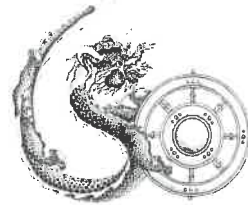




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ROYAL GOVERNMENT OF BHUTAN  
Ministry of Agriculture and Forests  
Thimphu : Bhutan



སློབ་པོ།

MINISTER

BAFRA/MoAF/3-8/1178

July 5, 2017

GOVERNMENT NOTIFICATION

*Sub: Food Rules and Regulations of Bhutan 2017*

In exercise of the power conferred under Chapter II and Chapter III of the Food Act of Bhutan 2005, the Ministry of Agriculture and Forests is pleased to issue the Food Rules and Regulations of Bhutan 2017 to facilitate the implementation of the provisions of the Food Act of Bhutan 2005. The Rules and Regulations will come into enforcement with effect from 15<sup>th</sup> July 2017 and shall supersede the Food Rules and Regulations of Bhutan 2007 and all previous orders and any amendments issued till now.

The Bhutan Agriculture and Food Regulatory Authority (BAFRA) as empowered under Chapter IV of the Food Act of Bhutan 2005 shall be responsible for the implementation of the Food Rules and Regulations of Bhutan 2017.

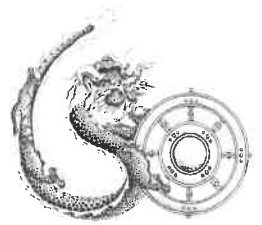
Yeshey Dorji  
MINISTER

Cc:

1. The Hon'ble Chairman, Council of Ministers, Thimphu
2. The Hon'ble Chief Justice, Supreme Court of Bhutan, Thimphu
3. The Hon'ble Minister, Ministry of Home and Cultural Affairs, Thimphu
4. The Hon'ble Minister, Ministry of Finance, Thimphu
5. The Hon'ble Minister, Ministry of Health, Thimphu
6. The Hon'ble Minister, Ministry of Works and Human Settlement, Thimphu



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ROYAL GOVERNMENT OF BHUTAN  
Ministry of Agriculture and Forests  
Thimphu : Bhutan



7. The Hon'ble Minister, Ministry of Information and Communication, Thimphu
8. The Hon'ble Minister, Ministry of Labour and Human Resources, Thimphu
9. The Hon'ble Minister, Ministry of Economic Affairs, Thimphu
10. The Hon'ble Minister, Ministry of Education, Thimphu
11. The Hon'ble Minister, Ministry of Foreign Affairs, Thimphu
12. The Hon'ble Chairman, National Council of Bhutan, Thimphu
13. The Cabinet Secretary, Cabinet Secretariat, Thimphu
14. The Secretary, Ministry of Agriculture and Forests, Thimphu
15. The Secretary, Ministry of Health, Thimphu
16. The Secretary, National Environment Commission, Thimphu
17. The Attorney General, Office of Attorney General, Thimphu
18. The Auditor General, Royal Audit Authority, Thimphu
19. The Chairman, Royal Civil Service Commission, Thimphu
20. The Chairperson, Anti-Corruption Commission, Thimphu
21. The Secretary General, Bhutan Chamber of Commerce and Industry, Thimphu
22. The Chief Operations Officer, Royal Bhutan Army, Lungtenphu
23. The Commandant, Royal Body Guard, Dechenchoeling
24. The Chief of Police, Royal Bhutan Police, Thimphu
25. The Director General, Bhutan Agriculture and Food Regulatory Authority, MoAF, Thimphu
26. The Director General, Department of Livestock, MoAF, Thimphu
27. The Director General, Department of Agriculture Marketing and Cooperatives, MoAF, Thimphu
28. The Director, Department of Forests and Park Services, MoAF, Thimphu
29. The Director, Department of Agriculture, MoAF, Thimphu
30. The Director, Department of Public Health, MoH, Thimphu
31. The Director, Department of Trade, MoEA, Thimphu
32. All DASHO DZONGDAGS
33. All DASHO THROMPONS

