

Tobacco Control Law of DPR Korea
(Decree No.1176 on June 24th, 2016)
(Revised and consolidated)

Article 1. (Objective)

This Law shall aim to contribute to protecting the lives and health of people and creating cultured and hygienic living environment by enforcing strict control on production, import, export and sale of tobacco, and smoking.

Article 2. (Definition)

Tobacco means leaf tobacco, and tobacco product manufactured by processing leaf tobacco for human consumption.

Article 3. (Principle of tobacco control)

Enforcing strict control on tobacco is an important requirement of the protection of the lives and health of people and the environment.

The State shall ensure that production, import and sale of tobacco are restricted and the number of smoking persons reduced.

Article 4. (Strengthening cessation activity)

The State shall consistently pursue the policy of doing the cessation activity in a whole society.

The State shall enforce dissemination about harmfulness of tobacco on the people so that they may take an activity part in tobacco control activities.

Article 5. (Subject matter of regulation)

This Law shall regulate the order related to the control of production, import, export and sale of tobacco, and smoking.

Matters not covered by this Law concerning the control of production, import, export and sale of tobacco, and smoking shall be governed by the relevant laws.

Article 6. (Tobacco producers)

Tobacco shall be produced only by the licensed institutions, enterprises and organizations.

Approval for the production of leaf tobacco and tobacco product shall be granted respectively by the central agricultural guidance organ and the central production-licensing organ.

Institutions, enterprises and organizations that wish to produce tobacco shall obtain the consent of the Korean Tobacco Association.

License shall not be granted for tobacco production if the consent has not been obtained from the Korean Tobacco Association.

Article 7. (Application for tobacco production)

Institution, enterprises and organizations that wish to produce tobacco shall submit an application either to the central agricultural guidance organ or the central production-licensing organ. In this case the intended purpose and amount of production and the standard of the product shall be specified.

Article 8. (Review of application for approval of tobacco production)

Upon receipt of an application for approval of tobacco production, the central agricultural guidance organ or the central production-licensing organ shall responsibly review it from the perspective of the development of national economy, public health and environmental protection, and either approve or reject it.

Article 9. (Plan for tobacco production)

Tobacco shall be produced in accordance with the plan.

The State planning organ shall formulate and forward an accurate plan for tobacco production.

Institutions, enterprises and organizations that are not included in the plan shall not produce tobacco.

Article 10. (Production and procurement of leaf tobacco)

Leaf tobacco-producing institutions, enterprises and organizations shall produce quality leaf tobacco and have them procured in time. In this case inspection of the quality control organ shall be obtained.

Leaf tobacco shall be transferred only to the institutions, enterprises and organizations that are included in the plan.

Article 11. (Manufacture of tobacco)

Tobacco producer institutions, enterprises and organizations shall manufacture tobacco of planned amount and in limited criteria.

Finished tobacco shall be transferred to the commercial institutions subject to the inspection of the quality control organ.

Article 12. (Inscription on the package)

Institutions, enterprises and organizations that produce tobacco shall note the warning messages informing that tobacco is harmful to the health and explanatory messages informing the amount of nicotine, tar and carbon monoxide on the packages.

Article 13. (Trademark)

Tobacco producer institutions, enterprises and organizations shall label the trademark registered as required by the Trademark Law.

The same tobacco produced by using the same raw material, manufacturing

technology and method shall not bear different trademarks, decorations or inscriptions intended to appeal to consumers.

Article 14. (Equity or contractual joint venture, consignment processing)

Equity or contractual joint venture for tobacco production and consignment processing shall be undertaken subject to the relevant laws and regulations. Institutions, enterprises and organizations that wish to produce tobacco through equity or contractual joint venture, or consignment processing shall obtain the consent of the Korean Tobacco Association.

License shall not be granted for tobacco production through equity or contractual joint venture, or consignment processing if the consent has not been obtained from the Korean Tobacco Association.

