Law on Tobacco Control

Introduction and title  1. (a) This is the law on prohibiting the cultivation and advertisement of tobacco products and laying down the guiding principles and procedures for importation or exportation of tobacco products, whole sale or retail trade in them, packaging and labeling of tobacco products, levying of taxes on tobacco products, protection of non-tobacco users from tobacco smoke, provision of information and training needed to be protected from the dangers of the tobacco epidemic and treatment of those who are habituated to tobacco use; in order to control tobacco use in the Maldives.

(b) This law shall be called “Law on Tobacco Control.”

Chapter 1

Providing Protection from Tobacco Smoke

Right to protection from tobacco smoke  2. Every person has the right to avoid exposure to cigarette smoke exhaled by another person and to be protected from it.

3. Tobacco consumption is prohibited in the places stated below:

(a) Workplaces or part(s) thereof as stated in the regulations formulated under this law;

(b) Cinemas and meeting halls;

(c) Public transport vehicles, vessels, and infrastructure, or parts thereof, as described in the regulations formulated under this law;
(d) Tea shops, cafes, restaurants, food preparation facilities, food sale outlets or part(s) thereof, as described in the regulations formulated under this law;

(e) Mosques, health facilities, teaching institutions, and juvenile care institutions, along with open grounds attached to them, buildings within their compounds and service outlets open to the outside;

(f) All buildings where government institutions function;

(g) Sports complexes, courts, playgrounds and stadiums;

(h) Any other place determined by the regulations formulated under this law.

4. Protection of informants

The owner of an establishment, a person who manages public transport facilities or the person’s designee must not take punitive steps or retaliate against a person or employee who reports an infringement of the provisions of this chapter or who demands the right to be protected from the cigarette smoke exhaled by another person.

5. Giving priority to the rights of the non-smoker

In interpreting the articles of this Chapter special consideration must be given to protect the rights of non-smokers and non-smoking staff. In deciding any question on the permissibility of smoking in a particular place, priority must be given to the rights of nonsmokers.
Chapter 2

Trading in Tobacco Products, Cultivating Tobacco and Producing Tobacco

**Buying and selling tobacco products**

6. (a) No person shall sell any type of tobacco or any tobacco product to a child below the age of 18 years.

(b) No person shall engage a child under the age of 18 years in a transaction of selling any type of tobacco or tobacco product.

(c) It is the responsibility of the seller of a tobacco product to ensure that the buyer has attained the age of 18 years. For this purpose, producing a national identity card or a driving license or another official document may be demanded.

(d) Tobacco products must not be sold except in a place authorized under a specific license or a periodically renewable permit to undertake transactions in tobacco products, issued as prescribed in this law.

(e) No person shall sell and no person shall buy tobacco or a tobacco product through vending machines, mail order, internet shopping or any other form of self service in which the buyer is unidentifiable. The ministry has the discretionary power to close other forms of trading in tobacco products, wherein the age of the customer is undeterminable.

**Displaying a notice that selling of tobacco products to children under the age of 18 years is prohibited**

7. Every trader in tobacco and tobacco products must write, in accordance with guidelines prescribed by the ministry, a notice to the effect that selling any tobacco product to a child under the age of 18 years is prohibited in law, and display it in their places of trade in such a way that it is visible to the public.

**No advertising in places selling cigarettes**

8. No person shall keep packets or cartons of tobacco products in such a way that it is visible to pedestrians on the street. During handling and transport from place to place a tobacco product must not be kept visible to pedestrians in a manner that may be
No person shall manufacture any tobacco product in the form of a toy, a food or in the form of anything else and no person shall distribute, sell or display such a product in a manner that may be construed as for sale.

Planting or growing in the Maldives any species of plants belonging to the tobacco genus in any quantity is prohibited.

Producing tobacco out of the leaves of the tobacco plant is prohibited.

Every person has the right to full information on the negative effects of tobacco products on health and information on the possible harm to non tobacco users from the smoke exhaled by users of tobacco products. In this context right to full information implies that a person who wants to acquire the information shall have that information without any difficulty, hindrance or any deceit or misrepresentation in labeling and packaging.

Those who import tobacco products, retail tobacco products or make tobacco products in the Maldives must give attention to the following with regard to packets and cartons containing tobacco products:

(1) Each unit packet and package of tobacco products and any outside packaging or labeling of such products must carry a printed health warning describing the harmful effects of tobacco use, and may include other appropriate messages and pictures or pictograms in accordance with the standards approved by the Ministry. The ministry may also require a specific design for labeling on...
packets and cartons.

