

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 1/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

(The English version is for reference only. The Chinese and Portuguese versions are official.)

To allow the tobacco industry (including importers, wholesalers and manufacturers of tobacco products) and tobacco retailers to have a clear understanding on the stipulations regarding tobacco products and electronic cigarettes of Law no. 5/2011 – Regime of Tobacco Prevention and Control, the Health Bureau elaborated this guideline for the reference of the industry.

I. Total ban on electronic cigarettes and tobacco products for oral consumption or inhalation

With effect from 5th December 2022, it is prohibited to manufacture, distribute, sell, import, export or otherwise bring in and out of the Macao SAR e-cigarettes and tobacco products intended for oral use or to be inhaled.

‘Electronic Cigarette’ refers to products to be used by inhaling an aerosol, containing nicotine or not, via the mouthpiece, or refers to any component of products of this kind either with a nicotine cartridge and tank or without; according to this, heated tobacco products are also a type of electronic cigarette.

II. Composition of tobacco products

Pursuant to article 8 and paragraphs 1 and 2 of article 10 of Law no. 5/2011 (Regime of Tobacco Prevention and Control), as well as the dispatch of the Secretary for Social Affairs and Culture no. 190/2011:

1. Cigarettes sold or manufactured in the Macao SAR must not contain an amount of tar exceeding 17 milligrams per cigarette.
2. Manufacturers or importers of tobacco products should submit to the Health Bureau annually during December, a list of its tobacco products by completing the form as attached in **Annex I**, in which the ingredients and respective quantities used in their

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 2/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

manufacture should be indicated, by brand and type.

- For new tobacco products to be introduced to the market, the abovementioned list should be submitted at least one month prior to their sale in the Macao SAR.
- In event of any omission from the form, the Health Bureau may require manufacturers and importers to correct the omission within 15 days.
- The abovementioned form can be submitted in electronic format.

Means of submission:

- Complete the form as attached in Annex I and the information sheet in **Annex II**, the former can be submitted in electronic format.
- Submit to the Health Bureau Correspondence Dispatch Section at Estrada do Visconde de S. Januário by registered mail with advice of delivery or in person.

III. Labelling and packaging of tobacco products

In accordance with articles 11 to 13 and 35 of Law no. 5/2011 (Regime of Tobacco Prevention and Control), the dispatch of the Chief Executive no. 363/2011, as well as Administrative Regulation no. 16/2012:

- The two largest surfaces of all units of cigarette packaging shall exhibit one of the prescribed models in **Annex III**; each model is made up of a graphic, health warning, phone number of the Health Bureau Smoking Cessation Clinic and the indication of tar and nicotine yields.
- The two largest surfaces of unit packets of cigars, pipe tobacco, rolling tobacco and cigarillos shall exhibit one of the prescribed models in **Annex IV**; each model consists of a graphic, health warning and the phone number of the Health Bureau

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 3/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

Smoking Cessation Clinic.

3. The Chinese version of the relevant model shall be printed on one of the largest surfaces of the packaging unit referred to in the preceding points 1 and 2 and the Portuguese version on the other, and the model should be printed parallel to the lower edge of the package; the model shall cover at least 50% of the relevant surface of the unit package.
4. One of the largest surfaces of unit packages containing a single cigar shall bear the Chinese and Portuguese versions of one of the prescribed models in **Annex V**.
5. Each model shall appear on the respective package for a maximum continuous period of 12 months.
6. The respective models shall be indelibly printed, and shall in no way be obscured, veiled or interrupted by other texts or graphics.
7. The respective models shall appear on unit packages, as well as the external packaging used for the retail sale of the product, with the exception of additional transparent wrappers.
8. In case of tobacco products other than cigarettes, the respective models may be affixed to the packaging by means of self-adhesive stickers, on condition that such stickers are securely attached to the packaging.
9. The respective batch number or equivalent shall appear on each individual package, in order to identify the place and time of manufacture.
10. No cigarettes shall be sold in packs which contain less than 20 cigarettes.
11. Texts, designations, trademarks and figurative symbols and other signs implying that a particular product is less harmful than others should not be placed on packaging of tobacco products. Commercial identification signs which have been duly registered as industrial property and already being used on the tobacco products circulating in the market of the Macao SAR prior to 3rd May 2011, are exempted from this provision.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 4/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

