

THE NATIONAL ASSEMBLY SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Law No. 09/2012/QH13

Hanoi, June 18, 2012

LAW
ON PREVENTION AND CONTROL OF TOBACCO HARMS

Pursuant to the Constitution of the Socialist Republic of Vietnam in 1992, and the amendment in accordance with Resolution of the National Assembly No. 51/2001/QH10; The National Assembly promulgates the Law on prevention and control of tobacco harms.

Chapter 1
GENERAL PROVISIONS

Article 1. Scopes

This Law regulates demand reduction measures, supply reduction measures and ensuring measures for prevention and control of tobacco harms.

Article 2. Interpretations of terms

In this Law, the following terms are defined as below:

1. *Tobacco* means a product made from the whole or part of the tobacco material processed in the form of cigarette, cigar, loose tobacco fiber, water pipe tobacco and other types.
2. *Tobacco use* means behaviors of smoking, chewing, snuffing, sniffing, sucking of tobacco products.
3. *Tobacco materials* is tobacco leaves in the loose form or in a pressed form, or in the fiber form and other replacement materials used for manufacturing of tobacco products.
4. *Tobacco harms* mean the harms resulting from the production and use of tobacco products on human health, environment and the socio-economic development.
5. *Health warning* means the information by text and pictures described or explained the harmful effects on human health as a result of tobacco consumption.
6. *Tobacco business* means constantly carry out one, some or all the stages of a process, from production to the sale of the tobacco product or supply the service in the market with an aim to generate profit.
7. *Public places* are the places that serve commonly for the need of many people.
8. *Workplace* is the places that are used for the purpose of working.
9. *Indoor areas* are the areas that have roof, one or more walls or surrounding partitions.

Article 3. Principles for prevention and control of tobacco harms

1. To carry out synchronously demand and supply reduction measures in order to step by step reducing smoking rates and harms caused by tobacco use
2. To emphasize on information, education and communication measures in order to raise awareness with the aim to reduce smoking rate and the harms caused by tobacco use.
3. To implement the inter-sectored collaboration, mobilizing the society and international cooperation in the prevention and control and tobacco harms.
4. To ensure the rights of people to live and work in a smoke-free environment and be informed sufficiently about harms of tobacco use.

Article 4. State policies on the prevention and control of tobacco harms

1. To socialize the implementation of activities on prevention and control of tobacco harms.
2. To apply a suitable tax policy in order to reduce the rate of tobacco use.
3. To develop strategic plan for tobacco business in consistence with the target of socio-economic development and reduce tobacco supply step by step, in accordance with the demand reduction.
4. To encourage domestic and international individuals and organizations to provide smoking cessation service; conduct research on tobacco harms and smoking cessation methods; conduct research on and to produce smoking cessation support medicines; collaborate and provide funding support for prevention and control of tobacco harms; and to encourage smokers to voluntarily quit smoking.
5. To encourage and create favorable conditions for the organizations and individuals who grow, manufacture or produce tobacco materials to change their occupation.
6. To give awards to agencies, organizations and individuals that made significant contribution in prevention and control of tobacco harms.

Article 5. State management on prevention and control of tobacco harms

1. The Government shall uniformly implement State-management over the prevention and control of tobacco harms.
2. The Ministry of Health shall be responsible before the Government for the implementation of State management over the prevention and control of tobacco harms and shall take the following responsibilities and authorities:
 - a) To submit to the Government, Prime Minister for the issuance within assigned authority legal documents, strategies, plans on prevention and control of tobacco harms, and national technical standards for tobacco products;
 - b) To direct and organize the implementation of legal documents, strategies, policies and plans on prevention and control of tobacco harms.
 - c) To organize for information, education and communication on prevention and control of tobacco harms;
 - d) To conduct training, and developing human resource involving in the prevention and control of tobacco harms;
 - e) To implement research, consultation, prevention, diagnosis, and treatment of tobacco addiction.