(2) Every package containing tobacco products must indicate its contents, details of its emissions, and the level of specific ingredients stipulated by the Ministry.

(3) Nothing should contain a statement, picture or anything similar, that creates a false impression directly or indirectly about a tobacco product, its negative health effects or the true nature of its emissions; nor should it contain any sentence or picture intended to mislead.

(c) Health warnings and other appropriate messages referred to in sub-clause (b.1) should be printed in Dhivehi according to guidelines issued by the Ministry.

(d) Persons who produce tobacco products such as bidi, cigars, tobacco sachets and pounded tobacco for the purpose of trade must follow labeling guidelines formulated under this law.

12. Labeling of tobacco products

Every packet or carton containing tobacco products must carry the following information printed in English language.

(a) The name and license number of the manufacturer or company;

(b) The serial number assigned to the manufacturer and the date of manufacture;

(c) Name of the city and the country of manufacture; and

(d) Any other information required by the regulations formulated under this law.

13. Manufacturers, importers and sellers to comply with the treaties to which the Maldives is party

Notwithstanding whether manufacturers, importers and sellers of tobacco have followed the articles of this chapter, they shall not be absolved of their responsibility to encourage public awareness on the health risks of tobacco in respect of the regulations, practices and treaties to which the Maldives is party.
Chapter 4

Advertising, Sponsorship and other Promotion of Tobacco Products

Advertising tobacco products

14. (a) Tobacco products must not be advertised, sponsored or promoted through any other activity except on the conditions stated in (b) of this article. No person shall organize or participate in such activities.

(b) Exceptions to sub clause (a) are:

1) Interactions among cultivators, manufacturers, importers, exporters and sellers;

2) Price list printed in black and white and indicating the harmful effects of tobacco, displayed near the sale counter;

3) Information specifically targeted at staff, shareholders and investors, and not promoting or aiming at advertising of tobacco products; and

4) Name board displayed at production sites in accordance with the regulations formulated under this law.

Prohibition of free distribution

15. It is prohibited to distribute any tobacco product free of charge or distribute to the open public any tobacco product or anything that may be considered as a sample of a tobacco product, for the purpose of promoting business. Any person who engages or participates in such activity is committing a crime.

Standards applicable to advertising of tobacco products

16. The name of any tobacco product, or a pictogram, picture, slogan, or anything or part of it that may denote the product should not be displayed to the public, for the purpose of advertising. Names of tobacco products, pictograms, pictures, slogans, or anything denoting a tobacco product or part of it must not be printed on anything that does not relate to tobacco, including buildings and such places, and displayed to the public for sale or for the purpose of advertising.
Any name registered for a tobacco product or any part of the name must not be given to anything else. A name registered in the past for use in connection with anything else must not be given to any tobacco product after this law comes into force.

Chapter 5

Levying tax

Import Duty shall be paid on all tobacco products and all equipment used for consumption of tobacco as per Law No. 31/79 (Import Export Law of Maldives).

Chapter 6

Quality Control of Tobacco Products

No person shall cultivate or produce or import or export or distribute or sell tobacco or tobacco products in violation of this law and the regulations formulated under this law.

No person shall write or print on any packet that contains tobacco any writing or anything else indicating that a particular tobacco product is less dangerous to health until and unless the ministry authorizes it based on scientific studies and reliable evidence. In giving such authorization, the following should be considered.

(a) Results of reliable studies indicating that the tobacco product is less dangerous to the health of smokers and passive smokers compared to the other types.
Evidence indicating that the tobacco product is of benefit to public health, taking into consideration whether it helps to reduce the frequency of tobacco use, helps tobacco cessation or reduces cravings.

Chapter 7

Disclosing the ingredients and emissions of tobacco products and trade Information

Submission of reports on tobacco

21. Every producer and every importer of tobacco products shall report to the Ministry the information stated in this chapter, in accordance with the regulations formulated under this law.

Contents of the report

22. Any person engaged in the Maldives in the production, sale or export of tobacco products for consumption or any other use shall list the products by their brand names and provide the following information in the report:

(a) The amount of tar and nicotine and the free nicotine content of the smoke;

(b) The Ph level of the smoke and Ph of the exhaled smoke;

(c) Effectiveness of the filter and the filtered percentage;

(d) Amount of toxic compounds in the exhaled smoke and, if the regulations formulated under this law do not specify otherwise, the level of toxins and their ratio to the nicotine content.