# FOOD RULES AND REGULATIONS OF BHUTAN 2017

## Table of Contents

CHAPTER I.....	1
PRELIMINARY.....	1
Title and Commencement.....	1
Application.....	1
Repeal.....	1
CHAPTER II.....	2
LABELLING PREPACKAGED FOOD AND FOOD ADVERTISING .....	2
Labelling and Advertising.....	2
Food Labelling.....	2
Labelling of Genetically modified food and ingredients.....	2
Food Advertising.....	3
CHAPTER III .....	4
FOOD INSPECTORS AND ANALYSTS.....	4
Responsible agency.....	4
Identification of Food inspector.....	4
Analysts and Approved laboratories.....	4
Procedure relating to Unsafe food.....	4
Urgent destruction .....	5
CHAPTER IV.....	6
FOOD AND FOOD BUSINESS.....	6
Licensing of Food businesses and Food business operators .....	6
Licensing of Food business .....	6
Application for License.....	6
Requirement for Food safety licensing.....	6
Suspension or Revocation of License.....	6
Licensing of Food business operator .....	7
Prerequisite for a License.....	7
Licensing of Food handler.....	7
Food handler’s knowledge of Food safety.....	8
Obligation of Licensee.....	8
Control of License .....	8

Renewal of License .....	8
Revocation of License .....	8
Training of non-licensed food handlers.....	9
General food safety requirements.....	9
General requirements for Food business operators.....	9
Inspection of Food and Food businesses .....	10
Duties, powers and rights of Food inspectors .....	10
Frequency of Inspection of Food businesses.....	11
Report of Inspection.....	11
Content of Report.....	11
Notification of Food business operator in case of Non-compliance .....	11
Re-inspection in case of Non-compliance .....	12
<b>CHAPTER V .....</b>	<b>13</b>
<b>IMPORT AND EXPORT .....</b>	<b>13</b>
<b>Import of Food .....</b>	<b>13</b>
<b>Inspection .....</b>	<b>13</b>
<b>Import permit.....</b>	<b>13</b>
<b>Issuance of Import permit.....</b>	<b>13</b>
<b>Points of Entry.....</b>	<b>13</b>
<b>Export of Food.....</b>	<b>14</b>
<b>Issuance of Export certificate.....</b>	<b>14</b>
<b>Inspection.....</b>	<b>14</b>
<b>Points of Exit.....</b>	<b>14</b>
<b>CHAPTER VI.....</b>	<b>15</b>
<b>ENFORCEMENT .....</b>	<b>15</b>
<b>Inspection of a Food business after Improvement notice .....</b>	<b>15</b>
<b>Appeal .....</b>	<b>15</b>
<b>CHAPTER VII .....</b>	<b>16</b>
<b>PENALTIES .....</b>	<b>16</b>
<b>Imposition of Penalties.....</b>	<b>16</b>
<b>Fixed penalty in lieu of appearance.....</b>	<b>17</b>
<b>Fine in cases of Non-compliance .....</b>	<b>18</b>
<b>VIII.....</b>	<b>19</b>

<b>MISCELLANEOUS</b> .....	19
<b>Definitions</b> .....	19

# **FOOD RULES AND REGULATIONS OF BHUTAN 2017**

In exercise of the powers conferred on the Ministry under Section 88 of the Food Act 2005, the Ministry of Agriculture and Forests hereby adopts this Rules and Regulations for the implementation of the Food Act of Bhutan 2005.

## **CHAPTER I PRELIMINARY**

### **Title and Commencement**

1. This Rules and Regulations is called the Food Rules and Regulations of Bhutan 2017.
2. It shall come into force from the date specified in the notification of enforcement issued by the Minister for Agriculture and Forests.