12. Tobacco products that use “醇”, “light”, “lights”, “super-light”, “ultra-light”, “mild”, “milds”, “filter” or similar expressions in their commercial designations, given that such commercial designations have been duly registered as industrial property and already being used on the tobacco products circulating in the market of the Macao SAR prior to 3rd May 2011, may continue to be sold as long as the following warning is indelibly stated, in Chinese and Portuguese, on its unit package: “本產品對健康的危害相當於其他煙草製品 / ESTE PRODUTO É TÃO PREJUDICIAL À SAÚDE COMO OUTROS PRODUTOS DO TABACO (THIS PRODUCT IS AS HARMFUL TO HEALTH AS OTHER TOBACCO PRODUCTS)”. (Note: Starting 3rd May 2011, it is not allowed to use analogous designations on new products in the market of the Macao SAR.)

IV. Sale of tobacco products

Pursuant to articles 14 to 16 of Law no. 5/2011 (Regime of Tobacco Prevention and Control), as well as Administrative Regulation no. 37/2011:

1. It is prohibited to sell tobacco product to anyone less than 18 years of age.

Sellers of tobacco shall comply with the following requirements:

- (1) Request the buyer to present his/her identification document prior to the act of sale, whenever there are doubts concerning the age of the buyer; if he/she refuses to show the identification, it is presumed that the buyer is under age and the sale should be refused.
- (2) Post the notice in **Annex VI** in a prominent manner at the location of sale of tobacco products.

2. It is prohibited to sell tobacco products by minors under the age of 18.
3. The sale of tobacco products is prohibited through television marketing.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 5/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

4. The sale of tobacco products is prohibited by means of remote sales in which it is not possible to verify the age of buyers, namely via the Internet or postal service.
5. The introduction and use of vending machines for the sale of tobacco products is prohibited.
6. The sale of tobacco products is prohibited in the following places:
 - (1) establishments where healthcare service is provided, namely hospitals, clinics, health centres, medical centres, ambulance depots, laboratories, pharmacies and places where over-the-counter medicines are dispensed;
 - (2) places intended for minors under the age of 18, namely nurseries, crèches and other child care facilities, children and youth homes, leisure and recreation centres, bungalows, holiday camps and other similar establishments;
 - (3) primary and secondary education establishments;
 - (4) higher education institutions and vocational training centres;
 - (5) canteen or cafeterias in public or private entities intended exclusively for respective personnel;
 - (6) residential care homes for the elderly, residential care homes for persons with disabilities, day centres, community centres, sheltered workshops, rehabilitation centres, and drug and alcohol rehabilitation shelters;
 - (7) casinos;
 - (8) sports facilities;
 - (9) public swimming pools;
 - (10) amusement game centres, billiard establishments, bowling alleys and cyber cafés.
7. The sale of promotional packages of tobacco products is prohibited.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 6/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

V. Displays, lists, markers and price boards at locations of sale

Pursuant to paragraph 3 of article 14 and article 17 of Law no. 5/2011 (Regime of Tobacco Prevention and Control), as well as Administrative Regulation no. 37/2011:

1. The sale of tobacco products is prohibited in any manner by which they are directly accessible, such as store shelves.
2. Regulations on the display of tobacco products
 - (1) **At fixed and mobile points of sale:** It is prohibited to display or make tobacco products visible;
 - (2) **In premises specialising in selling tobacco products¹:** Tobacco products may be displayed (to make them visible to the customers) as long as they are not visible from outside the premises.
3. Price markers and price boards for tobacco products that can be displayed at the locations of sale:

Regulations on price markers and price boards:

- **Price marker:** contains only the name and price of the relevant tobacco product, and is of a size not greater than the size of the price marker of any other products offered for sale in the same location, and not greater than 50 square centimetres.
- **Price board:** lists only the names and prices of tobacco products offered for sale in the location; the name and price of each product on the board is of a size not greater than 50 square centimetres; and the price board is of a size not greater than 1500 square centimetres; it bears the notice prescribed in **Annex VIII**, and such notice shall cover at least 20% of the area of the price board.