Tobacco products for which reports must be prepared

23. Reports shall be prepared for tobacco products manufactured and tested according to the standards laid down in the regulations formulated under this law.

Introduction of new tobacco products to the Maldives

24. Any new tobacco product not sold or marketed before this law comes into effect, shall be sold or marketed after submitting all reports regarding the product and getting approval from the ministry.
In addition to the information stated in this chapter, every producer and every importer and exporter of tobacco products shall provide the following information to the ministry, annually unless otherwise stated in the regulations. In addition to the above, any information prescribed by the ministry in the regulations shall be included in the report.

25. Additional information that must be included in the report

a. The amount of bidi, cigar, cigarette, tobacco packets and gadgets used for tobacco consumption produced in the Maldives, imported to the Maldives or exported from the Maldives, and the weight of tobacco products produced, imported or exported for non-consumption purposes, along with the revenue from the sale of each product separately, within the reporting period.

b. If it is a tobacco product exported from the Maldives:

   (1) Amount by brand name, destination country and by the whole seller;

   (2) If the shipment contains tobacco for consumption, the number of packets or boxes and if for non-consumption purposes the weight in grams;

   (3) Date of export and serial numbers of individual shipments;

c. If it is a tobacco imported into the Maldives:

   (1) Amount by brand name, country of origin and by the whole seller.

   (2) List and serial numbers of the places of transshipment en-route to the Maldives,

   (3) The number of packets or boxes of tobacco for consumption and other types by weight in grams, for each shipment.

   (4) Date of import and serial numbers of individual shipments.

d. Exporter or manufacturer’s sale price and price changes during the reporting period, by brand name.

e. Copy of the audit report of the establishment trading in tobacco during the reporting period;
26. Publishing information

Information gathered under this law in accordance with the regulations formulated under this law must be accessible to the public, and the reports on tobacco submitted to the ministry shall be published by the ministry as an official document.

27. Format of the report

The report stated in this chapter shall be submitted in accordance with the standards and format described in the regulations formulated under this law.

Chapter 8

Issuance of Permits

28. (a) Obtaining a permit for dealing in tobacco products

Every person engaged in cultivation, importation, exportation, wholesale or retail trade in tobacco or tobacco products must possess a valid permit for those activities. This is a distinct permit additional to trade permits issued by the Ministry of Economic Development.

(b) The permit referred to in (a) of this article shall be issued by the Ministry. This permit shall not be issued exclusively for producing, selling or dealing in tobacco.

(c) An application for the permit referred to in (a) of this article for dealing in tobacco products shall be submitted to the Ministry in accordance with the procedure stated in the regulations made under this law and shall be issued according to the principles stated therein.
Chapter 9

Penalties for contravention of the Law and regulations

29. In taking action against a person for failing to implement the provisions of this law or for actions in violation of this law, depending on the nature of the contraventions, action may be taken collectively for all contraventions or separately for each act of contravention. The following steps may be taken in this regard:

(a) Suspension or cancellation of the permit or withholding of individual provisions of the permit;

(b) (1) A fine of between 500/- to 100,000/- rufiyaa in accordance with the regulations formulated by the board described in Chapter 11. If the contravention relates to dealing with illegal tobacco products, or illegal trade or smuggling, or hiding or falsifying information at the import or export stage or infringing the guidelines for packaging, the fine shall be calculated by adding the duties and fees payable at that stage to the value of the product and multiplying the total by 10. If the total thus calculated is less than 500/- rufiyaa then the fine shall be 500/- rufiyaa.

(2) A spot fine may be imposed and a receipt for it may be issued only by a person authorized to do so, and only after showing evidence of such authorization to the person being fined.

(3) Any person who feels aggrieved at a decision to impose a fine under clause (b.1) shall have the right to appeal.

(c) If a person is found violating the provisions in the law vis-à-vis protecting the public from tobacco smoke, a person authorized under this law could remove the person from the place where the violation occurs and temporarily seize or take possession of the
articles used to violate the law.

