

Govt of Karnataka

No: HFW 170 CGE 2023

Secretariate, Government of Karnataka,
Vikasa Saudha
Bengaluru, Date: 07.02.2024.

Notification

According to the WHO's Global Adults Tobacco Survey 2016-17, 22.8% of adults (aged 15 and above) in Karnataka consume some form of tobacco. 8.8% of these people are smokers. 23.9% adults in Karnataka are exposed to second hand smoke in public places.

The consumption, sales, advertisements, promotion, transportation, production and supply in India are regulated under the Cigarettes and Tobacco Products Act (COTPA) 2003.

According to studies, 45 minutes of hookah smoking is equivalent to smoking 100 cigarettes and is cited as harmful to health. According to the report of the World Health Organization, hookah is an addictive substance, which contains nicotine or molasses and flavoring substances containing a large amount of carbon monoxide, which is very harmful to health.

Section 3(p) schedule of COTPA 2003 Act classifies hookah as an tobacco product. In recent times, the government has come to the attention of the government that young men and woman, mainly student community, are falling prey consumption products such as tobacco containing hookah or hookah molases and other hookah products in public places potentially leading drug addiction.

Section 4 of COTPA 2003 prohibits smoking in public places. Only places like restaurants, pubs, clubs having a seating capacity of 30 and more than 30 seats or rooms are permitted to construct a designated smoking area or room. Providing any smoking aid or services in the Designated Smoking Area is a violation of Section 4 of the COTPA 2003 Act.

According to Section 6(a) and 6(b) of COTPA, incitement to consumption of tobacco to children or students and sale and use of tobacco products including hookah within 100 yards of educational institutions are prohibited.

According to Section 77 of the Children and Protection Act 2015, possession, abetment, and sale of tobacco or other addictive substances to a minors is a punishable offence.

The Karnataka Poisons (Possession and Sale) Rules 2015 classifies nicotine as a poison or hazardous chemical substance.

A hookah is for a product that is consumed orally through a nozzle or wipe device in a closed chamber. There is a high possibility of spreading oral infectious diseases like herpes, tuberculosis, Hepatitis, Covid 19 and other diseases.

The hookah bar system is a cause of state fire hazards and violates state's fire safety laws.

Hookah Bars Licensed under the provisions of Food Safety and Quality Act 2006 and 2.1.1. Schedule 5. Consumption of hookah in hotels, bars and restaurants makes the food items unsafe for public consumption and may adversely affect the public's health.

As clearly mentioned in Article 47 of the Constitution, it is the duty of the State Government to protect public health. In general, the sale, consumption, promotion, stocking and trade of hookah tobacco products known as hookah tobacco or nicotine-free tobacco-free, flavored, unflavored hookah molasses, shisha and other similar names are prohibited in the state with immediate effect in the interest of public health.

It is hereby ordered that the violators of this order will be punished under the provisions of COTPA 2003, Juvenile Justice Act 2015, Food Safety and Quality Standards Act 2006, Karnataka Poisons (Possession and Sale) Rules 2015, Indian Penal Code and Fire Safety Act.

By order and in the name of the Governor of Karnataka

(Padma. V)
Under Secretary to Govt,
Department of Health and Family Welfare
(Health 1 & 2)

To:-

1. Accountant General (G &S.S.A). Karnataka, New Building, "Audit Bhavan", Post box no 5398, Bengaluru-560001
2. All Chief Secretary/Principal Secretary/Secretaries to Government of all Departments of the State
3. Heads of Departments of all the Departments of the State.
- 4 Deputy Commissioners of all districts of the State,
5. Superintendents of Police of all districts of the state.
6. Chief Executive Officers of all districts of the State.
7. Additional copy / branch security file

Copy for information:

1. Private Secretary to Hon'ble Chief Minister, Vidhana Soudha, Bangalore
2. Private Secretary to the Hon'ble Minister of Health and Family Welfare and Medical Education, Vikas Soudha, Bangalore
3. Private Secretary to the Principal Secretary to Government, Department of Health and Family Welfare
4. Personal Assistant to the Deputy Secretary-4 to Government, Department of Health and Family Welfare.