

In the Name of God, the Merciful, the Compassionate

Republic of IRAQ

Presidency

President's Office

Legal Department

In the name of the people

Presidency

Resolution No. 20

Building on what the Chamber of Deputies has transmitted in accordance with the provisions of item (I) of Article (61) and item (III) of Article (73) of the Constitution,

The President of the Republic has resolved to promulgate the following law on 7 March 2012:

Anti-Smoking Act No. 19 of 2012

Chapter I

Definitions, objectives and means

Article 1 - For the purposes of this Act, the following terms shall have the meanings indicated:

I	Ministry	Ministry of Health.
II	Minister	Minister of Health.
III	Smoking	Use of all types of tobacco products, such as cigarettes, hookahs and pipes.
IV	Passive or Involuntary Smoking	Breathing tobacco smoke released by others.
V	Tobacco	All kinds of tobacco plants and parts thereof, whether roots, leaves, fruits or seeds (green and dried).

Article 2 - The aim of this Act is to protect people from smoking-related health, environmental, economic and social dangers, and to reduce the number of smokers through the development of anti-smoking standards.

Article 3 - The Ministry, in coordination with relevant ministries and authorities, shall achieve the objectives of this Act by the following means, *inter alia*:

I – Inclusion of materials in school curriculums, educational and teaching programmes showing the overall severe damage that smoking has both on smokers and non-smokers.

II - Development, in the context of an annual national plan, of periodic educational and awareness-raising programmes on the dangers of smoking in educational and teaching institutions, places of worship, health and cultural institutions and various media.

III – Printing and disseminating anti-smoking posters to warn of smoking-related harmful effects, and the banning of smoking in public places.

IV - To organize programmes to educate farmers to grow crops that are useful to society rather than cultivating tobacco.

Chapter II

Ban on smoking in public places

Article 4 - Smoking shall be banned in the following public places:

I - Within the premises of presidential bodies; ministries; departments; educational, teaching and health institutions; airports, businesses; and factories in all governorates.

II - Theatres; cinemas; hotels; clubs; restaurants; meeting and event rooms; business offices; and commercial markets.

III - All collective public and private means of transportation, whether by land, sea or air, either on domestic or foreign routes.

IV - All petrol stations.

Article 5 – Areas reserved for smokers shall be allocated at a distance from areas where non-smokers are present, as set forth in items (I) and (II) of Article 4 of this Act; specifications for these areas shall be established by the authorities.

Article 6 - I - a - Promotion of smoking, both directly and indirectly, shall be banned.

b – The provisions of paragraph (a) of this item shall be applicable to readable and audiovisual media; cultural and sports institutions; publishing and distribution houses; and advertising offices.

II – Smoking, and also the sale and purchase of tobacco and derivatives thereof, shall be prohibited to children and minors.

III - Banners displaying smoking health warnings shall be positioned in prominent places by stores selling cigarettes or tobacco products.

Article 7 - I - It shall be prohibited to manufacture, circulate and import the logos of tobacco products and derivatives thereof on other products, such as hats, shirts, bags, umbrellas, traffic signals and advertising banners of various kinds.

II - Paintings symbolizing smoking shall be prohibited on any part of means of transport, walls or bridges.

III - Manufacturers and importers shall remove the advertising hoardings described in item (I) of this article no later than six months from the date this law enters into force.

Article 8 – The import or manufacture of imitation tobacco products or any other publicity that promotes smoking shall be banned.

Chapter III

Ban on the import, manufacture and sale of tobacco

Article 9 - I - Based on a report of the standardization and quality-control body, the import, sale or manufacture of any type of tobacco or tobacco products with a nicotine content greater than 0.8 mg and tar content greater than 12 mg shall be banned.

II - The Ministry shall develop precise specifications for manufacturing and importing, shall give instructions for this purpose with a view to reducing smoking-related damage. It shall monitor the implementation of these instructions in coordination with the concerned authorities.

III - The Ministry of Trade shall issue licenses to import tobacco and tobacco products to reduce imports that are contrary to the minimum conditions specified in the import specifications set forth in this Article.

IV - Manufacturers and importers shall manage their affairs and their products according to the specifications provided in item (II) of this Article no later than six months following the date on which this law enters into force.

Article 10 - I - Manufacturers shall display pictorial health warnings in both the Arabic and Kurdish languages on the packaging of different types of tobacco products manufactured locally, and shall specify the quantities of their contents.

II - It shall be prohibited to import any type of tobacco products that do not display health warnings or indicate nicotine and tar levels as set forth in item (I) of Article 9 of this Act.

Article 11 – The tobacco industry shall not be exempted from taxes and fees, and shall not benefit from the privileges set forth in the 2006 Investment Act (No. 13) or any other enactment.

Chapter IV

Sanctions

Article 12 - I - Any person who makes, imports or sells tobacco or tobacco products contrary to the specifications prescribed in this Act shall be liable to a fine of no less than 25 million Iraqi dinars (ID) and no more than ID 50 million, with the confiscation and destruction of those tobacco products not in conformity with the specifications in question.

II - In the case of repeated violations, the licence to import, manufacture or sell tobacco products shall be revoked by the issuing body, and the fine provided for in item I of this article shall be imposed.

Article 13 - Any quantity of tobacco or tobacco products entering illegally into the territory of the Republic of Iraq shall be confiscated, and the smuggler shall be fined a sum of no less than ID 50 million and no more than ID 100 million, without prejudice to any severer penalty provided for under applicable laws.

Article 14 - Information and cultural media, publishing houses, newspapers, magazines, printing houses and publicity agencies that promote smoking shall incur the following sanctions:

I - Closure of premises for no more than 30 days, and a fine of no less than ID 5 million and no more than ID 10 million.

II - In the event of repetition of the violation specified in this Article, the premises shall be closed for 60 days and a fine of no less than ID 10 million and no more than ID 20 million shall be imposed.

Article 15 - Copies of newspapers, magazines, books and foreign publications that are in violation of the provisions of this law shall be confiscated, and subsequent issues thereof shall be denied entry to the country for no more than 30 days.

Article 16 - Violators of the provisions of Item III of Article 6 of this law shall incur a fine of no less than ID 250 000 and no more than ID 1 million, and their premises shall be subject to 30-day closure in the event of repeated violations.

Article 17 - Smoking in public places contrary to Article 4 of this Act shall incur a fine of ID 10 000.

Article 18 - The owners of premises where smoking is prohibited under Article 4 of this law shall be fined a sum of ID 250 000 if they refuse to set aside an area especially for smokers in accordance with the provisions of Article 5 of this law.

Chapter V

General and Final Provisions

Article 19 - I - The Ministry of Finance shall credit all revenue deriving from the provisions of this law to health services in Baghdad and all governorates, and the portion accruing to each health service shall be calculated according to the revenue collected.

II - Local governments shall regulate the collection process in accordance with instructions from the Ministry of Finance.

Article 20 - The Minister shall give instructions to facilitate implementation of the provisions of this Act.

Article 21 - This law shall be published in the Official Gazette and shall be implemented within 90 days of the date of publication.

Jalal Talabani
President of the Republic

Reasons

This law is being promulgated to protect citizens from smoking-related health, social, environmental and economic hazards, and from exposure to tobacco smoke, and to avoid the harmful effects thereof. It is also being promulgated to build a healthy smoking-free society by developing effective anti-smoking controls in accordance with the standards on the control of tobacco use adopted by the majority of States.