

Unofficial Translation

|  |                                     |
|--|-------------------------------------|
| Number: HO-72-N  | Form: Incorporation                 |
| Type: Law  | Status: In effect                   |
| Source: RA Official Journal<br>2005.01.31/8(380) Article 169 | Place of adopting: Yerevan          |
| Adopted by: RA National Assembly                             | Date of adopting: December 24, 2004 |
| Signed by: RA President                                      | Date of signature: January 19, 2005 |
| Ratified by:   | Date of ratification:               |
| Date of entry into force: March 2, 2005                      | Date of repealing:                  |

Amendments and incorporations

**Main Document: AZh, December 24, 2004, HO-72-N**

| Documents amending the main document | Corresponding incorporations    |
|--------------------------------------|---------------------------------|
| AZh, April 8, 2008, HO-32-N          | AZh, December 24, 2004, HO-72-N |
| AZh, April 7, 2009, HO-88-N          | AZh, December 24, 2004, HO-72-N |

---

RA LAW ON RESTRICTIONS ON THE SALE, CONSUMPTION, AND USE OF TOBACCO

---

**L A W**  
**OF THE REPUBLIC OF ARMENIA**

Adopted on December 24, 2004

**ON RESTRICTIONS ON THE SALE, CONSUMPTION, AND USE OF  
TOBACCO**

This Law regulates legal relationships that have arisen in the field of sale, consumption, use, and manufacture of tobacco, aims at protecting the present and future generations from harmful effect of tobacco use and tobacco smoke on human health, as well as from social, environmental, and other consequences.

**Article 1. Main concepts used in the Law**

The following main concepts are used in this Law:

**Type** - set of elements constituting the assortment [produced] by a company, which the manufacturer use, as a whole, to enable consumers distinguish the tobacco product of a certain manufacturer from others;

**Cigarette** - any rolled or cylinder-shaped product containing raw tobacco or its substitute (other than cigars and cigarillos) and is intended for use under certain conditions;

**Nicotine** - nicotinic alkaloids present in tobacco and tobacco smoke;

**Tar** - unprocessed constituent released as a result of cigarette burning;

**Tobacco product** - a product made wholly or partially from a leaf that is considered a raw material for tobacco products, for the purposes of smoking, chewing, or sniffing;

**Tobacco industry** - manufacturers, wholesale distributors, and importers of tobacco products;

**Tobacco control** - a wide range of policy initiatives in the fields of supplies, demand and harm reduction, aimed at improving public health through the elimination of tobacco products or reduction of the use of tobacco products, as well as through reduction and elimination of tobacco smoke effect on the public.

## **Article 2. Anti-tobacco program**

1. The Government of the Republic of Armenia shall develop and implement a State program on tobacco control aimed at controlling the use of tobacco and tobacco products, advocating health monitoring and healthy lifestyle.
2. Local self-government bodies may develop and implement programs, taking into account the State program.

## **Article 3. Ensuring access to information relating to tobacco industry**

1. Every person should be informed about the harm to health caused by the effect of tobacco use and tobacco smoke.
2. Entities engaged in tobacco industry shall be obliged to:
  - (1) guarantee the freedom of the public to receive, and the right to access information in that field;
  - (2) inform people about the adverse consequences of tobacco and tobacco smoke on human health, as well as about the economic and environmental effects thereof.

## **Article 4. Advertising tobacco and tobacco industry**

The relationships with regard to advertising tobacco and tobacco industry are regulated in accordance with the requirements of the Law of the Republic of Armenia “On advertising”.

## **Article 5. Safety requirements for tobacco products**

1. Tobacco products shall be subject to mandatory certification, in accordance with the plans envisaged for tobacco products.
2. The Government of the Republic of Armenia shall determine the procedure for expert examination and measurement of the content of tobacco products and the substances emitted thereby, as well as the extent of regulation of tobacco content and its emitted substances.
3. The manufacture, import, and sale of tobacco shall be prohibited if the level of nicotine and tar present in tobacco smoke exceeds the permissible limit approved by the Government of the Republic of Armenia.

## **Article 6. Standardization of tobacco**

The tobacco products — with the certificate of compliance and certified in the list of national standards — meet the requirements of this Law.

**Article 7. Restrictions on the sale of tobacco products**

1. When organizing the sale of tobacco products, it is necessary:

- (1) to refrain from selling a tobacco product through dissemination of inaccurate information on false, misleading features of a tobacco product, effects of tobacco on health, hazards or emitted substances (including description, trade label, logo, or other signs, less harmfulness of the product, etc.);
- (2) to prohibit the offering a tobacco product as a means to promote the sale of other products or as other form of mercenary motive;
- (3) not to mention the names and trademarks of tobacco products on sports equipment and accessories, toys, dolls, miniature models of racing cars, video, audio, and audiovisual games, confectionery or other similar items;
- (4) to prohibit the distribution of any tobacco products or their samples free of charge for promotional purposes;
- (5) to prohibit the distribution, sale, or offer as a reward/prize of any products (such as T-shirts, caps, sport shirts, sun caps, backpacks, sunglasses, stationery which are visible to others when worn or used) bearing the name or trademark of any tobacco product.

This provision shall not prohibit attaching of the trademark and names of tobacco products on items relating to smoking, such as lighters or ashtrays.

Sponsorship of tobacco products in international events, activities, or among the participants thereof shall be prohibited.

2. Any tobacco product shall contain a warning — approved by the public administration body authorized by the Government of the Republic of Armenia in the field of healthcare (hereinafter referred to as “the authorized body”) — about adverse effect caused by tobacco on human health.