(d) Articles used to contravene the law could be seized and destroyed by an authorized person in a manner that does not pollute the environment. Such articles include:

(1) Any article that contravenes the provisions of this law pertaining to advertising, sponsoring and promotion, whether used intentionally or unintentionally;

(2) Any gadget or writing in the possession of a person in a manner in which it could be used to package or label tobacco products in violation of the regulations knowingly or unknowingly, or to violate a clause of this law;

(3) Other stocks of tobacco products and related material in the possession or under the care of the offender;

(4) Machinery or gadgets used to label, package or produce counterfeit products or equipment used to smuggle such articles;

(5) Any tobacco product for which import duty has not been paid and any tobacco product imported from another country in violation of the Maldivian law;

(6) Any tobacco product that does not comply with the standards stated in the regulations formulated under this law or any stock of a counterfeit tobacco product kept anywhere in the Maldives intentionally or unintentionally.

### Punishing each offence individually

30. **Punishing each offence individually**

Any action not in compliance with this law or in contravention of it shall be considered a separate offence and liable for separate punishment.

### Increasing the punishment for repeat offenders

31. **Increasing the punishment for repeat offenders**

In case of repeated violations of this law, the penalty shall be increased every time the offence is repeated.

### Money and fines recovered through the

32. **Money and fines recovered through the**

Any money owed by a person due to an action,
direct or indirect, in contravention of the law, or failure to pay any taxes under any other law, may be recovered through the court. In addition, the person shall pay any fines imposed for the offence.

Any owner of an establishment acting against this law, or permits or encourages such an act, or an owner who is aware of an act of omission or commission in contravention of this law shall also be liable for such act.

Manufacturers and suppliers of tobacco products in the country of origin must take responsibility for any failure to pay taxes imposed by transiting countries, or if it is deemed that the tobacco products have been smuggled.

Chapter 10

Enforcement of the Law

Every minister shall enforce the articles of this law applicable to the mandate of his ministry, and shall give attention to implement the articles appropriately and to formulate regulations and enforce them to comply with the international conventions to which the Maldives is party.

Each minister responsible for enforcing articles of this law must designate an official and delegate the power and authority to be vigilant on those who contravene the law, investigate such contraventions, take action against them under this law and advocate for complying with the law.
### Chapter 11

#### Establishment of a Tobacco Control Board

36. (a) The President shall institute a national level board with the title of ‘Tobacco Control Board.’ The minister shall be the chairman of the Board.

(b) The Board shall include the following:

1. Representatives from relevant government ministries;
2. Tobacco control experts;
3. Public health experts;
4. Consumer right protection groups/individuals;
5. Representatives from NGOs and trade associations.

#### Mandate of the Board

37. (a) The mandate of the Board is to give advice on activities to protect the public from the dangers of tobacco, including:

1. Determining the effects of tobacco consumption and exposure to tobacco smoke on the health of the community as well as individuals and to conduct research;
2. Formulating regulations under this law;
3. Reviewing the efficacy of regulations formulated under this law in achieving the aims of this law and amending the regulations as and when required;
4. Determining and compiling national level actions to control tobacco and advising the cabinet;
5. Coordinating the tobacco control activities of government Ministries and voluntary organizations;
6. Advocating for implementing tobacco control activities using the discretionary powers vested in the president and the minister.

(b) The board must submit a report to the cabinet on
the areas under its vigilance, possible activities for tobacco control and the Board’s suggestions. The Board also shall prepare reports for the meetings of signatories to the conventions on tobacco control.

(c) Any manufacturer, importer, wholesaler, retailer, any person representing them or anybody connected with tobacco trade shall not be nominated to the board, and such a person shall not act as a member of the board.

(d) The board may formulate and amend rules of procedure to conduct their affairs and take decisions. These rules should be published to make them available to the public.

(e) The board may appoint expert sub committees to advise it on specific matters.

Chapter 12

Promote Public Awareness on the Risks of Tobacco Consumption and Facilitate Treatment of Tobacco Dependence

Promote effective public awareness programs

38. The relevant ministries must conduct public awareness programs on the adverse health, economic, environmental and social consequences of tobacco production and consumption. Such programs may include:

(a) Providing comprehensive information on the risks of tobacco consumption;

(b) Educating the public on the advantages of cessation of tobacco consumption;

(c) Making available to the public information on the tobacco trade, in accordance with regulations and the law;

(d) Providing information and training on tobacco control to persons such as health workers, social workers, media professionals, decision makers, law
Facilitating the rehabilitation of tobacco dependants

(e) Enlisting the participation of public and private agencies in implementing programs and strategies for tobacco control and supporting their activities.

