



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 37/PO

DECREE
of the
PRESIDENT
of the
LAO PEOPLE'S DEMOCRATIC REPUBLIC

On the Promulgation of the Law on Food

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic;

Pursuant to Resolution No. 04/NA, dated 15 May 2004, of the National Assembly of the Lao People's Democratic Republic on the adoption of the Law on Food; and

Pursuant to Proposal No. 16/NASC, dated 24 May 2004, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic
Decrees That:**

- Article 1. The Law on Food is hereby promulgated.
- Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 14 June 2004
The President of the Lao People's
Democratic Republic

[Seal and Signature]

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 04/NA
15 May 2004

LAW ON FOOD

Part I General Provisions

Article 1. Objectives

The Law on Food defines principles, rules, methods and measures on the administration and inspection of activities relating to food, with the aims[:] to control the quality and standard, in particular the safety, of food[;] to ensure the consumers' nutrition and health[;] to promote production and business relating to food[;] and to guide the citizens to be aware, to understand and to adapt to the consumption of food that is safe, hygienic and that contains nutrients for physical strength, including to make them understand the usefulness and danger of food and to know how to care for their health, in order to contribute to national protection and development.

Article 2. Food

Food is any substance that is consumed or drunk by human beings in the form of food that is fresh, cooked, raw or processed, except drugs.

Article 3. The Usefulness and Danger of Food

Food is necessary for the daily life of human beings and is useful in providing energy to, building up, and enhancing the balance of, the body.

Food that is unsafe, unclean, deteriorated or perished¹ will cause disease or illness, such as: diarrhoea, cholera, hepatitis, cancer and others² that may lead to death.

¹ The literal translation of this term is "the consumption date has expired".

² The term "and others" is a literal translation and is not subject to further specificity.

Article 4. Meaning of Terms

This law limits the meaning of terms used as follows:

- Nutrition means the consumption of nutritious and safe food to enable physical growth and balance and to enhance mental development;
- Nutrient³ means any component or substance contained in food that is useful for the body;
- Adulterated food means food in respect of which any substance has been added, extracted or replaced causing the food to lose quality and not meet standards, which may cause danger to the health of the consumer;
- Contaminated food means food that contains germs, toxic chemical substances, or adulterated materials or that contains other substances in a certain quantity or amount in excess of standards, that is dangerous to the health of the consumer;
- Hazardous substance in food means any toxic chemical substance or other material, including germs, that causes damage to human health;
- Counterfeit food means food that uses the trademark of other food that has been officially registered;
- Storage of food means bringing food into a warehouse for distribution to society;
- Keeping of food means bringing food into the house for family use.

Article 5. Obligations of Citizens Relating to Food

Lao citizens, permanent residents, apatrids⁴ and foreign individuals living in the Lao PDR have the obligation to contribute, in connection with environmental protection, to the administration⁵ of the production, preparation, storage, serving, distribution and transport of food to ensure that the food is safe and of [good] quality⁶; in addition, they shall have the obligation to protect the natural sources of food in a sustainable manner.

³ The literal translation of this term is “nourishing and supplementing substances”.

⁴ Readers may wish to refer to the Law on Lao Nationality for the distinction between aliens, apatrids (i.e. persons unable to certify their nationality) and foreign individuals.

⁵ The term “administration” is used in the sense described in Part VI of this law and citizens are required to contribute to such administration.

⁶ As suggested by the definition in Article 12, the Lao term “quality” has a connotation of “safe, nutritious and useful”, even when used without any qualifier. As the English word does not necessarily have such connotation, the translators have added the qualifier “[good]” when they thought it helpful in reminding the reader of this connotation.

Article 6. Promotion of Food

The State has a policy to promote domestic and foreign individuals and organisations to invest in food businesses relating to cultivation, animal husbandry, and the preparation, serving, industrial and handicraft production, storage, distribution, and transport of food that has national, ethnic and international character, to move towards modern industrial production in order to supply domestic consumption demands and for export, by providing citizens with information and with safe, [good] quality and nutritious [food], including necessary and appropriate imports.

Article 7. International Cooperation

The State opens wide and promotes international cooperation in the area of food through the exchange of experience, training, capacity building, scientific research and others to mobilise foreign assistance and investment and the exchange of goods.

