

Urgent Need to Ratify National Legislation Banning Smoking in Public Places

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China produces 40% of the world's cigarettes (1) and has more than 300 million smokers (2). How to control smoking is still a serious problem. Smoking damages people's health and increases the burden of medical expenses of the whole society. In order to promote the construction of a healthy China and improve people's health level, the Chinese government issued the outline of "Healthy China 2030" in 2016, which proposed specific measures and objectives for smoking control work: comprehensively promote the implementation of tobacco control, increase the intensity of tobacco control, and use tax and price, law and other means to improve the effectiveness of smoking control. Carry out in-depth tobacco control publicity and education. Actively promote the construction of smoke-free environment and strengthen the supervision and law enforcement of smoke control in public places. We will promote the work of banning smoking in public places and gradually implement a comprehensive ban on smoking in indoor public places. Government leaders should take the lead in banning smoking in public places and build government building into smoke-free one. Strengthen smoking cessation services. By 2030, the adult smoking rate will be reduced to 20% (3).

In 2018, China's adult smoking rate was 26.6%, which will be reduced by 6.6 percentage points in 11 years, that is to say, an average annual decrease of 0.6 percentage points. Levy used the SimSmoke model to

simulate the implementation of various control policies and their effects (4). The results showed that to achieve the Healthy 2030, Framework Convention on Tobacco Control (FCTC) should be fully implemented.

FCTC is the first public health treaty of WHO, it focus on control the prevalence of tobacco from both sides of supply and demand and protect the health of people. Article 8 requires that within five years after ratify, the parties shall adopt legislation to achieve a comprehensive ban on smoking in public places. Although FCTC has been ratified for 14 years in China, there are still no national laws and regulations on tobacco control. By January 2020, more than 20 cities have implemented local regulations on tobacco control, but only 13 cities including Beijing, Shanghai, Shenzhen etc covering about 10% of the national population which meet the requirements of FCTC.

Implement is another important issue after law ratify. Even in Beijing, compared with other cities that have legislation to carry out International Tobacco Control Policy Evaluation projects, the exposure rate of second-hand smoke in indoor workplaces and public places has not decreased to the level of other cities (5), but these cities are still very different from the national level (Table 1). After the local laws came into force in Beijing, the adult smoking rate dropped by 1.1 percentage points, and then continued to drop by 2 percentage points in the next two years. It decreased by

TABLE 1. Smoking rate (%) and secondary smoking exposure rate (%) in China, Beijing and Shanghai.

Rate	China			Beijing			Shanghai		
	2010	2015	2018	2014	2016	2019	2016	2017	2018
Adult Smoking Rate	28.1	27.7	26.6	23.4	22.3	20.3	21.0	20.2	19.9
Exposure rate of SHS									
Indoor Working Place	63.3	54.3	50.9	35.7	27.0	27.0	26.1	17.3	17.3
Government Building	54.8	38.1	31.1	19.7	10.8	8.6	11.0	5.3	10.0
Health Facility	37.9	26.9	24.4	12.8	6.2	6.6	11.0	7.5	4.2
Primary and Middle School	36.9	17.2	23.4	32.8	19.1	4.8	17.3	10.9	7.7
Restaurant	88.5	76.3	73.3	65.7	32.5	42.5	44.3	22.8	28.1

3.1 percentage points in four years (6–7). The adult smoking rate in Shanghai decreased by 19.9 in 2018 from 21.0% in 2016 before the amendment of the law (8–10) while that in China, including these legislative cities, dropped from 28.1% in 2010 to 26.6%, down 1.5 percentage points in eight years. The average annual decline is less than 0.2 percentage points (2).

14 years after ratify FCTC, only 13 cities have issued comprehensive ban smoking laws. If we follow this schedule, it will be difficult to achieve the goal of “total ban on smoking in indoor public places” and “reduction of smoking rate to 20% for people over 15 years old” by 2030. At present, there are 334 cities with legislative right in China. Compared with these 13 cities, the basis of tobacco control in cities without legislation is weak, and tobacco control laws and regulations are often not the priority areas of local legislation. Even if we start the legislative process, we will encounter the interests of all parties and difficulties in resistance. Based on the analysis of the law revision process in Hangzhou in 2018, under the various departments conflicts of interests, the new draft law (first review draft) has only two improvements compared with that before the revision, one is the expansion of the legal coverage, including rural areas, the second is the change from a single law enforcement mode to a multi-department law enforcement mode, and the most core “comprehensive smoke-free” was not included (11). If these 300 cities legislate one by one, the efficiency is low, the progress is slow, and the cost is huge. It is difficult to achieve the goal by 2030.

In order to achieve the goal of “Healthy China 2030” and protect more people from second-hand smoke, China should pass national smoking ban legislation in public places as soon as possible, and at the same time speed up the implementation of the law in an all-round way to ensure the realization of the goal of healthy China 2030.

doi: 10.46234/ccdcw2020.114

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Submitted: May 09, 2020; Accepted: May 22, 2020

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