

LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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“Draft”

LAW ON FOOD

(Amended)

(April 30, 2013 draft sent to the National Assembly for consideration)

Part I

General Provisions

Article 1 (amended). Objective

This Law defines principles, regulations and measures on the management, monitoring and inspection of food [and] food business to ensure quality, effectiveness, safety and nutrition and to aim at protecting consumers' health, promoting food business, and contributing to the protection and development of the nation.

Article 2 (amended). Food

Food means any article or substance, whether processed, semi-processed or primary food (fresh and raw food), that is intended for human consumption, which includes drinks, chewing gum and other products and any substance that is used in the manufacture, preparation or treatment of food, but does not include cosmetics, tobacco and substances used only as therapeutic substances.

Article 3 (amended). Definitions

Terms used in this Law have the following meanings:

1. **Food safety** means the assurance that food will not harm consumers when it is manufactured, prepared, sold, distributed or consumed according to its intended use;
2. **Equivalence** means the capability of different food inspection and certifications systems to meet the same objectives;

3. **Additive** means any substance that is added to food for technical purposes, including shape, taste, smell, color and etc., and that is used in manufacturing , processing, treatment, packaging, transportation and storing of such food [such that it] may directly or indirectly affect the nature of food;
4. **Adulterate** means adding or removing any object into, out of, or as a substitute for another substance that causes food to have no quality, be substandard and to provide a false impression or hide defects that may harm consumers' health;
5. **Contaminant** means any substance that is present [in a food] as a result of manufacturing, preparation, treatment, storing, packing, packaging, transportation [of food] and from the environment;
6. **Contaminated food** means food that contains contamination, germs, toxic chemical substances, adulterated materials or contains other substances in a quantity or amount that exceeds the standards that are dangerous to the health of the consumers;
7. **Counterfeit food** means food where its [original] ingredient is replaced by other material, food that is produced to hide defective quality or counterfeit food, food with labelling that deceives consumers with regard to the quality and quantity or food that uses a trademark from another registered food;
8. **Food treatment** means the change of the nature of a food, such as from techniques for the storage, pasteurization, change of shape, color, smell, taste of food and etc.
9. **Food business** means any business activity involving manufacturing, processing, packaging, labeling, distributing and serving, storage, transport, export, import, transit, supply, certification, analysis [and] donation [for food], which excludes the selling of street food and the selling of [prepared] food in the market ;
10. **Food handler** means a person who directly handles and contacts food or surfaces and other utensil used with food and other persons involved in the manufacturing, processing and serving of food;
11. **Food business operator** means an individual, legal entity or organization authorized to operate a food business in accordance with laws and regulations of Lao PDR;
12. Hazard Analysis and Critical Control Point (**HACCP**) means a system which identifies, evaluates and controls hazards [that can] significantly [impact] food safety;
13. **[Food] hygiene** means the observance of standards of [hygienic] good practice aimed at avoiding contamination in food;
14. **Label** means any mark, pictorial or descriptive information attached to a food container for the purpose of providing information on food, and the use, storage, manufacturer, distributor [of food];
15. **Package** means any material used to place and package all types of food, whether opened or closed, where such package shall be consistent with its intended use and as defined by standards and regulations;
16. **Premises** refers to any building or other structure, whether permanent or otherwise, that includes transport, land on which such building or structures are and any adjoining area, streetside that is used for manufacturing, processing, sale, packaging, treatment, transport and storage of food;
17. **Street food** means ready-to-eat food and drink that is sold along the sides of a street and other public places;

18. **Traceability** means the ability to follow the history of the circulation of food through specified stage(s) of manufacturing, processing and distribution;
19. **Recall** means the action of removing sub-standard [and] counterfeit food that is unsafe and [that can cause] harm to the health of consumers where such food has already been supplied to and reaches consumers.
20. **Primary product** means raw materials obtained from the soil, water or products from plantations, husbandry and fishery, including non-timber forest products used as food;
21. **Lot** refers to a manufactured food product that has the same standard, using the same raw materials and components;
22. **Risk analysis** means procedures of risk assessment, management and communication;
23. **Nutrition** means food that is nutritious, useful and safe to enable physical growth, balance and to enhance mental development;
24. **Vulnerable population** refers to children under five years old, elderly, pregnant women, sick people and immune compromise.

Article 4 (amended). Food Policy

The State promotes domestic and foreign individuals, legal entities and organizations to invest in food businesses, whether traditional or international, in the areas of manufacturing, processing, serving, storage, distribution and transport of food to meet domestic consumption and for export.

The State should provide information to citizens on the consumption of safe, quality and nutritious food; and provide facilities, personnel, vehicles and financial support for food [safety] management activities as appropriate.