Article 15. (Import and export tobacco)

Institutions, enterprises and organizations that wish to import or export tobacco, raw and other materials and equipment for tobacco production shall obtain the consent of the Korean Tobacco Association.

Formalities for the import or export of tobacco, and raw and other materials and equipment for tobacco production shall not be permitted to proceed if the consent of the Korean Tobacco Association has not been obtained.

Article 16. (Application for the consent to equity or contractual joint venture, consignment processing, import or export)

Institutions, enterprises and organizations that wish to undertake equity or contractual joint venture, or consignment processing, and import or export raw and other materials and equipment for tobacco production shall submit in advance an application for consent to the Korean Tobacco Association.

In this case information relevant to the review of the application shall be specified. The application form shall be set by the Korean Tobacco Association.

Article 17. (Consent to equity or contractual joint venture, consignment processing, export or import)

Upon receipt of an application for equity or contractual joint venture, consignment processing, export or import of raw and other materials and equipment for tobacco production, the Korean Tobacco Association shall review it within a period of 15 days, and decide either to approve or reject it.

The said decision shall be notified in time to the institutions, enterprises and organizations concerned.

Article 18. (Furnishing of information relevant to review of application)

The Korean Tobacco Association may require the institutions, enterprises and organizations concerned to furnish information relevant to the review of the application for consent to equity or contractual joint venture, consignment

processing, or export or import of tobacco or raw and other materials and equipment for tobacco productions.

Institutions, enterprises and organizations concerned shall furnish in time the information required by the Korean Tobacco Association.

Article 19. (Restriction on export of leaf tobacco)

Leaf tobacco shall not be exported.

In case leaf tobacco is to be exported for unavoidable reasons, consent shall be obtained from the Korean Tobacco Association.

Article 20. (Tobacco produced for export purpose)

Institutions, enterprises and organizations shall export all of the tobacco that is produced for export purpose.

Tobacco produced for export purpose shall not be transferred to commercial institutions.

Article 21. (Inspection and quarantine of tobacco at the time of export or import)

The inspection and quarantine organ of exports and imports shall enforce stringent inspection and quarantine of the border-crossing tobacco, and raw and other materials and equipment for tobacco production.

Article 22. (Place of tobacco sale)

Only permitted shops or counters shall sell tobacco. They shall not use vending machines.

Notices that inform the harmfulness of tobacco and sale prohibition to minors, pupils and students shall be posted conspicuously in the tobacco-selling places.

Institutions, enterprises and organizations that wish to sell the tobacco product produced from imported leaf tobacco, raw materials and resources shall obtain the consent of the Korean Tobacco Association.

Article 23. (Sale price of tobacco)

Tobacco shall be sold at the price set by the State price fixing organ.

The price shall not be arbitrarily altered.

Article 24. (Prohibition of sale to minors)

Tobacco shall not be sold to minors, pupils and students.

Article 25. (Prohibition of export, import or sale)

Tobacco shall not be exported, imported or sold in cases where:

1. It has not been subjected to quality inspection or not passed the inspection; and
2. Outside of its packet or package does not contain health warnings, and

contents of nicotine, tar and carbon monoxide.

3. Its sale is not permitted, such as smokeless tobacco and electronic tobacco.

Article 26. (Prohibition of tobacco promotion)

All promotions related to tobacco, with the exception of the harmfulness of the tobacco shall be prohibited.

Institutions, enterprises, organizations and citizens shall not carry out such acts as promoting tobacco to the consumers for the purpose of facilitating its sale.

Production, import or sale of the ornaments, toys or food that imitate tobacco shall not be permitted.

Article 27. (Places of smoking)

Citizens who wish to smoke shall smoke at designated places.

Institutions, enterprises and organizations shall designate a separate place for smoking, provide the ash-stands and ensure that maintained in a cultured and hygienic way.

