

Government Regulation of the Republic of Indonesia No. 19 of 2003 Concerning Safety Measures for Smoking and Health

Thursday 1st April 2004 / 17.20 Western Indonesian Time

**GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 19 OF 2003
CONCERNING
SAFETY MEASURES FOR SMOKING AND HEALTH**

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Having considered:

- a. that smoking represents an addictive substance the use of which causes a danger to individual and public health, and because of that it is necessary to implement several safety measures;
- b. that by way of implementation of the provisions of Paragraph 44 of Law Number 23 of 1992 concerning Health so the Government Regulation Number 81 of 1999 concerning Safety Measures for Smoking and Health was determined as varied by Government Regulation Number 38 of 2000;
- c. that in order to make the implementation of safety measures for smoking and health more effective it has been deemed necessary to supplement the regulations concerning safety measures for smoking by means of a Government Regulation;

And in view of:

1. Paragraph 5 section (2) of the Constitution Laws of 1945 as varied by the Fourth Amendment to the Constitutional Laws of 1945;
2. Law Number 23 of 1992 concerning Health (National Gazette of the Republic of Indonesia 1992 Number 100, Supplement to the National Gazette Number 3495);
3. Law Number 8 of 1999 concerning Consumer Protection (National Gazette of the Republic of Indonesia 1999 Number 42, Supplement to the National Gazette Number 3821);
4. Law Number 32 of 2002 Concerning Broadcasting (National Gazette of the Republic of Indonesia 2002 Number 139, Supplement to the National Gazette Number 4252);

HAS DECIDED:

To determine:

**A GOVERNMENT REGULATION CONCERNING SAFETY MEASURES FOR
SMOKING AND HEALTH**

CHAPTER I

GENERAL PROVISIONS

Paragraph 1

In this Government Regulation what is meant by:

1. Smokeable is a packaged tobacco product including cigars/cigarettes or other forms of smokeable that are produced from the *Nicotiana Tabacum* and *Nicotiana Rustica* plants and other species or their synthesized equivalents which contain nicotine and tar with or without additives.
2. Nicotine is a substance, or pyrrolidine compound, which is found in *Nicotiana Tabacum*, *Nicotiana Rustica* and other species or their synthetic equivalents which has an addictive quality and causes dependency.
3. Tar is a Polynuclear Aromatic Hydrocarbon compound of a carcinogenic nature.
4. Smoking safety is any activity or series of activities with the purpose of preventing or controlling the direct or indirect effects of the use of smokeables on health.
5. Production is the activity or process of preparing, processing, making, producing, packaging, re-packaging and/or changing the form of raw materials to make smokeables.
6. Smokeables advertising, hereafter referred to as Advertising, is the activity of introducing, publicizing and/or promoting smokeables with or without benefit to the public with the aim of influencing the consumer to use the smokeables offered.
7. Smokeables labels, hereafter referred to as Labels, are any information concerning smokeables in the form of pictures, writing, a combination of both, or in other forms that are included with the smokeables, inserted into, placed upon or representing a part of the smokeables packaging.
8. A public place is a facility which is provided by the Government, private enterprise or individuals and which is used for public activities.
9. A work-place is any space or area, closed or open, mobile or stationary, where workers work, or which is frequently entered by workers for the needs of a business and where there is/are a source or sources of danger.
10. Public transport is a form of transport for the public which can be a land, water or air vehicle.
11. A smoking free area is a space or area where the activities of producing, selling, advertising, promoting or using smokeables has been declared to be prohibited.

12. Every/any person means people individually or business entities whether legally incorporated or not.

CHAPTER II

THE IMPLEMENTATION OF SMOKING SAFETY

Part One

General

Paragraph 2

The implementation of smoking and health safety is intended to prevent individual and public illness caused by smoking by:

- a. protecting public health against the incidence of diseases caused by the use of smokeables which can be fatal and cause a decrease in the quality of life;
- b. protecting the public in the productive age group and youth from environmental inducements and advertising influences which promote the initiation of the use of and dependency on smokeables;
- c. raising consciousness, awareness, potential and activities with regard to the health dangers of the use of smokeables.

