

Act No. 360-VI

"On people's health and the health care system"

Article 1. Basic provisions

1. The following basic concepts are used in this Code:

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247) tobacco – a plant of the genus *Nicotiana* of the family of solanoceae species *Nicotiana Tabacum* and *Nicotiana Rustica*, used to produce tobacco products;

248) tobacco products - products that are completely or partly manufactured from the tobacco leaf and/or other parts of the tobacco plant as raw material prepared for use in the form of smoking, sucking, chewing, snorting or other methods of consumption, including with the aid of a system for heating tobacco or some other device;

249) tobacco product consumption – the process of consuming a tobacco product, hookah blend or tobacco for a hookah pipe, including the use of a hookah pipe and tobacco-heating systems and any other systems of consumption causing the human body to acquire a dependency to nicotine, negatively impacting a person's health, as well as the health of persons not using tobacco products, and contaminating the environment;

250) ingredient — a substance (except for the tobacco leaf or other parts of the tobacco plant) used in the manufacture of tobacco products and which is present in the finished tobacco product, including in an altered form;

251) tobacco product package – a unit of a group consumer package containing a specific quantity of packages of tobacco product;

252) tobacco product pack – a unit of a consumer package made from cardboard or a box or other material, containing a specific quantity of tobacco product;

253) consumer package of tobacco product - a package intended for sale or the initial packaging of tobacco products sold to an end consumer;

254) tobacco sponsorship - any type of contribution to any event, undertaking or separate entity with the goal, result, or probable result of stimulating the sale of a tobacco product or tobacco consumption directly or indirectly, with the exception of payments and fees provided for by the law of the Republic of Kazakhstan;

255) system for heating tobacco – a device used for heating tobacco to produce an aerosol containing nicotine;

256) tobacco product - a tobacco product, packaged in a consumer package;

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261) electronic systems of consumption - electronic systems of nicotine delivery and electronic systems for the delivery of non-nicotine products - devices (including electronic cigarettes) that use electronic technology (a battery) to heat a fluid (in cartridges, reservoirs and other containers) containing or not containing nicotine, or to heat other chemical substances and aromatics to produce an aerosol inhaled by the user;

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289) smokeless tobacco (nicotine-containing) products - products containing nicotine, completely or partly manufactured from tobacco leaf and/or other parts of the tobacco plant as raw material and their synthetic analogs, used for sucking, chewing, snorting.

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Article 110. The prevention and restriction of tobacco product consumption, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, as well as alcohol

1. The prevention and restriction of tobacco product consumption, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco and the liquids for them, electronic systems of consumption and the liquids for them, as well as alcohol, is aimed at protecting public health from the consequences of their use and at preventing the occurrence of dependency, including dependency caused by new forms of nicotine-delivery systems and tobacco consumption, systems for heating tobacco, electronic systems of consumption, hookah pipes, the imposition of an age requirement for persons having the right to acquire tobacco products and energy drinks, the formation of a public attitude toward the consumption of tobacco products and alcohol as one of the factors that pose a high risk to life and health, and the exercise of coordinated actions for preventing the spread of alcohol and tobacco consumption in accordance with international obligations.

2. The sale of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them is prohibited:

- 1) to persons under twenty-one years of age;
- 2) by persons under eighteen years of age;
- 3) from an open tobacco product packs, or the single-unit sale of tobacco products;
- 4) without the direct participation of a salesperson by means of automatic vending machines, or other electronic or mechanical devices,
- 5) within buildings or on the premises of healthcare or educational organizations, physical exercise/health improvement, sports and athletic facilities and stadiums;
- 6) without the appropriate documents verifying product quality;
- 7) without there being an excise stamp applied to the tobacco product package;
- 8) if the tobacco product package contains fewer than twenty cigarettes;
- 9) without there being information on the tobacco product pack and tobacco product packaging regarding at least three harmful compounds – systemic toxins, carcinogenic and mutagenic substances – located on the tobacco product pack and tobacco product packaging;
- 10) without there being a warning applied to the tobacco product pack, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco regarding harm from the consumption of tobacco products and nicotine;
- 11) without there being a written warning applied to the tobacco product pack and to retail consumer packaging, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, regarding the prohibition of sales to persons under twenty-one years of age and by persons under eighteen years of age;
- 12) on which information is contained that directly or indirectly misleads the consumer, including such words as "low tar content," "mild," "very mild," "smooth," "extra," "ultra" or other word combinations, including those in foreign languages, any terms, descriptions, signs, symbols, or other markings creating a false impression that specific products and/or methods of

consumption are less harmful than other products and/or methods of consumption, or which elicit an association with food products (food additives), including fruits, berries, and confections;

