

## **The Law of the Republic of Azerbaijan On restriction of tobacco use (unofficial translation)**

This Law defines the legal basis of action, in accordance with paragraph 1, part 1, Article 94 of the Constitution of the Republic of Azerbaijan, for protection the health of the population of the Republic of Azerbaijan, promoting healthy lifestyles, healthy growth and development of children and youth, prevention of harmful habits, to reduce impacts of the use of tobacco products and tobacco smoke.

### **Chapter 1**

#### **GENERAL PROVISIONS**

##### **Article 1. Basic definitions**

1.0. The definitions used in this Law shall have the following meanings:

1.0.1. Tobacco products - products made of tobacco leaf and its components, containing nicotine, active alkohydrate, carcinogenic substances and nicotine-addiction developing products (cigarettes, cigars, cigarillos, rod tobacco etc.). All kinds of hookahs and electronic cigarettes are also equated with tobacco products within the scope of this law;

1.0.2. nicotine - substance belonging to a group of alkaloids and present in the composition of tobacco;

1.0.3. Tobacco smoking - the use of tobacco smoke by inclusion of tobacco smoke into the human body by the respiratory tract, resulting nicotine addiction in smoker and causing harm to its health and health of people around him and environmental pollution;

1.0.4. the tobacco smoke in the environment - tobacco smoke released in the local air as result of previous smoke and tobacco smoke released by the smoker at present;

1.0.5. Tobacco use - tobacco smoking, as well as exposure to tobacco smoke through the respiratory tract;

1.0.6. consequences of tobacco use - harm to human life or health and environment as a result of tobacco use and exposure to tobacco smoke in the environment, as well as medical, demographic, socio-economic consequences;

1.0.7. protection from tobacco use consequences - protecting people's health and life from consequences of tobacco use and exposure to tobacco smoke;

1.0.8. tobacco products sponsorship - any type of contribution of tobacco manufacturers and sellers to any event that promotes the sale and use of tobacco products;

1.0.9. specially allocated place - the employer or owner allow to use tobacco under this Law in open or closed territory in the enterprises, institutions and organizations, at workplaces, placement facilities, as well as public catering enterprises, regardless of the form of ownership and organizational-legal form;

1.0.10. placement - hotels, leisure centers, sanatorium-resorts, boarding houses, motels, hostels, as well as individuals staying and other accommodation facilities that can stay for at least twenty-four hours.

## **Article 2. Legislation of the Republic of Azerbaijan on limiting the use of tobacco products**

The legislation of the Republic of Azerbaijan on limiting the use of tobacco products consists of the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, the laws of the Republic of Azerbaijan "On protection of health of population", "On Tobacco and tobacco products", this Law and other normative-legal acts.

## **Article 3: Basic principles of protection against consequences of tobacco use**

3.0. The main principles of protection against tobacco use consequences are as follows:

3.0.1. Compliance with the rights of citizens on the protection of their health from the effects of tobacco smoke in the environment and the consequences of tobacco use;

3.0.2. prevention of illness, disability, premature deaths resulting from tobacco use and the effects of tobacco smoke in the environment;

3.0.3. It is responsibility of state and municipalities, private entrepreneurs, legal entities and other entities to ensure the right of protection against the consequences of tobacco use;

3.0.4. use systematic approach, continuity and consistency when implementing measures aimed at prevention of tobacco smoke effects in the environment and reduction of tobacco use;

3.0.5. the advantage of protection of life and health over the interests of tobacco producers;

3.0.6. ensure the international cooperation of the Republic of Azerbaijan in the field of protection against tobacco use consequences;

3.0.7. interaction of state, municipalities, citizens and not associated with the tobacco organizations individual entrepreneurs, legal entities and other agencies established under the law;

3.0.8. independent evaluation of transparency and efficiency of the implementation of measures aimed at prevention of tobacco smoke effects in the environment and reducing tobacco use;

3.0.9. population awareness of the harmful effects of tobacco use and tobacco smoke in the environment.