Article 5 (new). Food [Safety] Principles

Food [safety] management shall comply with the following main principles:

1. Ensure the protection of health, lives, rights and interests of consumers at the appropriate level;
2. Carry out food business in a correct, quality, safe, transparent, fair and accountable manner;
3. Ensure food safety control measures;
4. Ensure consistency with international standards, treaties and agreements to which Lao PDR is a party.

Article 6 (amended). Obligations of Citizens on Food [Safety] Management

Lao citizens, permanent residents, aliens and foreign individuals residing in the Lao PDR are obliged to contribute to the management and inspection of manufacturing, preparation, storage, serving, distribution, donation and transport of food to ensure that the food is safe and of [good] quality and meets standards, [to ensure] public awareness of health education with regard to food safety, nutrition, consumption of hygienic food and [to ensure] limitation of exaggerated advertisement that causes negative impacts on health.

Article 7 (new). Scope of Application

This Law applies to both domestic and foreign individuals, legal entities or organizations operating food business as defined in Chapter 1, Part III of this Law, including street food and food supplied in the markets of Lao PDR, except food that is processed for household consumption.

Article 8 (amended). International Cooperation

The State promotes foreign, regional and international cooperation in the areas of food [safety] through the exchange of experience, information, science and technology, human resource development, technical assistance and financial support, and in compliance with international treaties and agreements to which Lao PDR is a party.

PART II FOOD SAFETY STANDARDS AND CONTROL

CHAPTER 1 FOOD STANDARD

Article 9 (amended). Food Standards

Any food manufactured, exported, imported and distributed in Lao PDR shall comply with the food safety standards of the Food [Safety] Management Authority.

The establishment and development of food standards shall consider local facts and conditions relating to plantation, livestock, manufacturing, handling, processing, storage and transport of food and shall be based on risk analysis according to a scientific basis. . Where such standards do not exist in Lao PDR, Codex Alimentarius Commission standards shall be applied.

Article 10 (amended). Groups of Food

Food is categorized into three groups:

1. Carbohydrates;
2. Proteins;
3. Vitamins and minerals.

Article 11. Carbohydrate

Carbohydrate refers to the food group that gives the body power, enabling the body to be active, such as: rice, animal and plant oils, flour, sugar, and others that create energy.

Article 12. Protein

Protein refers to the food group that helps to build up body growth and immunity to germs, such as: meat, fish, milk, eggs and various types of beans.

Article 13. Vitamin and Minerals

Vitamins and minerals refer to the food group that is necessary for physical and mental development and that helps to increase physical immunity against germs, such as: vegetables, fruits, vitamins, iodine, and other minerals.

Article 14 (new). Additives

Additives used in food manufacturing, processing, and treatment in the Lao PDR shall be based on additives approved by Codex and ASEAN.

Additives have no nutritious value, are not a main food ingredient and cannot be directly consumed as food.

Article 15 (new). Food Risk Level

Food risk is categorized according to the food characteristics, risk-causing factors and vulnerable populations, which can be divided into three levels --high, medium and low levels.

Food that is risky for children, supplementary food and new food that has never been consumed shall be safe for consumers and consistent with standards and defined laws and regulations.

Article 16. HighRisk Food

High risk food is food prepared for vulnerable populations, including children under five years old, elderly, patients, sick persons, low immunity persons or special food including smoked food, food wrapped without air, canned food, infant food and

any process that extends the expiry date of food and ready-to-eat food, milk products, shrimp, shells, raw eggs in food, food for sick persons, and all types of food that have high risks and with high proteins that need to have temperature control system.

Article 17. Medium Risk Food

Medium risk food is food that comes from processing premises and restaurants that serve varieties of menus, handling with raw materials, complicated preparation, boiling, frozen, warming up with hazardous food such as ready-to-eat food or [instant food] that needs heating and immediate serving such as raw meat and chicken that needs to be well cooked before consumption, frozen fish products, food products with low gas, fruit juices and others.

Article 18. Low Risk Food

Low risk food is food that is sold in retail shops, packaged food for consumption of non-vulnerable populations, fast food, [food served in] restaurants that have limited menus, fast prepared and served food, food that is frozen and heating in a short time, processed food, raw materials keeping for processing, packaged food or instant food and others.

CHAPTER 2 FOOD SAFETY [CONTROL]

Article 19 (new). Food Safety [Control]

To make food safe, wholesome and appropriate for consumption, all aspects and quality need to be controlled in all processes involved with the food chain from farm to table.