### **Application**

3. This Rules applies to all stages of production, processing, transport, storage, distribution preparation, trade, import and export of food. It also applies to preparation, handling or storage of food for institutions and mass catering during public events.
4. It does not apply to primary production for private domestic use or to the domestic preparation, handling or storage of food for private domestic consumption not intended for sale.

### **Repeal**

5. This Rules repeals the Food Rules and Regulations of Bhutan 2007.

## CHAPTER II

### LABELLING PREPACKAGED FOOD AND FOOD ADVERTISING

#### **Labelling and Advertising**

6. Food labelling and food advertising are the primary means of communication between the producer and seller of food on one hand and the purchaser and consumer on the other.
7. In accordance with Sections 20 and 21 of the Food Act, BAFRA shall ensure the best possible information for purchasers and consumers regarding important characteristics of food to prevent misleading consumers and to facilitate informed choices while purchasing food.

#### **Food Labelling**

8. A prepackaged food shall be labeled as a means of passing on information to purchasers and consumers.
9. A prepackaged food shall be accompanied by the product information printed in Dzongkha or English on a label securely affixed to the package or printed on the package itself.
10. Food shall be deemed to be correctly labeled if the relevant standards, guidelines and recommendations related to labelling of the Codex Alimentarius Commission or appropriate standards or requirements prescribed by the Ministry have been followed, and the information on the label does not mislead the purchaser or consumer.
11. The manufacturer, importer, producer, distributor, or retailer shall ensure that the prepackaged food placed in the market is labeled in accordance with the standards or requirements on labelling
12. A prepackaged food placed in the market that does not comply with the labeling standards or requirements shall be withdrawn from the market. Such prepackaged food shall be allowed for sale subject to fulfillment of the labelling requirements within a reasonable period of time.

#### **Labelling of Genetically modified food and ingredients**

13. Subject Sections 59 and 60 of the Food Act, in all matters relating to genetically modified food, the provisions of the Biosafety Act of Bhutan 2015 and the Rules and Regulations made thereunder shall apply.

**Food Advertising**

14. Food shall not be advertised, described or presented in a manner that is false, misleading or deceptive, or is likely to create an erroneous impression regarding its character in any respect.



### **CHAPTER III FOOD INSPECTORS AND ANALYSTS**

#### **Responsible agency**

15. Subject to Sections 33 and 34 of the Food Act, BAFRA shall be responsible for exercising food inspection activities in Bhutan.
16. BAFRA shall ensure the enhancement of food safety standards and the orderly development of the food industry by defining minimum qualification for appointment of Food Inspectors.

#### **Identification of Food inspector**

17. A Food Inspector shall be provided with an identification card in accordance with Section 36 of the Food Act.
18. Only an appointed Food Inspector shall be authorized to inspect food and food businesses and Food Inspector shall sign an undertaking that they restrain themselves from entering food premises under certain conditions of illness.

#### **Analysts and Approved laboratories**

19. Subject to section 35 of the Food Act, a Food Analyst and the approved laboratories shall carry out their functions in accordance with the internationally recognized analytical methods.

#### **Procedure relating to Unsafe food**

20. Pursuant to Sections 43 of the Food Act, a Food Inspector shall collect a sample of the food and divide it in three parts. The Food Inspector shall submit one part to the designated laboratory, retain the second part with respective BAFRA field offices and hand over the third part to the person responsible for the establishment where the sample is collected.
21. The three parts of the sample must be properly packed and sealed to ensure its integrity and to avoid tampering during handling and transportation. Sterilized sample container or packaging material shall be used where required for collection of samples to maintain sample integrity.
22. The samples submitted to the designated laboratory shall be analyzed or where required, shall be referred to regional reference laboratories. The sample shall be packed and dispatched in presence of BAFRA inspectors.
23. The samples retained at the concerned BAFRA field offices and clients will be used as confirmatory samples in case of any disputes relating to testing reports.

24. Where the food products are determined to be safe upon analyzing the samples, the inspector may allow its sale, provided it is within the expiry or best before date.

