

~~GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA~~

NUMBER 81 OF 1999

REGARDING

PACIFICATION OF CIGARETTES FOR HEALTH

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that cigarettes is one of the addictive substance, which if used causes health hazards for an individual as well as the community, therefore various activities are needed for pacification of cigarettes;
 - b. that related to the above mentioned matter, and as one of the execution of the stipulation of article 44 Act Number 23 of 1992 regarding Health, a Government Regulation regarding Pacification of Cigarettes for Health needs to be stipulated;

- In view of :
1. Article 5 paragraph (2) of the 1945 Constitution
 2. Act Number 23 of 1992 regarding Health (State Gazette of the Republic of Indonesia number 100 of 1992, Supplement to the State Gazette of the Republic of Indonesia Number 3495);

HAS DECIDED :

To stipulate : THE GOVERNMENT REGULATION REGARDING PACIFICATION
OF CIGARETTES FOR HEALTH

CHAPTER I
GENERAL PROVISIONS

Article 1

~~In this Government Regulation, what is meant by:~~

1. Cigarettes are the result of treatment of wrapped tobacco including cigar or other forms, produced from the plant *Nicotiana tabacum*, *Nicotiana rustica* and other species or its synthesis containing nicotine and tar with or without additional material.
2. Nicotine is a substance, or pirrolidin compound material that is found in *Nicotina tabacum*, *Nicotiana rustica* and other species or its synthesis that is addictive in nature and may cause dependency.
3. Tar is an aromatic polynuclear hydrocarbon compound which is carcinogenic in nature.
4. Pacification of cigarettes is each and every activity or a series of activities in the framework of preventing and or managing the effect of the use of cigarettes towards health directly as well as indirectly.
5. Production is an activity or the process of preparing, processing, making, producing, packaging, repackaging and or changing the form of raw material into cigarettes.

5. Cigarettes advertising is an activity to introduce, socialize and or promoting cigarettes with or without repayment to the community with the objective to influence consumers in order to use cigarettes they offer, which is further called advertising.
6. Cigarette label is every information concerning cigarettes in the form of picture, writing, combination of both, or other forms attached to cigarettes, put into, placed at, or is a part of cigarette packaging, which is further called label.
7. Public places are facilities provided by the Government, private sector or individuals used for community activities.
8. Workplace is every room or field, closed or open, mobile or static, where the workers work or which are often entered by the workers for the purpose of doing business or where a source or sources of danger exist.
9. Public transportation are means of transportation for the community which may be in the form of land, water and air transportation.
10. Non-smoking areas are rooms or areas which are declared prohibited from production activities, selling, advertising, promoting, or cigarette smoking.
11. Minister is the minister who is directly responsible for the health sector.

12. Minister is the minister who is directly responsible for the health sector.

~~13. Each and every person is an individual person or corporation~~
whether in the form of a legal body or not.

CHAPTER II

EXECUTION OF CIGARETTES SPECIFICATION

First Part

General

Article 2

The objective of the execution of cigarettes pacification for health is to prevent diseases as consequences of cigarette smoking for an individual and the community by :

- a) protecting health of the community towards the fatal disease incidence and a disease that may reduce quality of life as consequences of cigarette smoking.
- b) protecting productive age population and adolescent from environmental stimulus for cigarette smoking and dependency on cigarettes;
- c) increasing awareness, will and capability of the community towards health hazards - towards cigarette smoking.

Article 3

The execution of cigarettes pacification for health is conducted by controlling :

- a) level of content of nicotine and tar.
- b) rules and regulations of cigarettes sale
- c) rules and regulations of advertising and promotion of cigarettes
- d) stipulation pertaining to non-smoking areas

Second Part

Level of Content of Nicotine and Tar

Article 4

1. Level of content of nicotine and tar on each single cigarette circulating in Indonesia shall not exceed nicotine level of content of 1,5 mg and tar level of content of 20 mg.
2. Examination of level of content of nicotine as intended in paragraph (1) is based on the existing standard or methods of examination.