Part II Groups and Standard of Food

Chapter 1 Groups of Food

Article 8. Groups of Food

Food is classified into three groups as follows:

1. Carbohydrates⁷;
2. Proteins⁸;
3. Vitamins and minerals⁹.

Article 9. Carbohydrates

Carbohydrates 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 10. Proteins

Proteins 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.

⁷ The literal translation of this term is “food group that provides energy.”

⁸ The literal translation of this term is “food group that builds up body”.

⁹ The literal translation of this term is “food group enhancing the balance of the body”.

Article 11. Vitamins and Minerals

Vitamins and minerals refers 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.

**Chapter 2
Quality and Standard of Food**

Article 12. Quality of Food

Quality of food refers to the specific character of each type of food which makes the food safe, contain nutrients and be useful for the health of the consumer.

Article 13. Food Standards

Food standards refers to specifications that measure the character of each type of food.

Food shall comply with the standards in the Lao PDR.

Food standards in the Lao PDR shall have following main contents:

- Safety;
- Hygiene;
- Contain nutrients

In the event that the standard for any food has not been specified in the Lao PDR, the international standards, rules and guidelines on food nomenclature shall be applied.

International food nomenclature refers to the specifications that measure food standards which are adopted by the Food and Agriculture Organisation and the World Health Organisation.

Article 14. Safe Food

Safe food means food without contamination from germs, toxic chemical substances or other substances that are harmful to the health of the consumer.

Article 15. Hygienic Food

Hygienic food means food that has been produced by using all necessary conditions and measures in all processes relating to food, from the production, preparation, packaging, serving and others until consumption, to ensure the cleanliness and safety of the food.

Article 16. Food Containing Nutrients

Food containing nutrients refers to food that contains carbohydrates, proteins, vitamins and minerals, such as: starch, protein, animal and plant oils, vitamins, minerals, and other nutrients.

Part III Food Activities and Operation of Food Business

Chapter 1 Food Activities

Article 17. Food Activities

Food activities comprise the initial production, preparation, serving, industrial and handicraft production, storing, distributing, keeping, transporting, importing, exporting and donation of food.

Article 18. Initial Production of Food

The initial production of food comprises cultivation and animal husbandry, including collection of forest products, to make food.

[Activities in] cultivation and animal husbandry to make food shall employ all necessary conditions and measures to ensure that the products for the consumer are safe and of [good] quality, such as: avoid germs, toxic fungi, bacteria, toxic chemical substances and chemical traces in excess of standards defined by laws and regulations.

[Activities in] the collection of forest products, natural hunting and fishing for food shall comply with the laws and regulations, ensure safety in the consumption and storage of these products, and use all necessary methods to ensure safety and hygiene, including not to destroy the sources of food and the environment.

Article 19. Preparation of Food

Preparation of food is the use of materials for preparing food, which must ensure safety, hygiene and quality as follows:

- The materials for preparing food shall ensure safety and hygiene and [shall] contain nutrients;
- The preparation of food shall ensure safety and hygiene, such as: meats, fish, mussels, shrimps, and others must be cleaned and cooked; vegetables and fruits must be washed clean;
- The place and utensils, such as: bowls, plates, spoons and other equipment used to prepare food, shall ensure safety and cleanliness;

- The preparer of food shall not be a person who has a communicable disease, and shall have personal hygiene and clean clothing.

Article 20. Serving of Food

The serving of food shall ensure the safety, hygiene and quality of food by providing food that meets the standards and complies with general hygiene principles on food as defined by laws and regulations, such as: hygiene of the place of preparation, eating areas, utensils and other equipment used to prepare food and hygiene of food servers.

Article 21. Industrial and Handicraft Production of Food

Production of food taking the form of industrial and handicraft production shall comply with various specified principles [in the following aspects]: [factory] design¹⁰, raw material selection, disease¹¹ prevention, maintenance of hygiene, and use of advanced and modern technology created or acknowledged by the Food Administration and Inspection Agency of the Lao PDR or in accordance with international nomenclature, in order to ensure the safety and quality of food for the consumer.

Article 22. Distribution of Food within the Country

Distribution of food within the country comprises the wholesale, retail sale, storage and transport of food, and shall comply with specified laws and regulations to ensure the safety and quality of food for the consumer.

Article 23. Export of Food

Food exported from the Lao PDR shall meet the standards specified in Article 13 of this law and other relevant regulations. The quality shall comply with the requirements of the importer in the importing country.