Paragraph 3

The implementation of measures for smoking and health is to be effected by regulating:

- a. content levels of nicotine and tar;
- b. conditions placed on the production and sale of smokeables;
- c. conditions placed on the advertising and promotion of smokeables;
- d. the determination of smoking free areas.

Part Two

Content Levels of Nicotine and Tar

Paragraph 4

(1) Every person who produces smokeables has the duty to undertake an analysis of the content levels of nicotine and tar in all their products.

(2) The analysis of the content levels of nicotine and tar intended in section (1) is to be carried out in a laboratory which is accredited according to the requirements of the prevailing rules and regulations.

Paragraph 5

Every person who produces smokeables has the duty of providing information about the content levels of nicotine and tar for every cigarette produced by them.

Part Three

Information on Labels

Paragraph 6

(1) Every person who produces smokeables has the responsibility of including information about the content levels of nicotine and tar of each cigarette on the label which is to be placed so as to be clearly and easily readable.

(2) The inclusion of information about content levels of nicotine and tar as intended in section (1) is to be placed on one of the narrow sides of every cigarette package, in a box outlined with a line of 1 (one) mm in width, and in contrasting colors for text and background, the text font measuring at least 3 (three) mm, and such as to be clearly readable.

Paragraph 7

Apart from the inclusion of content levels for nicotine and tar as intended in Paragraph 6, the packaging must also include:

- a. a product code on every smokeables package;
- b. a health warning text on the label in a part of the packaging that is easily seen and read.

Paragraph 8

(1) The health warning on every label must be in the form of text.

(2) The text as intended in section (1) is to be in the form of “smoking can cause cancer, heart attacks, impotence and disturbances to pregnancy and fetal development.

Part Four

Production and Sale of Smokeables

Paragraph 10

Every person who produces smokeables has the responsibility to hold an industrial license.

Paragraph 11

(1) Every person who produces smokeables is forbidden to use additives which do not fulfill health conditions in the production process.

(2) Further stipulations concerning additives as intended in section (1) will be determined by Ministerial Decision.

Paragraph 12

The Minister responsible for agriculture will be obliged to motivate and to urge the use of technological and scientific knowledge in the process of production of smokeables in order to produce a smokeables product with the most minimal health risk possible.

Paragraph 14

Smokeables products that are brought into the Indonesian region must fulfill the requirements stipulated in Paragraph 4, Paragraph 5, Paragraph 6, Paragraph 7, Paragraph 8, Paragraph 9, and Paragraph 11.

Paragraph 15

(1) The sale of smokeables through self-service (vending) machines may only be done in certain places.

(2) Further provisions concerning the “certain places” as intended in section (1) will be determined by the Regional Government.

Part Five

Advertising and Promotion

Paragraph 16

(1) The advertising and promotion of smokeables may only be undertaken by the persons who produce the smokeables and/or who bring them into the Indonesian region.

(2) Advertising as intended in section (1) may be carried out via electronic media, print media or outdoor media.

(3) Advertising via electronic media as intended in section (2) may only be carried out between the hours of 21.30 and 05.00 local time.

Paragraph 17

Advertising materials as intended in Paragraph 16 section (2) are forbidden to:

- a. provoke people to smoke or suggest that they smoke;
- b. depict smoking as providing health benefits or to suggest that it provides such benefits;
- c. to show, by means of pictures, text or a combination of both, cigarette packets, cigarettes or people smoking or to focus on people smoking;
- d. to be directed towards or to show in the form of pictures, text or a combination of both, children, youth or pregnant women;

e. to be opposed to prevailing public norms.

Paragraph 18

(1) Any advertisement in electronic media, print media and outdoors media must include a warning about the danger of smoking to health.

(2) The inclusion of health warnings as intended in section (1) must be written in clear letters such that it is easily read, and of a size that is in proper proportion to the measurements of the advertisement in question.

Paragraph 19

Every person who produces smokeables or brings them into the Indonesian region is forbidden to carry out promotions by means of giving free goods or gifts in the form of smokeables or other products which include information to the effect that the brand name represents smokeables.

Paragraph 20

Sponsorship activities for the purposes of advertising and promotion carried out by any person who produces smokeables or brings them into the Indonesian region can only be carried out in strict conformity with the regulations concerning advertising and promotion as set out in this Government Regulation.