39. The health ministry of the government and other relevant agencies must facilitate the rehabilitation of tobacco dependants by:

(a) Providing information to tobacco dependants on the advantages of cessation;

(b) Establishing clinics or centers for prevention and treatment of tobacco dependence in health care centers or other places decided by the Ministry. These centers shall provide related information, counseling services and treatment to all those who want cessation of tobacco use, including medication, gadgets to deliver medication and investigation facilities.

Chapter 13

Other Matters

40. The President shall establish the Board referred to in Chapter 11 of this law within 60 (sixty) days from the day this law is ratified.

41. All regulations pursuant to this law shall be formulated and implemented within 12 (twelve) months from the day this law is ratified.

42. In this law, unless the context otherwise requires:

(a) “Ministry” shall denote the ministry charged with the responsibility of administration of health services.

(b) “Minister” shall denote the minister who is in-charge of the ministry with the responsibility of
administration of health services.

(c) “Public transport vehicles, vessels, and infrastructure” mean vessels and vehicles engaged in transport of people commercially charging a fee and places used by the passengers en route as specified in the regulations pursuant to this law. This also includes transport of a person without charge in connection with a certain event or any other social responsibility or activity. Vessels and vehicles solely in use for fishing and transport of cargo will be exempt unless they are engaged in transport of people for a charge commercially.

(d) “Advertising” means any form of commercial communication, recommendation or action with the aim, effort or likely effect of promoting a tobacco product or brand or manufacturer or tobacco sale either directly or indirectly. Tobacco products, names of brands, manufactures, traders and their slogans, words, phrases, initials, numbers, pictures and pictograms, designs, logos, colors and other forms including sound, songs, rhythms and music for promotion of tobacco shall be deemed as advertising.

(e) “Public Place” means a place or a vessel or a vehicle which is open and accessible to all people to walk or stroll or where people can gather or sit; or any other place designated as public place in the regulations under this law.

(f) “Commercial” means any effort to achieve the aim of any trade or promotion of trading activities.

(g) “Sell” means to give or provide for a price or a charge.

(h) “Person” means any legal entity including individuals, companies or any establishment defined as a legal entity in another law.

(i) “Workplaces” means a place covered by a roof or any other means and enclosed by a partition or wall or by any other means where a person works or performs a duty for pay or as a volunteer. It also includes annexes and fixtures of workplaces such as lifts, corridors, staircases, lobbies, lounges, toilets,
cafeterias, canteens and tea rooms. It excludes places used for domestic purposes and not providing commercial services. The whole island shall not be considered as a workplace.

(j) “Promotion” means activities related to expansion of tobacco trade including advertising but in a broader sense which encompasses all aspects and activities to increase the sale of tobacco by distributing freely and or donating as gifts.

(k) “Tobacco” means leaves of the plants of the tobacco family.

(l) “Tobacco products” means tobacco leaves and the stem of tobacco leaf and the products made from these or products which include these.

(m) “Production of tobacco” means drying raw tobacco leaves by air, sun or fire or processing of tobacco leaves by other methods. This does not include the packaging of bidi or cigars and tobacco used in the hookah.

(n) “Tobacco consumption” means inhaling or exhaling smoke from any type of burning tobacco by nose or mouth or putting into the mouth, chewing or snuffing any tobacco product.

(o) “Gadgets used for tobacco consumption” means paraphernalia used for smoking, paper used to roll tobacco products, gadgets to roll cigarettes or bidi, tins of wet (soaked) tobacco, hookah, pipe for smoking and tobacco used with the pipe.

(p) “Sponsorship” means any indication directly or indirectly of any collaboration or partnership between a producer or seller of tobacco and any of the events stated below, or displaying any symbol denoting them at event, or place:

(1) Entertainment activities, sports competitions, educational or literary activities, cultural and fashion events, other similar work and activities, shows, films and videos;

(2) The attire or uniform or any equipment used by the person or persons performing the above activities;
(3) Events celebrated in public places;

(4) Educational institutions, open places and other buildings except the places where tobacco is produced;

(r) “Government institutions” means ministries, their departments and divisions, all state institutions, operations under the power of Government, public and private companies and all institutions that discharge government responsibilities.