Article 20 (new) Food Safety [Control] Measures

Food safety [control] measures shall:

- be applied to the extent that is necessary, on the level of risks and consistent with the international standards, Codex and ASEAN on food safety;
- be based on risk assessment that is carried out in an independent, objective and transparent manner based on the [available] scientific evidence;
- shall not create unnecessary barriers to trade and not discriminate between domestic and foreign products or producers, nor among foreign countries where similar conditions prevail.

Article 21 (new). Training and Raising Awareness

Training and awareness raising activities shall be carried out in a systematic, continuous and widespread basis through various means in order to make consumers aware of and to understand [the importance of] food safety and consumption of nutritious food. Food business operators shall be educated and have

understanding on principles of good production practices according to processes of the food chain.

Article 22 (new). Food-borne illnesses

A food-borne illness is a sickness caused by the consumption of food that is contaminated with germs, hazardous chemical substances and poisonous plants from nature.

Food-borne illnesses shall be reported to the Public Health Sector to take emergency response and immediate solution.

Article 23 (new). Food Emergency Response

When food-borne illnesses or outbreak of diseases from food occur, the response measures shall be carried out as follows:

- Develop a response plan immediately;
- Establish an emergency management and response team;
- Establish a well-structured communication point;
- Set up mechanisms for early-warnings.

Article 24 (new). Food Safety System

Food [that is] manufactured, processed, distributed, exported and imported shall be safe for consumers. Food that is safe shall comply with the principles of good manufacturing [and] hygienic practices, hazard analysis, dangerous-point control and other practices.

Food safety shall be certified and approved by the Ministry of Public Health.

Article 25 (new). [Food] Laboratory

Food laboratory is a laboratory that analyzes food quality in order to certify food quality and safety according to defined standards as established by the Ministry of Public Health or any standard laboratory in Lao PDR or foreign countries as recognized by the Ministry of Public Health.

PART III FOOD BUSINESSES

CHAPTER 1 FOOD BUSINESSES

Article 26 (amended). Food Businesses

Business activities that are food businesses consist of manufacturing, processing, treatment, packaging, labeling, distributing, serving and supply, storage, transportation, export, import, transit, certification, analysis [and] donation that shall be in line with Article 42 of this Law and other relevant laws and regulations.

Article 27. Food Manufacturing

Food manufacturing is a process of taking any article or substance to prepare process [and] manufacture it into food by production methods, including planting [crops] and raising [animals].

Food manufacturing shall be safe and comply with hygienic principles and good food manufacturing practice.

Article 28 (amended). Food Processing

Food processing is the process of taking materials to cook into food, which shall be safe, hygienic and have quality as follows:

- Raw materials used for food processing shall assure nutrition;
- Meat, fish, shell, shrimp and others shall be clean and cooked; vegetables [and] fruits shall be washed to make sure they are clean;
- Premises and utensils, including bowls, plates, spoons and other utensils that are used in processing shall be clean;
- Foods processors shall be free of communicable diseases, personal hygiene and [have] clean dress and subject to health examination at least once a year.

Article 29 (new). Food Packaging

Food packaging shall comply with good hygienic principles and use materials that are suitable with the characteristics of each type of food, and [shall] secure food quality and safety.

Article 30 (new). Food Labeling

Food that is distributed, sold, served, exports, imported and donated in Lao PDR shall be labeled in Lao language and/or a major international language indicating the correct details and information for the food.

Article 31 (amended). Food Distribution

Domestic food distribution comprises of wholesale, retail sale [and] donation, which shall comply with specified laws and regulations to ensure safety and quality of food for the consumer.

Article 32 (amended). Food Service and Supply

Food service and supply at places including educational institutions, hotels, restaurants, hospitals, wedding parties, important official events and other events, shall ensure the safety, hygiene and quality of food according to the standards and [hygienic] principles on food as defined by laws and regulations.

Article 33 (amended). Storage

In order to ensure that the quality of food is not degraded, that food has not perished and are available under conditions that are consumable, it shall be stored according to the requirements defined for [each] specific type of food and [shall] comply with good storage principles to secure food safety.

Article 34 (new). Food Transportation

The transportation of food to its final destination shall ensure food quality [and] safety and shall comply with specific requirements of each type of food and comply with good transportation principles and shall be clean.

Article 35 (amended). Food Export

Food that is exported from the Lao PDR shall meet the standards and safety [requirements] as specified in this Law and certified by the Ministry of Public Health as well as comply with the requirements of the importing countries.

Article 36 (amended). Food Import

Individuals, legal entities or organizations wishing to import food shall submit complete documents, including analysis certificate from the official laboratory of the country of origin, quality and safety certificates and other relevant documents, and ask for permission from the Ministry of Public Health and or Provincial [and] Capital Department of Public Health depending on each case.

Food imported for household consumption and for the society shall ensure safety, hygiene and quality. The import of food for society is subject to the standards, quality and safety certification of the Ministry of Public Health.