**Urgent destruction**

25. Pursuant to section 46 of the Food Act, where the food product presents an imminent danger to human health or the environment, a food inspector may immediately destroy or order the destruction of unsafe food. In such cases, the destruction of the unsafe food shall be carried out as per the Standard Operating Procedure for destruction of unsafe food.

## **CHAPTER IV FOOD AND FOOD BUSINESS**

### **Licensing of Food businesses and Food business operators**

26. Pursuant to Sections 53, 54, 55 and 56 of the Food Act, food safety enhancement and orderly development of the food industry shall be regulated by defining minimum hygienic requirements for food business and compliance procedures for licensing of food business and operators.

### **Licensing of Food business**

27. A business wishing to operate as a food business requires a license.

### **Application for License**

28. A person who intends to operate a food business shall apply for a business license to Ministry of Economic Affairs and a food safety license to BAFRA to operate the food business.

29. The Ministry of Economic Affairs shall grant a business license only after BAFRA has issued a clearance indicating that the food business complies with the requirements defined in Section 32 of this Rules.

30. The applicant shall not proceed with the operation of food business before the grant of clearance by BAFRA.

31. In case a clearance is not granted, the applicant shall be informed in writing of the reasons for refusal.

### **Requirement for Food safety licensing**

32. A food business that complies with food safety licensing requirements as per the licensing criteria prescribed by the Ministry shall be eligible for a food safety license.

33. A food safety license shall be subject to a registration fee of Nu. 100 and a license fee of Nu. 500 which shall also be applicable for businesses changing their location.

### **Suspension or Revocation of License**

34. The Ministry of Economic Affairs shall suspend or revoke, as the case may be, the license upon request of BAFRA, if it is not satisfied that the conditions that led to the granting of the license, as outlined in Section 32 of this Rules, are no longer applicable.

35. The non-compliance with the requirements of the Food Act or any of its Rules may also lead to either suspension or revocation of the license.

36. In case of suspension or revocation of the license, the license holder shall be informed in writing of the reasons that led to the suspension or revocation.
37. A license shall be suspended if BAFRA considers the non-compliance of such a nature that it can be rectified within a reasonable time and public health is not at risk.
38. A suspension of license shall be lifted upon the correction of non-compliance to meet the requirements as outlined in Section 32 of this Rules.
39. A license shall be revoked if BAFRA considers the non-compliance of such a nature that it cannot be corrected within a reasonable time or public health is at stake.

#### **Licensing of Food business operator**

40. Any person wishing to assume the responsibility as operator of a food business requires a license that is issued by BAFRA.

#### **Prerequisite for a License**

41. A person is eligible for a license as food business operator if the person is in possession of the minimum qualification in food safety and has a satisfactory knowledge of the Food Act and its Rules.
42. A person shall be deemed to possess the minimum qualifications in food safety if the person is in possession of a license as food handler and has successfully passed a course on food safety approved by BAFRA.
43. Notwithstanding what is stated in sections 27-40 of this Rules, the Minister may exempt certain categories of food business from such requirements, if such businesses do not handle high risk foods and their sales volume is very small.

#### **Licensing of Food handler**

44. A person who complies with the requirements laid in this Rules is eligible for receiving a license as food handler from BAFRA.
45. A food handler who has responsibility for the operation of a food business or supervises non-licensed food handlers requires a food handler's license.
46. Subject to section 56 of the Food Act, to acquire a license, a food handler has to successfully undergo a health interview, provide proof of their knowledge on food

safety, and sign an undertaking that the food handler and all those under their supervision restrain themselves from handling food under certain conditions of illness.

### **Food handler's knowledge of Food safety**

47. A food handler must be knowledgeable of how food can become contaminated and how such contamination can be avoided and the importance of personal hygiene for the prevention of food borne diseases.
48. A food handler shall be deemed to possess the minimum knowledge of food safety if the food handler has successfully attended a training course conducted or approved by BAFRA.

