

**THE LAW
ON THE CONTROL AND RESTRICTED USE OF TOBACCO,
TOBACCO PRODUCTS, AND OTHER SMOKING PRODUCTS**

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CHAPTER I - BASIC PROVISIONS

Article 1 (Subject)

This law, in order to protect and improve the health of the population, regulates measures for prohibition and restriction of the use of tobacco, tobacco products and other smoking products, prohibition of their advertising, promotion and sponsorship, prevention of access of minors to these products, composition of tobacco products and other smoking products, obligatory markings on packages, suppression of harmful consequences, preventive measures, establishment of the Federal Commission for Control of Use of Tobacco, Tobacco Products and Other Smoking Products and supervision of Law enforcement.

Article 2 (Definitions)

In terms of this Law:

- 1) **Tobacco** is a cultivated plant of the species *Nicotiana tabacum L* in all forms and stages of cultivation and in all phases of processing and packaging that does not serve final consumption (unprocessed tobacco);
- 2) **Self-rolling tobacco** is tobacco which can be used for making cigarettes by consumers themselves or by retail outlets;
- 3) **Tobacco for oral use** is any tobacco product for oral use, other than that intended for snorting (nasal use) or chewing, made fully or partially from tobacco, in the form of powder or particles, or in any combination of these forms, especially in sacs or in porous sacs;
- 4) **Pipe tobacco** is tobacco that can be used through the combustion process and is intended exclusively for use in a pipe;
- 5) **Water pipe** is a smoking device that allows smoke to pass through the water container and cool before inhalation through a flexible hose. A water pipe includes narghile, hookah or shisha;
- 6) **Water pipe tobacco** is a tobacco product that can be used through a water pipe and is considered a smoking tobacco product;
- 7) **Chewing tobacco** is a smokeless tobacco product specifically intended for chewing;
- 8) **Snuff** is a smokeless tobacco product that can be used through the nose;
- 9) **New tobacco product** is a tobacco product that does not belong to any of the following categories:
 - cigarettes,
 - self-rolling tobacco,
 - pipe tobacco,
 - water pipe tobacco,
 - cigars,

- cigarillos,
 - chewing tobacco,
 - snuff or tobacco for oral consumption,
- and it was placed on the market after the entry into force of this Law.
- 10) **Cigarette** is a roll of tobacco with an outside paper wrapping that can be used by the process of its combustion;
 - 11) **Cigar** is a roll of tobacco with an outside wrapping made of natural tobacco, weighing more than three grams and that can be used by the process of its combustion;
 - 12) **Cigarillo** is a cigar with a maximum weight of up to three grams per piece;
 - 13) **Additive** is a substance, other than tobacco, which has been added to tobacco products, individual packages or any outer packaging;
 - 14) **Herbal smoking product** is a product based on a plant, herbs or fruit that does not contain any tobacco and can be used through a combustion process;
 - 15) **Electronic cigarette** in terms of this law is a product that can be used for smoking using nicotine-containing vapor inhaled through a mouthpiece, or any other component of the product, including a cartridge, a refill container and a device without cartridges or containers. Electronic cigarettes can be for one-time use or refillable via a refilling container or refillable using a single-use cartridges;
 - 16) **Refilling container** is a container containing nicotine fluid, which can be used to reload an electronic cigarette;
 - 17) **Tobacco product** is a product that is completely or partially made of tobacco, which is or is not genetically modified and is produced for use through smoking, sniffing, inhaling, chewing or any other kind of use;
 - 18) **Tobacco smoke** is the smoke that is released from the burning tobacco products that is intended for smoking as well as the smoke that is released from lungs when smoking;
 - 19) **Smokeless tobacco product** is a tobacco product whose use does not include a combustion process, including chewing tobacco, snuff and tobacco for oral use;
 - 20) **Other tobacco products** are every product made entirely or partially of tobacco and not covered by the definition of tobacco products;
 - 21) **Emissions** are substances that are released during the intended use of a tobacco or related product, such as substances in smoke or substances that are released during the use of smokeless tobacco products;
 - 22) **Public enclosed space** is any space that has a roof or ceiling (movable or immovable) and completely encloses more than half of the surface of the associated walls, publicly available and intended for individual or shared use, regardless of ownership or right of access and includes, among other things, common spaces in residential buildings, all spaces in buildings where public institutions, establishments and companies are located and all spaces in buildings where activities in the field of public transport, health, social protection, upbringing and education are conducted, shops, shopping centers, spaces intended for services, sports and recreation, catering, accommodation and tourism, culture, arts and sciences, fairs and exhibitions, and spaces for media, gambling, religious, political and civic gatherings and any associated or other associated enclosed spaces, such as corridors, elevators, stairways, lobbies, common spaces, toilets, waiting rooms, canteens, auxiliary facilities, warehouses, basements, garages;

- 23) **Workplace** is any space used for work and can be covered, semi-covered, fully or partially fenced, regardless of the type of material which it is built from as well as any connected and other associated public enclosed space (hallways, elevators, stairs, common spaces, cafeterias, canteens, toilets, etc.). The workplace also includes business vehicles under the control of the employer, which are used for performing work and services;
- 24) **Means of public transport** is any means of transport, regardless of the form of ownership, which, for a fee or other type of remuneration, is used for road, rail, air and water transport of passengers, including cable cars;
- 25) **Means of private transport** is any means of transport in private ownership by which road and water transport is performed;
- 26) **Tar** is a dry, anhydrous, nicotine-free smoke condensate;
- 27) **Nicotine** is a nicotine alkaloid found in tobacco;
- 28) **Carbon monoxide** is a product produced by burning tobacco;
- 29) **Ingredient** is a tobacco, an additive, as well as any substance or element present in the finalized tobacco product or other product, including paper, filter, ink, capsules and adhesives;
- 30) **Characteristic aroma** is a clearly perceptible scent or taste, other than tobacco, resulting from an additive or combination of additives, including but not limited to aromas of fruit, spices, herbs, alcohol, sweets, menthol or vanilla, which is noticeable before or during consumption of tobacco products;
- 31) **Smoking** is an act that leads to combustion of tobacco products and other smoking products, which creates smoke that is released directly into the air and is inhaled by the person performing these actions;
- 32) **Indirect or passive smoking** is exposure to smoke coming from the burning end of a cigarette or other smoking product, most often in combination with the smoke exhaled by the smoker;
- 33) **Harmful consequence of smoking** is the scientifically proven occurrence of damage to health and diseases that shorten the lives of smokers and non-smokers;
- 34) **Use** is smoking and all other ways and types of use of tobacco, tobacco products and other smoking products;
- 35) **Conflict of interest** is a conflict between the official duties and the private interests of a public official, or a candidate for public office, who has responsibility for tobacco control and who may be related to his/her interests or those of his/her relatives;
- 36) **Health warning** is a warning that indicates the harmful effects of tobacco products on human health or other undesirable consequences of their use, including text warnings, combined health warnings, general warnings and informational messages;
- 37) **Combined health warning** is a health warning that consists of a combination of text of warning and an accompanying photograph or illustration;
- 38) **Outer packaging** is any packaging in which tobacco products or related smoking products are placed on the market and comprises of one or more packaging units, provided that the transparent packaging is not considered an outer packaging;
- 39) **Individual packaging** is the smallest independent pack of a tobacco or related smoking product that is placed on the market;
- 40) **Person** is any natural or legal person, as well as all business entities;