Article 24. Import of Food

Import of food may be import for household consumption or for consumption by the society.

Import for household consumption should pay attention to the safety, hygiene and quality of food.

Import of food for consumption of the society, such as for distribution, preparation, and serving of food, shall ensure [good] quality and meet standards in accordance with Articles 12 and 13 of this law and with other relevant regulations; if food is divided for repackaging and re-labelling, the

¹⁰ The literal translation of this term is “design of place”.

¹¹ The literal translation of this term is “germ prevention”.

quality and standard [of the new package] must be certified by the Food Administration and Inspection Agency.

Article 25. Donation of Food

Food that is obtained from donation and assistance from domestic and foreign sources shall be safe and of [good] quality, shall meet standards, shall not have perished, and shall have had its quality certified by the relevant agency.

**Chapter 2
Character of Food Activities**

Article 26. Character of Food Activities

The conduct of food activities referred to in Article 17 of this law can have the character of family activities, family economic activities and commercial activities, but excludes the donation of food.

Article 27. Food Activities Having the Character of Family Activities

Food activities having the character of family activities refers to the initial production, preparation, handicraft production and keeping of food for household use.

Article 28. Food Activities Having the Character of Family Economic Activities

Food activities having the character of family economic activities refers to the initial production, preparation, serving, handicraft production, storage and distribution of food for household consumption and consumption by the society.

Article 29. Food Activities Having a Commercial Character

Food activities having a commercial character refers to the initial production, serving, industrial and handicraft production, storing, distributing, import and export of food for consumption by the society.

**Chapter 3
Operation of Food Business**

Article 30. Operation of Food Business

Individuals and organisations wishing to operate a food business shall file an application through the health sector¹² and other relevant sectors to

¹² The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity.

propose to the commerce sector for approval as specified in the Business Law¹³.

Article 31. Obligations of Food Business Operator

Food business operators shall ensure the safety, hygiene and quality of food. In the event that the food is not safe or causes damage to consumers, the food business operator shall be responsible under the law. In addition, the food business operator shall also cooperate with the food inspection authorities to facilitate the performance of duties by such authorities.

Part IV Prohibitions

Article 32. Prohibitions in the Production and Preparation of Food

In cultivation and animal husbandry for making food, it is prohibited to use methods that may lead to unsafe food or other methods that conflict with the laws and regulations relating to food of the Lao PDR, and it is prohibited to use unsafe water and fertilizers. It is prohibited to use insecticides, hormones or antibiotics in excess of the standards officially determined.

It is absolutely prohibited to use toxic chemicals, narcotics, and colorants that endanger health and it is prohibited to use artificial sweeteners, preservatives, cochineal, and adulterated colorants in the production and processing of food in amounts that exceed standards defined by laws and regulations. It is prohibited to smoke while preparing food.

Article 33. Prohibitions in Food Storage

In food storage, it is prohibited to use methods that may lead to unsafe food or loss of quality, such as: mixing with dangerous substances, especially cochineal or other chemicals, or incorrect control of heat, refrigeration or moisture, in a manner inconsistent with the laws and regulations of the Lao PDR.

Article 34. Prohibitions in the Import and Distribution of Food

It is prohibited to import or distribute food that is unsafe, of [unacceptable]¹⁴ quality or standard, or inconsistent with the laws and regulations on food of the Lao PDR, such as: contaminated food, adulterated food, deteriorated food, counterfeit food, perished food, unlabeled food or food whose quality has not been certified, except for fresh food that does not require labelling, such as: meat, fish, crabs, mussels, and fresh fruits. It is prohibited to import food whose consumption date has nearly expired.

¹³ This is a reference to an older law that has since been replaced by the Enterprise Law.

¹⁴ The literal translation of this term is “no quality or standard”.

It is prohibited to distribute food using methods that are inconsistent with the laws and regulations on food of the Lao PDR, such as: in open boxes or packages, or dividing up food from its original container, which could cause the food to become unsafe, contaminated, adulterated or dried, to deteriorate or lose quality, or to become counterfeit food or perished food.

Article 35. Prohibitions in the Export of Food

It is prohibited to export unsafe food or food not meeting the food standards of the Lao PDR. The quality of food shall be based on the requirements of the importer in the importing country.

