

LAW
ON THE BAN ON SMOKING OF TOBACCO
IN PUBLIC AREAS

I – THE MAIN PROVISIONS

Article 1

The present law stipulates the ban on smoking of tobacco and tobacco products (hereinafter referred to as smoking) in public areas, with the view to protecting non-smokers and members of risk groups, such as under-aged children, pregnant women and the elderly, from passive smoking.

Article 2

In the sense of the present Law, the term tobacco means the tobacco plant as set out in the Law on tobacco, pertaining to crude tobacco, dried tobacco, and all tobacco products originating from the aforementioned plants.

The term tobacco products, in the sense of the present Law, means: cigarettes, cigars, tobacco for smoking, tobacco for snuffing, tobacco for chewing, as well as all other products originating from tobacco.

The smoking of tobacco or tobacco products, in the sense of the present Law, means inhalation of the smoke of a tobacco product, containing flammable substances and which is intended for consumption by inhaling.

Public areas, in the sense of the present Law, are all organisations providing public services as well as areas assembling groups of people, including: definition of public places, such as:

- a) Educational institutions such as crèches, kindergartens, primary and high schools, faculties, universities and other educational organisations.
- b) Organisations providing accommodation and stays for schoolchildren and students such as halls of residence, youth hostels, as well as all other institutions hosting or accommodating under-aged children.
- c) Health organisations as defined by the Law on health care and social institutions such as hospitals, medical aid centres, centres for rehabilitation, children's homes, centres for the mentally and physically impaired, old people's homes as well as all waiting areas therein, and other organisations providing health and social services.
- d) State administration and judicial organisations such as: institutions of the Republic of Srpska, municipal and district bodies, courts and other institutions designated to provide state, administrative, and legal services.
- e) Cultural institutions, such as theatres, cinemas, sports organisations, radio and television studios as well as all other organisations hosting cultural and sporting events, contests, recreational and entertainment activities.

- f) Catering organisations such as restaurants, patisseries as well as all other organisations where food is served.
- g) Public transport, such as trains, buses, airplanes, taxis, lifts, funiculars, as well as all other means of public transport.
- h) Places of work, such as: factories, offices in legal entities as well as all other places of work.
- i) Areas of temporary presence of the public, areas for public presentation, televised programmes.
- j) All other public areas such as: banks, post offices, and shops.

II – BAN ON SMOKING IN PUBLIC AREAS

Article 3

Smoking is banned in all public areas as set out in Article 2 herein except in circumstances where smoking is explicitly allowed pursuant to the present law.

III – EXCEPTIONS TO THE BAN ON SMOKING IN PUBLIC AREAS

Article 4 Exemptions

Smoking shall be allowed in designated smoking areas, which shall be separated from non-smoking areas.

The manager/owner shall designate a separate area for smoking. Smoking in health organisations may be allowed for patients, where designated smoking areas are provided, separate from non-smoking areas, and where the given medical and psychological circumstances indicate the need of the patient to smoke. The decision to allow smoking in such circumstances can be made by the manager of the health organisation in question (the Director) based on a recommendation from the doctor in charge of the case, whereby any such decision shall be weighed against the interests and health care requirements of non-smoking patients. Pursuant to the present Law, a designated smoking area shall be indicated by a sign, clearly identifying an area intended for smoking. The sign shall depict either a cigarette or the wording “smoking area”, displayed in a manner and size ensuring, with reasonable probability, that any person entering such an area shall observe the said sign.

In addition to the signs envisaged in the previous paragraph, the indication of a designated smoking area shall also always indicate that entry to the area by any persons younger than 18 is prohibited.

IV – ENFORCEMENT

Article 5

Enforcement of the implementation of the present Law shall be carried out, within the individual scope of responsibility, as set out by the law, by: health inspectors, sanitary inspectors, education inspectors, work inspectors, health, and safety at work inspectors, community and regular police forces.

Article 6

The enforcement as set out in Article 5 shall be carried out as follows

- For the provisions of Articles 3 and 4, by health inspectors
- For the provisions of Article 4 herein, by work inspectors
- For all public areas, by communal and regular police, as part of their duties.

V – FINES

Article 7

Companies and other legal entities found in breach of Article 3 herein shall be liable to pay a fine of KM 5,000 to 15,000.

The manager of the company and legal entity found in breach as set out in the previous paragraph shall be liable to pay a fine of KM 100 to 200.

Article 8

Physical persons found in breach of Article 4 herein shall be liable to pay a fine of KM 100 to 200.

Article 9

Physical persons found in breach of Article 3 shall be liable to pay a spot fine of KM 30.

All fines envisaged by the present Article shall be collected by the inspector, community policeman or a member of the regular police force, in charge of direct enforcement pursuant to the present Law.

Article 10

All legal proceedings shall be carried out in accordance with the Law on misdemeanours.

VI – TRANSITIONAL AND CONCLUDING PROVISIONS

Article 11

All physical persons shall adapt their conduct to the present law as of the date of the present Law coming into force.

All institutions, organisations and other legal entities shall bring their general statutes in accordance with the present Law at the latest by 31st December 2004,

Article 12

The present Law shall come into force on the eighth day of its publication in the Official Journal of the Republic of Srpska