- 41) **Holder of public office** is an official, official representative, adviser, inspector, police official, customs official or government official elected at the central or local level of governance;
- 42) **Seller** is any person who retails, wholesales, exports and imports tobacco and other smoking products;
- 43) **Advertising and promotion of tobacco, tobacco products and other smoking products** is any activity with the aim, effect or probable effect of promoting tobacco products and other smoking products or is using these products directly or indirectly;
- 44) **Direct promotion of tobacco, tobacco products and other smoking products** is the promotion of individual packages of cigarettes and other smoking products at points of sale in such a way that they are displayed on special illuminated stands and in illuminated frames with the logo of the manufacturer of tobacco, tobacco products and other smoking products;
- 45) **Indirect promotion of tobacco, tobacco products and other smoking products** is:
- an organization of events highlighting the name, logo or other visual characteristics reminiscent of certain tobacco and other smoking products;
 - displaying a logo and other signs for marking these products on items that in terms of this Law are not tobacco products;
 - free offer of tobacco products and other smoking products in public spaces;
- 46) **Sponsorship** is any form of contribution to a legal or physical event, an activity or individuals whose goal is either a direct or indirect conducting of promotion of tobacco, tobacco products and other smoking products;
- 47) **Donations by tobacco industry** are any form of financial or material support to public institutions, organizations, media resources or individuals whose goal is either a direct or indirect conducting of promotion of tobacco, tobacco products and other smoking products;
- 48) **Tobacco industry** are manufacturers, wholesale retailers and tobacco importers.
- 49) **Tobacco products** for smoking are all tobacco products except smokeless tobacco products.
- 50) **Non-burning tobacco** is a smokeless tobacco product used through inhalation of an aerosol from heated tobacco, without combustion.

Article 3 **(Principles of the Law)**

- (1) To accomplish the goal of Article 1 of the Law, authorities and the institutions of public administration in the Federation of Bosnia and Herzegovina (BiH) (hereinafter: The Federation) will be governed by international regulations on control of tobacco, tobacco products and other smoking products, namely the following principles:
- a) a right of every citizen to health;
 - b) a natural right of every citizen in the Federation to clean air because everyone, especially children and young people, have the right to protect themselves from the impact of inhalation of second-hand tobacco smoke;
 - c) environmental protection and the citizens' right to a healthy environment;

- d) determination of the competent bodies and institutions in the Federation for determination of strategies and measures, via a multi-sector cooperation, for promotion and support of the cessation and reduction of consumption of tobacco and other smoking products;
 - e) synchronized implementation of measures aimed at reducing tobacco demand and supply through information, education and strengthening of public awareness about harmful consequences of tobacco products and other smoking products;
 - f) a responsibility of competent authorities and institutions in the Federation to provide sufficient funding for tobacco control activities to further reduce number of smokers and exposure to tobacco smoke; and
 - g) a commitment of competent authorities and institutions in the Federation to regulate relations with the tobacco industry in an entirely transparent manner in order to protect public health policies and prevent privileged treatment of tobacco industry.
- (2) The law applies to tobacco, tobacco products and other smoking products, including electronic cigarettes, smokeless tobacco products and herbal smoking products.

Article 4 (Prohibition of discrimination)

- (1) Any form of discrimination based on race, color of skin, gender, language, religion or belief, political and other beliefs, national and social origin is prohibited, when performing actions based on this Law and regulations enacted under this Law is prohibited.
- (2) Gendered terms used in this Law and regulations enacted under this Law refer equally to the male and female gender, regardless of whether they were used in the male or female word form.

CHAPTER II - PROHIBITION OF SMOKING IN PUBLIC SPACES

Article 5 (Prohibition on smoking)

- (1) Smoking is prohibited in all closed public spaces, workplaces and in public transport.
- (2) The use of tobacco products for smoking in private means of transport in which a minor is present is prohibited.

Article 6 (Ensuring the implementation of the prohibition on smoking)

- (1) The owner and user of the space or place referred to in Article 5 of this Law in which smoking is prohibited shall be obliged to ensure the implementation of the smoking ban (hereinafter: the owner and user of the space or place).
- (2) In the spaces and places referred to in Article 5 of this Law where smoking is prohibited (hereinafter: areas and places where smoking is prohibited), a sign

must be posted with a graphic for smoking prohibition and text that reads: "No smoking."

- (3) Ashtrays or other containers that can be used for disposing of ash must not be installed in areas and places where smoking is prohibited.
- (4) In the event that a person does not comply with the smoking ban, the owner or user of a space or place where smoking is prohibited must:
 - a) issue a warning to this person;
 - b) deny this person a service;
 - c) ask this person to leave the space.
- (5) In the event that the person referred to in Paragraph (4) of this Article does not comply with the smoking ban even after the owner or user of the space or place where smoking is prohibited acts in accordance with the authorization referred to in Paragraph (4) Items a) to c) of this Article, the owner or user of the space or place where smoking is prohibited must contact a competent authority.
- (6) In catering facilities, besides owners and users of the space, enforcement of smoking ban must be ensured by a person responsible for operation of the facility as per Paragraphs (1) to (5) of this Article. In case from Paragraph (5) of this Article, the owner or person responsible for operation of the facility must contact a relevant authority, namely, the sanitary inspection. Each catering facility shall make a decision on banning of smoking that states the name and surname of the owner or a person in charge of facility operations, as a person responsible for implementing said decision.

CHAPTER III - EXCEPTIONS TO THE PROHIBITION ON SMOKING IN PUBLIC SPACES

Article 7

(Exceptions from smoking ban)

- (1) Smoking is allowed for users of services in mental health sections and departments of health care institutions, in other institutions that provide psychosocial rehabilitation for people with mental disabilities, in palliative care institutions, nursing homes, as well as in penal institutions, if and when special smoking rooms separated from the non-smoking zone can be established.
- (2) Smoking is allowed at the airports, in special smoking area.
- (3) Smoking is allowed in specially designated smoking areas for accommodation of guests in accordance with the regulations on catering industry, for which a specific "smoking allowed" sign must be displayed in such areas. In facilities where only drinks are served, the owner or user of a facility may designate a serving area to be a smoking area, for which a specific "smoking allowed" sign must be displayed in such space.
- (4) A decision on allowing smoking in terms of Paragraphs (1), (2) and (3) of this Article shall be reached by owner, director or other responsible person of a catering facility, institution or airport. The interests and health needs of non-smokers must be taken into account when reaching the decision.
- (5) In specially designated rooms or enclosed smoking spaces in areas referred to in Paragraphs (1), (2) and (3) of this Article, protection of non-smokers must be provided against exposure to tobacco smoke by ensuring a complete physical separation of the smoking area and by providing adequate ventilation systems. The surface area of the smoking section and space in relation to the size of the

facility shall be defined by regulations of a catering facility, institution or airport. It is forbidden to serve food in these rooms.