Article 36. Prohibitions in Packing and Packaging¹⁵ of Food

It is prohibited to use toxic, dirty or inappropriate materials, which are unsafe and unhygienic, such as: newspapers, used paper, bags for fertilizer, animal food or cement and other [similar] materials, for packing and packaging food.

Article 37. Prohibitions on Advertisement of Food

It is prohibited to advertise food in a manner that exaggerates the actual contents, leading the consumer to misunderstand and causing danger to his health.

**Part V
Rights and Obligations of the Consumer**

Article 38. Rights of the Consumer

The consumer has the following rights to:

- Receive information on food;
- Receive safe, [good] quality, nutritious and appropriate food;
- Guide and warn persons producing, preparing, serving, and distributing food who provide food of [unacceptable] quality or standard;
- Return food or request for damages from persons providing food that is toxic, perished or of [unacceptable] quality or standard, in the event that he has suffered damage from such food;
- Have other rights as specified by the laws and regulations.

Article 39. Consumption of Food

To maintain his own health, the consumer should act as follows:

¹⁵ The term packing here means to put into a container while the term packaging means to seal it up.

- Select food in each group specified in Articles 9, 10 and 11, which provide safe, and [good] quality food for physical and mental development and to enable good health;
- Safely prepare and handle food, follow the five principles on food at all times, namely: keep [food] clean, separate raw from cooked food, cook food well, store [food] in hot or cold temperature suitable for the type of food, and use safe water and raw materials, and [also] apply best hygiene principles at all stages of preparing food;
- Consume food that is safe, of [good] quality and nutritious, and apply best hygiene principles.

Article 40. Obligations of Consumers

The consumer has the obligation to report to the relevant agencies on the preparation, production, serving, storing, distribution, or importing of unsafe, contaminated, adulterated or perished food by a food business operator providing food to the society, in order that the concerned agency can undertake measures for solution.

**Part VI
Administration and Inspection of Food**

Article 41. The Food Administration and Inspection Agency

The food administration and inspection agency comprises:

- At the central level, the Ministry of Health;
- At the provincial level, the health division of each province or city;
- At the district level, the health office of each district or municipality.

Article 42. Functions of the Food Administration and Inspection Agency

The food administration and inspection agency has the functions to control the quality of food, and to monitor, inspect and guide on activities relating to food, especially food activities having a commercial character or family economic character and food donation; in addition, it shall guide people engaged in food activities having the character of family activities to comply with the laws and regulations relating to food and shall promote the society to produce and consume safe and [good] quality food.

Article 43. Rights and Duties of Ministry of Health

In the course of the administration and inspection of food, the Ministry of Health has the following main rights and duties:

1. To research on policies and strategies relating to the administration and inspection of food to propose to the government for consideration;

2. To convert the policies, plans and resolutions of the government relating to the administration and inspection of food into its own detailed plans, programmes and projects, and engage in active implementation;
3. To create and improve regulations and measures relating to food;
4. To supervise professional work and monitor the implementation of laws and regulations relating to the administration and inspection of food¹⁶;
5. To suspend or cancel decisions, orders, instructions and notifications of food administration and inspection agencies at a lower level under its responsibility that conflict with the laws and regulations;
6. To consider the requests or proposals of the people on the quality and standard of food and on activities relating to the administration and inspection of food;
7. To collaborate with other relevant sectors in the administration and inspection of food in order to ensure that the adopted laws and regulations relating to food are effectively implemented;
8. To cooperate with other countries and organisations to create conditions to facilitate the administration and inspection of food;
9. To exercise such other rights and perform such other duties as specified by the laws.

Article 44. Rights and Duties of Health Division of Provinces and Cities

In the course of the administration and inspection of food, the health division of each province or city has the following main rights and duties:

1. To convert the policies, plans and decisions of the Ministry of Health on activities relating to the administration and inspection of food into its detailed plans, programmes and projects;
2. To implement policies and strategies relating to the administration and inspection of food laid down by the Ministry of Health and by its own level;
3. To supervise the health office of its districts and municipalities in the administration and inspection of food;
4. To administer, inspect and control the quality of the production, preparation, distribution, import, export, and donation of food within its area of responsibility in order to ensure the quality and standard of food;
5. To administer and inspect advertisements on food within its area of responsibility;
6. To guide, disseminate information and promote the society to produce and consume safe and [good] quality food;
7. To consider the requests or proposals of the people on the quality and standard of food and on activities relating to the administration and inspection of food;

¹⁶ Here, there is a connotation that both the professional work and the laws relate to the administration and inspection of food.

