LAW OF MONGOLIA

July 1, 2005 Ulaanbaatar city

ABOUT TOBACCO CONTROL
/ Revised version /

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of this law is to define the legal basis of tobacco control in order to protect the population from the negative consequences of tobacco use and second-hand smoke and to regulate the relations between the state, citizens, business entities and organizations in connection with its implementation.

Article 2. Legislation on tobacco control

Legislation on tobacco control shall consist of this law and other legislative acts enacted in conformity with it.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

Article 3. Terms of the law

3.1. The following terms used in this law shall have the following meanings:

3.1.1. “Tobacco product” means a consumer product produced in whole or in part as a raw material for the purpose of smoking, sniffing or chewing tobacco products;

3.1.2. “Smoked tobacco” means cigarettes, cigars, pipe and similar bulk cigarettes prepared for industrial and hand-wrapped purposes;

3.1.3. “Second-hand smoke” means breathing in cigarette smoke by others regardless of one's will;

3.1.4. “Tobacco producer” means a legal entity engaged in tobacco production, trade and import;

3.1.5. “Tobacco advertising” means any form of information dissemination aimed at supporting the production, trade and consumption of tobacco;

3.1.6. “Tobacco control” means a set of policy measures aimed at reducing the demand, supply and harmfulness of tobacco with the aim of improving the health of the population by reducing tobacco consumption and exposure to tobacco smoke.

3.1.7. “Tobacco-free environment” means an environment where it is impossible to smoke, see, smell, feel or measure tobacco smoke;

/ This provision was added by the law in 24 October 2012 /

3.1.8. “Internal environment” means a space surrounded by a roof, walls and sides (regardless of the material used and the temporary or permanent use of the space);

/ This provision was added by the law in 24 October 2012 /

3.1.9. “Brand expansion” means the use of other distinctive features such as tobacco, tobacco product names, trademarks and logos as if they are related to non-tobacco products and services;

/ This provision was added by the law in 24 October 2012 /

3.1.10. “Brand sharing” means the use of other distinctive features such as the name of a non-tobacco product, service, trademark, or logo as if it were related to tobacco, tobacco products, or a tobacco manufacturer.

/ This provision was added by the law in 24 October 2012 /

3.1.11. “Smoked smoking area” means an area specially prepared for smoking and equipped with ventilation equipment.

/ This provision was added by the law in January 29, 2015 /

Article 4. State policy on tobacco control

4.1. The state policy on tobacco control is an integral part of the state policy on public health and the following principles shall be followed:

4.1.1. Sustainably finance tobacco control and health promotion activities by bringing the tobacco tax to the level specified in the Framework Convention on Tobacco Control, prevent minors from smoking and reduce tobacco use;

/ This part was amended according to the law dated October 24, 2012 /

4.1.2. To protect public health policy from the negative impact of tobacco producers within the framework of legislation;

4.1.3 support the participation of the private sector and non-governmental organizations not related to tobacco producers in the development and implementation of policies and programs on tobacco control;

4.1.4. To make scientifically based, factual information, training, advertisement and smoking cessation treatment accessible to human health, economy and environment due to tobacco use and secondhand smoke.

4.1.5. Require tobacco producers and legal entities working for their interests to operate in an open and accountable manner;

/ This provision was added by the law in 24 October 2012 /

4.1.6. Not to provide incentives, tax incentives and other benefits to the activities of tobacco producers;

/ This provision was added by the law in 24 October 2012 /

4.1.7. Treat tobacco producers equally with tobacco producers regardless of the form of ownership;

/ This provision was added by the law in 24 October 2012 /

4.1.8. To keep tobacco producers and legal entities working for their interests directly involved in the development, approval and implementation of legislation on tobacco control and free from interference;

/ This provision was added by the law in 24 October 2012 /

4.1.9. All levels of government organizations and organizations on the need to protect strategies, methods and policies of tobacco manufacturers from interfering in the development and implementation of state health policy, as well as advertising, support and sponsorship activities of tobacco producers be provided with general information.

/ This provision was added by the law in 24 October 2012 /

Article 5. General responsibilities of the state, citizens and legal entities regarding tobacco control

5.1. The state organization shall have the following responsibilities regarding tobacco control:

5.1.1. The state central administrative body in charge of health matters shall expand cooperation between governmental and non-governmental organizations on tobacco control, support initiatives and participation of non-governmental organizations, and provide unified management and coordination;

5.1.2. All levels of state and local self-governing bodies shall cooperate with other relevant organizations alone or within the framework of the policy to support and protect the health of the population in accordance with their powers.

