

World Health Organization
Geneva, Switzerland

Tools for advancing tobacco control in the 21st century

**Tobacco control legislation:
an introductory guide**

D. Douglas Blanke and Vera da Costa e Silva
Editors



World Health Organization

2004

WHO Library Cataloguing-in-Publication Data

World Health Organization.

Tobacco control legislation: an introductory guide.

1.Tobacco industry - legislation 2.Tobacco - supply and distribution 3.Smoking - legislation 4.Legislation - organization and administration 5.International cooperation 6.Guidelines 6.Manuals 9.Case reports I.Title

ISBN 92 4 156268 4

(NLM classification: HD 9130.5)

© World Health Organization 2004

All rights reserved. Publications of the World Health Organization can be obtained from Marketing and Dissemination, World Health Organization, 20 Avenue Appia, 1211 Geneva 27, Switzerland (tel: +41 22 791 2476; fax: +41 22 791 4857; email: bookorders@who.int). Requests for permission to reproduce or translate WHO publications – whether for sale or for noncommercial distribution – should be addressed to Publications, at the above address (fax: +41 22 791 4806; email: permissions@who.int).

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the World Health Organization concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Dotted lines on maps represent approximate border lines for which there may not yet be full agreement.

The mention of specific companies or of certain manufacturers' products does not imply that they are endorsed or recommended by the World Health Organization in preference to others of a similar nature that are not mentioned. Errors and omissions excepted, the names of proprietary products are distinguished by initial capital letters.

The World Health Organization does not warrant that the information contained in this publication is complete and correct and shall not be liable for any damages incurred as a result of its use.

Printed in France.



CONTENTS

Acknowledgement	vii
Foreword	ix
Summary	
Arabic	1
Chinese	9
English	15
French	21
Russian	29
Spanish	37
Chapter I. Introduction	45
Chapter II. Legislation and the tobacco epidemic	49
The role of legislation	49
Obstacles ahead	50
The role of this guide	57
Chapter III. An introductory guide to terms and concepts	61
Statutes and other legislative enactments	61
National legislation	62
Subnational legislation	64
Administrative regulations	67
Voluntary agreements	68
Constitutional law	69
The role of the courts	70
Introductory concepts in international law	71
Chapter IV. Foundation for success: capacity-building	77
Capacity matters: developing the ability, finding the will	77
Champions	78
Getting started: a national focal point	78
Getting started: civil society	79
Broadening the base	80
Evidence is power: data collection	81
A communications strategy	83



Norms and values	85
Chapter V. Approaching legislation: strategic choices	87
Are you ready?	87
Step by step or all in one?	87
Where to begin?	88
National or subnational?	92
Legislation or regulation?	92
The perfect versus the possible	92
Chapter VI. The elements of comprehensive legislation	95
Institutions and mechanisms	96
Public education	97
Tobacco advertising, promotion and sponsorship	98
Price and tax measures	100
Second-hand smoke	102
Packaging and labelling of tobacco products	103
Product regulation	106
Tobacco sales	109
Smuggling	110
Other issues	112
Chapter VII. The drafting process	117
The role of draft legislation	117
A drafting partnership	118
Guiding principles	120
The parts of a law	120
Model legislation	122
Resources and technical assistance	122
Chapter VIII. Passing legislation	123
An advocacy plan	123
Legislative sponsors	124
Communicating with legislators	124
Mobilizing supporters	126
Engaging the public	127
Introduction of legislation	128
Public hearings	128
Amendments	129
A communications strategy	129



The campaign never ends	131
Chapter IX. Challenges and obstacles	133
The challenge	133
The tobacco industry and its tactics	134
Arguments and answers	138
Chapter X. Making it work: implementing the legislation	143
Start-up	143
The enforcing authority	144
Penalties and consequences	145
Monitoring	146
The self-enforcing law	147
Chapter XI. Evaluation	149
The role of evaluation	149
The evaluation plan	152
Process evaluation	153
Outcome evaluation	154
Using the results	156
Chapter XII. Lessons in legislation: case studies from nine countries	159
Brazil	160
Canada	166
Egypt	171
Norway	177
The Philippines	180
Poland	184
South Africa	188
Thailand	192
The United States of America	197
Some lessons learned	204
Chapter XIII. Tobacco control and international law	207
Introduction	207
The WHO Framework Convention on Tobacco Control	209
International law with relevance for tobacco control	213
Regional and bilateral agreements with relevance for tobacco control	226
Conclusion	228



Tobacco control legislation: an introductory guide

Chapter XIV. Conclusion	231
Annexes	
Annex 1: WHO Framework Convention on Tobacco Control	233
Annex 2: Consolidated template without notes Tobacco Products Control Act (A template)	265
Annex 3: Useful web sites	279
Note on contributors and sources	283
Selected reading	285