- (6) In the smoking sections and spaces referred to in Paragraphs (1), (2) and (3) of this Article, a clearly visible warnings must be posted, consisting of a graphic sign for the smoking permission and a text that reads: "Smoking area. Smoking is bad for your health."
- (7) The Federal Minister of Health (hereinafter: the Minister) shall issue a bylaw prescribing the conditions for special smoking areas in terms of exceptions to the smoking prohibition established by this Article.

CHAPTER IV - TOBACCO PRODUCT TESTING AND REPORTING

Article 8 (Prohibition of sale)

- (1) Placing on the market of tobacco products containing the following additives is prohibited:
 - a) vitamins and other additives that create the impression that the tobacco product is beneficial to health or less dangerous to health;
 - b) caffeine, taurine and other additives and stimulants that are associated with energy and vitality;
 - c) additives that give color properties to emissions;
 - d) in tobacco products for smoking, additives that facilitate nicotine inhalation via mouth or nose;
 - e) additives that have *CMR* (carcinogenic, mutagenic, and reprotoxic) properties in unlit state.
- (2) It is prohibited to place tobacco products on the market:
 - a) which contain aromas in any of their constituent parts such as filters, papers, packaging, capsules or
 - b) which contain any other technical property that allows a change of smell or taste of tobacco product or intensity of their smoke.
- (3) Filters, papers and capsules should not contain tobacco or nicotine.
- (4) Tobacco products, except for cigarettes and rolling tobacco, are exempted from the prohibitions defined in Paragraphs (1) to (3) of this Article.
- (5) This Article does not apply to tobacco for oral use.

Article 9 (Laboratory testing of cigarettes)

- (1) Cigarettes placed on the market on the territory of the Federation are subject to mandatory laboratory testing of tar, nicotine and carbon monoxide emissions.
- (2) Laboratory testing referred to in Paragraph (1) of this Article shall be performed in accredited laboratories in Bosnia and Herzegovina or abroad.
- (3) Laboratory testing referred to in paragraph (2) of this Article shall be performed during each first placing on the market of cigarettes and at least once a year for each type of cigarette.

- (4) Accredited laboratories referred to in Paragraph (2) of this Article may not be owned by the tobacco industry or be under a direct or indirect management of the tobacco industry.
- (5) Laboratory testing of tar, nicotine and carbon monoxide is performed based on the following ISO standards:
 - a) for tar: ISO 4387,
 - b) for nicotine: ISO 10315,
 - c) for carbon monoxide: ISO 8454.
- (6) The accuracy of measurement of each individual pack of cigarettes shall be determined for tar and nicotine in accordance with the ISO standard 8243.
- (7) The manufacturer or importer of cigarettes shall bear the costs of laboratory testing of cigarettes when placing these products on the market in the territory of the Federation, as well as the costs of mandatory annual laboratory testing to verify emissions of tar, nicotine and carbon monoxide in cigarettes.
- (8) The manufacturer or cigarette importer is obliged to submit to the Federal Health Ministry (hereinafter: the Ministry) a notification on the change in the composition of cigarettes they intend to place on the market on the territory of the Federation.
- (9) The Ministry and the competent inspector are authorized to request additional laboratory tests from cigarette manufacturers or importers, at their expense, to determine and assess presence or emission of other ingredients not covered by Paragraph (1) of this Article, the use of which is prohibited by this Law.

Article 10

(Submission of data about tobacco products)

- (1) Manufacturers and importers of tobacco and other smoking products are obliged to submit to the Ministry no later than on March 31 of the current year, for the previous year, a list of all ingredients and their quantities by kind and type used in the production of tobacco products and other smoking products.
- (2) A list referred to in Paragraph (1) of this Article must contain a justification of inclusion of ingredients in tobacco products and category of ingredients.
- (3) The list referred to in Paragraph (1) of this Article must be accompanied by toxicological data from manufacturers or importers of ingredients of tobacco products in the ignited and non-ignited state, referring to their health effects and addictive properties.
- (4) A list of all ingredients by quantity, kind and type shall be provided for each tobacco product coming out of production as a stand-alone tobacco product intended for the market as well as for each tobacco product imported into the market of the Federation, including electronic cigarettes, smokeless tobacco products and herbal smoking products.
- (5) The Ministry, in cooperation with the Institute for Public Health of the Federation of Bosnia and Herzegovina (hereinafter: the Federal Institute for Public Health), once a year, through its website, shall inform the public about data from Paragraphs (1) to (3) of this Article with the obligation to protect data that constitute a business secret.
- (6) The Minister, at the proposal of the Federal Commission for the Control of the Use of Tobacco, Tobacco Products and Other Smoking Products, shall issue a bylaw prescribing the data content and the manner of reporting on tobacco products, new and other smoking products.

Article 11
(Notification on new tobacco products)

- (1) Manufacturers and importers of new tobacco and other products are obliged to submit to the Ministry a notification on new products that they intend to place on the market.
- (2) The notification referred to in Paragraph (1) of this Article shall be submitted in electronic and written form, at least six months before the intended placing on the market.

Article 12
(Content of the notification)

- (1) The notification referred to in Article 11 of this Law must contain:
 - a) detailed description of the new product;
 - b) instruction for its use;
 - c) ingredients and emission data.
- (2) In addition to the notification referred to in Article 11 of this Law, manufacturers and importers must submit:
 - a) available scientific studies on toxicity, creation of addiction and attraction to a new tobacco product, especially considering its ingredients and emissions;
 - b) available studies, their summaries and market research on the preferences of different consumer groups, including young people and current smokers;
 - c) other available and relevant data, including risk-benefit analysis of the product, its expected effects on tobacco use cessation, and the expected effects on starting tobacco use and projected consumer perceptions.
- (3) Manufacturers and importers of new tobacco and other products are obliged to inform the Ministry about all new or updated information on studies, research and other information referred to in paragraph (2) of this Article.
- (4) New tobacco products and other smoking products placed on the market must fully meet the requirements of this law.

CHAPTER V - PACKAGING AND LABELING OF TOBACCO PRODUCTS

Article 13
(Information found on individual packs)

- (1) Each individual pack of tobacco product marketed and sold in the marked of the Federation must contain the following information:
 - a) name and address of the manufacturer and importer;
 - b) number of units in individual packs of tobacco products and
 - c) name and address of the person making the packaging, in cases where the manufacturers have not manufactured the packaging themselves.
- (2) Labeling of tobacco and tobacco products is performed by manufacturers or importers of tobacco products.