### **Obligation of Licensee**

49. The licensee has the obligation to:

- (1) ensure that food is handled, processed and stored in a way that the relevant food safety requirements as detailed in the Codex Recommended International Practice – General Principles of Food Hygiene, and where appropriate, the requirements of commodity-specific Codex Recommended Codes of Practice is complied with, so that contamination, growth and survival of pathogens or product deterioration is prevented; and
- (2) to assure that no staff under his supervision suffers from any illness.

### **Control of License**

50. While working in the food business, the licensee has the obligation to carry the license with him/her and to present it, upon request, to the Food Inspector.

### **Renewal of License**

51. Food handlers holding a license have to renew their license every 5 years by successfully attending refresher courses in food safety that are conducted or approved by BAFRA.

### **Revocation of License**

52. The license may be revoked by BAFRA if:

- (1) the licensee handles or allows food to be handled, processed or stored in a manner that jeopardizes food safety and poses a risk for public health; or

- (2) the licensee or food handlers under his/her supervision suffer from any health condition or illness and knowingly continue to handle food.

### **Training of non-licensed food handlers**

53. A food business operator is encouraged to ensure the training of all non-licensed food handlers working in the food business by letting them attend training course conducted or recommended by BAFRA.

### **General food safety requirements**

54. Subject to section 57 of the Food Act, all food sold in Bhutan shall meet the prescribed standards of quality and safety.
55. Food shall not be placed in the market, to be sold or given away, if it is unsafe, adulterated or contaminated.
56. Food is deemed safe, unadulterated and uncontaminated if it has been produced, processed, transported, stored, distributed and prepared according to relevant codes of hygienic and technological practice and if it complies with the safety requirements of relevant standards, both established by the Codex Alimentarius Commission or with relevant national requirements. National requirements take precedence if there is a difference between the two.
57. Food shall not be placed in the market after the 'date of expiry' or 'best before date'.

### **General requirements for Food business operators**

58. A food business operator has the primary legal responsibility of ensuring food safety and for not misleading the consumer.
59. A food business operator shall ensure employment of licensed food handlers during the operation of the food business.
60. A food business operator processing food shall ensure that food is processed in a manner that makes it safe for human consumption.
61. A food business operator shall ensure that food is protected from contamination and is handled, prepared, stored, and displayed hygienically.
62. A food business operator shall not permit food handlers suffering from, or be a carrier of a disease communicable through food to come into contact with any food, equipment, utensils, or food contact surfaces.

63. A food business operator shall immediately notify the food inspector of any circumstances that may, or have caused a serious food safety risk.

64. A food business operator shall cooperate with and facilitate the work of Food Inspectors.

### **Inspection of Food and Food businesses**

65. Subject to section 57 and 68 of the Food Act, food and all activities and businesses related to the production, processing, transportation, distribution, export, import and handling of food shall comply with all relevant standards and codes of practice to ensure that consumers are not deceived.

66. All food and food businesses shall be subject to inspection by Food Inspectors.

67. In conducting the inspection, the Food Inspector shall act in accordance with Section 50 of the Food Act and with Sections 68-78 of this Rules, and with the Food Inspection Manual for Food Inspectors issued by BAFRA.

### **Duties, powers and rights of Food inspectors**

68. Without prejudice to the general powers of Inspectors as set out in Section 39 of the Food Act, a Food Inspector shall have the duty to:

- (1) inspect food businesses to verify that they comply with the relevant codes of practice and all other requirements contained in the Food Act and the Rules;
- (2) inspect the production, processing, storage, import, export, handling and distribution of food along the entire food chain;
- (3) sample, examine or have examined food to verify compliance with relevant standards and guidelines;
- (4) advise the food business operator in the application of state-of-the-art food safety assurance systems, e.g. Hazard Analysis Critical Control Point System (HACCP);
- (5) audit the food safety assurance system employed by the food business operator;
- (6) provide advice, recommendations and guidance related to food safety issues, when needed or requested; and
- (7) co-ordinate with other law enforcement personnel, if and when required.