Paragraph 21

(1) Every person who produces smokeables and/or brings them into the Indonesian region when they carry out advertising and promotion of smokeables must on every occasion fulfill the conditions as indicated in Paragraph 16, Paragraph 17, Paragraph 18, Paragraph 19 and Paragraph 20.

Part Six

Smoking Free Areas

Paragraph 22

Public places, health facilities, work-places and places which are specifically dedicated to educational processes, children's playgrounds, places of worship and public transport are declared to be smoking free areas.

Paragraph 23

The leadership or persons responsible for public places and work-places who provide a special place for smoking must supply exhaust fans so as not to detract from the health of non-smokers.

Paragraph 24

Special places for smoking may be provided in public transport with the stipulation that:

- a. the location of the special place for smoking is physically separated from and not combined with the smoking free area of the same public transport;
- b. in special places for smoking an exhaust fan must be installed or they must have an air-circulation system which fulfills the conditions stipulated by the responsible Minister in the field of communications.

Paragraph 25

The Regional Government has the responsibility of realizing smoking free areas in its region, as intended in Paragraph 22.

CHAPTER III

THE ROLE OF THE GOVERNMENT

Paragraph 26

The public, including anyone who produces smokeables and/or who brings them into the Indonesian region, has the opportunity to play the broadest possible role in order to realize an optimal level of health by means of establishing smoking free areas.

Paragraph 27

The role of the public is to be directed into increasing and facilitating the existing capacity of the public in order to implement smoking and health safety.

Paragraph 28

The role of the public can be affected individually, by groups, by corporate bodies or business entities, and associations and organizations which are operated by the public.

Paragraph 29

The role of the public is to be implemented by means of:

- a. thought and consideration related to the determination of policy and/or the implementation of programs for smoking and health safety;
- b. the organization and provision of advice and/or cooperation in research activities and the development of management of the health dangers of smoking;
- c. the procurement and provision of assistance for the means and infrastructure for the organization of smoking and health safety measures;
- e. supervisory activities in order to organize smoking and health safety measures.

Paragraph 30

The role of the public in the organization of smoking and health safety measures is to be implemented by means of orientation to government policy and/or the prevailing provisions of government regulations.

Paragraph 31

By way of enhancing the role of the public, the Minister is to cooperate with other relevant agencies in the dissemination of information and explanation about the implementation of smoking and health safety.

CHAPTER IV

GUIDANCE AND SUPERVISION

Chapter One

Guidance

Paragraph 32

The Minister and Ministers concerned with the Regional Government are to undertake guidance about the implementation of smoking and health safety by encouraging and stimulating :

- a. smokeable products which have the minimum possible health risk;
- b. the realization of smoking free areas;
- c. various activities aimed at the reduction of the number of smokers.

Paragraph 33

Guidance about the implementation of smoking and health safety measures is to be implemented through the provision of information and counseling, and the development of the capacity of the public to live a healthy life.

Paragraph 34

(1) The Minister and Ministers concerned with undertaking guidance and the organization of smoking and health safety measures can :

- a. individually or cooperatively organize various activities for the guidance and organization of smoking and health safety measures;
- b. cooperate with other bodies or international organizations or public organizations in the implementation of smoking and health safety measures;
- c. make expressions of appreciation to people or bodies which have rendered meritorious service by assisting in the implementation of smoking and health safety;

(2) The responsible Minister in the area of agriculture is to stimulate the implementation of crop diversification away from tobacco to other plant species;

(3) The responsible Minister in the area of industrial affairs is to stimulate the implementation of the diversification of industrial enterprise away from smokeables to other industries.

Part Two

Supervision

Paragraph 35

(1) The Minister and concerned Ministers are to organize supervision of the implementation of smoking and health safety measures.

(2) By way of supervision as intended in section (1) the Minister and concerned Ministers can take administrative measures with regard to infringements of the provisions of the Government Regulation in accordance with their respective basic duties and functions.

(3) Administrative measures as indicated in section (2) can be in the form of:

- a. spoken reprimands;
- b. written reprimands;
- c. temporary suspension of activities;
- d. withdrawal of industrial licenses.

Paragraph 36

(1) Supervision of smokeables products in circulation and advertising is to be undertaken by the Head of the Food and Drugs Supervisory Body.