- f) To inspect, monitor, resolve complaints, accusation, and settle violations in prevention and control of tobacco harms within assigned authority.
 - g) To annually synthesis and compile a report to Government on the implementation of prevention and control of tobacco harms.
 - h) To cooperate internationally on prevention and control of tobacco harms activities.
3. Ministries and ministerial agencies shall, within their obligation and authority, be responsible to proactively carry out their tasks regarding the prevention and control of tobacco harm; collaborate with the Ministry of Health in implementing State management over the tobacco harm prevention and control.
4. People's committees at all levels, within their obligation and authority, shall carry out their State management functions over the prevention and control of tobacco harm; to take lead, to direct and to be responsible for the implementation of the enforcement of the regulation on smoking bans in their locality.

Article 6. Responsibilities of heads of agencies, organizations and localities in the prevention and control of tobacco harms

- 1. To integrate activities on prevention and control of tobacco harms into the annual work plan, and include the regulation of no-smoking in work place the internal office/organization regulations.
- 2. Include the norm of restriction of smoking in weddings, funerals and festivals in the community into the Village convention/regulation.
- 3. Set a good example and actively advocate for implementing the laws and regulations on prevention and control of tobacco harms in the agencies and organizations in the local area.

Article 7. Right and responsibilities of citizens

- 1. To live and work in the smoke-free environment.
- 2. To have right to request smokers not to smoke in the areas where smoking is prohibited.
- 3. To do advocacy and communication to help other persons not to smoke or quit smoking.
- 4. To request relevant authorized persons or organizations to deal with those who smoke in the prohibited areas.
- 5. To report or denounce authorized agencies or persons who failed to deal with smoking violations in the prohibited areas.

Article 8. International cooperation in the prevention and control of tobacco harms

- 1. The policy is to expand international cooperation in the prevention and control of tobacco harms with other countries and international organizations on the basis of equality, respect for each other's independence, sovereignty, in conformity to the law of each country and the international law and practice.
- 2. Contents of international cooperation:
 - a) Cooperation in the prevention and control of smuggled and fake tobacco products;

- b) Cooperation in the ban of cross border tobacco advertising, promotion and sponsorship;
- c) Cooperation in scientific research, training, financial assistance and exchange of information relating to prevention and control of tobacco harm.

Article 9. Strictly prohibited acts

- 1. Manufacturing, buying and selling, importing, storing and transportation of fake tobacco products and products that resemble tobacco packs or sticks; buying and selling, storing and transportation of smuggled tobacco products.
- 2. Advertising and promotion of tobacco products; direct marketing to the users of tobacco in any forms.
- 3. Sponsorship by individuals or organizations doing business in tobacco, except the cases prescribed in Article 16 of this Law.
- 4. People less than 18 years of age use and sell tobacco products.
- 5. Hiring people younger than 18 to sell and buy tobacco products.
- 6. Selling and supplying the tobacco product to people less than 18 years of age.
- 7. Selling tobacco by automatic tobacco selling machines or to sell at prohibited sites.
- 8. Using pictures of tobacco in the press, publications dedicated for children.
- 9. Encourage, persuade, and coerce other people to use tobacco.

Chapter II

Tobacco demand reduction measures

Article 10. Information, education and communication on the prevention and control of tobacco harms

- 1. Requirements for information, education and communication:
 - a) To provide information openly, scientifically, accurately and objectively on tobacco and tobacco harms.
 - b) To diversify the contents, forms and information channels to suit those who receive the information, education and communication.
- 2. Contents of information, education and communication include the following:
 - a) Policies, laws and regulations on prevention and control of tobacco harms.
 - b) Tobacco harms on health of the smokers, children, pregnant women and others affected by tobacco smoke, on the living environment and socio-economy;
 - c) The harm of manufacturing, buying and selling, storing, transporting and use of fake tobacco products and the harm of buying and selling, storing, transporting and use of smuggled tobacco products to the human health and socio- economic development.
 - d) Tobacco cessation methods, the benefits of tobacco cessation and a smoke -free environment.
 - ñ) Rights and obligations of agencies, organizations and individuals in prevention and control of tobacco harms.