Article 5

Each and every person producing cigarettes shall conduct examination of the level of content of nicotine and tar on every

Information on the label

Article 6

~~(1) Each and every person producing cigarettes shall include information on level of content of nicotine and tar on the label by placing it clearly and easy to read.~~

(2) Inclusion of information on level of content of nicotine and tar as referred to in paragraph (1) is conducted in accordance with rules and regulations as follows :

- a) included on every packing of cigarette on the small side
- b) provide a box and a black border line of 1 mm with a box of white color basis ;
- c) the writing shall use black color with measurement of 3 mm.

Article 7

Beside inclusion of level of content of nicotine and tar on each cigarette packing, each and every person producing cigarettes shall conduct pacification of the produced cigarettes covering :

- a. inclusion of production code on each and every cigarette packing ;
- b. inclusion of health warning in writing on the Label at the cigarette packing part, which is easy to see and to read.

Unofficial Translation
Article 8

- (1) Health warning on each and every Label shall be in writing
- (2) The writing as referred to in paragraph (1) in the form of "smoking may cause cancer, heart attack, impotence and complication of pregnancy and fetes".
- (3) Alteration or additional writing as referred to in paragraph (2) is further stipulated by the Minister.

Article 9

- (1) Health warning in writing as referred to in Article 9 paragraph (2) is included clearly on the Label at part of the packing that could be easily seen and or read.
- (2) Health warning in writing shall be conducted in accordance with the following rules and regulation :
 - a. included on every packaging of cigarette on the wide side
 - b. provide a box and a black border line of 1 mm with a box of white color basis ;
 - c. the writing shall use black color with measurement of 3 mm.

Part four

Production and Cigarettes Sale

Article 10

Each and every person producing cigarettes shall possess license in the specialized industry.

- (1) Each and every person producing cigarettes is prohibited from using additional substance in the process of production that does not comply with the rules and regulations pertaining to health.
- (2) Further stipulations regarding addition as referred to in paragraph (1) is stipulated by Ministerial Decree.

Article 12

- (1) Tobacco used for cigarettes production shall be treated so that the content of level of nicotine and tar in the produced product are in compliance with the rules and regulations as referred to in Article 4.
- (2) The responsible Minister for the tobacco plantation or agricultural sector shall activate and encourage the application of science and technology for producing tobacco with level of content of nicotine and tar as referred to in paragraph (1).
- (3) Further stipulations concerning science and technology as referred to in paragraph (1) shall be stipulated by the Minister responsible for the tobacco plantation and agricultural sector.

Article 13

- (1) The Minister responsible for the industrial sector shall activate and encourage the application of science and technology in the process of cigarettes production to produce

- (2) cigarettes product with level of content of nicotine and tar as referred to in Article 4.

-
- (2) Further stipulations regarding science and technology as referred to in paragraph (1) shall be stipulated by the Minister responsible for the industrial sector.

Article 14

Cigarettes products imported to the Indonesian territory shall comply with the level of content of nicotine and tar as referred to in Article 4 and inclusion of level of content of nicotine and tar as referred to in Article 6 and with the rules and regulations on health warning signs as referred to in Article 7, Article 8, and Article 9.

Article 15

- (1) All cigarette products before being circulated shall be registered with the Ministry responsible for the Health sector.
- (2) Registration of all cigarette products shall be conducted by proving that the level of content of nicotine and tar is in compliance with stipulation in Article 4.
- (3) Registration shall be conducted by each and every person producing cigarettes or imports cigarettes into the Indonesian territory, who possess license from the producer in the country of origin.
- (4) Further stipulations needed concerning methods of registration is regulated by Ministerial Decree.

(1) Cigarettes sale using vending machines can only be conducted at certain places.

~~(2) Further stipulations needed pertaining to cigarette sale using vending machines as referred to in paragraph (1) is stipulated by Regional Regulations.~~

Part five

Advertising and Promotion

Article 17

- (1) Cigarette advertising and promotion can only be conducted by each and every person producing cigarettes and or importing cigarettes into the Indonesian territory.
- (2) Advertising as referred to in paragraph (1) can only be conducted through printing and or outdoor media.

