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The following act was accepted in the parliament and was granted by the President on 27 Chaitra, 1432/10 April, 2026 and the **Act** is hereby published for general information:—

ACT No. 91 OF 2026

An Act for the further amendment of the Smoking and Tobacco Products Usage (Control) Act, 2005

Whereas it is expedient and necessary to further amend the Smoking and Tobacco Products Use (Control) Act, 2005 (Act No. 11 of 2005) for the following purposes of the said Act;

Hence, it is enacted as follows: —

1. **Short title and commencement.**—(1) This Act may be called the Smoking and Tobacco Products Use (Control) (Amendment) Act, 2026.
- (2) It shall come into force immediately.
2. **Amendment of the Preamble of Act No. 11 of 2005.**—Smoking and Use of Tobacco Products (Control) Act, 2005 (Act No. 11 of 2005), hereinafter referred to as the said Act, in the second paragraph of the Preamble, the word "Eng." shall be substituted with the word "A.D." as appearing twice.
3. **Amendment of section 2 of Act No 11 of 2005.**—Section 2 of the said Act—
 - (a) After clause (a), the following new clause (aa) shall be inserted, namely:—
 - "(aa) "Kumbi leaf or Tendu leaf bidis" means bidis wrapped or made with kumbi leaves or tendu leaves, and shall also include bidis wrapped or made with leaves of any other tree, but shall not include conventional bidis wrapped with paper;"
 - (b) In clause (b), the following clause (b) shall be substituted, namely:—
 - "(b) "tobacco" means any plant of the species *Nicotiana tabacum* or *Nicotiana rustica* or any other related plant or any leaf, fruit, root, branch or any part thereof;"
 - (c) Clause (c) shall be replaced by the following clause (c):—
 - "(c) "Tobacco product" means any product made from tobacco, tobacco leaves or their extracts, which can be consumed by sucking or chewing or can be inhaled by smoking or otherwise consumed and includes Bidis, Cigarettes, Cigars, Gul, Zarda, Khaini, Sada

Patta, Cigars, Hookah, or mixtures for using in pipes”;

- (d) In clause (f), the following clause (f) shall be substituted, namely:—
- “(f) "public place" means any place used in common by the public, irrespective of public or private ownership, such as: educational institutions, government offices, semi-government offices, autonomous offices and non-governmental offices, libraries, elevators, covered workplaces (indoor workplaces), hospital buildings, clinic buildings and diagnostic center buildings, court buildings, airport buildings, seaport buildings, naval port buildings, railway station buildings and platforms, bus terminal buildings, cinema halls, exhibition centers, theater halls, shopping malls, any type of hotel, restaurants, eateries, coffee houses, and the premises of the aforementioned public places, any type of social event venue, including community centers, public toilets, children's parks, fair, any queue of persons waiting for service, including designated queues for boarding public transportation, or any other place or all places from time to time declared by the Government from time to time or a local government authority by general or special order;”;

Explanation — In the definition of "public place" all verandas, entrance and exit gates, and premises connected with any building, whether covered or open, shall be included, and the grounds, open spaces, or gardens in front of and behind the building shall also be included;”;

- (e) In clause (g), the word 'mechanical' shall be replaced by the words 'mechanical and non-mechanical';
- (f) The word 'and' at the end of paragraph (h) shall be deleted; and
- (g) Clause (i) shall be replaced by the following clause (i), namely: —
- “(i) "person" means any natural person and any company, association, firm or body of persons, whether incorporated or not, and includes any manufacturer or distributor of tobacco products;”
- (h) After clause (i), the following clause (j) shall be inserted, namely: —
- “(j) “Standard Packaging" means the standard packaging prepared in accordance with government instructions regarding the shape, size, materials, and packaging of tobacco products, and the quantity and number of tobacco products in the packaging.”

4. Amendment of section 3 of the Act No. 11 of 2005.—In section 3 of the said Act, after the numbers, words and parenthesis "(Act No. 24 of 2009)" the words, numbers, symbols and parenthesis ", Gazipur Metropolitan Police Act, 2018 (Act No. 19 of 2018), Rangpur Metropolitan Police Act, 2018 (Act No. 20 of 2018)" shall be added.

5. Amendment of section 4 of the Act of 2005 (No. 11).—In section 4 of the said Act—

- (a) in the marginal note, for the word 'smoking', the words 'smoking and use of tobacco products' shall be substituted;
- (b) Subsection (1) shall be substituted by the following subsection (1), namely:—

"(1) No person shall smoke or use tobacco products in any public place and on public transport:

Provided that the Government may issue necessary directions for the purpose of designating areas for smoking in any public place."; and

(c) In sub-section (2), the words "three hundred taka" shall be substituted by the words "two thousand taka".