Requirements and procedures on the importation of food are defined in separate regulations.

Article 37 (new). Food Transit

Individuals, legal entities or organizations wishing to transport food from one country in transit through Lao PDR to a third country, shall be permitted by the Ministry of Public Health or Provincial [and] Capital Department of Public Health depending on each case. The transit shall be carried out by submitting prescribed information to a food and drug inspector at a designated entry checkpoint.

The transport of transit food shall be in closed [and] sealed containers and shall comply with transit requirements. Where there is a transshipment of goods to another truck or unloaded to a warehouse before it is transited, it shall be certified by the food and drug inspector in terms of quantity and types of goods declared to be transited to a third country and [shall] make a memo [with the appropriate information] and notify the exit checkpoint where such goods will be transited.

Article 38 (new). Food Advertisement

Food advertisement is allowed only if its content [and] format are approved by the Ministry of Public Health and other relevant sectors.

The content and format of food advertisement:

- shall be clear and consistent with the facts in terms of types, kinds, characteristics and quality of food, and with trademarks and services;
- contain complete information on food;
- shall not insult and slender the manufacturing and services of others;
- Exhibit food at various events.

The advertisement can be carried in all forms, including advertisement in horizontal way and through mass media.

Article 39 (new). Food Quality Certification

Before a food product is distributed, imported, exported, served or donated, it is subject to inspection and certification of quality from the Ministry of Public Health.

Individuals, legal entities or organizations wishing to operate a business in [food] certification shall be authorized by the Ministry of Public Health.

Article 40 (new). Food Analysis

Individuals, legal entities or organizations wishing to operate a business in food analysis shall comply with good laboratory practice principles and relevant international standards and shall be certified and authorized by the Ministry of Public Health.

Article 41 (amended). Food Donation

Individuals, legal entities or organizations wishing to donate food or giving food aid from domestic or foreign countries to Lao PDR shall ensure that such food [meets] quality and safety [standard] by being certified by the country of origin and authorized by the Ministry of Public Health.

CHAPTER 2 FOOD BUSINESS CONTROL

Article 42 (amended). Food Business

Individual, legal entities or organizations wishing to operate a food business shall file an application as defined in the Law on Investment Promotion and Law on Enterprises to the Industry and Commerce Sector for consideration after a technical approval is received from the Ministry of Public Health.

Article 43 (new). Registration of a Food Product

Individuals, legal entities or organizations that are granted a business license, before operating a business in the manufacturing, distribution, importandexport of their [food] products shall be registered with the competent Public Health Sector.

A list of products, procedures and requirements of registration are defined in specific regulations.

Article 44 (new). Collection of Fees and Charges

The collection of fees and technical service charges on food shall be applied according to the relevant legislation in each period.

Article 45 (new). Protection of Intellectual Property on Food

The State protects and maintains confidential information of those who are registered for food [as a food business] according to this Law and [shall] comply with the Law on Intellectual Property and international treaties and agreements to which Lao PDR is a party.

Article 46 (new). Traceability

Individuals, legal entities or organizations may participate in traceability [activities] to find out sources of raw materials, suppliers, manufacturers and information on the supply of food products that harm consumers' health.

Traceability is one of the obligations of [food] business operators.

Article 47 (new). Recall

Where a food business operator is aware that their products are unwholesome and harm consumers' health, the food business operator shall recall their food and improve or dispose their food according to the agreement of the Ministry of Public Health.

The food business operator shall be responsible for all costs occurred with respect to the recall and disposal of their food.

The disposal of food shall be done in the presence of food and drug officials and representatives from relevant sectors.

Article 48 (new). Food Unfit for Consumption

Where a food and drug inspector finds that food is unfit for [human] consumption, the inspector shall:

1. seize and confiscate such food, [and require that such food is not allowed to be sold or moved to other places];
2. remove such food to a specified place;
3. order the immediate destruction of the food.

Where any action mentioned above is taken, the food inspector shall immediately notify higher levels in his/her organization and notify other relevant authorities so that all necessary measures are taken to ensure public safety and the protection of consumers, including giving public warnings.

Article 49 (new). Food for Vulnerable Populations

The processing, sale and serving of food, and donation [of food] to schools, hospitals and other places, to vulnerable populations shall ensure that the food is hygienic, safe, wholesome and nutritious.

Article 50 (new). Selling of Street Food

Sellers of street food shall comply with good hygienic practice for the processing, selling and serving of food as defined in the laws and regulations.

Article 51 (new). Suspension and Withdrawal

The suspension and withdrawal of food registration is carried out in case of the outbreak of diseases or an emergency caused by poisoned food depending on each case by coordinating with relevant sectors.