Article 28. (Forbidden places of smoking)

Smoking shall be forbidden in the following places:

1. Revolutionary battle sites and revolutionary historic places;
2. Public places such as theatres, cinemas, halls, conference rooms, museums, exhibition halls and places, libraries, stadiums, gymnasiums and swimming-pools.
3. Nursing and upbringing facilities of children and educational facilities such as nurseries, kindergartens and schools.
4. Health facilities such as hospitals, clinics and sanatoriums
5. Offices and indoor working places.
6. Barber`s, hairdresser`s, bathrooms, shops and restaurants
7. Means of passengers` transportation such as airlines, trains and ships for passengers, undergrounds, buses and taxis.
8. Sidewalks, stations, platforms and bus-stops
9. Forest reserves, nature preservation areas, zoos and botanical gardens
10. Potential places of fire accident; and
11. Other forbidden places of smoking

Article 29 (Cessation mark)

Institutions, enterprises and organizations concerned shall put up cessation marks conspicuously in the non-smoking areas.

Article 30. (Individuals for forbidden tobacco)

Minors, pupils and students are forbidden tobacco.

Parents, sponsors and educational institutions shall regularly intensify education of minors and students on forbidden tobacco and enforce stringent control and

inspection to prevent them from smoking.

Article 31. (Dissemination about harmfulness of tobacco)

Public health institutions, the media and institutions concerned shall spread in various forms and ways knowledge about health effects of tobacco, and its adverse impact on environmental protection and economic development.

Article 32. (Sanitary and medical aids on cessation)

Public health institutions and institutions concerned shall develop various medicine and functional foodstuffs helpful for smokers to stop smoking.

Article 33. (Korean Tobacco Association)

The Korean Tobacco Association, a non-standing body, shall be set up in the central guidance organ of foodstuff and daily necessities industry with a view to ensuring that the State policy concerning production, equity or contractual joint venture, consignment processing, export and import, and sale of tobacco is implemented to the letter.

The Korean Tobacco Association shall be composed of officials from foodstuff and daily necessities industry, public health, foreign trade, customs, quality control and tobacco production.

The said institution shall discuss and decide on measures for the implementation of the State policy on the production, equity or contractual joint venture, consignment processing, export and import and sale of tobacco and carry out such tasks as are set out in this Law.

Article 34. (Supervision and Control)

Supervision and Control on tobacco shall be implemented by institutions concerned such as public security institution.

Supervision and control institutions including public security institution shall intensify supervision and control on production, export and import, sale and smoking rules of tobacco.

Article 35. (Stop and confiscate)

For illegal production, export and import, and sale of tobacco, the State shall direct it to stop management and confiscate the tobacco, equipments and materials used in illegal business.

Article 36. (Administrative liability)

Officials and individual citizens responsible for the following acts shall be subjected to corresponding administrative liability.

1. For producing tobacco without license;
2. For giving a license on tobacco production without consent of the Korean

Tobacco Association;

3. For producing tobacco on included in the plan;
4. For selling leaf tobacco to the institutions, enterprises and organizations that are not included in the plan;
5. For undertaking production or consignment processing, equity or contractual joint venture, or exporting or importing tobacco, and raw and other materials and equipment for tobacco production without obtaining the consent of the Korean Tobacco Association.
6. For failing in notification of health warning messages and explanatory messages informing the amount of nicotine, tar and carbon monoxide on the packages, or selling, exporting or importing such tobacco products;
7. For selling tobacco in the shops or counters unlicensed;
8. For not putting up the notices informing that tobacco is harmful to health ,and that selling tobacco to minors, pupils and students is forbidden in the tobacco-selling places;
9. For selling tobacco to minors, pupils and students;
10. For not posting cessation mark in the places forbidden to smoke; and
11. For smoking tobacco in forbidden places or throwing cigarette ends away anywhere.

Article 37. (Criminal liability)

Where serious consequences are entailed by the acts listed in article 36, officials responsible thereto of the institutions, enterprises and organizations and individual citizens shall be subjected to criminal liability in accordance with the relevant provisions of the Criminal Law.