

Compliance with the *Cigarette and Other Tobacco Products Act (COTPA)*

Results from an Observational Study: Bihar



COTPA Overview

The Cigarettes and Other Tobacco Products Act (COTPA), 2003 contains three important tobacco control provisions (see appendix for further description), which include:

- a prohibition on smoking in indoor public places.
- a prohibition on advertisement of tobacco products at all venues, with limited exceptions on the tobacco product itself and at the entrance or inside of shops where such products are sold (i.e., points-of-sale).
- a prohibition on tobacco sales within 100 yards of schools to stop children below 18 years of age from accessing tobacco products.

Methods

To assess compliance with key provisions of COTPA in Bihar, an observational study of compliance was conducted in Bhagalpur, Gaya, Kita Chauhattar, Madhura, and Patna in June, 2012.

Findings

No smoking in indoor public places

In Bihar, 141 public places across five cities were evaluated for compliance with indoor smoking bans. Public places included railway stations, cinema halls, government offices, restaurants, bars, cafes and hotels.

Percentage of public places in Bihar that complied with the following:	
Smoking Requirements	Total
No one was observed smoking indoors	86%
No facilitators of indoor smoking (e.g., ashtrays, matches and lighters) were observed	54%
No one was observed smoking indoors and no facilitators of indoor smoking were observed	53%
Signage Requirements:	
Had a No Smoking sign anywhere ¹	11%

¹ 1% of public places met the specific signage requirements of the law, including the required size and text.

Outdoor advertising

In Bihar, 25 neighbourhoods were evaluated for compliance with the ban on outdoor tobacco advertising.

Percentage of neighbourhoods in Bihar that complied with the following:	
	Total
No outdoor advertisements of tobacco products	100%

Point-of-Sale

In 25 neighbourhoods in Bihar, 177 shops where tobacco products are sold (i.e., points-of-sale) were evaluated for compliance with the points-of-sale provisions of COTPA.

Percentage of points-of-sale in Bihar that complied with the following:	
	Total
Did not display tobacco products in a manner that enabled easy access to minors (< 18 years old) ¹	51%
No minor was observed selling tobacco products	90%
Signage Requirements	
Had a sign stating that the sale of tobacco to minors is prohibited ²	1%

¹Compliance was defined as: (a) tobacco products were located behind the cashier's counter, and (b) tobacco products were not located within 6 inches of candy

²0% of points-of-sale met the specific signage requirements of the law, including the required location, size, text, health warning, and absence of tobacco product advertisement.

No tobacco sales within 100 yards of schools

In Bihar, 58 public and private primary, secondary, and college educational institutions—and the area within 100 yards of those institutions— were evaluated for compliance with the ban on selling tobacco products.

Percentage of educational institutions in Bihar that complied with the following:	
	Total
Did not have vendors selling tobacco within 100 yards	24%
Signage Requirements	
Had a sign stating the ban on sales of tobacco products near schools	0%

Conclusions

COTPA includes measures that are intended to protect residents from exposure to secondhand smoke, to significantly restrict tobacco advertising, and to eliminate easy access to tobacco products by youth.

Results of this study indicate that, although progress has been made to comply with COTPA, further work is needed to increase compliance rates.

Policies that require more rigorous enforcement pertain to:

- Facilitators of smoking in public places
- “No Smoking” signage in public places and “No Sales to Minors” signage in shops
- Tobacco product displays in shops, and
- Sale of tobacco close to educational institutions.

Partners

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Appendix 1 – Key Provisions of COTPA and Notifications

In 2003, the Indian parliament enacted the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (COTPA). Among its many provisions, COTPA includes three sections which address smoke-free environments; tobacco advertising, promotion and sponsorship; and sales of tobacco products to minors. The requirements of these sections have been elaborated in several notifications. Following is a brief summary of the regulations assessed in this study.

Indoor Smoking Ban

- Smoking is prohibited in most public places (such as workplaces, hospitals, and open auditoriums and stadiums) and on public transport.
- Smoking is prohibited inside all public places, except for hotels with 30+ rooms, restaurants and bars with a seating capacity of 30+ people, and airports, which are allowed to install separate designated smoking areas.
- Signs (minimum 60cms X 30cms size) with a white background must be displayed prominently at each entrance and conspicuous place(s) inside each public place. The sign must read: “No Smoking Area – Smoking Here is an Offence.” Further, the name of the person to whom a complaint may be made in case of violation shall be displayed prominently.
- No ashtrays, matches, lighters, or any other items designed to facilitate smoking may be made available in the public place.

Outdoor Advertisement Ban

- Direct and indirect advertisement of tobacco products through many forms of mass media are prohibited, including outdoor advertisements.

Points-of-Sale Regulations:

- Tobacco products may not be sold by or to persons below eighteen years of age.
- Persons under the age of eighteen must be prohibited from having access to tobacco products. Tobacco products may not be displayed in a manner that enables easy access of tobacco products to persons below the age of eighteen years.
- Shops that sell tobacco products must display a board (minimum 60cms X 30cms) warning, “Sale of tobacco product to a person below the age of eighteen years is a punishable offence” and must include a pictorial depiction of the ill effects of tobacco use on health.
- The required board shall not have any advertisement or promotional messages or pictures or images of cigarettes or any other tobacco products.

Ban on Tobacco Sales near Educational Institutions:

Tobacco products may not be sold within a 100-yard radius around educational institutions.

Educational institutions are required to display a board at a conspicuous place outside the educational institution premises warning that sales of cigarettes and other tobacco products in an area within 100 yards of the educational institution is prohibited and is a punishable offence with a fine up to Rs 200.

Sources: Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA); G.S.R. 417(E), G.S.R. 561(E) and G.S.R. 619