## **Article 4. Duties of the State in the field of protection against tobacco use consequences**

4.1. State duties in the field of protection against the effects of tobacco use include the following:

4.1.1. implementation of state policy;

4.1.2. ensuring that health care is provided in the health care facilities for citizens, foreigners, stateless persons to stop tobacco use, provide treatment for tobacco dependence and illnesses resulted from tobacco use, in accordance with legislation in the field of health protection;

4.1.3. organization and implementation of state control;

4.1.4. international cooperation, including international agreements;

4.1.5. monitoring of measures aimed at preventing the effects of tobacco smoke in the environment and reducing tobacco use, as well as informing the public about the measures being undertaken and / or planned to achieve the reduction of tobacco use and determine the scope of tobacco use in the territory of the Republic of Azerbaijan.

4.2. The relevant executive authority shall carry out the duties envisaged by Article 4.1 of this Law.

#### **Article 5. Duties of municipalities in the field of protection against tobacco use consequences**

5.0. The duties of municipalities in the field of protection against the effects of tobacco use include the following:

5.0.1. Implementation of measures to protect public health from the effects of tobacco smoke in the municipalities and participation in such events;

5.0.2. informing the public about the measures to be taken and (or) planned for the purpose of determining the scope of tobacco use in the municipality and reducing tobacco use;

5.0.3. Monitoring of measures aimed at preventing the effects of tobacco smoke in the environment and reducing the consequences of tobacco use.

#### **Article 6. Rights and duties of physical and legal persons in the field of protection against tobacco use consequences**

6.1. Individuals and legal entities have the following rights in the field of protection against tobacco use consequences:

6.1.1. demand from the relevant state and municipal authorities to protect health from the effects of tobacco smoke in environment and favorable conditions for life activities in the smokeless environment;

6.1.2. receive medical assistance to stop tobacco use and treatment of tobacco dependence;

6.1.3. receive information from government and municipal authorities, individual entrepreneurs, legal entities and other agencies about measures aimed at preventing the effects of tobacco smoke in the environment and reducing tobacco use;

6.1.4. participate in public oversight of the implementation of measures aimed at preventing the effects of tobacco smoke in the environment and reducing tobacco use;

6.1.5. submit proposals to state and municipal authorities as well as to other persons to ensure protection against tobacco use consequences;

6.1.6. demand compensation for damages caused to life and health and property as a result of violation of legislation by other persons.

6.2. The responsibilities of citizens in the field of protection against the effects of tobacco use are as follows:

6.2.1. comply with the requirements of the legislation on tobacco use restrictions;

6.2.2. take into account the negative attitude formation towards tobacco use in children and young people, as well as inadmissibility of their involvement in the tobacco use process;

6.2.3. not to take actions that resulted in the infringement of the rights of other persons to protect health from the effects of tobacco smoke in environment and have favorable conditions for life activities in the smokeless environment.

## **Article 7. Right to receive information on tobacco and tobacco use consequences**

7.1. Everyone has the right to receive information on tobacco products and components of products separated from them by smoke, harmful effects, prevention and suppression of tobacco smoking.

7.2. Information on the amount of nicotine, tobacco tar and carbon monoxide content in the tobacco product should be reported to the user, and the tobacco product boxes should contain the same information.

## **Chapter 2**

### **FIGHTING MEASURES TO REDUCE TOBACCO USE AND TO PROTECT ENVIRONMENT FROM TOBACCO SMOKE IMPACT**

#### **Article 8. Restriction of encouragement methods for sale of tobacco products**

8.1. The following methods are forbidden to encourage users of tobacco products for legal and physical persons:

8.1.1. Free distribution or rewarding of tobacco products and their new samples;

8.1.2. offering tobacco products as awards for a lottery, competition, sports competitions, games;

8.1.3. holding of winning games (including collection of cigarette boxes and pieces) related to the sale and use of tobacco products, including stimulating lotteries.

8.2. Tobacco products, manufactured or sold by persons engaged in the production and sale of tobacco, can not be distributed to consumers as gifts or donations.