69. A Food Inspector shall have the right to:

- (1) enter any place related to the food business;
- (2) examine the records related to the food business;
- (3) issue an improvement notice, if deemed necessary, to the food business operator;
- (4) confiscate or, if deemed necessary, destroy food that is found to be in violation of standards or guidelines; or
- (5) warn, or fine in accordance with Sections 104-108 of this Rules, the food business operator, depending on the seriousness of the violation.

#### **Frequency of Inspection of Food businesses**

70. The frequency of inspection of a food business shall be carried out on a risk based approach and more frequent inspections will be necessary if:

- (1) the food business has a reputation of not complying with the Food Act; and
- (2) the food being produced, stored, handled, distributed or served is considered to be a high-risk food.

#### **Report of Inspection**

71. After inspection of a food business, the Food Inspector shall submit a report of the inspection to the food business operator within 10 working days of completion of the inspection, unless otherwise specified in accordance with Section 73-77 of this Rules.

#### **Content of Report**

72. The report in respect of the food business shall be submitted in the format prescribed by BAFRA.

#### **Notification of Food business operator in case of Non-compliance**

73. If there is a non-compliance with the Food Act or its Rules, the Food Inspector shall verbally, at the time of the inspection, notify the food business operator or the operator's representative of the correction required.

74. A written report detailing the non-compliance and the required correction and the time in which the corrections have to be completed has to be given to the operator within 5 working days of the inspection.



75. In case the non-compliance is of such a serious degree that, without immediate correction, a risk to public health may be expected, the Food Inspector shall submit the written report on the day of inspection.
76. The report shall clearly describe that aspect of the business that is in non-compliance, refer to the appropriate section of the Food Act or its Rules that are violated, and provide information on what must be done to correct the said violation. If the correction does not take place in the time period set forth in the notice, the license to operate shall be suspended.
77. In case the operator is unable or unwilling to initiate immediate correction in order to prevent a risk to public health, the Food Inspector shall revoke the license to operate the food business or parts of it, as the case might be.

**Re-inspection in case of Non-compliance**

78. In case of non-compliance, a Food Inspector shall re-inspect the food business within a time that is appropriate to the degree of non-compliance.

## **CHAPTER V IMPORT AND EXPORT**

### **Import of Food**

79. Pursuant to section 61 of the Food Act, the Minister after consultation with the Commission establishes requirements for commercial importation of food. A food import guideline shall be developed for import of food.
80. Pursuant to section 62 of the Food Act, food imported into Bhutan shall meet the applicable standards for that particular food established in Bhutan, failing which the food shall be rejected at the point of entry.
81. In cases where there are no standards or requirements, import of food shall be made based on the risk assessment carried out by BAFRA in compliance with the Codex or other international standards.
82. Import of prepackaged food for commercial purpose that is not labelled in compliance with the standards or requirements on labelling shall be rejected at the point of entry.

### **Inspection**

83. Food imported into Bhutan shall be subject to inspection by a Food Inspector to verify its compliance with the Food Act and its Rules or the official requirements of the exporting country, as the case might be. It shall also be subject to inspection by Inspectors appointed under other applicable legislation.

### **Import permit**

84. A person who wishes to import food commercially into Bhutan has to obtain an import permit prior to presenting the food for import inspection.

### **Issuance of Import permit**

85. BAFRA shall issue a food import permit subject to a fee of Nu. 300.
86. The application for an import permit shall be submitted to respective BAFRA office in the prescribed format along with a valid trade license.
87. The food to be imported shall fulfill the import requirements prescribed in the import permit.