3. Obligations in information, education and communication

- a) The Ministry of Health shall be responsible to organize, provide scientific information on tobacco harms; assume prime responsibility for, collaborate with relevant ministries, agencies to organize information, education and communication on tobacco harm prevention and control.
- b) The Ministry of Information and Communication shall be responsible to organize, direct communication agencies to carry out information, education and communication on prevention and control of tobacco harms.
- c) The Ministry of Culture, Sports & Tourism shall be responsible to mainstream information, education and communication on tobacco harm prevention and control harms and measures to limit tobacco use into cultural, sports and tourism activities and family life, guiding the prohibition of the abuse of tobacco use scenes in the movies and dramas works.
- d) The Ministry of Industry & Trade shall be responsible to organize information, education and communication on the prevention and control of smuggled and fake tobacco products.
- e) The Ministry of Education & Training shall be responsible to prepare contents and integrate information, education and communication on tobacco harm and tobacco harm prevention and control into the curriculum to suit levels and grades of education.
- f) People's committees of all levels shall have responsibility to organize information; education and communication activities on the prevention and control of tobacco harms in their respective locality.
- g) Vietnam Fatherland Front and its member organizations shall be responsible to inform, educate, propagate and mobilize members not to use tobacco and take an active part in the prevention and control of tobacco harms activities.
- h) Other agencies, units and organizations shall, within their respective obligations and authorities, be responsible to organize information, education and communication activities on the prevention and control of tobacco harms in accordance with the stipulations of this Law.

Article 11. Public places where smoking is completely prohibited

1. Areas where smoking is completely prohibited including in the indoor areas and outdoor areas within the boundary of the facility:
 - a) Health facilities;
 - b) Education facilities except areas defined in the Clause 2.b of this article
 - c) Child care facilities and entertainment area designated for children.
 - d) Areas with high risk of fire and explosion
2. Areas where smoking is banned in all indoor areas including:
 - a) Workplaces.
 - b) Universities and colleges, academic institutes;
 - c) Public places except those that are defined in the Clause 1 of this article and Clause 1 of Article 12 of this Law;
3. Public means of transport where smoking is completely prohibited are:

- a) Automobiles;
- b) Air planes ;
- c) Sky train/metro.

Article 12. Areas where indoor smoking is prohibited but separate designated smoking areas are allowed

1. Public places where indoor smoking is prohibited but designated smoking areas are allowed include:

- a) Airports segregation areas (*waiting areas before boarding the plane*)
- b) Bars, karaoke lounges, discos hotel and guesthouses.
- c) On the public means of vehicle that are ships and trains.

2. Public places stipulated in clause 1 of this Article shall be permitted to design a separated area for smokers, but shall satisfy the following conditions:

- a) To have separate rooms and ventilation system from the no-smoking area.
- b) To have tools to contain cigarette ends, ashes, and signs at suitable and easy-to-see positions.
- c) To be equipped with fire extinguisher devices.

3. It is encouraged that the head of those facilities defined under clause 1 of this article to implement complete smoke free in all indoor areas.

4. The Government is to issue regulation to move the places regulated in Clause 1 of this Article to the categories of complete indoor smoke free areas at a suitable time period.

Article 13. Responsibilities of smokers

- 1. Not to smoke in the smoking-prohibited areas
- 2. Not to smoke in the indoor areas (at homes) when there are children, pregnant women and the elderly.
- 3. To keep common hygiene conditions; put ashes, cigarette ends into designated places when smoking at places where smoking is allowed.

Article 14. Rights and responsibilities of the heads of places where smoking is prohibited

1. Rights of the head of the facilities where smoking is prohibited

- a) To request smokers who violate that ban to stop smoking in the areas where smoking is prohibited. To give fines for violations in accordance with the regulations on administrative fines;
- b) To request smokers who violate the ban to leave the facilities
- c) To refuse to receive or provide service to smokers who deliberately violated the ban on smoking.

2. Responsibilities of heads of the places where smoking is prohibited a) To implement responsibilities defined in Article 6 of this law.