The food and drug inspector shall assess the implementation of measures on suspension. Where such problems are resolved, the food and drug inspector shall allow [the food business operator] to resume operations.

PART IV

RIGHTS AND OBLIGATIONS OF FOOD BUSINESS OPERATORS AND CONSUMERS

Article 52 (amended). Rights and Obligations of Food Business Operators

Food business operators have the right to:

- accompany food and drug inspectors while on [inspection] duties;
- be informed about the objectives and results of inspection;
- appeal on the violations of their rights on food business or treatment made by food and drug inspectors;
- implement other rights as defined in the laws and regulations.

Food business operators have the following obligations:

- Strictly comply with the laws and regulations related to food;
- Ensure that the manufacturing, distribution, serving, import, export and donation of food shall have quality and safety;
- Pay for damages caused by their faults on food business operations;
- Facilitate officials during their inspection duties;
- Carry out traceability and recall of unfit and unsafe food for consumption;
- Implement other obligations as defined in the laws and regulations.

Article 53. Rights and Obligations of Food Consumers

Food consumers have the following rights:

1. Being served with safe food that is appropriate for consumption;
2. Receive correct information on food, nutritious ingredients, safety and quality, storage and know how [in order] to select food for consumption;
3. Being protected from deceptive practices and wrong information with regard to the package, label, advertisement and sale of food;
4. Return food or receive compensation for damages made by a food business operator that is unfit for consumption or unsafe;
5. Implement other rights as defined in other relevant laws and regulations.

Food consumers have the following obligations:

- Strictly comply with the laws and regulations related to food [safety];
- Inform to the Public Health Sector immediately with regard to a business operator who manufactures unsafe, non-quality, degraded [and] counterfeit food and food-borne illnesses;
- Implement other obligations as defined in other relevant laws and regulations.

PART V PROHIBITIONS

Article 54 (amended). Prohibitions for Food Business Operators

Food business operators are prohibited to perform the following:

1. operate a food business without authorization from the Public Health and relevant sectors;
2. manufacture, process, export, import, distribute, serve and donate unsafe food to consumers and cause damage to the environment, in violation of laws and regulations, fine-tradition, causing danger to human lives and health and assets of other people and society;
3. use additives that are not specified in laws or regulations;
4. use raw materials that have residues from insecticides, pesticides, herbicides, antibiotics, hormones, heavy metal and other substances that exceed defined limits;
5. use toxic chemicals, narcotics, substances that damage nerves, colorants that endanger health and food additives over the defined limits in the manufacturing and processing of food;
6. use prohibited chemical substances in food business operations;
7. manufacture, sell, package or store food in unsafe containers to consumers;
8. use toxic, dirty or inappropriate materials for packaging, such as newspapers, printed papers and bags for fertilizers, animal feed, cement and other materials;
9. advertise food that exaggerate the facts, overstates the wholesomeness for treatment which lead to misunderstanding to consumers, violating the laws and regulations on food advertisement;
10. **selling unpacked food along the street side;**
11. distributing and advertising food that has fat, salt and sugar higher [than the defined limits], such as , added artificial color, smell [and] taste aiming at pursuing consumers, particularly children;
12. Other behaviors that violate the laws and regulations.

Article 55 (new). Prohibitions for Authorities and Food and Drug Inspectors

Food and drug personnel and inspectors are prohibited to act as follows:

1. Perform duties in an unfair or biased manner [and] inconsistent with the laws and regulations;
2. Demand and ask for and receive a bribe, [or]abuse [their] position, power and duties for personal benefit;
3. Falsify documents or use false documents, disclose secrets and provide information without authorization, delay or destroy documents related to the food business;
4. Have other behaviors that violate the laws and regulations.

Article 56 (new). Prohibitions for Consumers

Food consumers are prohibited to act as follows:

1. Say [unsubstantiated] bad things about food products and services or any action that causes damages to food business operators;
2. Use food products and services that damages the environment, or [is against] against laws and regulations, fine traditions, or that causes damage to the life, health and property of others and society;
3. Have other actions that violate laws and regulations.

PART VI DISPUTE RESOLUTION

Article 57 (new). Forms of Dispute Resolution

Food disputes shall be carried out according to any of the following forms:

1. Resolution by conciliation or mediation;
2. Administrative dispute resolution;
3. Resolution by the Economic Dispute Resolution Authority;
4. Suing to court;
5. International [dispute] settlement.

Article 58 – Resolution by Conciliation or Mediation

When a dispute involving food activities occurs, the parties may resolve such dispute by discussion, negotiation, compromise or mediation.