Article 18

Advertising material as referred to in Article 17 paragraph (2) is prohibited :

- a. to stimulate or suggest someone to smoke cigarettes
- b. to illustrate or suggest that cigarette smoking is beneficial to health ;
- c. to demonstrate or illustrate in the form of a picture, or writing or combination of both, cigarette or a person while smoking or directed to a smoking person ;

- d. ~~to effect to or~~ to show in the form of a picture or writing a child and or a pregnant woman;
- e. to include name of the involved product is cigarette.
-

Article 19

Advertisement shall not be in contradiction with the prevailing norm in the community ;

Article 20

- (1) Each and every advertisement on printing media or outdoor media shall include warning on cigarette hazards upon health as referred to in Article 8.
- (2) Inclusion of warning as referred to in paragraph (1) shall be written with clear letters so that it is easy to read, and in proportional size adjusted to the size of the mentioned advertisement.

Article 21

Each and every one producing cigarettes and or importing cigarettes into the Indonesian territory is prohibited to conduct promotion by giving with out charge or give present in the form of cigarettes or other product where it is included that the mentioned trade marks are cigarettes.

Article 22

- (1) Each and every person producing cigarettes and or importing cigarettes into the Indonesian territory, in conducting

- Unofficial Translation
- (2) cigarettes promotion at a certain activity, shall comply with the stipulation as referred to in Article 18 and Article 20.

-
- (3) The manager or the responsible person of a certain activity shall refuse the form of cigarette promotion that are not in compliance with stipulation in Article 17 and Article 20.

Part six

Non Smoking Areas

Article 23

- (1) Public places and or workplaces that are specifically used to provide health efforts, teaching activities, children activity arena, religious services and public transportation are declared as non smoking areas.
- (2) In public transportation a special place for smoking can be provided, with the stipulation :
- a. the specific location for smoking is separated physically / not mixed with non smoking area in the same public transportation.
 - b. the special place for smoking shall be equipped with exhauster, or has an air circulating system which comply with the rules and regulations stipulated by the Minister responsible for communication sector.

Managers or responsible persons for public places and working places shall strive for the establishment of non smoking areas.

Article 25

Managers or responsible persons for public places and working places who provide special places for smoking shall provide exhausters so that it is not harmful for health of those who do not smoke.

CHAPTER III
COMMUNITY PARTICIPATION

Article 26

The community, including each and every person producing cigarettes and each and every person importing cigarettes into the Indonesian territory, has the opportunity to participate as much as possible in the framework of achieving optimal health status through the establishment of non smoking areas at public places, workplaces, and public transportation.

Article 27

The role of the community is directed towards strengthening and using efficiently the existing capability in the community in the framework of the execution of pacification of cigarettes for health.

Article 28

The community can play its role as individuals, groups, legal bodies or corporations and institutions or organizations organized by the community.

Article 29

The role of the community can be carried out through :

- a. ideas and considerations pertaining to policy decision and or program implementation of pacification of cigarettes for health;
- b. implementing, supporting and or cooperating in research activities and development of control of cigarette hazards upon health;
- c. procurement and providing equipment and facilities support to the implementers of pacification of cigarettes for health;
- d. participation in providing guidance for and education and dissemination of information to the community in connection with implementation of pacification of cigarettes for health.
- e. control activities in the framework of pacification of cigarettes for health.

Article 30

The implementation of the community participation in the framework of execution of pacification of cigarettes for health is guided by government policy and or the prevailing laws and regulation.

Article 31

In the framework of strengthening community participation, the Minister in cooperation with the Minister responsible for information sector and other related institutions shall disseminate information and understanding in connection with community participation in the implementation of pacification of cigarettes for health.

CHAPTER IV GUIDANCE AND CONTROL

First Part

Guidance

Article 32

The Minister and related Minister shall carry out guidance on the implementation of pacification of cigarettes for health by encouraging and activating :

- a. compliance of cigarette product with rules and regulations as referred to in Article 4 :
- b. establishment of non smoking areas ;
- c. various activities for reducing the number of smokers.

Article 33

Guidance on the implementation of pacification of cigarettes for health is carried out through provision of information and education, and development of the ability of the community to practice healthy life style.