6 Amendment of section 5 of the Act No. 11 of 2005.—In section 5 of the said Act—in sub-

(a) In subsection (1)—

Clauses (d), (e), (f), (g) and the Explanation shall be replaced by the following clauses (d), (e), (f), (g) and Explanations, namely:—

- "(d) shall not broadcast or cause to be broadcast any advertisement relating to tobacco or tobacco products in any cinema, print and electronic media, internet media, website, webpage, electronic mail and social media;
- (e) in any movie, drama, or documentary, whether produced, available and broadcast in Bangladesh, or produced abroad, no scene of use of tobacco products and electronic nicotine delivery systems and no tobacco product or product packaging shall be advertised, displayed, or described on television, radio, the Internet, OTT (Over The Top) platforms, apps, stage performances, or any other medium, nor shall they be permitted to do so;
- (f) shall not produce, sell, or distribute, or cause to be produced, sold, or distributed, packaging, packet, or container of any product that is similar or identical to the brand name or packaging, packet, or container of a tobacco product, and manufacture, sell, or distribute, or cause to be manufactured, sold, or distributed, any tobacco product and electronic nicotine delivery system whose package, packet, or container is similar or identical to the brand name or package, packet, or coat of any other product;
- (g) No person shall, at the point of sale of tobacco products, advertise tobacco products in any manner, including by displaying any type of packet, container, or empty or sample packet of tobacco products;"

Explanation.—For the purposes of this sub-section—

- (a) "**Advertising of tobacco products**" means conducting any form of commercial activity, directly or indirectly, for the purpose of promoting any tobacco product or the use of tobacco;
- (b) "**Internet**" shall mean the Internet as defined in clause (8) of section 2 of the Information and Communication Technology Act, 2006;
- (c) "**electronic mail**" shall mean electronic mail as defined in clause (9) of section 2 of the Information and Communication Technology Act, 2006";

- (b) sub-section (3) shall be replaced by the following sub-section (3), namely:— "(3) Notwithstanding anything contained in any other law, no name, sign, trademark or symbol of any tobacco or tobacco product manufacturing company shall be used in the name of Corporate Social Responsibility, and no assistance shall be provided to any commercial group or institution or in the name of any event or program."; and
- (c) In subsection (4), for the words 'one hundred thousand taka', shall be substituted with the words 'five hundred thousand taka'.

7. **Insertion of new sections 6B, 6C and 6D in the Act 11 of 2005.**—After section 6A of the said Act, the following new sections 6B, 6C and 6D shall be inserted, namely:—

6B. Prohibition of sale of tobacco and tobacco products within the premises of educational institutions, hospitals, clinics, sports grounds, etc.—(1) No person shall sell or cause to be sold tobacco and tobacco products within a radius of 100 meters of the premises of an educational institution, hospital, clinic, sports ground, and children's park.

(2) The Government or a local government authority may, from time to time, by general or special order, increase the extent of the area referred to in sub-section (1).

(3) Any person who violates the provisions of sub-section (1) shall be punishable with a fine which may extend to five thousand taka, and if such person commits the same offense for a second or subsequent time, he shall be liable to a fine at a rate double the amount of the previous fine.

6C. Prohibition of bidis of Kumbi leaves, Tendu leaves, etc.—(1) No person shall produce, import, stock, market, distribute, transport, or sell bidis wrapped in Kumbi leaves, Tendu leaves, or leaves of any other tree.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment without hard labour for a term not exceeding 3 (three) months' imprisonment, or a fine not exceeding 200,000 (two hundred thousand) Taka, or both, and if the person commits the same offense a second or subsequent time, he or she shall be liable to a progressively double penalty.

(3) If the person committing an offense under this section is a company, its license may be revoked, its financial transactions suspended, or a financial penalty with imprisonment imposed.

(4) No person shall use a bidi wrapped in kumbi leaves, tendu leaves, or the leaves of any other tree.