(2) By way of supervision of smokeables products in circulation and advertising as intended in section (1) the Head of the Food and Drugs Supervisory Body can issue a spoken reprimand, a written reprimand and/or make recommendations for the temporary suspension of activities or the withdrawal of industrial licenses to the relevant agencies.

CHAPTER V

CRIMINAL PROVISIONS

Paragraph 37

Infringements of the regulations as intended in Paragraph 4 section (1), Paragraph 5, Paragraph 6, Paragraph 8, Paragraph 9, Paragraph 14, Paragraph 15 section (1), Paragraph 16, Paragraph 17, Paragraph 18, Paragraph 19, Paragraph 20 and Paragraph 21 section (2) are to be punished with sanctions in accordance with the provisions of the prevailing rules and regulations.

CHAPTER VI

OTHER PROVISIONS

Paragraph 38

(1) Other products containing *Nicotiana Tabacum*, *Nicotiana Rustica* and other species or their processed products (including synthetics) of the same species and with the same characteristics as those obtained from the *Nicotiana* species are included in the provisions of this Government Regulation.

(2) Other products as intended in section (1) are to be determined by Ministerial Decision.

CHAPTER VII

TRANSITIONAL PROVISIONS

Paragraph 39

Every person who produces smokeables and/or brings them into the Indonesian region must conform to the provisions of this Government Regulation within one year of this Government Regulation being enacted.

Paragraph 40

When this Government Regulation takes effect, all regulations formulated under Government Regulation Number 81 of 1999 concerning Smoking and Health Safety as varied by Government Regulation Number 38 of 2000 and for its implementation are declared to remain in effect so long as they are not in conflict with and/or are not replaced by new regulations based on this Government Regulation.

CHAPTER VIII

CLOSING PROVISIONS

Paragraph 41

When this Government Regulation comes into effect, then Government Regulation Number 81 of 1999 concerning Smoking and Health Safety as varied by Government Regulation Number 38 of 2000, is declared to no longer be in effect.

Paragraph 42

This Government Regulation begins to come into effect from the date that it is enacted.

So that all persons may know of the enactment into law of this Government Regulation it is to be placed in the National Gazette of the Republic of Indonesia.

Determined in Jakarta
On the 10th March 2003

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signature

MEGAWATI SUKARNOPUTRI

Enacted in Jakarta
On the 10th March 2003

**THE SECRETARY OF STATE
OF THE REPUBLIC OF INDONESIA**

Signature

BAMBANG KESOWO

NATIONAL GAZETTE OF THE REPUBLIC OF INDONESIA 2003 NUMBER 36

This copy conforms to the original
**Deputy Secretary of Cabinet
For Law and Legislation**

Lambock V. Nahattands

CLARIFICATION

**OF
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 19 OF 2003
CONCERNING
SMOKING AND HEALTH SAFETY**

GENERAL

The development of health as one means for national development is directed at achieving the awareness, the will and the capacity for a healthy life for all members of the population, so as to realize an optimal level of health.

In order to realize such an optimal level of public health, various health measures are to be undertaken amongst them being the safety measures with regard to addictive substances that is regulated in Paragraph 44 of Law Number 23 of 1992 concerning Health.

Smokeables represent one addictive substance which when used caused a danger to individual and public health, because of the fact that cigarettes contain approximately 4,000 (four thousand) chemical substances including nicotine which is addictive and tar which is carcinogenic, and which can cause various diseases including cancer, heart disease, impotence, blood diseases, emphysema, chronic bronchitis, and disturbances of pregnancy.

By way of increased measures to deal with the danger caused by smoking and also a more effective, efficient and integrated implementation in the field it is necessary to enact regulations in the form of a Government Regulation concerning Smoking and Health Safety, with the aim of :

- a. the protection of health from the dangers caused by smoking;
- b. promoting a healthy life;

- c. repressing the taking up of smoking;
- d. protecting the health of passive smokers.

The prevalence of active smokers in Indonesia has increased very rapidly in the last decade. Data from the National Health Survey for 2001 showed that 54.5 % (fifty-four point five percent) of males and 1.2 % (one point two percent) of females in Indonesia aged more than 10 (ten) years of age, were active smokers. Around 28.3 % (twenty-eight point three percent) of smokers were from low socio-economic categories, and those from that category spent approximately 15 % - 16 % (fifteen to sixteen percent) of their monthly income on the purchase of cigarettes.