- b) To organize the implementation, guide, monitor and urge other people to comply properly with the stipulations on smoking ban at the places under his or her management; to put signs with text or symbol of “No smoking” at smoking prohibited sites.

Article 15. Labeling

1. Tobacco products manufactured in or imported into Vietnam for consumption shall be labeled and printed with the health warnings.
2. The manufactured and imported tobacco products for consumption in Vietnam must be labeled in Vietnamese language, in conformity with the stipulations of the law on commodity labeling and are subject to the following requirements:
 - a) Print the health warnings in text and pictures which are clear eligible and easy to understand.
 - b) Apply stamps or print number code, bar code; print date of manufacturing, date of expires.
 - c) Print clearly the number of cigarettes or the weight for other tobacco products;
 - d) Prohibit the use of those terms suggesting that the tobacco product is less harmful or resulting in misunderstanding from the consumers on harms of tobacco and tobacco smoke to human health.
3. The contents of health warnings shall describe concretely the harms of tobacco use to the health and other appropriate messages, and periodically change at the interval of every two years.
4. The health warnings stipulated in Clause 1 shall occupy at least 50% surface of the principal areas front and back of tobacco packets, cartons and boxes.
5. The labeling on the packets of exported tobacco products shall be carried out in accordance with the requirements of the imported country.
6. The Minister of Health to take prime responsibility and collaborate with the Minister of Industry and Trade to issue detailed regulations on package labeling for tobacco products as defined in Clause 2,3, 4 of this Article.
7. The Government shall specify the increase of the size of health warnings suitable with a certain time period.

Article 16: Sponsorship activities

Organizations and individuals trading in tobacco products are only allowed to conduct philanthropy sponsorship for programs of hunger eradication and poverty reduction; prevention and control of natural disasters, epidemics, disasters; and for combating cigarette smuggling, without announcing in the mass media about the sponsorship.

Article 17: Tobacco cessation

1. The smoking cessation is conducted on the voluntary basis.
2. Agencies, organizations and individuals can organize activities or establish facilities to provide smoking cessation counseling and treatment service.
3. Establishments producing, importing smoking cessation medicines and tobacco cessation counseling facilities are entitled to preferential tax rates as prescribed by relevant laws and regulations and taxation.
4. The Government shall issue guideline on conditions for the establishment and organization of smoking cessation activities and smoking cessation counseling prescribed in Clause 2 of this Article.

Article 18. Responsibilities in tobacco cessation

1. Ministry of Health is responsible to:
 - a) Issue guidelines on smoking cessation;
 - b) Direct the implementation of smoking cessation, research and counseling on smoking cessation;
 - c) Direct the organization of training for healthcare staff and tobacco cessation counseling workers on counseling and tobacco cessation methods;
2. People's committees at different levels have responsibility to make favorable conditions for the operation of smoking cessation counseling and treatment facilities.
3. Organizations, schools and families take the responsibility to motivate and support tobacco users in organizations, schools and families to voluntarily give up smoking.

CHAPTER III MEASURES TO REDUCE TOBACCO SUPPLY

Article 19. Tobacco business management

1. Tobacco business is a limiting business. Organizations, individuals buying or selling or processing tobacco materials; manufacturing, buying or selling, importing tobacco products shall need to have licenses issued by authorized agencies.
2. The Minister of Finance regulates the minimum cigarette prices sold in Viet Nam.
3. The Government shall provide detailed regulations on issuing license for buying, selling and processing tobacco materials; Manufacturing, buying, selling or importing of tobacco products defined in Clause 1 in this article.

Article 20. Tobacco business strategic planning

1. The tobacco business strategic planning shall be in line with the objectives of social and economic development, with policy and regulations on prevention and control of tobacco harms aiming to step by step reduce the supply of tobacco products and propose solutions for step by step changing the occupation for tobacco growers and tobacco manufacturing workers.
2. Ministry of Industry and Trade take lead and coordinates with related ministries, sectors to develop and submit to Prime Minister for approval of nationwide strategic planning on

tobacco business including planning for growing area, planning for manufacturing, and planning for the network of tobacco products sellers.