**Article 8. Restrictions on the sale of tobacco products**

1. The sale of tobacco products shall be prohibited if:

- (1) tobacco is sold to persons under 18 years of age;
- (2) tobacco is sold by persons under 18 years of age;
- (3) tobacco is sold in open unit packets or per item;
- (4) tobacco is sold without direct involvement of the seller (sale through automatic vending system, other electronic or technical devices), except for the places envisaged by the legislation of the Republic of Armenia, where the entry of minors is prohibited;
- (5) tobacco is sold inside health, educational, nurturing institutions, sports halls, complexes, stadiums, and health resorts;
- (6) tobacco is sold without excise stamps envisaged by the legislation of the Republic of Armenia;
- (7) the amount of tobacco product is not indicated on the unit packet of tobacco (per item or in grams respectively);
- (8) there is no indication of the level of toxic ingredients present in tobacco (nicotine, tar), or the level thereof exceeds the permissible limit;
- (9) unit packet of tobacco does not have the warning about harmfulness of smoking, approved by the authorized body;
- (10) the trademark is falsified, or the manufacture of tobacco products is not in compliance with the legislation of the Republic of Armenia.

2. The following warnings shall be mandatorily placed in a visible place at all points of sale of tobacco products — at the counter or in the vicinity thereof:

- (1) Tobacco products are not sold to persons under 18 years of age;

## Unofficial Translation

(2) health warnings about the adverse effect caused by tobacco on human health, approved by the authorized body.

3. All persons engaged in selling tobacco products shall be obliged not to sell tobacco products to any citizen who looks younger than 18 years of age.

A person engaged in selling tobacco products may sell tobacco to a customer only if the latter presents an identification document (passport, driving license, or certificate of military service).

### **Article 9. Packaging of tobacco products**

1. Each packaging of tobacco products shall carry the following information in the state language of the Republic of Armenia:

(1) information on the tar and nicotine, which shall be printed on one of the sides of the unit packet of tobacco;

(2) warning about the adverse effect of tobacco on health. The authorized body shall approve the warning text about adverse effect of tobacco on public health.

The warning text shall cover not less than 30% of the front and back surface area of the consumption package (unit packet of tobacco) used in wholesale and retail trade.

2. The warning text shall be:

(1) precise and readable;

(2) printed in dark ink on a contrasting background;

(3) irremovably printed;

(4) positioned in a manner that prevents it from being damaged by opening of the packet.

3. The warning text should not:

(1) be printed on or affixed to paper considered an element of transparent wrapper or outside packaging;

(2) be hidden or obscured by other written or pictorial matter printed;

(3) be printed on the excise stamps of the consumption package (unit packet of tobacco).

### **Article 10. Destruction of tobacco products**

All tobacco products which have been manufactured or sold contrary to this Law or are not in compliance with the requirements envisaged by the legislation of the Republic of Armenia, shall be subject to confiscation. The confiscated tobacco shall be subject to destruction in the manner prescribed by the legislation of the Republic of Armenia.

### **Article 11. Restrictions on the use of tobacco**

1. Smoking shall be prohibited:

(1) in educational institutions; namely academic, extracurricular, children's, nurturing, and other institutions;

(2) in cultural institutions; namely cinemas, theatres, sports arenas, circus, concert halls, museums, libraries, exhibitions, halls, auditoriums, as well as recreation and entertainment areas intended for persons under 18 years of age;

(3) in healthcare facilities; namely in hospitals, polyclinics, outpatient clinics, health resorts, and other healthcare organizations;

(4) in the premises of all other institutions and organizations, except for the places designated for this purpose;

(5) in places where smoking is prohibited in accordance with fire safety rules;

(6) in public transportation and vehicles, including buses, fixed-route taxis, trains (except for train wagons designated for smoking purposes), as well as airports, bus stops, and railway stations.

2. Heads of institutions and organizations referred to in part 1(4) of this Article, shall take appropriate measures aimed at creating areas in outdoor and/or indoor premises specifically designated for smoking, and ensure the notification thereon.

3. Heads of institutions and organizations shall be obliged to take measures to create conditions for the use of tobacco (inter alia breaks for rest and lunch) in indoor workplaces during working hours, in order that smokers do not bother non-smokers, taking into account the preference given to non-smokers. Such measures shall include, but not limited to the following:

(1) providing specifically separated zones for smoking during breaks;

(2) giving permission for smoking only in individual indoor workplaces.

4. There may be separated areas, sectors, and zones designated for smoking in restaurants, cafes, and other public catering facilities.

5. Each organization referred to in part 1 of this Article shall ensure the notification on prohibition of smoking in visible places.

*(Article 11 amended and edited by HO-32-N of April 8, 2008)*

**Article 12. Liability in case of breach of this Law**

1. Every legal entity and natural person violating the provisions stipulated by this Law shall be held liable in the manner prescribed by the Law of the Republic of Armenia.

2. The authorized bodies of the Government of the Republic of Armenia shall carry out supervision over the provisions of this Law.

*(Article 12 edited by HO-32-N of April 8, 2008)*

**Article 13. Transitional provisions**

1. The requirement — for the warning text to cover 30% of the front and back surface area of the package used in wholesale and retail trade, envisaged by paragraph 2 of Article 9(1) of this Law — shall enter into force from February 1, 2008; until then, the volume of such warning shall amount to at least 4%.

2. Part 2 of Article 11 of this Law shall enter into force within one year of the entry into force of this Law.

**Article 14. Entry into force of this Law**

This Law shall enter into force from the thirtieth day following the day of its official publication.

**President of the Republic of Armenia**

**R. Kocharyan**

January 19, 2005

Yerevan

HO-72-N