Article 59 – Administrative Dispute Resolution

When a dispute involving food activities occurs, the parties may propose to competent relevant sectors to resolve such dispute according to the laws and regulations.

Article 60 – Resolution by the Economic Dispute Resolution Authority

When a dispute involving food activities occurs, the parties may propose to the economic dispute resolution authority to resolve it according to the laws and regulations.

Article 61 – Suing to Court

When a dispute involving food activities occurs, any party may sue such dispute to the People's Court to resolve it according to the laws and regulations.

Article 62 – International Dispute Settlement

When an international dispute involving food occurs, the parties may propose the dispute to domestic, foreign or international dispute resolution authority as agreed upon or shall comply with international treaties and agreements to which Lao PDR is a party.

PART VII FOOD AND DRUG MANAGEMENT COMMITTEE

Article 63 (new). Establishment of Food and Drug Management Committee

The Food and Drug Management Committee is a non-permanent body that has duties to consider and approve policy, strategy and coordinate with relevant sectors in the management of food and the inspection of the quality of domestic produced and imported food products aiming at the protection of the rights and interests of consumers, the reduction or limitation of food hazards, and to ensure the health and lives of consumers.

The Food and Drug Management Committee consists of the:

- Committee for Food and Drug Management ;
- Provincial [and] Capital Food and Drug Management Committee;
- District [and] Municipal Food and Drug Management Committee.

Article 64 (new). National Committee for Food and Drug Management

The Committee for Food and Drug Management consists of:

- | | |
|--|------------|
| 1. Minister of Public Health | Chair |
| 2. Vice-Minister of Agriculture and Forestry | Vice-Chair |
| 3. Vice-Minister of Industry and Commerce | Vice-Chair |
| 4. Vice-Minister of Science and Technology | member |
| 5. Vice-Minister of Finance | member |
| 6. Vice-Minister of Planning and Investment | member |
| 7. Vice-Minister of Information, Culture and Tourism | member |
| 8. Vice-Minister of Public Security | member |
| 9. Representatives from the relevant
Committee/s of the National Assembly | members |
| 10. Chiefs of Cabinets or Director Generals
of Departments of relevant ministries | members |

The Committee for Food and Drug Management is appointed by the Prime Minister and the Food and Drug Department of the Ministry of Public Health is the secretariat.

The organization (structure) of Provincial and District Committees for Food and Drug Management is defined in a specific regulation.

Article 65 (new). Rights and Duties of the Food and Drug Management Committee at Each Level

Food and Drug Management Committees [at each level] have the following rights and duties according to their scope of responsibilities:

- Be the chief of staff for the government, province, Capital City, district, and municipality for activities involving research, development of policies and strategic and management plans regarding food quality and safety in each period;
- Mobilize, manage and use funds raised from both domestic and foreign donors to effectively implement food safety management;
- Provide technical advice to relevant sectors with regard to food safety management activities;
- Cooperate and coordinate with relevant sectors in the implementation of food safety management activities;
- Summarize and report outcomes of the implementation of their activities to the Government, Provincial [and] Capital governor, district [and] municipal chief and Public Health Sector;
- Implement other rights and duties as defined in the laws and regulations.

Article 66 (new). Lao [National] Codex Committee (LNCC)

The Lao National Codex Committee (LNCC) is a technical assistant body under the National Committee for Food and Drug Management that serves as a chief of staff in the research, establishment of standards and technical coordination on food quality control with relevant organizations in Lao PDR and with the International Codex Alimentarius.

The Lao National Codex Committee's abbreviation is "LNCC".

Article 67 (new). Rights and Duties of the Lao National Codex Committee

The Lao National Codex Committee has the following rights and duties:

1. Create, amend and develop food standards for Lao PDR and propose to the Ministry of Public Health for consideration and approval;
2. Contribute in the development of regional and international food standards, research and compile comments on behalf of Lao PDR to propose to the Ministry of Public Health in order to submit to the International Codex Alimentarius;
3. Propose comments and provide information to the National Committee for Food and Drug Management on the difficulties and limitations on the development of food standards, quality and safety;

4. Research and analyze information received from the International Codex Alimentarius on food standards relating to the interests of Lao PDR;
5. Coordinate with cooperation projects on food standards of international organizations to ask for technical and financial support;
6. Summarize and report to the Lao National Codex Committee the outcomes of the implementation of its activities on a regular basis
7. Implement other rights and duties as defined in the laws and regulations.

PART VIII FOOD MANAGEMENT AND INSPECTION

CHAPTER 1 FOOD MANAGEMENT

Article 68. Food [Safety] Management Authority

The State carries out food management in a centralized and uniform manner nationwide by the designation of the Ministry of Public Health to be directly responsible for [food management] and to cooperate with the Ministry of Agriculture and Forestry, Ministry of Industry and Commerce, Ministry of Science and Technology, other relevant sectors and local administrations.

