

AS/HO  
BURKINA FASO  
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Unity – Progress – Justice

**DECREE No. 2011-1052 /PRES/PM/MS/MEF  
concerning the ban on smoking in public places  
and public transportation**

[handwritten:]  
See CFN 0782  
December 27, 2011

**THE PRESIDENT OF FASO  
PRESIDENT OF THE COUNCIL OF MINISTERS**

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- IN LIGHT OF** the Constitution;
- IN LIGHT OF** Decree No. 2011-208/PRES/PM of April 18, 2011, concerning the nomination of the Prime Minister;
- IN LIGHT OF** Decree No. 2011-237/ PM of April 21, 2011, concerning the composition of the Government;
- IN LIGHT OF** Decree No. 2011-15623 of March 24, 2011 concerning the organization of the Ministry of Health
- IN LIGHT OF** Law No. 23/94/AN of May 19, 1994 concerning the Code of Public Health;
- IN LIGHT OF** Law No. 040-2010/AN of November 25, 2010, concerning the campaign against tobacco;
- IN LIGHT OF** Decree No. 2011-329/PRES/PM/SGG-CM of June 6, 2011, concerning the attributions of the members of the Government;

**In** consultation with the Minister of Health

**The** Council of Ministers having been informed at its session of October 26, 2011;

**DECREES**

**CHAPTER I. GENERAL PROVISIONS**

**Article 1:** This decree determines the closed public places and public transportation where smoking is prohibited.

**Article 2:** Enclosed public places are understood to be all places accessible to the general public and all places for common use, including work places, regardless of whether they are publicly or privately owned and conditions of access.

**Article 3:** It is forbidden to smoke in enclosed public places and on public transportation.

## **CHAPTER II. ENCLOSED PUBLIC PLACES**

**Article 4:** Enclosed public places are understood to be all places accessible to the public covered by a roof or surrounded by one or more walls, whatever the type of material used for the roof or wall may be, whether it is a permanent or temporary structure.

**Article 5:** The following places are considered to be enclosed public spaces:

- government offices;
- health establishments;
- educational institutions and/or facilities for vocational training;
- correctional establishments;
- daycare centers, kindergartens, orphanages;
- conference rooms and meeting rooms;
- establishments intended for reception, training, lodging of athletes, artists and others;
- youth shelters and counseling centers;
- Company premises;
- Areas surrounding banks and lending institutions;
- Places of entertainment, shows, restaurants, cafeterias, bars, discotheques, night clubs, cinemas, theaters and museums;
- Bus stations and train stations;
- Areas surrounding airports;
- Areas surrounding hotels and swimming pools.

The list of enclosed public places determined in sub-paragraph 1 above is not exhaustive.

**Article 6:** All work places are considered to be enclosed public places.

Work places are understood to be all places used by people in the context of paid work or charitable work.

Work places also encompass all attached places commonly used by workers in the context of their employment, including, for example, hallways, elevators, stairways, entrance halls, common areas, cafeterias, bathrooms, lounges, and dining rooms, as well as external structures such as covered areas and hangars.

Vehicles used in the course of work are considered to be work places.

#### **CHAPTER IV. PUBLIC TRANSPORTATION**

**Article 7:** Public transportation is understood to be any vehicle used for the transport of passengers, whether for remuneration or not.

**Article 8:** The following are considered public transportation:

- Vehicles
- Aircraft
- Canoes and pirogues
- Trains.

The list of public transportation determined above is not exhaustive.

#### **CHAPTER V. PENAL PROVISIONS**

**Article 9:** Anyone who smokes in an enclosed or open public place that accommodates the public or constitutes a work place shall be subject to a fine of ten thousand (10,000) to fifteen thousand (15,000) FCFA.

**Article 10:** Anyone who smokes in an uncovered space at public and private educational institutions and universities, as well as establishments intended for the shelter, intake, training, lodging or athletic activities of minors, shall be subject to a fine of five thousand (5000) to ten thousand (10,000) FCFA.

**Article 11:** Anyone who smokes on public transportation shall be subject to the same penalty as that stated in Article 9.

**Article 12:** In cases of repeat offenses, the penalties stated in this chapter shall be doubled.

**CHAPTER VI. TRANSITORY AND FINAL PROVISIONS**

**Article 13:** Proprietors and managers of enclosed public places and those of public transportation as defined in Articles 5 and 8 above, are granted a period of six (6) months counting from the date of its signing to comply with the provisions of this Decree.

**Article 14:** The Minister of Health and the Minister of Economy and Finance are charged, each within the domain of their concern, with the execution of this decree, which is to be published in the *Journal Officiel du Faso* (Official Journal of Faso).

Ougadougou, December 30, 2011

[STAMP: The President  
BURKINA FASO]  
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**Blaise COMPAORE**

The Prime Minister

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**Beyon Luc Adolphe TIAO**

The Minister of Economy  
and Finance

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**Lucien Marie Noël BEMBAMBA**

The Minister of Health

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**Adama TRAORE**