8. To collaborate with other relevant sectors in the administration and inspection of food in order to ensure that the adopted laws and regulations relating to food are effectively implemented;
9. To exercise such other rights and perform such other duties as specified by the laws.

Article 45. Rights and Duties of Health Offices at Districts and Municipalities

In the course of the administration and inspection of food, the health office of each district or municipality has the following main rights and duties:

1. To implement the policies and strategies relating to the administration and inspection of food laid down by the health division at the [relevant] province or city;
2. Within its area of responsibility, to administer and inspect the quality of, and monitor advertisements relating to, food;
3. To guide, disseminate information and promote the society to produce and consume safe and [good] quality food;
4. To consider the requests or proposals of people on the quality, standard of food and on activities relating to the administration and inspection of food;
5. To collaborate with other relevant sectors in the administration and inspection of food in order to ensure that the adopted laws and regulations relating to food are effectively implemented;
6. To exercise such other rights and perform such other duties as specified by the laws.

Article 46. Inspection of Food

The inspection of food is the thorough inspection of food, and raw materials, and of the production, preparation, packaging, serving, storing, distributing, import-export and donation of food, including testing food products from initial production to completion in order to check whether or not the food products attain the required quality and standard as specified by the laws and regulations.

The inspection of food is divided into three types as follows:

1. Regular inspection;
2. Inspection by advance notice;
3. Emergency inspection.

Regular inspection refers to an inspection performed regularly that is according to plans and at pre-determined times.

Inspection by advance notice refers to an inspection, which is not included in the plan which is performed when deemed necessary and in respect of which advance notice is given to the inspected person.

Emergency inspection refers to a sudden inspection without advance notice to the inspected person.

In the course of inspection, the inspectors shall duly and strictly obey the laws and regulations.

Part VII
Policies Towards Persons with Outstanding Achievement
And Measures¹⁷ Against Violators

Article 47. Policies Towards Persons with Outstanding Achievement

Persons or organisations having outstanding Achievements in the implementation of this law will be rewarded and receive policies as determined in detail by the government.

Article 48. Measures Against Violators

Persons or organisations providing food to the society who have violated any provision of this law shall be re-educated¹⁸, fined or subject to criminal punishment based on the nature of the violation, including being required to compensate for the damage they have caused.

Officials of the food administration and inspection agency who have committed wrongful acts in the course of performing their duties, such as: omission of duties, abuse of duties, exercise of excessive power and taking bribes, will be re-educated, fined or subject to criminal punishment based on the nature of the violation.

Article 49. Re-Education Measures

Persons or organisations providing food to the society who have produced, prepared, served, stored, imported, exported or donated food of [unacceptable] quality but that is not dangerous to the health of people will be re-educated.

Article 50. Fines

Persons or organisations specified in Article 49 of this law that continue the violation will be fined.

Persons or organisations providing unsafe food, food of [unacceptable] standard, contaminated food, adulterated food or perished food to the society will be fined.

The fines will be defined in separate regulations.

¹⁷ The term “measures” is often used as an indirect way of referring to “sanctions”.

¹⁸ Here, “re-education” does not mean the same as “re-education without deprivation of liberty” referred to in the Penal Law.

Article 51. Civil Measures

Persons or organisations that provide food to the society and cause harm to consumers resulting from the production, preparing, importing, exporting, serving, storing, distributing, donating of unsafe food, food of [unacceptable] quality or standard, contaminated food, adulterated food or perished food shall compensate for the damage they cause.

Article 52. Criminal Sanctions

Any person providing food to the society who has produced, prepared, imported, exported, served, stored, distributed, or donated food that is unsafe, unhygienic, of [unacceptable] quality or standard, contaminated, adulterated or perished, and that is dangerous to the life and health of the consumer shall be punished in accordance with the Penal Law.

**Part VIII
Final Provisions**

Article 53. Implementation

The government of the Lao People's Democratic Republic shall issue detailed regulations and implement this law.

Article 50. Effectiveness

This law shall become effective after ninety days from the date of the promulgating decree of the President of the Lao People's Democratic Republic.

Any provisions that contradict this law are repealed.

Vientiane, 15 May 2004
President of the National Assembly

[Seal and Signature]

Samane VIGNAKET