

COTPA RULES UPDATE

September 21, 2024

MoHFW PROPOSES DRAFT COTPA RULES, 2024 TO ENHANCE ANTI-TOBACCO MEASURES.

On September 13, 2024, the Ministry of Health and Family Welfare ("MoHFW"), issued the draft Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2024 ("**Draft COTPA Rules, 2024**") to further amend the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, under the powers conferred by the Section 31 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulations of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

The MoHFW has invited objections and suggestions from stakeholders, which must be submitted from September 13, 2024 to October 13, 2024, in the prescribed format. The prescribed format is also available on MoHFW's website.

The key amendments introduced by the Draft COTPA Rules, 2024 are as follows:

I. Anti-Tobacco Warnings for Films on Streaming Platforms:

All films, whether certified by the CBFC or not, of both Indian and foreign origin, that are available on online curated content platforms and released on or after September 01, 2023, must:

- display anti-tobacco health spots, each lasting at least thirty seconds, at both the beginning and middle of the film.
- show a clear anti-tobacco health warning as a static message at the bottom of the screen during scenes that feature tobacco products or their use.
- include an audio-visual disclaimer on the harmful effects of tobacco use, lasting at least twenty seconds, at the start of the film.

II. Non-Skippable Anti-Tobacco Warnings for New Content:

All content on online curated platforms must:

- include non-skippable anti-tobacco health spots of at least 30 seconds and a non-skippable audio-visual disclaimer on the harmful effects of tobacco, each with a minimum duration of 20 seconds, displayed when users access the platform.
- feature a prominent static anti-tobacco health warning at the bottom of the screen during any depiction of tobacco products or their usage in the content, for all Indian and foreign content released on or after September 01, 2023.

To ensure adequate time for online curated content platforms to update their software and implement these changes, these provisions will become effective six months after the publication of Draft COTPA Rules, 2024 in the official gazette.

ABOUT THE FIRM

AKS Partners (formerly known as A.K. Singh & Co) is a law firm based in New Delhi (India) that provides a comprehensive range of legal services and solutions to domestic and international clients. The Firm offers a unique blend of the local knowledge to apply the regulatory, economic, political and cultural context to legal issues and develop case strategies.

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AWARDS & RECOGNITIONS



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