The Food [Safety] Management Authority consists of:

1. Ministry of Public Health;
2. Provincial [and] Capital Public Health Department;
3. District [and] Municipal Public Health Offices;
4. Village Health Committee.

Article 69. Rights and Duties of the Ministry of Health

In the management of food activities, the Ministry of Public Health has the following rights and duties:

1. Research the policies, strategic plans, laws and regulations related to food management activities in order to propose to the Government for consideration;
2. Incorporatesuch policies and strategic plans into detailed plans, programs and detailed projects, and supervise their implementation;
3. Disseminate and [provide] education on laws and regulations on food nationwide;
4. Build, strengthen, upgrade and provide technical training on food to food personnel, inspectors and food business operators;
5. Authorize the establishment, suspension or withdrawal of a food business in cooperation with the Ministry of Industry and Commerce;

6. Register, list and certify good manufacturing standards, quality analysis, and authorize advertisement and the export and import of food products;
7. Suspend or revoke decisions, orders and instructions of the food management authority at lower level that are not consistent with the laws and regulations;
8. Consider and process appeals/complaints of individuals, legal entities or organizations on food standards, quality and safety;
9. Promote and support safe food manufacturing from farm to table nationwide;
10. Coordinate with relevant stakeholders in the management of food activities, including natural resources that are food;
11. Cooperate with foreign countries and international organizations to facilitate food activities management;
12. Summarize and report outcomes of the implementation of its activities to the government on a regular basis;
13. Implement other rights and duties as defined in the laws and regulations.

Article 70. Rights and Duties of the Provincial and Capital Public Health Departments

In the management of food activities, the Provincial and Capital Public Health Departments have the following rights and duties:

1. Elaborate the policies, strategic plans, laws and regulations on food activities for implementation;
2. Disseminate and [provide] education on laws and regulations on food under their scope of responsibilities;
3. Inspect food businesses in order to propose to the Ministry of Public Health regarding the establishment, suspension or withdrawal of a food business under their jurisdiction;
4. Propose capacity building and training on food to personnel, food inspectors and food business operators at its level;
5. Propose the registration [and] certification of good manufacturing standards, quality analysis, and authorize the advertisement, export and import of food products under its jurisdiction;
6. Suspend or revoke decisions, orders and instructions of the District [and] Municipal Public Health Office that are not consistent with the laws and regulations;
7. Consider and process appeals/complaints of individuals, legal entities or organizations on food standards, quality and safety under its jurisdiction;
8. Promote and support safe food manufacturing from farm to table within its province [and] Capital;
9. Coordinate with relevant stakeholders in the management of food activities, including natural resources that are food under its responsibilities;
10. Cooperate with foreign countries and international organizations to facilitate food management activities management as assigned by higher level;
11. Summarize and report outcomes of the implementation of its activities to the Ministry of Public Health and Provincial [and] Capital administrations for on regular basis;
12. Implement other rights and duties as defined in the laws and regulations.

Article 71. Rights and Duties of District and Municipality Public Health Offices

In the management of food management activities, the District and Municipal Public Health Offices have the following rights and duties:

1. Implement the policies, strategic plans, laws and regulations for food activities effectively;
2. Disseminate and [provide] education on laws and regulations on food under its jurisdiction;
3. Make proposals on the establishment, suspension or withdrawal of a food business to the Provincial [and] Capital Public Health Department for consideration in order to propose to the Ministry of Public Health;
4. Consider and process appeals/complaints of individuals, legal entities or organizations on food standards, quality and safety under its responsibilities;
5. Promote and support safe food manufacturing from farm to table within its district [and] municipality;
6. Coordinate with relevant stakeholders in the management of food , including natural resources that are food under its responsibilities;
7. Summarize and report outcomes of the implementation of its activities to the Provincial [and] Capital Public Health Department and District [and] Municipal Administration on regular basis;
8. Implement other rights and duties as defined in the laws and regulations.

Article 72 (new). Rights and Duties of Village Health Committees

In the management of food activities, Village Health Committees have the following rights and duties:

1. Implement food activities under its jurisdiction;
2. Disseminate and [provide] education on laws and regulations on food and health of consumers within the village;
3. Consider and aprocess proposals of consumers on food [problems] according to its jurisdiction;
4. Raise awareness of villagers to stay healthy by consuming safe and nutritious food;
5. Promote the production of safe traditional food according to the capacity of the village;
6. Provide information on unsafe and poisoned food to warn villages to be cautious;
7. Summarize and report outcomes of the implementation of its duties to the District and Municipal Public Health Office and village administration on regular basis;
8. Implement other rights and duties as defined in the laws and regulations.