The mortality rate as a consequence of the smoking habit in Indonesia had reached 57,000 (fifty-seven thousand) each year out of 4,000,000 (four million) deaths annually from the same cause world-wide. In the year 2030 it is estimated that the global mortality rate as a consequence of the consumption of tobacco will have reached 10,000 (ten thousand) persons per year, with around 70 % (seventy percent) of these deaths occurring in developing nations including Indonesia.

Measures for smoking and health safety need to be implemented by providing information concerning the nicotine and tar content levels for every cigarette, the inclusion of a warning on labels, the regulation of the production and sale of smokeables and of advertising and promotion of smokeables. Apart from that, it is also necessary to determine smoking free areas in public places, health facilities, work-places and places specifically dedicated for educational purposes, children's playgrounds, places of worship and public transport. In this Government Regulation, the advertising and promotion of smokeables can only be carried out under specified conditions determined here.

The said provisions concerning advertising should also observe the provisions of Paragraph 46 section (3) item c of Law Number 32 of 2002 concerning Broadcasting.

The role of the public in smoking and health safety measures needs to be enhanced in order to establish smoking free areas in all places/facilities.

Guidance and supervision by the Minister of Health with regard to the implementation of smoking and health safety measures is to be organized in several fields through the provision of information, counseling, and the development of the public potential for healthy behavior.

The infringement of the provisions of this Government Regulation can attract administrative measures and criminal sanctions in accordance with Law No 23 of 1992 concerning Health.

Smoking and health safety should also be implemented in an integrated way with related cross sectors. Because of that, attention should be paid to rules and regulations with a close connection to smoking and health safety such as Law Number 1 of 1970 concerning Workplace Safety and Health, Law Number 5 of 1984 concerning Industrial Affairs, Law Number 10 of 1995 concerning Customs, Law Number 11 of 1995 concerning Excise, Law Number 25 of 1997 concerning Labor, Law Number 8 of 1999 concerning Consumer Protection, Law Number 22 of 1999 concerning Regional Government and Law Number 32 of 2002 concerning Broadcasting.

PARAGRAPH BY PARAGRAPH

Paragraph 1

Clear enough

Paragraph 2

Smoking causes loss of good health for the smoker him/herself as well as for non-smoking others (passive smokers) in his/her environment. Smokers have 2 to 4 times the risk of coronary heart disease and a higher risk of sudden death.

Protection of passive smokers needs to be undertaken in view of the risk of cancer for passive smokers being 30 % (thirty percent) higher than for smokers themselves. Passive smokers also can be affected by other diseases such as ischemic heart disease which can be caused by cigarette smoke.

Paragraph 3

Item a

The maximum content level for nicotine and tar in each cigarette in circulation needs to be declared. Nicotine can cause narrowing of the blood vessels including the coronary vessels which supply oxygen to the heart. Because of a narrowing of the blood vessels, the heart has to work harder, such that it needs more oxygen which causes the blood flow to be speeded up resulting in an increase in blood pressure. If there is a blockage in the coronary artery there is no flow of oxygen to the heart muscles which results in heart attack. Moreover, tar which has a carcinogenic nature can cause cancers.

Item b

The smokeables in circulation must fulfill conditions which have been determined in order to prevent dangerous effects on health.

The sale of smokeables needs to be regulated so that it is not easy for children to obtain them.

Item c

Advertising and promotion of smokeables needs to be regulated because they can encourage an increase in the numbers of people taking up smoking.

Item d

In order to protect individual and public health from the dangerous consequences of smoking, the Government is to implement measures for the control of it, including regulations for the determination of smoking free areas

Paragraph 4

Section (1)

Clear enough

Section (2)

What is meant by an accredited laboratory in this regulation is a laboratory which has met the accreditation standards set by an institutional authority.

Paragraph 5

In this regulation the duty of providing information about the content levels for nicotine and tar has been carried out when the results of an analysis of content levels for nicotine and tar have been obtained from an accredited laboratory as intended in Paragraph 4 section (2).

