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Decree n°2007-0230/PR/MS prohibiting smoking in public places.

THE PRESIDENT OF THE REPUBLIC, HEAD OF THE GOVERNMENT

IN LIGHT OF the Constitution of September 15, 1992;
IN LIGHT OF Law n°48/AN/99/4th L of July 3, 1999 providing Guidance in Health policy;
IN LIGHT OF Decree n°2005-0067/PRE of May 21, 2005 determining the appointment of the Prime Minister;
IN LIGHT OF Decree n°2005-0069/PRE of May 22, 2005 determining the appointment of the members of the government;
IN LIGHT OF Law n°18/AN/01/4th L of January 21, 2001 concerning the attributions and organization of the Ministry of Health;
IN LIGHT OF Law n°106 /AN/05/5th L of July 31, 2005 conveying ratification of the Framework Convention for Tobacco Control of the WHO concerning the attributions and organization of the Ministry of Health;
IN LIGHT OF Law n°175/AN/07/5th L concerning Organization of the Protection of Health against Tobacco of April 22, 2007;

At the proposal of the Minister of Health;

The Council of Ministers having been informed in their session of October 18, 2007,

HEREBY DECREES

Article 1: In application of Law n°175/AN/07/5th L concerning the Organization of the Protection of Health against Tobacco, this decree institutes a ban on smoking in public places.

TITLE I - DEFINITIONS AND INTERPRETATION

Article 2: The following definitions apply in this decree.

- * "agent" is understood to refer equally to any person who receives instruction, an apprenticeship or training, or who is an intern;
- * "employer" is understood to refer equally to any person who, directly or indirectly, directs or is engaged in supervision of the activities of agents or who, directly or indirectly, is responsible for such party.
- * "enclosed public space" refers to all or part of a building or any other enclosed place to which the public has access by law or by express or implicit invitation, in particular including the following:
 - bus shelters or waiting posts for taxis located outdoors;
 - waiting areas located outside an educational or health institution; or an institution accommodating minors, pregnant women or the elderly;
 - any other place prescribed by regulations.
- * "establishment where people live in a group" refers to an establishment indicated in the

following paragraphs:

- an establishment or an institution accommodating minors, pregnant women or the elderly;
- an establishment providing out-patient care and the waiting area located outdoors within a distance of up to 10 meters;
- an establishment where patients are provided with medical care or related services;
- any other place prescribed by regulations.

* "to smoke," to smoke, hold or handle a lit tobacco product or have possession of one.

* "tobacco product" refers to a product manufactured from tobacco and intended to be smoked, such as water pipe tobacco.

* "manager" refers to a person who fits one of the following descriptions:

- someone who governs, directs or exercises control over the activities that take place in a place or area, and refers equally to the owner of the place or area and the person who is actually responsible for the premises;
- the registered owner of a vehicle or its driver.

* "indoor workplace"

- an enclosed place, other than a vehicle, where agents perform their work in the context of their employment, apprenticeship or training;
- also refers to an adjacent corridor, vestibule, stairway, elevator, or the recreation area for agents, employees, pupils, students and interns – to bathrooms or other enclosed areas that are frequented by agents in the course of their employment, apprenticeship or training.

* "Public and group transportation" refers to a motor vehicle that is used or placed at the disposal of the public as a means of shared transportation, or which serves to transport members of the public on the basis of payment;

- vehicles of employees or school buses.

Article 3 : It is forbidden to smoke in any place intended for or likely to accommodate the public for the performance of a service or provision thereof.

TITLE II – GENERAL PROVISIONS

Chapter I

Prohibition of smoking in places assigned for public or group use

Article 4 : The prohibition of smoking in places assigned for public or group use mentioned in Article 3 applies in the non-exhaustive conditions set forth below:

- * in any enclosed and/or covered space that accommodates the public;
- * in any enclosed and/or covered space that constitutes an indoor workplace in public, semi-public or private office buildings;
- * in courtrooms and rooms for conferences and meetings;
- * in any enclosed and/or covered space that constitutes a place where health care is provided;
- * in uncovered spaces in healthcare institutions;
- * in establishments where people live together in a group;

- * in any enclosed or covered space that constitutes a place of instruction or apprenticeship;
- * in uncovered spaces in public and private schools, academies and high schools, as well as establishments intended for the accommodation, training and apprenticeship or sheltering of minors, pregnant women and the elderly;
- * in public and group transportation vehicles;
- * on the premises of an educational or healthcare institution, whether public, semi-public or private, or areas within a distance of up to 10 meters from the boundary of such establishments;
- * the market areas where consumer goods are sold;
- * any public vehicle;
- * any vehicle used in the course of work having two or more employees on board...

The signs of facilities designated for smoking must be plainly evident, in accordance with standards established by regulatory provisions.

SPECIFIC PROVISIONS

Chapter I Public and Group Transportation

Article 5 : It is forbidden to smoke in all the following places:

- * in waiting areas of public and group transport stations including waiting rooms, embarkation rooms and platforms and bus stations;
- * in the various vehicles of public and group transportation;
- * however, in long overland journeys of more than 150 kilometers, stops may be arranged at separate open air facilities reserved for smokers. The surface area of such facilities must not exceed 10% of the total surface area of the waiting area.

Chapter II Institutions of Training, School and University Instruction

Article 6 : It is forbidden to smoke, particularly in the following places :

- * kindergartens, daycare and childcare facilities;
- * public and private institutions of primary and secondary instruction;
- * public, semi-public and private institutions of vocational instruction;
- * universities and institutions of higher education and research;
- * rooms intended for conferences and meetings as well as work places, shared offices, waiting rooms and corridors in public office buildings;
- * stairways and elevators in premises for public or group use.

Chapter III Hospitals, Pharmaceutical, Healthcare and Preventive Care Institutions

Article 7 : It is forbidden to smoke, particularly in the following places:

- * public and private health facilities for hospitalization or provision of care;
- * rooms or areas intended for waiting, diagnostics or care in public, semi-public and private medical offices and laboratories;
- * areas intended for the private practice of the medical and paramedical professions;

Unofficial Translation

- * public, semi-public and private retail pharmacies;
- * rooms intended for conferences and meetings, as well as shared offices, waiting rooms, offices and corridors in public, semi-public and private office buildings engaged in the provision of health services;
- * stairways and elevators installed in places for public or shared use.

Chapter IV Athletic, Cultural and Entertainment Facilities

Article 8 : It is forbidden to smoke in sports facilities and premises intended to accommodate the public for the purpose of providing a setting for group cultural, entertainment or athletic activities, as well as:

- * rooms intended for conferences and meetings and shared offices, waiting rooms, offices and corridors in public, semi-public and private office buildings involved in sports, culture and entertainment;
- * reading rooms in libraries open to the public;
- * entertainment venues.

FINAL PROVISIONS

Article 9 : A period of three months is granted to employers and heads of institutions to enter into compliance with this decree.
To such end they are required to organize sessions of awareness training for their agents.

Article 10 : The employer must take all precautions to ensure that the exposure of agents to tobacco smoke in places that are not addressed by this decree should be minimized.

Article 11 : The various Ministries are charged with the execution of this decree, each in such areas thereof as may be of concern to it.

Article 12 : This decree shall be registered and published in the *Journal Officiel de la Republique de Djibouti* [Official Journal of the Republic of Djibouti].

Done in Djibouti, on December 2, 2007.

President of the Republic,
head of Government
ISMAÏL OMAR GUELLEH