### **Points of Entry**

88. Food may only be imported into Bhutan through an officially designated border point. For the purpose of this Rules, the following shall be designated entry points:

- (1) Phuentsholing;
- (2) Gelephu;
- (3) Samdrup Jongkhar;
- (4) Samtse;
- (5) Paro.
- (6) Nanglam and
- (7) Lhamoizingkha

89. BAFRA may designate additional entry points as and when deemed necessary through public notification.

### **Export of Food**

90. Subject to section 66 of the Food Act, a person wishing to export food commercially from Bhutan has to obtain an export certificate prior to presenting the food for export inspection.

### **Issuance of Export certificate**

91. BAFRA shall issue an export certificate upon the application submitted by the exporter as per the requirement of the importing country.

92. An export certificate shall be subject to a fee of Nu. 300. The fees shall be charged in addition to the cost of laboratory charges wherever laboratory analysis is required.

### **Inspection**

93. In accordance with section 65 of the Food Act, containers, packaging material, labelling and ingredients of food exported from Bhutan are subject to inspection by a food inspector.

94. In accordance with section 66 of the Food Act, exporters wishing to export food from Bhutan shall inform the BAFRA of any inspection, analysis or documentation required by the relevant importing country.

### **Points of Exit**

95. Food may only be exported from Bhutan through an officially designated border point specified in section 88 of this Rules.

## **CHAPTER VI ENFORCEMENT**

### **Inspection of a Food business after Improvement notice**

96. In addition to the provisions of Section 68 of the Food Act regarding the serving of an improvement notice to a food business, the Food Inspector shall carry out the inspection of a food business and food in accordance with Section 65-78 of this Rule.

### **Appeal**

97. Subject to Section 69 of the Food Act, any person aggrieved by a decision or action of a food inspector under the Food Act or under this Rule may appeal to BAFRA within ten working days from the moment of the grievance.

98. The appeal shall be in writing and addressed to the head office of BAFRA and shall be routed through the respective BAFRA field office which took the decision. BAFRA head office may entertain an appeal after the expiry of the given period of ten working days, if it is satisfied that the appellant was prevented by sufficient cause for filing the appeal within the given period.

99. In accordance with section 70 of the Food Act, where a person is not satisfied with the decision of BAFRA as provided in Section 99 of the Rules. the person may approach the courts of law.

## CHAPTER VII PENALTIES

### **Imposition of Penalties**

100. In accordance with section 79 of the Food Act, a person who commits an offence under this Rules shall be liable to:

- (1) a warning at the discretion of a food inspector, who shall however, provide BAFRA with the name of the offender, the date of the offence and a description thereof;
- (2) a fixed penalty paid to BAFRA, as provided in section 104;
- (3) a penalty imposed under section 103 of the Rules; or
- (4) any of the above penalties in combination

101. Where a food inspector has reason to believe that a person is committing or has committed an offence under this Act, the food inspector may immediately serve notice in writing charging that person with an offence, informing such person that he or she must:

- (1) appear before BAFRA on the date specified therein; or
- (2) pay the applicable fixed penalty to BAFRA, in lieu of appearance before it.

102. A person who chooses to pay the fixed penalty as provided in section 101 (2) shall, within seven days of the date of the notice, sign the notice in acknowledgment of guilt and return it together with the sum cited therein, to BAFRA. An official receipt for the fine collected shall be issued by the Food Inspector.

103. In addition to the imposition of any penalty under this Chapter, BAFRA may recommend to the Ministry of Economic Affairs that:

- (1) new or amended conditions be imposed in connection with any license issued to operate a food business;
- (2) a license issued to operate a food business to the offender be suspended, cancelled or revoked; or
- (3) the offender be prohibited from participating in the management of the food business with respect to which the offence was committed, or in the management of any food business in Bhutan.