Article 14
(Health warnings on tobacco packs)

- (1) All packs of tobacco products, individual and external, must contain health warnings in the languages in official use in Bosnia and Herzegovina.
- (2) Health warnings indicating the harmfulness of the use of tobacco products referred to in paragraph (1) of this Article include:
 - a) general warnings;
 - b) combined warnings; and
 - c) informational messages.
- (3) Under this law, the Minister shall issue a regulation on the labeling of tobacco and other smoking products, which includes the content and appearance of health warnings, the text and dimensions of health warnings, the use of photographs or appropriate illustrations and the manner of their printing, periods for rotation of these labels on all types of tobacco products and other smoking products, smokeless tobacco products and electronic cigarettes and other information necessary for safe labeling.

Article 15
(Product presentation)

- (1) The labeling of individual packages, outer packages, as well as the tobacco product itself must not contain any element or characteristics that:
 - a) promote a tobacco product or encourage its use by creating a false impression of its properties, health effects, hazards or emissions; the labels must not contain any information on the content of nicotine, tar or carbon monoxide in the tobacco product;
 - b) suggest that a particular tobacco product is less harmful than others or seeks to reduce the effects of some harmful smoke components or has a vitalizing, energetic, healing, rejuvenating or natural or organic properties or has other health or life benefits;
 - c) remind of the taste, scent, any aroma or other additives or their absence;
 - d) resemble a food or cosmetic product;
 - e) suggest that a particular tobacco product has improved biodegradability or other environmental benefits.
- (2) The use of the following terms on the outer and individual packages of tobacco and other smoking products is prohibited:
 - a) "light";
 - b) "super light";
 - c) "ultra light";
 - d) "slim";
 - e) "full flavor";
 - f) "extra";
 - g) "ultra"and similar terms.
- (3) Individual packs, as well as outer packaging, must not suggest economic advantages by including printed coupons, discount offers, references to free distribution, two-for-one offers or other similar offers.

- (4) Prohibited elements and features from Paragraph (1) and (2) of this Article include, but are not limited to, texts, symbols, names, trademarks, figurative and other symbols.

Article 16

(Appearance and content of individual packages)

- (1) Individual packs of cigarettes must be cuboid and contain at least 20 cigarettes. The cuboid shape implies sharp edges. Rounded and beveled edges of the cuboid are acceptable provided that the health warning covers the area identical to that on an individual pack without such edges.
- (2) Individual packs of rolling tobacco must be cuboid or cylindrical or bag-shaped and contain at least 30 grams of tobacco.
- (3) Individual cigarette packs may be made of cardboard or soft material and shall not have an opening that can be resealed or sealed once opened, except for the folded lid and the articulated lid box. In packs with a folded lid or an articulated lid, the lid can only be attached to the back of the individual pack.

CHAPTER VI - ELECTRONIC CIGARETTES, SMOKELESS SMOKING PRODUCTS AND HERBAL SMOKING PRODUCTS

Article 17

(Placing electronic cigarettes on the market)

- (1) Manufacturers and importers of electronic cigarettes and refill containers are obliged to submit a report to the Ministry on all electronic cigarettes and refill containers on the market of the Federation by March 31 of the current year, for the previous year.
- (2) Manufacturers and importers of electronic cigarettes and refill containers shall notify the Ministry of all such products, as well as of any significant changes to such products, which they intend to place on the market.
- (3) The notification referred to in Paragraph (2) of this Article shall be submitted in electronic and written form six months before the intended placing on the market and shall contain:
 - a) name and contact details of the manufacturer, responsible person or the importer;
 - b) list of all the ingredients contained in the product and the emissions resulting from the use of the product, by brand and type, including their quantities;
 - c) toxicological data on the ingredients and emissions of that product, including the heated product, which relate in particular to their effects on the health of consumers when inhaled and to all effects of creating addiction;
 - d) description of the components of the product including, where applicable, the mechanisms for opening and filling the electronic cigarette or refill container;
 - e) information on the dose and intake of nicotine when used under normal or reasonably foreseeable conditions;

- f) a statement that the manufacturer or importer bears full responsibility for the quantity and safety of the product when placed on the market and used in normal circumstances or relatively predictable conditions.
- (4) The conditions for placing electronic cigarettes and refill containers on the market are:
- a) nicotine-containing liquid shall be placed on the market exclusively in designated refillable containers of not more than 10 ml capacity, in consumable electronic cigarettes or in disposable cartridges, and that the cartridges or containers shall not exceed 2 ml in capacity;
 - b) nicotine-containing liquid must not contain more than 20 mg/ml of nicotine;
 - c) nicotine-containing liquid must not contain additives listed in Article 8, Paragraph (1) of this Law;
 - d) only high-purity ingredients may be used to produce the nicotine-containing liquid. Substances not listed among the ingredients referred to in Paragraph (3) Item b) of this Article are present in the nicotine-containing liquid only in traces if these traces are technically unavoidable during production;
 - e) except for nicotine, the only ingredients used in the nicotine-containing liquid do not pose a danger to human health in heated or unheated form;
 - f) e-cigarettes must release nicotine doses at steady levels;
 - g) electronic cigarettes and refill containers are such that children cannot handle them and that no unauthorized modifications are possible, they are protected against breakage and leakage and have a mechanism that ensures refill without leakage.
- (5) Fulfillment of the conditions referred to in Paragraph (4) of this Article shall be controlled by an accredited laboratory in Bosnia and Herzegovina or abroad.
- (6) The costs of mandatory laboratory testing for electronic cigarettes placed on the market shall be borne by the manufacturer or importer of the product.

Article 18

(Labeling of electronic cigarette and refill container packs)

- (1) Each individual pack of electronic cigarettes and refill containers must contain a leaflet with the following information:
- a) instructions for use and storage of the product, including a notice that the use of the product is not recommended for young people and non-smokers;
 - b) contraindications;
 - c) warning for special risk groups;
 - d) potentially harmful effects;
 - e) addiction and toxicity creation data, as well as
 - f) contact information for either the manufacturer or importer and the legal entity or natural person for contact.
- (2) Individual packaging and outer packaging of electronic cigarettes and refill containers shall:
- a) include a list of all ingredients contained in the product in descending order by weight, as well as information on the nicotine content of the product and the release by dose, serial number and recommendation to keep the product out of reach of children;

- b) without contradicting Item a) of this Paragraph, not include elements or features from Article 15 of this Law, with the exception of Items a) and c) of Article 15 of this Law regarding the data on nicotine content and aromas and
 - c) carry one of the following health warnings: "This product contains nicotine, which is highly addictive. Not recommended for use by non-smokers." or "This product contains nicotine, which is highly addictive."
- (3) The health warnings referred to in point c) of paragraph (2) of this Article shall be located on the two largest surfaces of the individual pack and all outer packaging and shall cover 35% of the area of the individual pack and all of the outer packaging.
- (4) The Ministry may also request additional information from manufacturers or the importers, on safety and quality aspects or on any harmful effects of electronic cigarettes and containers for filling these products.

Article 19

(Labeling of smokeless tobacco products)

- (1) Each individual pack and all outer packaging of smokeless tobacco products must contain the following health warning: "This tobacco product is harmful to your health and is addictive."
- (2) The health warning referred to in paragraph (1) of this Article:
- a) should be located on the two largest surfaces of the individual pack and all outer packaging and
 - b) cover 35% of the surfaces of the individual packs and all of the outer packaging.