5.1.3. To refuse to cooperate with tobacco producers or legal entities and citizens working for their interests in formulating and implementing the state policy on public health and providing public education;

/ This provision was added by the law in 24 October 2012 /

5.1.4. To refuse to accept a proposal from a tobacco manufacturer if it is considered that there is a conflict of interest during the drafting of legislation on tobacco control;

/ This provision was added by the law in 24 October 2012 /

5.1.5. To resolve issues related to conflicts of interest of civil servants and other employees involved in the development and implementation of the state policy on tobacco control and to refuse to cooperate.

/ This provision was added by the law in 24 October 2012 /

5.1.6. To place a warning sign allowing smoking in the point where smoking is allowed;

/ This provision was added by the law in January 29, 2015 /

5.1.7. Soum and district Citizens 'Representatives' Khurals shall decide on the location and budget of smoke permitting points to be established in public places in the external environment, except for the prohibited areas specified in 9.1.1-9.1.4, 9.1.7 and 9.1.8 of this Law.

/ This provision was added by the law in January 29, 2015 /

Citizens and legal entities shall have the following responsibilities regarding tobacco control:

5.2.1. Implement tobacco control measures, provide all-round support and assistance to citizens to quit smoking, and organize regular measures to prevent second-hand smoke;

/ This part was amended according to the law dated October 24, 2012 /

5.2.2. To provide citizens with scientifically based information on risks and harms to human health and life due to tobacco use and second-hand smoke;

/ This part was amended according to the law dated October 24, 2012 /

5.2.3. To refuse to accept various donations, grants and grants from tobacco manufacturers.

/ This provision was added by the law in 24 October 2012 /

5.2.4. To place a warning sign allowing smoking in the place where smoking is allowed;

/ This provision was added by the law in January 29, 2015 /

5.2.5. To establish the business entity or organization in the area specified in Articles 9.1.5 and 9.1.6 of this Law so that there is not more than one smoking area in a building with an area of not less than 300 m^2 .

/ This provision was added by the law in January 29, 2015 /

5.3. A tobacco producer legal entity shall have the following obligations regarding tobacco control:

5.3.1. To publish the name, address, activities and other information related to tobacco production of the tobacco producer and more than 20 percent of its shareholders on its website *;*

5.3.2. The standards for cigarette boxes, packaging and packaging approved by the competent authority shall be fully complied with within one year from the date of approval.

/ This part was added by the law in 24 October 2012 /

CHAPTER TWO REGULATION OF TOBACCO PRODUCTION, TRADE, CONSUMPTION AND ADVERTISING

Article 6. Requirements for import, export, production, sale and consumption of tobacco

/ The title of this article was amended by the law in January 29, 2015 /

6.1. The state administrative body in charge of state specialized inspection shall issue a health opinion on the hygienic conditions of tobacco production, import, export and sale and the content of toxic substances in tobacco for each type of tobacco.

The State Administrative Body Responsible for Customs Matters shall determine the quantity of cigarettes for personal use imported by citizens across the state border.

6.3. The National Council for Standardization shall approve the maximum permissible levels of chewing gum, nicotine and other toxic substances contained in tobacco produced, sold, imported and exported in the territory of Mongolia, and the standards to be allowed in smoking areas in consultation with the state central administrative body in charge of health.

/ This part was amended according to the law dated January 29, 2015 /

6.4. Tobacco shall have a warning about health hazards and the warning shall meet the following requirements:

6.4.1. The warning shall cover at least 50% of the front and back area of the cigarette box, the front surface of the pipe and similar open tobacco packaging;

/ This part was amended according to the law dated October 24, 2012 /

6.4.2. To write about the harmful effects of tobacco products on human health in a large, clear and legible manner, and to show it in pictures or images.

6.5. The design of warning and warning signs shall be approved by the state central administrative body in charge of health matters. Six types of warning templates will be issued at a time, and the warning template will be changed every three years.

/ This part was amended according to the law dated October 24, 2012 and January 29 , 2015 /

6.6. Warnings and other necessary notes shall be written in Mongolian.

6.7. The following shall be prohibited for import, export, production, sale and consumption of tobacco in the territory of Mongolia:

/ This part was amended according to the law dated January 29, 2015 /

6.7.1. The amount of chewing gum, nicotine and other toxic substances contained in tobacco and the expiration date are not specified;

/ This part was amended according to the law dated October 24, 2012 /

6.7.2. To pack less than 20 cigarettes in one box, less than 200 grams of pipe and similar cigarettes;

/ This part was amended according to the law dated October 24, 2012 /

6.7.3. The warning specified in 6.4 of this Law has not been issued or the requirements set for it have not been met;

6.7.4. The medical opinion specified in 6.1 of this law has not been issued;

6.7.5. Made in other countries with the label “Made in Mongolia”;

6.7.6. On cigarette packs, packs and packaging, write the word that the cigarette is less harmful than other cigarettes or use similar logos, colors, brand images and their combinations;