### **Fixed penalty in lieu of appearance**

104. For the purposes of Section 79 (b) read together with Section 80 (b) of the Food Act, the fixed fine to be imposed on the person or food establishment shall be as under:

- (1) any person who commits an offence as outlined under Section 74 (a) of the Food Act shall be liable for a fine three times the market value of the incriminating commodity. Such food commodity shall be seized and disposed under supervision of BAFRA officials without payment of any compensation.
- (2) any person who commits an offence as outlined under Section 74 (b), (c), (d), (f) and (g) of the Food Act shall be liable for a fine equivalent to double the market value of the incriminating commodity. Such food commodities shall be seized and disposed under supervision of BAFRA officials without payment of any compensation.
- (3) any person who commits an offence as outlined under Section 74 (e) of the Food Act shall be liable for a fine three times the market value of the incriminating commodity. Such food commodity shall be seized and disposed under supervision of BAFRA officials without payment of any compensation.
- (4) any person who commits an offence as outlined under Section 74 (h) of the Food Act shall be liable for a fine equivalent to the market value of the incriminating commodity.
- (5) any person who commits an offence as outlined under Section 75 (a) to (e) of the Food Act shall be liable for a fine of Nu. 5000/-.
- (6) any person who as the owner or person in-charge of a food business commits an offence as outlined under Section 75(g)(i) of the Food Act shall be liable for a fine of Nu. 500/- for every non-compliant food handler.
- (7) any person who as the owner or person in-charge of a food business commits an offence as outlined under Section 75(g)(ii) of the Food Act shall be liable for a fine of Nu. 100/- per day till the time of compliance with the notice.
- (8) any person who commits an offence as outlined under Section 76 of the Food Act shall be liable for a fine of Nu. 5000/-.
- (9) any person who commits an offence as outlined under Section 77(a) and(b) of the Food Act shall be liable for a fine of Nu. 5000/-.

(10) any person who commits an offence as outlined under Section 77 (c) to (f) of the Food Act shall be liable for a fine of Nu. 10000/-.

105. A person importing prohibited or banned food into the country shall be subject to a fine equivalent to ten times the market value of the commodity. Such food commodity shall be seized and disposed under the supervision of BAFRA officials without payment of any compensation.

106. A person who sells any food after the 'date of expiry' or 'best before date' shall be subject to a fine equivalent to the market value of the incriminating commodity and such food commodity shall be seized and disposed under supervision of BAFRA officials without payment of any compensation.

107. A prepackaged food failing to comply with the labeling standards or requirements within a reasonable period of time as provided in section 12 of this Rules, shall be seized and destroyed.

#### **Fine in cases of Non-compliance**

108. Food business operator failing to comply with an order served to discontinue, close down, vacate, or stop management of a food establishment, shall be liable to a fine of Nu. 500/- (Ngultrum Five hundred) per day from the date of serving the order till the time of compliance with the order, which is excluding the fines imposed for non-compliance.

## VIII MISCELLANEOUS

### Definitions

109. In addition to the definitions set out in Section 91 of the Food Act of Bhutan 2005, for the purpose of this Rules, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

**“Food Act”** means the Food Act of Bhutan 2005;

**“Food business operator”** means the natural or legal person responsible for ensuring that the requirements of the Food Act are met within the food business under their control;

**“Food handler”** means any person who directly handles packed and unpackaged food, food equipment and utensils, or food contact surfaces and is therefore expected to comply with food safety requirements;

**“Health interview”** means a dialogue between a qualified health worker (e.g. physician, nurse) and a food handler or food handler to be, to determine whether the person interviewed suffers from certain conditions of illness, and whether he/she is aware of what diseases may be spread from person to person via food;

**“High risk food”** means a food that either easily supports growth of bacterial pathogens or has been shown by epidemiological evidence to be frequently implicated in the causation of food borne illness;

**“Licensed food handler”** means a food handler who has obtained a license as stipulated in this Rules on knowledge and licensing of food handlers;

**“Primary production”** means the production, rearing or growing of primary products including harvesting, milking, and farmed animal production prior to slaughter.

**“Rules”** means the Food Rules and Regulations of Bhutan 2017.



Made this 5th day of July 2017

(Signature) 

**Minister**  
**Ministry of Agriculture & Forests**  
**Royal Government of Bhutan**  
**Thimphu : Bhutan**