Article 20

(Labeling of herbal products for smoking)

- (1) Each individual pack and all outer packaging of herbal smoking products must contain the following health warning: "Smoking this product is harmful to your health."
- (2) The health warning referred to in paragraph (1) of this Article:
- a) should be located on the front and back surface of the individual pack and all of the outer packaging and
 - b) cover 35% of the corresponding area of the individual pack and all outer packaging.

CHAPTER VII - PROHIBITION OF ADVERTISING, PROMOTION AND SPONSORING OF TOBACCO PRODUCTS AND OTHER SMOKING PRODUCTS

Article 21

(Prohibition of advertising)

It is prohibited to:

- a) directly or indirectly advertise, sponsor and in any way promote tobacco, tobacco products and other smoking products, including electronic cigarettes;

- b) sponsor events and activities of groups or individuals with the goal or possible effect of direct or indirect promotion of tobacco products, tobacco use and other smoking products;
- c) provide financial or other aid by the tobacco industry with events, activities, individuals or groups (such as sporting or artistic events, individual athletes or teams, individual artists or artistic groups, social services organizations, governmental and NGO organizations and institutions, politicians, political parties);
- d) highlight tobacco and other smoking product logos, whether audio, visual or audio-visual materials, which includes, but is not limited to prohibition of advertising and promotion:
 - 1. in print media (newspapers, catalogs, magazines, leaflets, brochures, letters, advertising boards, neon/illuminated ads, sales stands, posters, signs);
 - 2. in terrestrial and satellite audio-visual media/electronic media;
 - 3. in plays, movies, DVDs, CDs, computer games, video games, mobile apps, and other digital communication platforms (including the Internet and cellphones);
 - 4. on goods and materials, including glasses, ashtrays, parasols, chairs, lighters, apparel and the like;
 - 5. on the facades of residential buildings;
 - 6. on vehicles, except for vehicles owned by the manufacturer;
- e) providing financial or other aid to the tobacco industry with catering facilities in exchange for building or adapting space for the promotion of tobacco and other smoking products, including equipping catering facilities with sunshades, parasols and similar promotional materials;
- f) sell tobacco products and other smoking products in a set with other goods and services;
- g) distribute tobacco, tobacco products and other smoking products for free during market research and testing;
- h) exchange tobacco, tobacco products and other smoking products for another tobacco product or other goods, works and services;
- i) use tobacco, tobacco products and other smoking products in order to obtain goods, works and services;
- j) offer or give a bonus, prize, premium, gift, money or offer a refund to buy or use tobacco, tobacco products and other smoking products and give a discount for the price of tobacco, tobacco products and other products in any way, including coupons and tokens;
- k) enable participation in gambling, lottery, competition or event, which is directly or indirectly related to tobacco, tobacco products and other smoking products, which is conditional on the purchase or use of tobacco, tobacco products and other smoking products;
- l) advertise products that directly incite consumption of smoking products, and that are not considered tobacco and other smoking products with their form, name or purpose;
- m) distribute tobacco, tobacco products and other free smoking products, including gifts from entities who produce, import or trade them, as well as from other entities from the tobacco industry;

- n) use tobacco and other smoking products in public performances and depict people smoking on television, with the exception of film programs and works of art, and
- o) advertise tobacco, tobacco products and other smoking products online.

Article 22
(Notifications that do not represent advertising)

Notwithstanding the provisions of Article 21 of this Law, advertising does not include:

- a) notices for received awards and other public recognition for the quality of products, which were achieved during the production of tobacco and other smoking products, but without stating the name of the product from the manufacturer and the importer of these products through media;
- b) notifications during the holding of specialized fairs and exhibitions in the space of the fair or exhibition, at the time of presentation of new products, which are organized indoors;
- c) information on the quality and other characteristics of tobacco and other smoking products published in professional books, magazines and other professional publications that are specifically intended for manufacturers and importers of these products.
- d) highlighting words and derivatives of the word "tobacco, tobacco products and other smoking products" in the title of the manufacturer and distributor of tobacco, tobacco products and other smoking products.

CHAPTER VIII - PROHIBITION ON SALE OF TOBACCO AND OTHER SMOKING PRODUCTS

Article 23
(Sales locations of tobacco products and other smoking products)

- (1) Tobacco and other smoking products may be displayed or visible in commercial establishments, but may not be displayed for commercial purposes elsewhere or sold in such a way that customers are free to take the goods.
- (2) Tobacco products and other smoking products can only be sold in closed sealed packs.
- (3) The sale of tobacco products and other smoking products that are not in the original packaging of the manufacturer or importer is prohibited.
- (4) It is prohibited to:
 - a) sell tobacco products and other smoking products through a cigarette vending machine, from grocery store shelves, supermarkets and similar shops where customers can freely take the goods;
 - b) sell tobacco products and other smoking products online;
 - c) sell tobacco products and other smoking products in facilities and yards of health facilities and yards for sports and cultural activities;
 - d) sell tobacco products and other smoking products in facilities that are less than 100 m away from the entrance doors of preschool institutions, primary and secondary schools, and higher education institutions;

- e) sell tobacco products and other smoking products in markets and other improvised illegal sales locations.
- (5) It is forbidden to install, set up or use vending machines for the sale of tobacco products and other smoking products in public places.

Article 24
(Prohibition on sale of tobacco, tobacco products
and other smoking products)

- (1) It is prohibited to sell or give away cigarettes for commercial purposes individually or in packages of less than 20 pieces or in bulk.
- (2) It is prohibited to sell tobacco or tobacco products in combination/in a set with other products.
- (3) Tobacco, tobacco products and other smoking products may not be exchanged or given away in an arrangement in which they are combined or not visually separated from other products.
- (4) The sale of products that are not tobacco, but have the name of any type of tobacco or a distinctive sign, emblem or similar sign associated with a tobacco product is prohibited.
- (5) The sale of tobacco for oral use and its placing on the market is prohibited.
- (6) The prohibitions prescribed by Article 6 of this Law **shall** apply to tobacco products with a specific aroma starting from the deadline proposed by the Federal Commission for the Control of the Use of Tobacco, Tobacco Products and Other Smoking Products, in accordance with European Union regulations. The proposal is submitted to the Government of the Federation for acceptance, and to the Parliament of the Federation for approval.

CHAPTER IX - PREVENTION OF MINORS FROM ACCESSING TOBACCO
PRODUCTS AND OTHER SMOKING PRODUCTS

Article 25
(Prevention of minors from accessing tobacco products
and other smoking products)

- (1) It is forbidden to sell and give away tobacco products and other smoking products to persons under 18 years of age.
- (2) At all places where tobacco and tobacco products are sold, a sign prohibiting the sale of tobacco products and other smoking products to persons under the age of 18 must be prominently displayed, consisting of a graphic prohibition sign and the text: "Sale of tobacco and other smoking products prohibited to persons under the age of 18. "
- (3) The seller may request that the person, whom he considers to be under 18 years of age, to prove that he/she is of age, with an appropriate identity document. If the person refuses to prove that he/she is or age, with an appropriate identity document, the seller is obliged to refuse the sale of the requested tobacco or other smoking product.
- (4) Persons under the age of 18 are prohibited from selling or giving away tobacco, tobacco products or other smoking products that may encourage people to smoke.