- (5) Any person who violates the provisions of sub-section (4) shall be punishable with a fine not exceeding 5,000 (five thousand) taka.
- 6D. **Use of Addictive Substances with Tobacco Products Prohibited.**—(1) No person shall add or cause to be added any harmful addictive substance to tobacco and tobacco products.
- (2) Any person who contravenes the provisions of sub-section (1) shall be liable to imprisonment without hard labour for a term not exceeding 6 (six) months or a fine not exceeding 5,00,000 (five hundred thousand) taka fine or with both, and if such person commits the same offense a second or subsequent time, he shall be liable to a progressively higher penalty, up to twice the amount of the original penalty."
8. **Repeal of sections 7 and 7A of the Act No. 11 of 2005.**—Sections 7 and 7A of the said Act are hereby repealed.
9. **Amendment of section 8 of the 2005 Act.**—Section 8 of the said Act shall be amended as follows:
- (a) in sub-section (1), the words and numbers "outside the area designated or specified as a smoking area under section 7" shall be omitted; and
- (b) in sub-section (2), for the words 'one thousand taka', the words 'five thousand taka' shall be substituted.
10. **Amendment of section 9 of the Act No. 11 of 2005.**—In section 9 of the said Act,—
- (a) in sub-section (1), for the words "any public place and public transport", the words "any public place, public transport and the points of sale of tobacco products and the selling establishment of tobacco" shall be substituted;
- (b) after sub-section (3) the following new sub-section (3A) shall be inserted, namely:—"(3A) Where any person, in contravention of the provisions of this Act, publishes or displays or otherwise promotes any advertisement of tobacco products at any point of sale of tobacco products or elsewhere, the authorized officer may direct such person to cease such illegal promotion and to remove the promotional materials or paraphernalia, if such instructions are not voluntarily complied with and the promotional materials or equipment are not removed, the authorized officer may take legal action to stop the advertisement or remove the materials and, if necessary, may seek the assistance of law enforcement agencies."; and
- (c) in sub-section (4), for the words, symbols, number and brackets "under sub-section (3)", the words, symbols, numbers and brackets "under sub-sections (3) and (3A)" shall be substituted.
11. **Amendment of section 10 of the Act No. 11 of 2005.**—In section 10 of the said Act—
- (a) Subsection (1) shall be replaced by the following subsection (1), namely:—"(1) On both sides of all types of packets, wrappers, cartons, bags, and tins of tobacco products, and on the top of the main display panel or on the top of the main display panel of any packets that do not have two main sides, at least 75 (seventy-five) percent of the space shall be occupied by a health warning related to the harm caused by the use of tobacco products, in Bengali, with graphic images and text, in the manner prescribed by the rules.";
- (b) in sub-section (3), after the word "statement" the words "and including the date of manufacture" shall be inserted;
- (c) After the word 'statement' in sub-section (5), the words 'and date of manufacture' shall be inserted.
- (d) After sub-section (6), the following sub-section (7) shall be added, namely:—

- "(7) If the person committing an offence under this section is a company, then the owner, manager, or other responsible person of the company in respect of the relevant goods shall be liable to imprisonment without hard labour for a term not exceeding six months or a fine not exceeding 500,000 (five hundred thousand) taka fine or both, and if such person commits the same offence a second or subsequent time, he shall be liable to a progressively double penalty, and the said company's license to produce and sell tobacco and tobacco products shall be revoked."
- (6) months or a fine not exceeding 500,000 (five hundred thousand) taka fine or both, and if such person commits the same offence a second or subsequent time, he shall be liable to a progressively double penalty, and the said company's license to produce and sell tobacco and tobacco products shall be revoked."

12. **Insertion of new section 10A in the Act of 2005 (No. 11).**—After section 10 of the said Act, the following new section 10A shall be inserted, namely:—

"10A. Restriction on sale of tobacco products except in standard packaging.—

- (1) Notwithstanding anything contained in any other law, no person shall sell or cause to be sold any tobacco product except in a packet or a can.
- (2) For the purposes of sub-section (1), the size, dimensions, and weight of the packets, wrappers, and tins of tobacco products, the number and quantity of tobacco and tobacco products contained therein, the date of manufacture, and the printing of the Quitline Helpline number shall be prescribed by rules.
- (3) Any person who violates the provisions of this section shall be punishable with imprisonment without hard labour for a term not exceeding one (1) month or a fine not exceeding 5,000 (five thousand) taka fine or both, and if such person commits the same offence for a second or subsequent time, he shall be liable to a progressively higher penalty, up to twice the amount of the original penalty.
- (4) If the person committing an offence under this section is a company, then the company's owner, manager, or other responsible person, together with the relevant goods of the company, shall be liable to imprisonment without hard labour for a term not exceeding six months or to a fine not exceeding 200,000 (two hundred thousand) taka fine or both, and if such person commits the same offence a second or subsequent time, he shall be liable to a progressively increasing penalty at double the rate of the previous penalty, and the license of the company to produce and sell tobacco and tobacco products shall be revoked."

13. **Amendment of section 14 of the Act No. 11 of 2005.**—In section 14 of the said Act, subsection (2) shall be replaced by the following subsection (2), namely:—

- "(2) The Code of Criminal Procedure shall apply in respect of the filing of any complaint and the disposal of any case under this Act."

- 14. Repeal and Savings of Ordinance No. LVII of 1975.**—(1) The Bidi Manufacture (Prohibition) Ordinance, 1975 (Ordinance No. LVII of 1975) is hereby repealed.
- (2) Any act or proceeding taken under the Ordinance repealed by subsection (1) shall be deemed to have been done or taken under this Act as if this Act had been in force at the time when such act or proceeding was taken.
- 15. Repeal and Savings.**—(1) The Smoking and Tobacco Products Usage (Control) (Amendment) Ordinance, 2025 (Ordinance No. 80 of 2025) is hereby repealed.
- (2) Notwithstanding the repeal, any act or thing done or any action taken under the repealed Ordinance shall be deemed to have been done or taken under this Act.

Barrister Md. Golam Sarwar Bhuiyan
Secretary.