” means the authority or any other agency authorized by the Board for effective enforcement of this Act;
- (6) “Minor” means any person who is under the age of 18 years or as would be defined by the relevant national law from time to time;



- (7) “One Month” means thirty days including the day of issuance of the receipt or any document or official recognition of the offence or event by the law enforcement agency or authorized officer;
- (8) “Public Transport” means all buses, taxis, aircrafts or such similar passenger transports or any conveyance designated by the Road Safety and Transport Authority as public transport.
- (9) “Rule” means the Tobacco Control Rules and Regulations framed by the Board;
- (10) “Armed Forces” means uniformed personnel designated by the Royal Bhutan Army and the Royal Body Guard empowered to implement any Act, Rules and Regulations under the purview of RBA and RBG including imposing fines, checking vehicle, search, seizure and arrest and detention of a person in violation of laws of the land in Bhutan, under their jurisdiction;
- (11) “Value” means the cost of the tobacco or tobacco products and the applicable tax and duty for the tobacco or tobacco products.

**ANNEXURE I**  
**AUTHORIZED PORT OF ENTRY (DECLARATION**  
**POINTS)**

1. Paro Airport, Customs Declaration Point;
2. Main gate or pedestrian gates in Phuentsholing;
3. Main gate or pedestrian gate in Samtse;
4. Main gate in Gelephu;
5. Main gate in Samdrupjongkhar;
6. Any other entries declared as authorized port of entry by competent authority through public notification.

**ANNEXURE II**  
**LIST OF REVENUE AND CUSTOMS OFFICES FOR**  
**TAX AND DUTY PAYMENTS ON IMPORTATION OF**  
**TOBACCO OR TOBACCO PRODUCTS**

1. Regional Revenue and Customs Office, Paro International Airport;
2. Regional Revenue and Customs Office, Phuentsholing;
3. Regional Revenue and Customs Office, Samtse;
4. Regional Revenue and Customs Office, Gelephu;
5. Regional Revenue and Customs Office, Samdrupjongkhar;
6. Any other such offices designated by Department of Revenue and Customs from time to time.

# ANNEXURE III

## INFRINGEMENT NOTICE

### Bhutan Narcotics Control Authority

### Royal Government of Bhutan

Notice No.....

Date of Issue:.....

Issued under the Authority of Section 64 of the Tobacco Control Rules and Regulations 2016

Details of the Offender:	
Name:	CID/ Licence No:
Present Address:	
Mobile No.:	Spouse/ Guardian Mobile No.
Place of offence committed:	

Details of the Offence
<p>THE FINE FOR INFRINGEMENT of <b>Smoking in a non-smoking area/ Failure to comply with duties of person-in-charge/ Illegal Possession/ Illegal Transportation/ Tobacco Advertisement, Promotion and Sponsorship</b> IS Nu..... (In words .....)</p> <p>.....) and is payable to the .....</p> <p>..... This notice is delivered personally.</p>

<b>Document for identification of the offender:</b>	
-----------------------------------------------------	--

Notice Issued by:	
Name of the authorized officer:	Designation:
Agency:	Dated Signature:

Details of the Witness:	
Name:	CID/License No.:
Contact No.:	Signature:

## TERMS AND CONDITIONS

The following terms and conditions shall apply to this Infringement Notice.

### **1. Payment**

The person to whom this infringement notice has been issued shall deposit the fines imposed to the address as mentioned in this notice within twenty four hours for smoking in a non-smoking area and fourteen days for other violations from the date of issuance of this notice.

### **2. Further Action**

- a. The penalty amount imposed by an authorized officer or joint Inspection team shall be final and binding.
- b. The person wishing to appeal against the alleged violation may do so by writing to Bhutan Narcotics Control Authority within Twenty Four Hours after the issuance of this notice and thereafter this notice shall become final and binding.

### **3. Non-payment of Fine**

- a. No further notice shall be served after the issuance of this notice for non-payment of fines within the period prescribed.
- b. Failure to pay the fines as per this notice shall be dealt in accordance with Section 78 of the Tobacco Control Rules and Regulations.