/ This part was amended according to the law dated October 24, 2012 /

6.7.7. To sell or sell tobacco to a person under the age of 21;

/ This part was amended according to the law dated October 24, 2012 /

6.7.8. Retail sale of tobacco, unpacking or wrapping of packages of pipe and similar bulk tobacco;

6.7.9. To operate an automatic machine for selling tobacco;

6.7.10. To organize any kind of incentive trade and draw lots in order to increase tobacco sales;

6.7.11. There is no excise tax mark on the box, packaging, country of manufacture, date, factory, importer's name, note on permission to sell in Mongolia;

6.7.12. To sell tobacco in places other than authorized points.

6.7.13. Selling tobacco on the Internet;

/ This provision was added by the law in 24 October 2012 /

6.7.14. To sell tobacco within 500 meters from the classroom and dormitory of a general education school;

/ This provision was added by the law in 24 October 2012 /

6.7.15. Selling tobacco in bars and clubs.

/ This provision was added by the law in 24 October 2012 /

Citizens and legal entities engaged in trade in tobacco and tobacco products shall have the following obligations:

6.8.1. To demand to present his / her ID card or equivalent documents for the purpose of determining the age of the buyer;

6.8.2. If he / she refuses to provide the documents specified in 6.8.1 of this Law, he / she shall not be sold tobacco and tobacco products.

/ This part was added by the law in 24 October 2012 /

6.9 The Government shall approve the regulation on control over tobacco production, import, trade and services.

/ This part was added by the law in 24 October 2012 /

Article 7. License

7.1. The Government shall issue a license to engage in tobacco production and tobacco planting activities based on the proposal of the state central administrative body in charge of industry and trade in accordance with the proposal to engage in food, agricultural and tobacco import activities. Licenses to produce tobacco and plant tobacco plants will be issued on a competitive basis. The selection procedure shall be approved by the Government.

7.2. A license to engage in tobacco production and tobacco planting shall be issued for a period of two years and extended for the same period.

7.3. Soum and district governors and governors of free zones shall issue licenses to engage in tobacco sales activities.

/ This part was amended according to the law dated February 18, 2015 /

7.4. Other relations related to the license to manufacture, sell and plant tobacco shall be regulated by the Law on Licensing of Business Activities.

Article 8. Prohibition of tobacco advertising, support and sponsorship

/ The title of this article was amended by the law dated October 24, 2012 /

It is prohibited to advertise tobacco in the following forms:

8.1.1. Tobacco, tobacco wrapping paper, tobacco broom, packaging equipment, other tobacco accessories, name of the tobacco manufacturer, logo, tobacco product, its brand name, trademark, colors, color combinations, words related to the tobacco manufacturer, 8.1.1. the use of design, images, images, smells, and sounds, and the inclusion of celebrities such as celebrities, athletes, artists, and cultural figures in the media, movies, fashion shows, art, sports, and competitions. , advertise competitions, mobile phones and other new technologies, wall and street billboards, posters, advertisements, passenger tickets and other physical means;

/ This part was amended according to the law dated October 24, 2012 /

8.1.2. To teach and encourage children to smoke;

8.1.3. To name a legal entity by the name of a tobacco or tobacco factory;

8.1.4. Participate as a sponsor in health, education, culture, physical culture, sports and other public events, provide various donations, assistance and scholarships from tobacco manufacturers;

/ This part was amended according to the law dated October 24, 2012 /

8.1.5. To use pictures, names and symbols of tobacco and tobacco industry on goods, clothes and consumer items;

8.1.6. To produce tobacco, toys and other non-tobacco products similar to tobacco products in appearance, to distribute free gifts, product samples, to promote tobacco in other forms such as lotteries, contests, discounts, promotions, discounts and scholarships;

/ This part was amended according to the law dated October 24, 2012 /

8.1.7. To provide information in any form other than the name, price and physical display of tobacco products at any point of sale of tobacco;

/ This provision was added by the law in 24 October 2012 /

8.1.8. Contain information on the outside and inside of cigarette packs, packages and packaging, such as any additional images and words that attract the consumer's attention, other than those specified in the national standard;

/ This provision was added by the law in 24 October 2012 /

8.1.9. Brand expansion and brand sharing activities of a tobacco manufacturer;

/ This provision was added by the law in 24 October 2012 /

8.1.10. To promote tobacco directly or indirectly by providing financial and material donations and assistance to others through the tobacco manufacturer itself or through other organizations and persons;

/ This provision was added by the law in 24 October 2012 /

8.1.11. To place the image and logo of the tobacco brand in the environment of entertainment and service areas;

/ This provision was added by the law in 24 October 2012 /

8.1.12. All types of advertisements about tobacco that may be false, misleading or misleading.

/ This provision was added by the law in 24 October 2012 /

It is prohibited to import all types of tobacco advertising materials across the state border.