3. People's Committee of provinces and centrally managed cities approve and organize the implementation of the strategic planning for tobacco growing areas, to organize the network of tobacco sellers in line with the national strategic planning defined in clause 1 and 2 of this article.

Article 21. Control of investment in tobacco production

1. Investment in tobacco growing area, materials processing and tobacco products manufacturing shall be in accordance with the respective strategic plans approved by relevant authorities.
2. Investment in establishing new tobacco factory or expansion of the sizes or capacity of existing tobacco factories aiming for domestic consumption shall not exceed the total capacity of tobacco industry before the date when this Law comes into effect.
3. Foreign investments projects on tobacco products manufacturing shall be required to meet the following conditions:
 - a, Joint-venture, or partnership with a company that already have license to manufacture tobacco products.
 - b, State controls the majority of the registered capital of the joint-venture.
 - c, Meet other requirements for tobacco products manufacturing as regulated by the government.
4. Contracts for brands licensing shall be done only with the companies that already have license to manufacturing of tobacco products and shall be approved by the Prime Minister.
5. Contracts for processing of tobacco products for export shall be done only with the companies that already have license to manufacturing of tobacco products and shall be approved by the Minister of Industry and Trade.
6. Investment on tobacco production for export exceeding the total capacity of the factory shall require approval of the Minister of Industry and Trade.

Articles 22. Controlling the amount of domestic consumption of tobacco products

1. Measures to control the amount of tobacco products consumed domestically include the following:
 - a) Regulate the amount of products that can be produced and imported;
 - b) Use stamps or number code or bar code for tobacco products.
 - c) Controlling total capacity of machines and devices used for tobacco production. d) Controlling tobacco materials and tobacco rolling paper.
 - e) Controlling origin, movement and legal status of the tobacco products.
2. Ministry of Industry and Trade announce the quota for production and import for domestic consumption for each manufacturer in line with their production capacity and demand of market.
3. The Government issued regulations on measures to control machines and devices used for tobacco productions, tobacco materials and tobacco rolling papers.

Article 23. National technical standards on tobacco products

1. Tobacco products manufactured in, imported for consumption in Vietnam shall be in accordance with National technical standards of tobacco products and other specifications announced by the company.
2. Tobacco product manufacturers or importers shall be responsible for:
 - a) Announce the company standards for tobacco products
 - b) Ensure tobacco products manufactured or imported by their facilities to be in accordance

with National Technical Standards and other standards or specifications announced by the company;

c) Regularly monitor and be responsible for ensuring that tobacco products manufactured or imported by their own facilities is in accordance with the National Technical Standards and other standards or specifications announced by the company.

3. Minister of Health to issue National technical standards for tobacco products

Article 24. Quantity of cigarettes in pack or packet

Within three (03) years after this Law comes into effect, the number of cigarettes in a (01) cigarette packet shall not be fewer than 20 sticks except for cigars and cigarettes produced for exports.

Article 25. Tobacco sales

1. Tobacco selling must meet the following requirements:

b) Enterprises, wholesale and retailed agents must have tobacco selling licenses in accordance with government regulations;

c) Person in charge at the points of sale shall be responsible to display notice which says “no sale to children aged under 18”. At point of sales prohibit the display of more than one pack, one carton or box of one cigarette brand.

3. Organizations, individuals shall not organize or allow selling of tobacco in the locations specified in the Article 11, Article 12, except Point a-Clause 1 of Article 12 of this Law and must not sell cigarettes outside the gates within 100 meters from the boundary of children daycare centers, kindergarten, elementary school, secondary school, high school, medical institute, hospital, hospitals, maternity homes, preventive medicine center, and communal health stations.

Article 26. Measures to prevent and control of smuggled and fake tobacco products.