Acknowledgement

This legislative guide is the work of many hands. A confluence of several related projects of the World Health Organization (WHO), it was prepared under the supervision and direction of Dr Vera da Costa e Silva, Director of the WHO's Tobacco Free Initiative, and Dr Douglas Bettcher, WHO's Coordinator of the Framework Convention on Tobacco Control. A draft template of the guide was prepared by William Onzivu, Legal Officer of the WHO Tobacco Free Initiative in Geneva, Dr Mirta Molinari, Technical Officer of the Tobacco Free Initiative in Buenos Aires, Argentina and Dr Vera da Costa e Silva, Director, Tobacco Free Initiative. The guide was edited, and most chapters were written by D. Douglas Blanke of the Tobacco Law Center at William Mitchell College of Law in Saint Paul, United States of America. Dr Vera da Costa e Silva was also an editor of this book.

Most of the guide is adapted from three sources. The first is an important and insightful paper by Professors Ruth Roemer and Barbara Berman of the School of Public Health of the University of California at Los Angeles, United States of America. The second is an equally valuable paper by Professors Lawrence Gostin and James Hodge of the Center for Law and the Public's Health at the Johns Hopkins Bloomberg School of Public Health in Baltimore, Maryland, with contributions by Gabriel Eber. The third is the Pan American Health Organization's outstanding publication *Developing Legislation for Tobacco Control, Template and Guidelines*, 2002, prepared by Heather Selin and Dr Monica Bolis.

The chapter on international law and its implications was written by Sarah Galbraith, Legal Officer of WHO's Tobacco Free Initiative in Geneva and Dr Allyn Taylor, Health Policy Adviser to WHO and Adjunct Professor at the University of Maryland School of Law and the Johns Hopkins Bloomberg School of Hygiene and Public Health Professor in Baltimore, Maryland, the United States of America.

Country studies were prepared by Cristiane Vianna, Legal Adviser, National Cancer Institute of Brazil in Rio de Janeiro; Dr Hosam Abo Youssef of Guiza, Egypt; and Dr Jonathan Flavier of the Philippines. The source materials were organized, integrated and supplemented by William Onzivu, Legal Officer of the Tobacco Free Initiative in Geneva and Dr Mirta Molinari, Technical Officer of the Tobacco Free Initiative, in Buenos Aires, Argentina.

William Onzivu assumed the challenge of coordinating production of the publication and organizing and verifying footnotes and other reference materials. Text was copy edited by Mary Falvey of Brussels, Belgium, proof read by William Onzivu, D. Doug Blanke and Professor Ruth Roemer reviewed the finished text. Joy Adriano provided the typesetting assistance. More specific discussion of the roles of the contributors will be found in a Note on Contributors and Sources following the text of the guide.

Guidance for organizing the guide, and for making it useful to officials and advocates in all regions, came from the participants in a three-day consultation held at the Pan American



Tobacco control legislation: an introductory guide

Health Organization in Washington in June 2002. They were Dr Vera da Costa e Silva, Dr Allyn Taylor, William Onzivu, Dr Mirta Molinari and Genevieve Grabman representing WHO; Dr Armando Peruga, Heather Selin and Dr Monica Bolis, representing the Pan American Health Organization; Muyunda Ililonga of Kitwe, Zambia; Phillip Karugaba of Kampala, Uganda; Cristiane Vianne of Rio de Janeiro, Brazil; Dr Eduardo Bianco of Montevideo, Uruguay; Dr Graciela Gamarra of Asunción, Paraguay; Dr Annette Bornhäuser of Heidelberg, Germany; Kristina Mauer of Tallinn, Estonia; Dr Hamdi El-Saied of Cairo, Egypt; Dr Hosam Abo Youssef of Guiza, Egypt; Tania Amir of Dhaka, Bangladesh; Dr Srinivas Tata of New Delhi, India; Professor Ruth Roemer of Los Angeles, United States of America; Dr Barbara Berman of Los Angeles, United States of America; Professor James Hodge of Baltimore, United States of America; D. Douglas Blanke of Saint Paul, United States of America; Rose Nathan of Atlanta, United States of America; Claude Vilain of Copenhagen, Denmark; Dr Sawat Ramaboot of New Delhi, India; and Burke Fishburn of Hanoi, Viet Nam.

WHO acknowledges the invaluable contribution of the Regional Focal Points for Tobacco Control for the completion of this Guide.

WHO also acknowledges the work of Demetris Vryonides who initiated the first steps towards drafting this Guide.

WHO acknowledges each of these valuable contributions. Above all, we acknowledge the contributions of the dedicated health officials, nongovernmental advocates, lawmakers, researchers and others whose hard-won experiences in enacting effective legislation provide the basis for this work, and of all those now striving to make the WHO Framework Convention on Tobacco Control an engine for global progress.

预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_30055