¹ Only establishments that exclusively sell tobacco and tobacco products, without selling any other items (including but not limited to smoking utensils and other peripheral products for tobacco use), can be classified as “premises specialising in selling tobacco products”.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 7/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

- The abovementioned price marker and price board can only be exhibited in the location of sale, and shall not be seen from outside the location, in particular through the display window.

4. A list containing the tobacco products offered for sale, in accordance with the model approved by the administrative regulation (see **Annex VII**), may be made available at fixed and mobile points of sale.
5. In premises specialising in selling tobacco products, a catalogue listing the names and prices of products offered for sale in the premises may be displayed.
6. Setting up smoking rooms in indoor places other than casinos and airports is prohibited, even if tobacco is sold, manufactured or traded within such premises (effective from 1st January 2018).
7. Other regulations regarding advertising, promotion and sponsorship as set out in Section VI must be observed.

VI. Other regulations on advertising, promotion and sponsorship

According to articles 17 to 20 of Law no. 5/2011 (Regime of Tobacco Prevention and Control), as well as Administrative Regulations nos. 37/2011 and 34/2017:

1. Any form of advertising and promotion of tobacco, tobacco products and e-cigarettes, including advertising through advertising media and services of information companies in terms that are obscure, deceptive or implied, is prohibited, except in the following situation:
 - (1) Advertisement in premises for the manufacturing or wholesaling of tobacco products, as long as they are not visible from outside the premises.
 - (2) Advertisement in printed matter and other print media that is published for professionals in the tobacco trade or as “in house” publication of any company engaged in that trade.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 8/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

- (3) Promotion of tobacco products is only allowed when addressed exclusively to professionals in the tobacco trade and is performed outside the sphere of sales activity to the public.
2. Tobacco advertising and promotion in any form are prohibited, for example:
 - (1) No medium containing the terms “cigarette”, “cigar”, or the names of any tobacco products or famous tobacco brands should be installed, posted or displayed inside or outside the premises.
 - (2) In shops where tobacco products (such as cigars) are sold, using terms like “Cuban product” or “stick” to solicit business is also considered as advertising in terms that are obscure, deceptive or implied.
 - (3) No promotional sale of tobacco products in any form, such as putting up signage with wordings like “Sale”, “Original price ... Price now...”, should be held in the premises.
3. Free distribution or promotional sale of tobacco products is prohibited, or that of any goods for consumption that seek to have a direct or indirect effect of promoting such products.
4. Distribution of promotional gifts, awarding of prizes or conduct of contests, even if only addressed to smokers, by companies that are directly or indirectly involved in the manufacture, distribution or sale of tobacco products, is prohibited.
5. The insertion of coupons or other extraneous elements into the packaging or outer packaging of tobacco products, or between the former and the latter, in addition to the tobacco products itself and the respective labelling is prohibited.
6. In advertising activities, it is prohibited to place names, trademarks, emblems or other identification signs of a tobacco product on objects of consumption which are non-tobacco products.²

² This provision shall not apply to goods and services that make use of names or trademarks identical with those of tobacco products, on condition that the following requirements are fulfilled:

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 9/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

7. It is prohibited to manufacture and commercialize games, toys, electronic games, foods or confectionary that resemble tobacco product or bear the identification signs of tobacco brands³.
8. Any form of public or private sponsorship or contribution, particularly by companies engaged in the manufacture, distribution or sale of tobacco products, to any event, activity, individual, audiovisual work, radio or television program with the effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly, is prohibited.
9. Campaigns or other initiatives promoted or sponsored by companies that are producers, distributors, subsidiaries of tobacco products or similar companies which aim to convey either directly or indirectly information of tobacco and smoking prevention, are prohibited.

VII. Penalty for offences

In accordance with article 23 of Law no. 5/2011 (Regime of Tobacco Prevention and Control):

1. Owners of private establishments, legal persons, even improper-constituted legal persons or associations without juridical personality that violate the regulations below shall be penalized with a fine of MOP4,000:
 - Sale of tobacco products in places where sale of tobacco products is prohibited – item 2) of paragraph 1 of article 14.
 - Sale of tobacco products by prohibited means – items 3) to 5) of paragraph 1 of article 14.