1. Communicate, educate to raise awareness among people so that they will not participate in buying, transporting and use of smuggled and fake tobacco products;

2. Organize taskforces and ensure the funding, equipments for the taskforces in prevent and control of smuggled and fake tobacco products;

3. Periodically and regularly organize inspection, checking and strictly handle violations in trading of smuggled and fake tobacco products;

4. Confiscate and destroy fake tobacco products; Seize and destroy machinery and devices used for production of fake tobacco products. The destroying of the seizures shall be by measures that are safe to the environment. The costs for the destroying shall be paid by the violators. In case of it is unable to identify individuals or organizations committed the violations the cost for destruction will be from the state budget.

5. The handling of smuggled tobacco products is in accordance with the Government regulations.

6. Provide economic and spiritual encouragements to motivate agencies, units, organizations and individuals who have detected and informed to the authority about violations of

trading in smuggled and fake tobacco products;

7. Coordinate at provincial level or at national level with neighboring countries and related countries in prevention and control of trading of smuggled and fake tobacco products.

Article 27. Responsibilities in prevent and control of smuggled and fake tobacco products

1. Ministers of the: Ministry of Industry and Trade, Ministry of Finance, Ministry of Public Security, Ministry of National Defense and Ministry of Health within their functions and power, take the responsibility to organize the prevention and control of trading in smuggled and fake tobacco products;

2. People's Committee of all levels takes the responsibility to lead, coordinate with local organizations to organize, direct and allocate human resources and assign specific responsibilities for relevant agencies to prevent and control of smuggled and fake tobacco products.

3. Minister of Finance, Chairman of Provincial People's Committee have the responsibility to ensure funding from the state budget for prevention and control of trading in smuggled and fake tobacco products.

CHAPTER IV

ENSURING MEASURES FOR PREVENTION AND CONTROL OF TOBACCO HARMS

Article 28. Establishment of the Fund of Prevention and Control of Tobacco Harms

1. The Fund for Prevention and control of tobacco harms (there after called the Fund) is a National Fund under the Ministry of Health and subjected to state financial management by Ministry of Finance. The Fund is a state financial legal entity with legal person status, a seal and a bank account.

2. The Fund is managed by an Inter-sectored Management Board. The Inter-sectored Management Board including Chairperson, a Vice chair, and members. The Chairperson is Minister of Health, Vice chair is a leadership representative of Ministry of Finance, and members are a leadership representatives from Ministry of Industry and Trade, Ministry of Education and Training, Ministry of Information and Communication and other relevant agencies.

3. The Prime Minister is to decide on the establishment and approval of the Regulations for organization and operation of the Fund.

4. Periodically every 2 years, the Government shall report to the National Assembly on the results of operations and the management of the Fund

Article 29. The purpose and mission of the Fund

1. The Fund operates on a not-for-profit principal, with the function to mobilize, provides and coordinates the Fund's financial resources for the prevention and control of tobacco harms on nationwide scale.

2. The Fund is to support the following activities:

a) Communication on the harmful effects of tobacco and on prevention and control of tobacco

harms suitable for each target audience group;

- b) Develop pilot models of smoke-free community, agencies and organizations; expand and multiply effective models;
- c) Organize community-based campaigns and initiatives on prevention and control of tobacco harms; Provide consultation for organization of designated smoking area in public places;
- d) Organize smoking cessation service;
- ñ) Develop, support implementation of pilot models of community-based smoking cessation service, expand and multiply effective models;
- e) Research to provide evidence for the prevention and control of tobacco harms;
- g) Develop and support activities, and train for capacity building of the network of collaborators working on prevention and control of tobacco harms;
- h) Develop contents and organize the integration of education on the harms of tobacco and on prevention and control of tobacco products in the educational programs suitable with each educational level;
- i) Implement the measures for alternative occupation (economic activities) for tobacco growers, tobacco raw material processing, and tobacco manufacturing workers.