Article 73 (new). Rights and Duties of Other Relevant Sectors

All sectors at the central and local levels have the rights and duties in the cooperation with Public Health Sector in order to make effective management of food activities under their responsibilities.

CHAPTER 2 FOOD INSPECTION

Article 74 (new). Food Inspection Authority

The Food Inspection Authority consists of:

1. Internal inspection authority that is the same authority as the food management authority as defined in Article 70 of this Law;
2. External inspection authority consists of the National Assembly, State Audit Authority and Government Inspection and Ant-Corruption Authority.

Article 75. Inspection Contents

The content of food inspection includes:

1. Registration and issuance of permits for the operation of food business;
2. Implementation of laws and regulations related to food by State authorities and other organizations;
3. Monitoring and inspection of activities on manufacturing, processing, storage, distribution, export, import, consumption and donation of food by the public and private sectors.

Inspection aims to ensure that food activities are carried out in accordance with the laws and regulations, and [that] food business operations are carried out in an ethical and fair manner in order for food to [meet] standards, quality and be safe.

Article 76. Forms of Inspection

Inspection shall be carried out in the following forms:

- Regular inspection;
- Inspection with prior notice;
- Sudden inspection.

Regular inspection is an inspection that is carried out in accordance with a plan and on a regular and certain period of time.

Inspection with prior notice is an inspection that is not included in the plan but is carried out by informing the audited person in advance.

Sudden inspection is an urgent inspection without informing the inspected person in advance.

An inspection of food activities shall strictly comply with the laws and regulations.

Article 77 (amended). Food and Drug Inspector

A food and drug inspector is a public health official who is qualified and competent in food science, pharmaceutical, chemistry, biology and has passed a selection examination, and [has been] appointed by the Minister of Public Health.

Article 78 (new). Right and Duties of the Food and Drug Inspector

A food and drug inspector has the following rights and duties:

1. Enter all premises used for food business operations;
2. Carry out food inspection at the designated border checkpoints;
3. Implement inspection procedures as defined in laws and regulations;
4. Seize or confiscate unfit food for consumption (sub-standard, no quality and unsafe) and report to relevant sectors for consideration according to the laws and regulations;
5. Summarize and report results of the inspection to the Public Health Sector and relevant sectors for resolution;
6. Implement other rights and duties as defined in the laws and regulations.

PART IX POLICIES TOWARDS PERSONS WITH OUTSTANDING ACHIEVEMENT AND MEASURES AGAINST VIOLATORS

Article 79. Policies toward Persons with Outstanding Achievement

Individuals, legal entities or organizations and civil servants who are in charge of food management activities with outstanding achievement in the implementation of this Law, including food business operations that have carried out [operations with] standards, quality and safety, will be rewarded and receive incentives as defined in the laws and regulations.

Article 80 (amended). Measures against Violators

Individuals, legal entities or organizations violating any provision of this Law shall be re-educated, face disciplinary actions, be fined or face criminal actions depending on the severity of each case, including pay for damages that have caused.

Article 81. Re-Education Measures

Individuals, legal entities or organizations that violate this Law, including providing food to the society, produced, prepared, served, stored, distributed, exported, imported or donated food of [unacceptable] quality or unsafe but that is not dangerous to the health of consumers, will be re-educated and warned.

Article 82 (new). Disciplinary Measures

Public Health personnel and food and drug inspectors violating this Law, particularly prohibitions with light degree that are not a criminal offense and that cause low damages or are unwilling to report on the offense to avoid their offense, shall face disciplinary actions according to the regulations, such as a warning of the offense, suspension of promotion or dismissal from being a civil servant.

Article 83 (amended) Fines

Individuals, legal entities or organizations violating this Law as a non-criminal offense, including selling unsafe, no quality and degraded [food], [and including selling food] with additives, contaminants or expired food to consumers, shall be fined as defined in the specific regulations.

Article 84 (amended) Civil Measures

Individuals, legal entities or organizations violating this Law that causes damage to others shall compensate [them] for damages that they have made.

Article 85. Criminal Measures

Any person violating this Law that [commits a] criminal offense shall be prosecuted according to the Penal Law depending on the severity of each case.

PART IX FINAL PROVISIONS

Article 86 (amended). Implementation

The Government of Lao People's Democratic Republic shall implement this Law.

Article 87. Effectiveness

This Law shall enter into force after one hundred and eighty days after the President of the Lao People's Democratic Republic issues a Promulgation Decree.

This Law replaces the Law on Food No.04/NA, dated 15 May 2004.

Any regulations and provisions contradicting with this Law shall be cancelled.

President of the National Assembly