

ABSTRACT

Title : The measures to relieve damage resulting from smoke cigarettes through a smoke cigarette compensation fund

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The objective of this Thesis is, to study a problem of “Tort Law in Health Protection of non-smoking Acts. 1992 (B.E. 2535)”, including of other measures to relieve damage resulting from smoke cigarettes through a smoke cigarette compensation fund; so how much efficiency of it?. Nowadays, the result from research found that measures to relieve damage resulting from smoke cigarettes; it’s inappropriate with damage resulting from smoke cigarettes and does not work. On the other hand, “claim to Court of Justice”, is the last decision for measures to relieve damage resulting from smoke cigarettes, but it’s waste the time and there are a lot of obstacles to sufferers in juridical process. So that, the researcher selects “Description Comparative Research” to studies by focus on secondary data.

From the research result of Tort Law in Health Protection of non-smoking Acts. 1992 (B.E. 2535), including of other measures to relieve damage resulting from smoke cigarettes through a smoke cigarette compensation fund. The researcher was found that; measures to relieve damage resulting from smoke cigarettes in Thailand, it does not work; because the only way to do is “claim to Court of Justice” which full of problems and obstacles in process, and effect to rights of sufferers who damage resulting from smoke cigarettes as worst.

The objective of this Thesis is to study a comparison between ‘Health Promotion fund’ and ‘A smoke cigarette compensation fund’, and found the way to

convert fee to compensate by comparison with ‘The Narcotics Control Acts.’ Including of liability criminal proof by special liability of Product liability Acts B.C. 1997 section 402A, United States of America.

Thus, the suggestion from this Thesis is; we should to have measures to relieve damage resulting from smoke cigarettes; by create “A smoke cigarette compensation fund”, which the objective to “relieve damage resulting from smoke” in term of ‘Tort Law in smoke cigarette compensation fund B.E. To enact by parliament and His Majesty the King issued a royal command to approve as legalization. Furthermore essential elements should be close to ‘Health Promotion fund B.E. 2544’, but different in the objective to relieve damage resulting from smoke cigarettes only. By the way, this enact is supporting to smoke cigarettes through a smoke cigarette compensation fund B.E. , should has essential elements as following; (1) The objective of smoke cigarettes through a smoke cigarette compensation fund. (2) Resource of fund. (3) Fund management, and (4) Scope of compensation.