**ANNEXURE IV**  
**AUTHORIZED AGENCIES TO REALIZE FINES**  
**IMPOSED ON VIOLATION OF ANY PROVISIONS OF**  
**THE ACT AND THIS RULE**

1. Regional Revenue and Customs Offices, Department of Revenue and Customs, Ministry of Finance;
2. Regional Trade and Industries Offices, Ministry of Economic Affairs;
3. Road Safety and Transport Authority Regional Offices or Base Offices, Ministry of Information and Communications;
4. Bhutan Agriculture and Food Regulatory Authority, Ministry of Agriculture and Forest;
5. Department of Forest and Park Services, Ministry of Agriculture and Forest ;
6. Dzongkhag or Dungkhag Administration; and
7. Bhutan Narcotics Control Authority.

## ANNEXURE V SEIZURE MEMO

### Bhutan Narcotics Control Authority Royal Government of Bhutan

Date: .....

1. Type of Offence committed:
2. Smoking in a non-smoking area
3. Failure to comply with duties of person-in-charge
4. Illegal Possession/ Illegal Transportation
5. Sale/Distribution/Cultivation/Harvest/Manufacture
6. Buying
7. Other:

#### TOBACCO PRODUCTS SEIZED:

Sl No.	Type of tobacco	Brand	Quantity and Unit	Value	Country of origin	Fine/Penalty imposed
1						
2						
3						

#### Details of the Offender:

1. Name: .....CID No./License No: .....
2. Present Address:.....
3. Contact No:.....Spouse/guardian contact No: .....
4. Place of Offence committed: .....
5. **Signature:**

#### Seized by:

1. Name of the authorized officer:.....
2. Designation:.....Organization:.....
3. Contact no.....
4. **Signature:**

**Witness:**

1. Name:..... Occupation:.....
2. CID No. ....contact No.....
3. **Signature:**



## ANNEXURE VI DISPOSAL RECORD

### Bhutan Narcotics Control Authority Royal Government of Bhutan

Date: ..... Time: ..... Place: .....

SL. NO.	TYPE OF TOBACCO AND BRAND	QUANTITY AND UNIT	REMARKS
1			
2			
	Total Value		

#### DISPOSAL COMMITTEE

We, hereby declare that above tobacco and tobacco products have been verified and are disposed in the presence of the following committee members through (technology/method)

.....

The details of the process and the items are recorded in accordance with the format provided in the Tobacco Control Rules and Regulations.

1. Name and Designation: .....

.....

2. Name and Designation:

.....

Agency:.....

Agency:.....

Contact No.:.....

Contact No.:.....

Signature:

Signature:

<p>3. Name and Designation: .....</p> <p>.....</p> <p>Agency: .....</p> <p>Contact No.: .....</p> <p>Signature:</p>	<p>4. Name and Designation:</p> <p>.....</p> <p>Agency:.....</p> <p>Contact No.:.....</p> <p>Signature:</p>
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# ANNEXURE VII

## HANDING AND TAKING OVER OF TOBACCO AND TOBACCO PRODUCTS

### Bhutan Narcotics Control Authority Royal Government of Bhutan

Date: ..... Time: ..... Place: .....

SL NO.	TYPE OF TOBACCO	BRAND	QUANTITY AND UNIT	VALUE	COUNTRY OF ORIGIN	REMARKS
1						
2						
3						

#### HANDED OVER BY:

1. Name: .....
2. Designation: ..... Organization:.....
3. Judgment No. (If applicable).....
4. Email Address: .....
5. Phone No:..... Mobile No:.....
6. Signature and Seal:

#### TAKEN OVER BY:

##### Details of the First Officer:

1. Name: .....
2. Designation: ..... Organization:.....
3. Email Address: .....
4. Phone No:..... Mobile No. ....
5. Signature and Seal:

**In presence of the Second Official:**

1. Name: .....
2. Designation: .....Organization:.....
3. Email Address: .....
4. Phone No:..... Mobile No.....
5. Signature and seal:

## ANNEXURE VIII COMPLAINT FORM

Date: .....

To,

.....  
.....

### Details of the Accused:

Name of the Accused:	
Address:	
Suspected criminal offence:	
Place of search:	
Other details of the accused, if any:	
Facts establishing probable cause :	

### Details of the complainant:

Name of complainant:	
CID No.	
Address:	
Contact No.:	
Signature:	(The information provided in this form is true to the best of my knowledge and I shall be liable as per the laws of the nation if the information is found to be false.)