/ This part was amended according to the law dated October 24, 2012 /

8.3. Cross-border advertising, support and sponsorship of tobacco shall be prohibited.

/ This part was added by the law in 24 October 2012 /

8.4. It shall be prohibited for a tobacco producer to make financial or material donations and assistance to social welfare, health and environmental protection organizations directly or through other organizations in the name of social responsibility.

/ This part was added by the law in 24 October 2012 /

Article 9. Prohibition of smoking

9.1. Smoking is prohibited in the following places:

9.1.1. All types of public transport;

9.1.2. Public entertainment and service place;

9.1.3. A gas station, a plant for burning, lubricating, explosives and materials, and a warehouse for its resources;

9.1.4. Passenger transport station, hotel public hall, non-smoking room;

9.1.5. Environments other than public places of food, trade, bars and entertainment places where smoking is allowed;

/ The provisions of the 2015 law was amended, dated May 29 th / 1

9.1.6. The internal environment of the workplace, except for the place where the business entity or organization is allowed to smoke;

/ This part was amended according to the law dated January 29, 2015 /

9.1.7 aircraft and passenger trains;

9.1.8. Kindergartens, schools of all levels, school dormitories, hospitals, sanatoriums, their outdoor environments, entrances to public apartment buildings, stairs, elevators, children's playgrounds and parks.

/ This part was amended according to the law dated January 29, 2015 /

9.2. Business entities and organizations shall reflect the regulations related to tobacco control activities specified in the law in their organization's internal labor regulations and monitor their implementation.

9.3. A warning sign prohibiting smoking shall be placed at the entrance of a business entity or organization, waiting room, basement, toilet and other necessary places.

9.4. The warning sign specified in 9.3 of this Law shall contain the address, telephone number and name of the official of the organization receiving and resolving public information, complaints and suggestions in case of violation and the design of the warning sign shall be approved by the state central administrative body in charge of health.

/ This article was amended according to the law dated October 24, 2012 /

CHAPTER THREE FINANCING OF TOBACCO CONTROL ACTIVITIES

Article 10. Health Promotion Fund

10.1. A health promotion fund (hereinafter referred to as “fund”) shall be established for the purpose of fostering healthy living habits and reducing tobacco use.

10.2. The fund shall consist of sources specified in Article 19.2 of the Law on Government Special Funds.

/ This part was amended according to the law dated November 13, 2019 /

10.3. Funds may be raised from donations, assistance provided by citizens and legal entities, as well as from international and foreign organizations, citizens and stateless persons, and from other sources not prohibited by law.

~~10.4. The fund's assets shall be concentrated in a special government fund.~~

/ This part was repealed by the law dated November 13, 2019 /

10.5. The funds of the fund shall be used for the purposes specified in 19.3 of the Law on Government Special Funds.

/ This part was amended according to the law dated November 13, 2019 /

10.5.1. To implement tobacco control and health promotion projects and programs;

10.5.2. To finance activities to prevent diseases and ailments caused by tobacco and to promote health;

10.5.3. To conduct information, training, advertisement and monitor on combating the harmful effects of tobacco;

10.5.4. To increase the supply of smoking cessation treatment, necessary drugs, tools and equipment;

10.5.5. To study tobacco use and its health and economic harm.

10.6. The Government shall approve the charter of the foundation, the composition of the board and its working procedures.

CHAPTER FOUR MISCELLANEOUS

Article 11. Monitoring the implementation of the legislation on tobacco control

State control over the implementation of the legislation on tobacco control shall be exercised by the Government, Governors of all levels, state administrative body in charge of specialized inspection, police and other organizations and officials authorized by the legislation in accordance with their respective powers.

11.2. The management of business entities, organizations and their branches shall monitor the implementation of the legislation on tobacco control within the scope of their authority specified in this law.

11.3. Consumer protection and other non-governmental organizations may monitor the implementation of the legislation on tobacco control.

Article 12. Complaints Citizens and legal entities who believe that their rights and legitimate interests have been harmed as a result of violation of the legislation on tobacco control may file a complaint to the relevant organization, official or court.

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Article 13. Liability for violators

13.1. If the actions of an official violating this Law are not of a criminal nature, he / she shall be subject to liability specified in the Civil Service Law.

13.2. A person or legal entity that violates this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

/ This article was re-edited by the Law of December 4, 2015 /

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA Ts. Nyamdorj