Article 30. Sources of funding and principals for the use the Fund:

1. The Fund is established from the following financial resources:

- a) A compulsory contribution from tobacco manufacturers and importers which is calculated by percentage (%) of the excise tax-based prices with a roadmap as following: 1.0% from the effective date of the Law on the 1st of May 2013; 1.5% from the 1st of May 2016 on ward; and 2.0% from the 1st of May 2019 onward. This compulsory contribution will be registered, calculated and paid to the Fund by the tobacco manufacturers or importers at the same time when they pay tobacco tax.
- b) Voluntary contribution from national and international organizations and individuals
- c) Other legal sources of fund.

2. The Fund is used following the following principals:

- a) The Fund can only be used for the activities prescribed in Clause 2 of Article 29 of this Law and Point e, Clause 2 of this Article;
- b) The expenditures of funds is based on annual work plans, programs, short-term and long term strategies, and priorities for each period as approved by the Fund's Management Board;
- c) The Fund is annually audited as prescribed by law
- d) Disclosure and transparency
- ñ) Ensure effective use of financial resources of the Fund
- e) The administrative cost is regulated by the Prime Minister.

Article 31. Handling of violations of the law on prevention and control of tobacco harms.

1. Agencies, organizations and individuals that violate the law on prevention and control of tobacco harms, depending on the nature and seriousness of their violations, shall be administratively disciplined and pay compensation if caused damage, in accordance with

relevant laws and regulations. Violated individuals can be prosecuted for criminal liability in accordance with relevant laws and regulations.

2. The handling of the administrative violations in the area of prevention and control of tobacco harms will be defined under the provisions of Law on handling of administrative violations.

Article 32. Responsibilities in implementing fines for violations of the law on prevention and control of tobacco harms

1. Authorized persons to handle administrative violations is responsible to inspect and promptly detect and deal with violations of the law on the prevention and control of tobacco harms; if the authorized person(s) tolerate, cover up, not process, or not processed promptly or handle improperly of the violations, then depending on the nature and seriousness of their violations, will be handled according to relevant laws and regulations.

2. Ministry of Health shall have responsibility to give fines for violations of the laws and regulations on prevention and control of tobacco harms in the areas and sectors under ministry's management.

3. Ministry of Public Security has responsibility for organizing the handling of violations regarding smoking in the areas where it is prohibited and other violations of law on the prevention and control of tobacco harms under the ministry's management.

4. Ministry of Industry and Trade shall take lead; collaborate with other related ministries and sectors to implement the administrative fines for violations of the ban on trading of smuggled and fake tobacco products in the areas and sectors under the ministry's management.

5. Ministry of National Defense shall take a lead; collaborate with relevant ministries and sectors to organize the implementation of administrative fines for violations on trading of smuggled and fake tobacco products in the areas and sectors under the ministry's management.

6. The ministries, ministerial-level agencies have prime responsibility and coordinate with relevant ministries to organize the handling of administrative violations on the law on the prevention and control of tobacco harms in the field of their assigned responsibility.

7. People's Committees at different levels have the prime responsibility and coordinate with concerned agencies in organizing, directing and deploy forces and assign specific responsibilities to relevant organizations and individuals who are involved in the handling of

administrative violations regarding smoking in a prohibited place or trading of smuggled and fake cigarettes. The Chairpersons of Communal People's Committee shall take prime responsibility and organize the implementation of fines for violation of the smoking ban in public places which are under their management.

8. Authorized organizations and persons shall inspect and supervise the implementation of the law on the prevention of harmful effects of tobacco specified in Clause 2, 4, 6 and 7 of this Article, when discover that a violation comprise sufficient ground for criminal charges have to transfer to the case to the investigation office for proceeding with criminal charges.

Chapter V IMPLEMENTING PROVISIONS

Article 33. Validity

This Law comes into effects from 1st of May, 2013.

Article 34. Transition clause

Carton, box of cigarettes manufactured or imported for consumption in Vietnam market which carry labeling in accordance with relevant provisions of the legislation on labeling and health warnings before this Law takes effect will not be used after 6 (six) months from the effective date of this Law.

Article 35. Implementation guidelines

The Government shall issue guiding decrees as defined in the law.

This Law has been adopted by the National Assembly of Vietnam on the 18th of June 2012

Chairman of National Assembly

Nguyen Sinh Hung