- (5) It is forbidden to sell sweets, toys and other products intended for children, which have the shape of any type of tobacco products and other smoking products or refer to smoking pictorially (in a drawing).
- (6) In order to prevent minors from accessing tobacco and other smoking products, the Ministry may take additional regulatory measures.
- (7) The Minister shall issue regulation under this Law about the form and content of signs prohibiting the sale and prohibiting the smoking.

CHAPTER X - EDUCATION, INFORMATION AND RAISING PUBLIC AWARENESS

Article 26

(Activities in educational institutions)

- (1) The competent cantonal ministries of education, in cooperation with the cantonal institutions for public health in the Federation (hereinafter: cantonal institutions for public health), are obliged to include in the curricula for primary and secondary schools the topic of the harmful effects of smoking on health.
- (2) All educational institutions are obliged to prominently display posters and other promotional materials and visual charts with text and images that indicate a prohibition of the use of tobacco, tobacco products and other smoking products to persons under 18 and a warning about harmful effects of these products.

Article 27

(Raising public awareness and information)

- (1) The Federal Institute for Public Health and the cantonal institution for public health are obliged to undertake the necessary activities in order to create and implement programs that professionally educate the public about harmful effects of smoking and at the same time encourage the cessation of tobacco and other smoking products.
- (2) Public radio and television stations, in agreement with the competent bodies referred to in Paragraph (1) of this Article, shall broadcast the defined content of the program.

CHAPTER XII - PROGRAM TO CONTROL THE USE OF TOBACCO, TOBACCO PRODUCTS AND OTHER SMOKING PRODUCTS

Article 28

(Program to control the use of tobacco, tobacco and other smoking products)

- (1) The Government of the Federation of Bosnia and Herzegovina (hereinafter: the Government of the Federation) adopts a decision creating a multi-sector Program to control the use of tobacco, tobacco products and other smoking products (hereinafter: the Program), in order to strengthen social care for the public health in the Federation, preserving and improving health, detecting and combating risk factors for the development of disease and acquiring knowledge and habits about a healthy lifestyle.

- (2) The Program referred to in Paragraph (1) of this Article shall be proposed by the Federal Commission for the Control of the Use of Tobacco, Tobacco Products and Other Smoking Products, through the Ministry.
- (3) The implementers of the Program are the competent ministries of the Government of the Federation and other institutions, institutes, establishments and organizations.
- (4) Funds for the implementation of the Program are provided from the budget of the Government of the Federation or the budget of competent ministries, as well as other sources in accordance with the stakeholders defined in the Program and in accordance with program needs and depending on financial capabilities of stakeholders.

CHAPTER XII - FEDERAL COMMISSION FOR CONTROL OF THE USE OF TOBACCO, TOBACCO PRODUCTS AND OTHER SMOKING PRODUCTS

Article 29

(Federal Commission for Control of the use Tobacco, Tobacco Products and Other Smoking Products)

- (1) The Government of the Federation shall, by a decision, appoint the Federal Commission for the Control of the Use of Tobacco, Tobacco Products and Other Smoking Products (hereinafter: the Federal Commission).
- (2) The Federal Commission referred to in Paragraph (1) of this Article shall have 11 members, and shall consist of representatives of the:
 - a) Federal Ministry of Development, Entrepreneurship and Crafts,
 - b) Federal Ministry of Agriculture, Water Management and Forestry,
 - c) Federal Ministry of Environment and Tourism,
 - d) Federal Ministry of Trade,
 - e) Federal Ministry of Education and Science,
 - f) Federal Ministry of the Interior,
 - g) Federal Ministry of Finance,
 - h) Federal Administration for Inspection Affairs,
 - i) Federal Ministry of Health,
 - j) representatives of the civil society sector, from non-governmental organizations dealing with the prevention of and protection from smoking and the use of tobacco, tobacco products and other smoking products and the
 - k) Federal tobacco control coordinator.
- (3) When appointing the Federal Commission, equal representation of both sexes is taken into account.
- (4) The procedure for the election and appointment of new members of the Federal Commission due to the replacement or resignation of previous members, is identical to the procedure and manner of election and appointment of members to be replaced.
- (5) The permanent member of the Federal Commission for Tobacco Control, according to the function he/she performs, is the federal coordinator for tobacco control, who is elected on the basis of health care regulations, and is not subject to the appointment process prescribed for other members of the Federal Commission.

- (6) The Federal Commission may include, if necessary, representatives of institutions, as well as non-governmental organizations, and experts from the academic and research community in areas that are important for controlling the use of tobacco, tobacco products and other smoking products.
- (7) The term of office of the members of the Federal Commission is four years.
- (8) The Federal Commission adopts the Rules of Procedure and is responsible to the Government of the Federation.
- (9) The Federal Commission submits its report to the Federation Government once a year, no later than on March 31 of the current year, for the previous year.

Article 30
(Responsibilities of the Federal Commission)

Within its scope of responsibility, the Federal Commission shall:

- a) monitor the incidence of smoking, studies and together with other competent authorities propose measures and activities to reduce the use of tobacco, tobacco products and other smoking products, including smoking cessation programs;
- b) propose and organize the issuance of publications to promote a healthy lifestyle;
- c) propose smoking cessation programs;
- d) propose and monitor the implementation of the Program;
- e) monitor global, regional and local trends regarding guidelines and policies for prevention and smoking cessation;
- f) cooperate with international bodies that deal with tobacco control;
- g) participate in preparation of reports on the frequency of smoking and results of permanent preventive actions;
- h) cooperate with governmental and non-governmental organizations and associations and
- i) perform other tasks in accordance with this Law and other associated regulations related to the basic tasks of the Federal Commission.

**CHAPTER XIII - REGULATION OF RELATIONS BETWEEN THE GOVERNMENT
OF THE FEDERATION, OTHER BODIES AND INSTITUTIONS OF
STATE ADMINISTRATION AND THE TOBACCO INDUSTRY**

Article 31
**(Relations between the Government of the Federation, other bodies and
institutions of state administration and the tobacco industry)**

- (1) Relations between the Government of the Federation and other bodies and institutions of state administration and the tobacco industry are limited only to those relations necessary for the effective regulation of the tobacco industry and its products.
- (2) When establishing relations with the tobacco industry, the Government of the Federation is obliged to ensure full transparency and inform the public about the nature and reasons for these relations.

