

SIKKIM



GOVERNMENT

GAZETTE

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No. 337

**GOVERNMENT OF SIKKIM
HEALTH AND FAMILY WELFARE DEPARTMENT
GANGTOK**

No: 04/H&FWD/2026-27;

Dated: 2nd June, 2026

NOTIFICATION

Whereas, the State Government has deemed it expedient to ensure that any Electronic Nicotine Delivery Systems (ENDS) including e-Cigarettes, Heat-Not-Burn devices, Vape, e-Sheesha, e-Nicotine Flavoured Hookah, and the like devices that enable nicotine delivery are not sold (including online sale), manufactured, distributed, traded, imported and advertised in their jurisdictions, except for the purpose and in the manner and to the extent, as may be approved under the Drugs and Cosmetics Act, 1940 and Rules made thereunder;

And whereas, Ministry of Health and Family Welfare previously has issued instructions to all the States and UTs for the rigorous enforcement of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, supply and Distribution) Act, 2003 (COTPA) and the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, sale, Distribution, storage and Advertisement) Act, 2019 vide D.O. letters from Secretary, Health (July 2020-July 2023), Secretary, Health (February 2024-September 2024), Director General of Health Services and Additional Secretary, Ministry of Health and Family Welfare;

And whereas, the Government of India has enacted the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (COTPA), 2003 with emphasis on protecting the masses, especially children and young people from tobacco addiction and aiming to improve public health in general as enshrined in Article 47 of the Constitution of India. As per sections 5, 6 and 7 of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, supply and Distribution) Act, 2003 (COTPA), 2003, no person shall promote the use or consumption of cigarettes or any other tobacco product; no person shall sell or offer for sale or permit sale of cigarettes or any other tobacco products to any person who is under eighteen years of age and within 100 yards of any educational institution; and no person shall carry on trade or commerce in cigarettes or any other tobacco products unless every package of cigarettes or any other tobacco products sold, supplied or distributed has the specified health warning;

And whereas, section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015, states that whoever gives, or causes to be given, to any child under 18 years of age tobacco products, shall be punished with rigorous imprisonment;

And whereas, the Government of India has enacted the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement) Act, 2019 in the interest of public health and to protect the people from harms of nicotine. Section 4 of the prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, Sale, Distribution, Storage and Advertisement), Act, 2019 inter alia prohibits production, manufacturing, import, export, transport, sale, distribution, storage and advertisement of electronic cigarettes;

Now therefore, the State Government is hereby pleased to direct that no person, tobacco and electronic cigarette industries shall sell Electronic Nicotine Delivery systems (ENDS) including e-Cigarettes, Heat-Not Burn devices, Vape, e-Sheesha, e-Nicotine Flavoured Hookah and the like devices that enable Nicotine delivery, directly or through any other medium or e-Commerce sites/apps and in close vicinity of any educational institutions; thereby increasing the accessibility these products to youth.

Further, in case of non-compliance, legal action shall be taken under section 5 read with section 22, section 6 read with section 24, and section 7 read with section 20 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, supply and Distribution) Act, 2003 (COTPA), section 77 of the Juvenile Justice Act 2015, and section 4 read with section 7 of the Prohibition of Electronic Cigarettes (Production, Manufacture, Import, Export, Transport, sale, Distribution, storage and Advertisement) Act, 2019 (PECA).

**Special Secretary to Government of Sikkim
Health and Family Welfare Department.
File No. 233/NTCP/H&FW Deptt.**