(1) Their sale or sponsorship is not related to the sale of tobacco products;

(2) The use of such names and trademarks is obviously different from that of the names or trademarks of tobacco products.

3 This provision shall not apply to games, toys, electronic games, foods or confectionary whose outer appearance has been duly registered as an industrial design or model and was already in circulation in the market of the Macao SAR on 3rd May 2011.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 10/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

- Sale of tobacco products by minors under the age of 18 is prohibited – paragraph 4 of article 14.
2. Offenders of the following regulations shall be penalized with a fine of MOP4,000:
- It is prohibited to sell tobacco products which do not meet the labelling requirements – article 11.
 - It is prohibited to sell tobacco products which do not meet the packaging requirements – article 12.
 - It is prohibited to manufacture, distribute, sell, import, export or otherwise bring in and out of the Macao SAR e-cigarettes and tobacco products intended for oral use or to be inhaled – article 15.
3. Owners of private establishments, legal persons, even improper-constituted legal persons or associations without juridical personality that violate the regulations below shall be penalized with a fine of MOP20,000:
- Sale of tobacco products to minors under the age of 18 is prohibited – item 1) of paragraph 1 of article 14.
 - Sale of promotional packages of tobacco products is prohibited – paragraph 5 of article 14.
4. Private entities that violate the regulations below shall be penalized with a fine ranging from MOP20,000 to MOP200,000:
- A warning notice of approved model shall be posted in a prominent manner in the location of sale of tobacco products – item 2) of paragraph 2 of article 14.
 - It is prohibited to manufacture, distribute, sell, import or export e-cigarettes and tobacco products intended for oral use or to be inhaled – article 15.
 - It is prohibited to introduce or use vending machines for the sale of tobacco products – article 16.
 - Advertising and promotion of tobacco and tobacco products is prohibited – article 17.
 - Advertisement on objects of consumption is prohibited – article 18.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 11/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

- Sponsorship or contribution intended to promote a tobacco product or tobacco use is prohibited – article 19.
 - Organization or sponsorship of information campaigns which aim to convey information of tobacco and smoking prevention is prohibited – article 20.
5. Tobacco industry⁴ that violates the regulations below shall be penalized with a fine ranging from MOP20,000 to MOP200,000:
- It is prohibited to sell or manufacture cigarettes containing an amount of tar exceeding 17 milligrams per cigarette in the Macao SAR – article 8.
 - The list of tobacco products is not submitted to the Health Bureau or the list submitted does not meet the requirements – paragraph 1 of article 10.
 - The list of new tobacco products to be introduced to the market is not submitted to the Health Bureau at least one month prior to their sale in the Macao SAR – paragraph 2 of article 10.
 - Violating the provisions concerning the labelling of tobacco products – article 11.
 - Violating the provisions concerning the packaging of tobacco products – article 12.
 - Violating the provisions concerning the designations prohibited for use on the packaging of tobacco products – article 13.
 - It is prohibited to manufacture, distribute, sell, import or export e-cigarettes and tobacco products intended for oral use or to be inhaled – article 15.

⁴ Under subparagraph 6) in article 2 of Law no. 5/2011 - “Regime of Tobacco Prevention and Control”, ‘Tobacco industry’ refers to the manufacturers, wholesalers and importers of tobacco products.

 澳門特別行政區政府 Governo da Região Administrativa Especial de Macau 衛生局 Serviços de Saúde	控煙及控酒 技術指引 Technical Guidelines for Tobacco & Alcohol Control	No.: 001.GPCTA.2024 Ver.: 2.0 Created on: 2012.12.06 Revised on: 2024.06.17 Page: 12/12
Law no. 5/2011 (Regime of Tobacco Prevention and Control) Simplified Guideline for the Tobacco Industry and Tobacco Retailers		

VIII. Enquiries and feedback

Should you have any enquiries or feedback about the law, please reach out to us via the following ways:

Report and Enquiry Hotline: 28556789

Email: gpcta@ssm.gov.mo

Tobacco and Alcohol Prevention and Control Office
Health Bureau of the Macao SAR Government