- (3) Factories for the production of tobacco and tobacco products, as well as import companies owned by the Government of the Federation must operate under the conditions and restrictions as prescribed by this law.
- (4) The Government of the Federation, bodies and institutions of state administration, as well as public institutions and political parties are not allowed to:
 - a) receive a voluntary contribution of any kind from a representative of the tobacco industry, unless it comes from a legal obligation;
 - b) participate in supporting, adapting or accepting agreements, memorandums of understanding, engagements with representatives of the tobacco industry that would be contrary to legally applicable tobacco control measures;
 - c) involve or be involved, directly or indirectly, in initiatives, campaigns or programs financed by the tobacco industry, including programs related to tobacco control or the promotion of public health;
 - d) provide support or privilege to a person or company engaged in any phase of the import or sale of tobacco products and other smoking products.
- (5) A holder of public office and candidate for public office may not, and it is considered to be in a conflict of interest, if he/she:
 - a) receive contributions, gifts or privileges from representatives of the tobacco industry or
 - b) otherwise is involved in the work of such societies.

CHAPTER XIV - MONITORING OF IMPLEMENTATION OF THE LAW

Article 32

(Bodies for monitoring of implementation of the law)

- (1) Monitoring of the application of this Law is performed by the Federal Administration for Inspection Affairs through the competent federal inspectors and cantonal bodies for inspection affairs, through the competent cantonal inspectors, as follows:
 - a) cantonal sanitary inspectors through the application of Article 5, Paragraph (1) of this Law and Article 6, Paragraphs (4) to (6) of this Law;
 - b) the federal and cantonal labor inspectors through the application of Article 5, Paragraph (1) of this Law with the subjects of supervision, as this delimitation of competencies is determined by labor regulations, and refers to workplaces;
 - c) federal and cantonal health inspectors through the application of Article 7, Paragraphs (4) and (5) of this Law;
 - d) federal and cantonal market inspectors through the application of Article 8 of this Law, Article 9, Paragraphs (1) and (5) to (8) of this Law and through the application of Article 13 to 25 of this Law;
 - e) cantonal education inspectors through the application of Article 26 of this Law.
- (2) The competent department of the Ministry of the Interior shall supervise the application of Article 5, Paragraph (2) of this Law.
- (3) Authorities from Article (1) and (2) of this Article shall cooperate with each other, provide information on measures taken, provide direct assistance to

each other and undertake joint measures and activities necessary for oversight of implementation of the law.

Article 33 **(Authorities of inspectors)**

(1) In performing the inspection monitoring referred to in Article 32 of this Law, each inspector, within his/her scope, is authorized as follows:

- a) Cantonal sanitary inspector:
 - to prohibit the use of tobacco, tobacco and other smoking products in enclosed public spaces, in accordance with the provisions of this Law;
 - to prohibit designation of a special smoking room, contrary to this law, and regulations adopted on the basis of this Law.
- b) Federal and cantonal labor inspector:
 - to order a ban on smoking in the workplace, in accordance with the provisions of this Law;
 - to order the installation of signs prohibiting smoking in public enclosed spaces – workplaces.
- c) Federal and cantonal health inspector:
 - to prohibit the use of tobacco, tobacco and other smoking products in health care institutions, in accordance with the provisions of this Law;
 - to prohibit the designation of a special smoking room, contrary to this Law, and regulations adopted on the basis of this Law;
 - to order the designation of a special smoking room in health care institutions, where this is permitted in accordance with the provisions of this Law and regulations adopted on the basis of this Law.
- d) Federal and cantonal market inspector:
 - to prohibit the import of tobacco, tobacco products and other smoking products, which do not meet the requirements prescribed by this Law and regulations adopted on the basis of this Law;
 - to prohibit trade and order destruction of tobacco, tobacco products and other smoking products, the composition, packaging and markings of which do not meet the requirements prescribed by this Law and regulations adopted under this Law;
 - to prohibit the advertising, promotion, sponsorship and gift giving for commercial purposes of tobacco, tobacco products and other smoking products and the showing on television of persons using tobacco products;
 - to prohibit the sale of tobacco, tobacco products and other smoking products via the Internet, in facilities and yards of health and educational institutions, facilities and yards for sports activities, recreation and culture, on street and in market stalls;
 - to prohibit the installation of vending machines for tobacco, tobacco products and other smoking products;
 - to prohibit the sale of tobacco, tobacco products and other smoking products that are not in the original and closed packaging;
 - to prohibit the sale and giving away of tobacco, tobacco products and other smoking products in a set with other products;

- to prohibit the production and trade of tobacco for oral use and order its destruction;
 - to prohibit the hiring of persons under the age of 18 for the sale of tobacco, tobacco products and other smoking products;
 - to prohibit the sale and donating of tobacco, tobacco products and other smoking products to persons under 18 years of age;
 - to order the issuance of warnings on the prohibition of the sale of tobacco and other smoking products to persons under the age of 18 at points of sale;
 - to ban the sale and order destruction of sweets, toys and other products intended for children, whose shape resembles tobacco and other smoking products;
 - to prohibit the production and trade and order the destruction of other products bearing the name or logo of the manufacturer, or the name, logo or other mark and form reminiscent of tobacco, tobacco products and other smoking products;
 - to order laboratory testing of tobacco, tobacco products and other smoking products in an accredited laboratory in accordance with ISO standards;
 - to order the manufacturer and importer to carry out a mandatory annual laboratory test to check the emission of tar, nicotine and carbon monoxide in cigarettes;
 - to order the manufacturer and importer of cigarettes to submit a list of all ingredients and their quantities by kind and type of cigarette, with toxicological information on the ingredients and notification of any change in composition;
 - to order the manufacturer and importer of tobacco products to submit reports to the Ministry regarding tobacco products, new and other smoking products in accordance with Article 18 of this Law and regulations adopted on the basis of this Law.
- e) Cantonal education inspector:
- to order educational institutions to prominently display posters and other promotional materials and visual charts with text and images indicating the ban on the use of tobacco, tobacco products and other smoking products to persons under the age of 18 and warnings about the harmful effects of these products on health.
- (2) The inspectors referred to in Paragraph (1) of this Article may prohibit or order undertaking of other measures in accordance with this Law and regulations adopted on the basis of this Law, as well as the regulation on inspections in the Federation.
- (3) The seizure and destruction of tobacco, tobacco products and other smoking products, on the basis of the powers of inspectors specified in this Article, shall be carried out in accordance with the regulations on the procedure of disposal, storage, sale or destruction of temporarily seized goods during inspection operations.

Article 34
(Application of relevant regulations)

The provisions of the regulations on inspections in the Federation and the regulations on administrative procedure shall apply accordingly to the work of the competent inspections of the Federal and Cantonal Administration for Inspection Affairs with regard to the conduct of inspection supervision.

CHAPTER XV - PENAL PROVISIONS

Article 35

(Fines for the misdemeanor referred to in Articles 5, 6 and 7 of this Law)

- (1) A fine of 2,000 KM to 5,000 KM shall be imposed on a legal entity that fails to prohibit the use of tobacco products in accordance with Article 5, Paragraph (1) of this Law.
- (2) A fine in the amount of 300 KM to 1,000 KM for a misdemeanor referred to in Paragraph (1) of this Article shall also be imposed on the responsible person in the legal entity.
- (3) A fine in the amount of 500 KM to 2,500 KM shall be imposed on the owner and user of space or place where smoking is prohibited, as well as the person in charge of the operation of the catering facility, who fails to perform actions prescribed in Article 6, Paragraphs (4) and (5), as well as Paragraph (6) of the same article of this Law.
- (4) A fine in the amount of 1,500 KM to 5,000 KM will be imposed on a legal entity that, contrary to Article 7, Paragraphs (3) and (4) of this Law, does not designate a special smoking room.
- (5) A fine in the amount of 300 KM to 1,000 KM for a misdemeanor referred to in paragraph (4) of this Article shall also be imposed on the responsible person in the legal entity.