### **Article 9. Organization of measures aimed at preventing the effect of tobacco smoke and reducing tobacco use**

9.1. The following measures are taken to prevent the effect of tobacco smoke in the environment, illnesses resulted from tobacco use and to reduce tobacco use:

9.1.1. banning smoking in separate areas, buildings and facilities, and liability for the violation of that prohibition;

9.1.2. price, tax and (or) duty measures aimed at reducing the demand for tobacco products;

9.1.3. educating and informing the public about the harmful effect of tobacco use and the harmful effect of tobacco smoke in the environment;

9.1.4. prohibit all forms of advertising or promotion of tobacco products including direct or indirect advertising and sponsorship;

9.1.5. medical and psychological assistance for individuals to stop tobacco use and in the treatment of tobacco dependence and illnesses caused by tobacco use ;

9.1.6. Prevention of illicit trade of tobacco products;

9.1.7. limitation of tobacco products turnover;

9.2. Disposal of tobacco products waste to the environment is forbidden. The procedure for their utilization shall be determined by the relevant executive authority.

### **Article 10. Places where tobacco smoking is not allowed**

10.1. Tobacco smoking is prohibited in the following areas in order to reduce tobacco use and to reduce the environmental impact of tobacco smoke in the Republic of Azerbaijan:

10.1.1. education and training institutions, as well as in their territories;

10.1.2. health and medical-rehabilitation facilities, as well as in their territories;

10.1.3. buildings and facilities where sports competitions and other mass events are held, as well as in their territories;

10.1.4. public-catering facilities, including restaurants, cafes, bars;

10.1.5. commercial facilities;

10.1.6. household facilities;

10.1.7. social service enterprises;

10.1.8. placement facilities;

10.1.9. theater and cinemas, circus buildings, exhibition and showrooms, singing halls, libraries, museums, and other cultural facilities;

10.1.10. children's playgrounds;

10.1.11. closed overground and underground pedestrian crossings;

10.1.12. on the buses working in city (district), inter-city (inter-district) and international routes, on the vehicles carrying passengers and taxi cars;

10.1.13. in vestibules, crossings, platforms of metropolitan stations and wagons;

10.1.14. air transport, railroad trains, water transport facilities;

10.1.15. in administrative buildings of air and sea (river) ports, railroad stations, bus stations and buses' stops;

10.1.16. in elevators and common areas of multi-apartment residential buildings;

10.1.17. pay stations;

10.1.18. in filling stations, as well as in buildings and enterprises where inflammable substances are stored, as well as in vehicles which transport these substances;

10.1.19. in other enterprises, institutions and organizations, at workplaces, regardless of their type of ownership and organizational-legal form.

10.2. Managers of all enterprises, institutions and organizations regardless from the form of their ownership and organizational-legal form, shall ensure that in the places mentioned in Article 10.1 of this Law, there are "no smoking" sign or mark which everyone can see good.

10.3. Special areas where the ventilation system is provided or outdoor can be arranged for smoking in the places mentioned in Articles 10.1.3, 10.1.4, 10.1.5, 10.1.8, 10.1.14 (water and railway transport), 10.1.15 and 10.1.19 of this Law.

10.4. Specially designated places for smoking should be provided in accordance with sanitary and hygienic standards and the requirements of the relevant executive authority.

## **Article 11. Educating and informing the public about the harmful effect of tobacco use and the harmful effect of tobacco smoke in the environment**

11.1. Requirements for tobacco products content disclosure, packaging and marking are identified to reduce the demand for tobacco and tobacco products, to prevent illnesses related to tobacco use, to develop a negative attitude towards tobacco use and

responsible attitude towards health. These requirements include providing information about:

11.1.1. advantages of tobacco use cessation;

11.1.2. negative medical, demographic and socio-economic consequences of tobacco use;

11.1.3. tobacco industry.

11.2. Awareness of the harmful effect of tobacco use and the harmful effect of tobacco smoke on the environment is carried out in family, educational and medical institutions, as well as in the workplace by employers.

11.3. The main directions and methods of population enlightenment are defined by the relevant executive authority. A special "hot line" activity is provided for this purpose.

11.4. Creation of "hot lines" or use of the Internet information-communication network is intended for the citizens' applications, including individual entrepreneurs and legal entities, on violation of legislation the effect of tobacco smoke in the environment on human health and limitation of tobacco use.