Paragraph 6

Section (1)

Clear enough.

Section (2)

The inclusion of information as intended in this regulation is to be implemented in the following manner:

- a. the edge lines are to be black, the box background is to be white and the text black; or
- b. the edge lines, the box background and the text can be of other colors so long as the text of the warning can be clearly read.

Paragraph 7

Clear enough

Paragraph 8

Clear enough

Paragraph 9

Clear enough

Paragraph 10

Clear enough

Paragraph 11

Section (1)

The additive substances intended include flavoring additives, aroma additives, colorings and medicinal additives.

Section (2)

Clear enough

Paragraph 12

Through the use of scientific and technical knowledge it is hoped that a strain of tobacco with low nicotine and tar levels can be produced and thereby result in a minimal health risk.

Paragraph 13

Clear enough

Paragraph 14

Clear enough

Paragraph 15

Section (1)

In the determination of locations for placing self-service machines (vending machines) it is necessary to consider a location far from where it can be accessed by children.

Paragraph 16

Section (1)

Clear enough

Section (2)

What is intended by outdoor media is billboards and electronic media (electronic billboards) which are outside of (enclosed) spaces.

Section (3)

Clear enough

Paragraph 17

Item a

Included in this matter are such things as presenting scenes where smokeables are offered, opening a packet of cigarettes, or inviting other people to smoke.

Item b

Included in this matter are the idea that smoking can make one slimmer, enhance concentration and other ideas that are contrary to health aspects

Item c

Included in this matter are such things as displaying either a part or the whole of a packet of cigarettes, pictures of a cigarette, text concerning cigarettes, pictures of cigarette smoke.

Item d

Clear enough

Item e

Clear enough

Item f

What is meant by prevailing norms amongst the public are legal norms, religious norms, moral norms and norms of etiquette.

Paragraph 18

Section (1)

The inclusion of health warnings in this provision is meant to refer to the text of warnings as intended in Paragraph 8 section (2). The inclusion of warnings about the danger of smoking in television broadcasts must last long enough to give people time to read them properly. Warnings about the danger of smoking in radio broadcasts must be given in a clear voice.

Section (2)

What is meant by proportional measurements in this provision are, for print media and outdoor media, a column width that contains the health warning in at least 15 % (fifteen percent) of the total area of the advertisement, with text that is clear and easily read by the public.

Paragraph 19

Clear enough

Paragraph 20

Clear enough

Paragraph 21

Clear enough

Paragraph 22

Clear enough

Paragraph 23

A special place in this provision is a place provided for smokers that is separate from and not connected to a smoking free are and which must have an exhaust fan.

Paragraph 24

Clear enough

Paragraph 25

Clear enough

Paragraph 26

The participatory role of the public as intended in this provision is public participation including that of producers and importers in endeavors to realize smoking free areas in public places, health facilities, work-places, and public transport.

Paragraph 27

Clear enough

Paragraph 28

Clear enough

Paragraph 29

Clear enough

Paragraph 30

Clear enough

Paragraph 31

Clear enough

Paragraph 32

Clear enough

Paragraph 33

Clear enough

Paragraph 34

Clear enough

Paragraph 35

Section (1)

What is meant by a/the concerned Minister includes a Minister with responsibility in the field of agriculture, a Minister with responsibility in the field of industry and trade, and a Minister with responsibility in the field of customs and excise.

Section (2)

Clear enough

Section (3)

Clear enough

Paragraph 36

Section (1)

Supervision by the Head of the Food and Drugs Supervisory Body in this provision is connected to the correctness of the content levels of nicotine and tar, the inclusion of health warnings on labels and compliance in matters of the implementation of cigarette advertising and promotion.

Section (2)

Clear enough.

Paragraph 37

What is meant by the provisions of the prevailing rules and regulations are Law Number 23 of 1992 concerning Health, Law Number 8 of 1999 concerning Consumer Protection and Law Number 32 of 2002 concerning Broadcasting.

Paragraph 38

Clear enough

Paragraph 39

Clear enough

Paragraph 40

Unofficial Translation

Clear enough

Paragraph 41

Clear enough

Paragraph 42

Clear enough

SUPPLEMENT TO THE NATIONAL GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 4276