Article 36

(Fines for the misdemeanor referred to in Articles 8 and 9, as well as Articles 13 to 21 of this Law)

- (1) A fine in the amount of 10,000 KM to 15,000 KM will be imposed on a company and other legal entity engaged in the production, import and trade of tobacco products if it does not display data or sells tobacco products contrary to Articles 8 and 9 of this Law, as well as Articles from 13 to 20 of this Law and violates the provisions of Article 21 of this Law.
- (2) A fine in the amount of 500 KM to 3,000 KM for the misdemeanor referred to in Paragraph (1) of this Article shall also be imposed on the responsible person in the legal entity.
- (3) A fine in the amount of 1,000 KM to 3,000 KM for the misdemeanor referred to in paragraph (1) of this Article shall be imposed on a natural person registered with the competent authority as self-employed.

Article 37

(Fines for a misdemeanor referred to in Article 23 of this Law)

- (1) A fine of 2,500 KM to 10,000 KM for a misdemeanor shall be imposed on a legal entity that sells tobacco products contrary to the provisions of Article 23 of this Law.
- (2) A fine in the amount of 250 KM to 1,000 KM for a misdemeanor referred to in Paragraph (1) of this Article shall also be imposed on the responsible person in the legal entity.
- (3) A fine in the amount of 500 KM to 1,500 KM for a misdemeanor referred to in Paragraph (1) of this Article shall be imposed on a natural person registered with the competent authority as self-employed.
- (4) A fine in the amount of 100 KM to 1,000 KM shall be imposed on a natural person for a misdemeanor referred to in Paragraph (1) of this Article.

Article 38

(Penalties for misdemeanors referred to in Articles 24, 25 and 26 of this Law)

- (1) A fine of 2,000 KM to 5,000 KM shall be imposed for a misdemeanor on a legal entity that acts contrary to the provisions of Articles 24 and 25, as well as Article 26, Paragraph (2) of this Law.
- (2) A fine in the amount of 250 KM to 1,000 KM for a misdemeanor referred to in Paragraph (1) of this Article shall also be imposed on the responsible person in the legal entity.
- (3) A fine in the amount of 500 KM to 1,000 KM for a misdemeanor referred to in Paragraph (1) of this Article shall be imposed on a natural person registered with the competent authority as self-employed.

Article 39

(Other penalties)

- (1) A fine of 100 KM shall be imposed on a natural person who:
 - a) uses tobacco, tobacco products and other smoking products, except chewing tobacco and snuff, in enclosed public spaces, workplaces and in public transport, contrary to Article 5 of this Law;
 - b) offers free tobacco, tobacco products and other smoking products in a public indoor place for the purpose of advertising and promotion;
 - c) uses tobacco, tobacco products and other smoking products, except chewing tobacco and snuff, in private means of transport in which there is a minor or several minors.
- (2) The fine referred to in Paragraph (1) Items a) and b) of this Article, in the form of a misdemeanor warrant, shall be imposed by the competent inspector, and the fine referred to in Paragraph (1) item c) of this Article shall be imposed by the police officer performing the supervision.

Article 40
(Misdemeanor warrant)

In the event that the competent inspector determines that tobacco and other smoking products are sold and donated contrary to the provisions of Articles 23 to 25 of this Law, shall issue a misdemeanor warrant which, in addition to a fine in accordance with this Law and the Law on Misdemeanors, shall also impose a protective measure of confiscation of objects and a protective measure prohibiting the performance of vocation, activities or duties.

CHAPTER XVI - TRANSITIONAL AND FINAL PROVISIONS

Article 41
(Start of application of regulations)

- (1) Obligations for natural persons begin on the day of application of this Law.
- (2) Institutions, companies and other legal entities are obliged to harmonize their bylaws with the provisions of this Law within six months from the beginning of the application of this Law.
- (3) The tobacco industry is obliged to harmonize its work and operations with the provisions of this Law within 18 months from the beginning of the application of this Law, i.e. from the day of entry into force of regulations adopted on the basis of this Law. Notwithstanding the time limits specified in this point, Chapter V - Packaging and labeling of tobacco products, Article 18 (Labeling of electronic cigarette and refill container packs), Article 19 (Labeling of smokeless tobacco products) and Article 20 (Labeling of herbal products for smoking) will be applied on the day of application of the same regulation in the territory of the entities of Republic of Srpska and Brčko District of Bosnia and Herzegovina, if the application of such regulation in the entity of Republic of Srpska and Brčko District of Bosnia and Herzegovina is later than deadlines prescribed by this Paragraph.
- (4) Legal entities, in whose facilities there are exemptions from the prohibitions on smoking in accordance with this Law, whether they are owned or provided to them for use, are obliged to harmonize their work with the provisions of this Law within six months from the entry into force of regulations adopted on the basis of Article 7 of this Law.
- (5) Penalties for persons under Paragraphs (1) to (4) of this Article prescribed by this Law shall be collected after 12 months from the beginning of application of this Law, i.e. from the day of entry into force of regulations adopted on the basis of this Law.

Article 42.
(Adoption of regulations under this Law)

- (1) Within 12 months from the beginning of the application of this Law, the Minister shall issue implementing regulations on the basis of this law which regulate the following:

- a) conditions for special smoking rooms in terms of exceptions to the smoking ban, referred to in Article 7 of this Law,
 - b) marking of packaging of tobacco and other smoking products, referred to in Article 15 of this Law.
- (2) Until the adoption of the regulation under this Law referred to in Item b) of Paragraph (1) of this Article, the Ordinance on the Labeling of the Packaging of Tobacco Products ("Official Gazette of the Federation of BiH", No. 57/11) shall be applied.

Article 43
(Appointment of the Federal Commission)

The Federation Government shall appoint the Federal Commission within six months from the date of application of this Law.

Article 44
(Termination of regulations)

On the day this Law enters into force, the Law on Restricted Use of Tobacco Products ("Official Gazette of the Federation of BiH", No. 6/98, 35/98, 11/99 and 50/11) shall cease to be valid.

Article 45
(Entry into force)

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Federation of BiH", and shall apply one year from the date of entry into force of this Law.

CHAIRMAN OF THE HOUSE OF
REPRESENTATIVES OF THE
PARLIAMENT OF THE FEDERATION
OF BIH

Mirsad Zaimović

CHAIRMAN OF THE HOUSE OF THE
PEOPLES OF THE PARLIAMENT OF
THE FEDERATION OF BIH

Tomislav Martinović