11.5. Informing the public about the harmful effect of tobacco use and the harmful effect of tobacco smoke in the environment by state and municipal authorities, as well as public associations through media campaigns.

11.6. When informing the public about the harmful effect of tobacco use and the harmful effect of tobacco smoke in the environment, presentation of use of tobacco products and tobacco is permitted during information campaigns in the mass media.

Article 12. Propagation of knowledge about the harmful effect of tobacco use and the harmful effect of tobacco smoke in the environment in mass media

12.1. Mass media are involved in promoting knowledge about the harmful effect of tobacco use and harmful effect of tobacco smoke in the environment.

12.2. Relevant executive authorities shall take appropriate measures to conduct continuous propaganda about the harmful effects of tobacco use in the mass media.

12.3. Issues related to health and environmental impacts of tobacco use are included in the curriculum by the relevant executive authority when preparing educational programs.

12.4. Develops warning, enlightenment and educational programs with the support of relevant executive authorities, scientific institutions and non-governmental organizations about negatively affect of tobacco use and other harmful for health habits and allocate them at least 90 minutes on airtime per month in all TV and radio broadcasters operating in the territory of the Republic of Azerbaijan. The 45 minutes of these broadcasts are broadcast on the 08:30 to 23:00 air between 17:30 and 23:00 hours, and copies of the broadcasts are handed over to the National Television and Radio Council every month.

### **Article 13. Prohibiting the sale of tobacco products to minors and their use by them**

13.1. It is prohibited to sell tobacco products to minors give them not for the purpose of sale and involve them in tobacco use.

13.2. If the person who directly releases tobacco products (seller) doubts about the age of the person using the tobacco product (the buyer), the seller must request from the buyer a document confirming his / her identity and age.

13.3. The seller will refuse to sell the tobacco product to the buyer If he doubts about the age of buyer and a document confirming his identity and age is not provided.

13.4. The use of tobacco by minors is not permitted.

### **Article 14. Prohibiting the promotion of tobacco products advertising and sale**

14.1. In order to reduce the demand for tobacco products, the following are prohibited for advertising and stimulation of tobacco products sale and use:

14.1.1. free distribution of tobacco products among the population, including gifts;

14.1.2. proposing another commodity as a gift for tobacco products buyers;

14.1.3. application of discounts through tobacco products prices by any means, as well as coupons and talons;

14.1.4. demonstration of tobacco products and tobacco use in television and video films, theater performances, radio, television, video and cinema programs, audiovisual works for children, as well as broadcasting of works, performances and programs of tobacco products and tobacco use with open broadcast;

14.1.5. Organization and holding of various events (including lotteries, competitions, games) promoting commodity sales, with tobacco products are awarded as a premium.

14.2. Persons engaged in the production and (or) sale of tobacco and tobacco products may not be sponsors in accordance with Articles 13.4 and 28 of the Law of the Azerbaijan Republic "On Advertising".

14.3. Advertising of tobacco and tobacco products, as well as tobacco smoking accessories, is prohibited.

### **Article 15. Medical assistance to cessation of tobacco use, treatment of tobacco dependence and illnesses caused by tobacco use**

15.1. Persons who apply to medical institutions to cessation of tobacco use, for the treatment of tobacco dependence and illnesses caused by tobacco use are provided with appropriate medical care.

15.2. Citizens are provided with free of charge medical aid to stop tobacco use, including prevention, diagnosis and treatment of tobacco dependence and tobacco use consequences.



15.3. The treatment physician provides the patient who has applied to the medical institution for medical treatment, regardless of the cause of the treatment, advice on how to stop tobacco use and provides necessary information about medical treatment he can get.

### **Chapter 3**

#### **FINAL PROVISIONS**

##### **Article 16. Responsibility for violation of the law**

Persons violating the requirements of this Law are responsible for the cases provided in the Code of Administrative Offenses of the Republic of Azerbaijan

##### **Article 17. Transitional provision**

Articles 20 and 21 of the Law of the Azerbaijan Republic "On Tobacco and Tobacco Products" are canceled in connection with the entry into force of this Law.

**Ilham Aliyev**

**President of the Republic of Azerbaijan**

**Baku city, December 1, 2017**