Article 34

The Minister and related Minister in carrying out guidance on the execution of pacification of cigarettes for health can :

- ~~a. individually or in cooperation carry out various activities for guidance of the implementation of pacification of cigarettes for health ;~~
- b. cooperate with international bodies or institutions or community organizations to execute pacification of cigarettes for health;
- c. offer rewards to individuals or institutions that had rendered many services in supporting the execution of pacification of cigarettes for health.

- (1) The responsible Minister for tobacco plantation and agricultural sector shall encourage the implementation of diversification of tobacco plants.
- (2) The responsible Minister for the industrial sector shall encourage the implementation of diversification of cigarette industry to other possible industries.

Second Part

Control

Article 35

The Minister and related Ministers shall carry out control on the efforts for implementing cigarette pacification for health.

Article 36

- (1) The minister and related ministers can take administrative action on violation of the stipulations in this Government Regulation.

- (2) Administrative action as referred to in paragraph (1) shall be carried out pursuant to the prevailing legislation.
-
-

CHAPTER V
PENAL PROVISIONS

Article 37

- (1) Anyone producing and or circulating cigarettes which do not comply with level of content of nicotine and tar, and or rules and regulations as stipulated in Article 4 paragraph (1), Article 8, Article 9, Article 14, Article 16 paragraph (1), Article 17 and or Article 18 shall be subjected to an imprisonment for at the longest 5 (five) years and or a fine of at most Rp. 100,000,000,00 (hundred millions rupiah) pursuant to stipulation in Article 82 paragraph (2) letter e Act Number 23 of 1992 pertaining to Health.
- (2) Anyone violating stipulation in Article 15, Article 20 and or Article 21 shall be subjected to a fine of Rp. 10,000,000, 00. (ten million rupiah) pursuant to Article 86 Act Number 23 of 1992 pertaining to Health.

CHAPTER VI
OTHER STIPULATIONS

Article 38

- (1) Other products containing *Nicotine tabacum*, *Nicotiana rustica* and other species and or the processed product including the synthetic production which type and characteristics are similar to or similar to that is produced by *Nicotiana* species is included in stipulation of this regulation.
- (2) Other product as referred to paragraph (1) is stipulated by the Minister.

CHAPTER VII
TRANSITIONAL STIPULATIONS

Article 39

- (1) Each and everyone producing machine processed cigarettes or importing machine processed cigarettes into the Indonesian territory already existing at the time when this Government Regulation was stipulated shall adjust the rules and regulations on the maximum limit of level of content of nicotine and tar pursuant to this Government Regulation at the latest during 2 (two) years after this stipulation has been stipulated.
- (2) Each and everyone producing hand made cigarettes already existing at the time when this Government Regulation was stipulated shall adjust the rules and regulations on the maximum limit of level of content of nicotine and tar pursuant to this Government Regulation at the latest :

- a. 5 (five) years for each and everyone producing cigarettes categorized as big industries ; and
 - b. 10 (years) for each and everyone producing cigarettes categorized as small industries.
-

- (3) Each and everyone person producing cigarettes as referred to in Article (1) and (2) during the transition period individually as well as together shall carry out various activities in the form of application of science and technology, diversification of tobacco plants and other efforts that can produce products in accordance with this Government Regulation.

Article 40

The Minister and the responsible Minister in agricultural sector and or tobacco plantation, the Minister responsible for industrial sector during the transition period as referred to in Article 39 individually as well as together with each and every person producing cigarettes shall carry out various activities so that level of content of nicotine and tar of cigarette product comply with the stipulation in this Government Regulation.

CHAPTER VIII CLOSING PROVISIONS

Article 41

At the time this Government Regulation is effective, all laws and regulations which regulate the implementation of activities of cigarettes pacification for health remain in effect to the extend that they do not

contradict and or has not been changed yet based on this Government Regulation.

Article 42

~~This Government Regulation shall come into force as from the date of its stipulation.~~

For public cognizance, this Government Regulation shall be promulgated through its publication in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on October 5, 1999

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta

on October 5, 1999

STATE MINISTER / STATE SECRETARY OF

THE REPUBLIC OF INDONESIA,

signed

MULADI

Reproduced in accordance with the original

CABINET SECRETARIAT RI

Head Bureau of Legislation I,

Lambock V. Nahattands

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

NUMBER 186 YEAR 1999