13) as a component of selections containing other products;

14) from self-service counters;

15) on the premises of commercial entities selling children's merchandise;

16) with a marketing display and open demonstration of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them. Information on a tobacco product, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, in the implementation of retail trade, shall be provided to customers by means of the placement of a list of products being sold, the text of which shall be executed in letters of identical size, in black against a white background, no greater than 40 x 30 centimeters in size, at one sales area, and which is compiled in alphabetical order, along with a price list of the marketed tobacco products without the use of any graphic images or drawings. A tobacco product demonstration for a customer at a retail site, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, may be performed at his request after he has reviewed the list of tobacco products, electronic systems of consumption and the liquids for them for sale;

17) on the grounds and within the premises (except for duty-free sale) of railway stations, bus terminals, airports, seaports, river ports, and metro subway stations designated for providing services related to the transportation of passengers, in buildings intended for the provision of residential and hospitality services, temporary placement and/or ensuring temporary residential services and domestic services.

3. In areas where tobacco products are sold, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, a sign must be located in a visible place containing the following wording: "The sale of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them to persons under twenty-one years of age is prohibited," and a warning about the harm of smoking, approved by the authority having jurisdiction.

4. Persons selling tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, have a duty to:

1) demand that an ID document be presented;

2) refuse to sell tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, if no ID is presented verifying identity.

5. The consumption of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, electronic systems of consumption and the liquids for them, is prohibited:

1) in the buildings and on the premises of institutions of education, and also at facilities for the recreation of minors;

2) on the premises of healthcare institutions;

3) at public dining venues;

4) at cultural sites, museums, libraries and lecture halls, theaters, circuses, concert, observation and exhibition halls, sports and athletic training facilities, at sports arenas and other facilities intended for public recreation;

5) at nightclubs, discotheques;

6) on local and long-distance trains, on vessels of aerial, sea, and river transport, and in the passenger compartments of municipal, suburban and inter-city vehicular public transportation, in the subway system, in public transport carrying out regular and non-routine vehicular conveyance of passengers and baggage, taxicabs;

7) in the buildings of airports, railway, motor vehicle and water transport stations, and enclosed public transport stops;

8) at government agencies and organizations;

9) on premises that are work sites and work zones;

10) in the entryways of residential buildings.

11) in the buildings and on the grounds of motor vehicle fueling stations;

12) on children's playgrounds;

13) in pedestrian underpasses;

14) in a motor vehicle while minors are present.

6. The standards incorporated in sub-items 3) and 7) of item 5 of this article shall not be applied in cases in which specially equipped areas have been set aside for the consumption of tobacco products, including products with heated tobacco, systems for heating tobacco, electronic systems of consumption and the liquids for them.

7. Areas specially designated for the consumption of tobacco products, including products with heated tobacco, systems for heating tobacco, electronic systems of consumption and the liquids for them, must be equipped in accordance with the specifications set forth by the government authority overseeing public health and epidemiological well-being.

8. The importation, manufacture, sale and distribution of smoking tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, and nicotine-containing liquids for electronic systems of the consumption are prohibited if such products exceed the maximum permitted levels of nicotine content and of tar substances as defined by the government agency overseeing public health and epidemiological well-being. This also applies to tobacco products for which no health and epidemiological specifications have been established.

9. The importation, manufacture, sale and distribution of non-smoking tobacco products is prohibited.

10. The manufacture, sales and distribution of merchandise imitating tobacco products is prohibited.

11. In places, including entryways, where the use of tobacco products is prohibited, including products with heated tobacco, systems for heating tobacco, electronic systems of consumption and the liquids for them, must have signs in place regarding the prohibition of their use and a statement specifying the amount of the fine.

12. The pack of a smoking tobacco product and the packaging of a smoking tobacco product must contain a warning concerning the harm of consuming tobacco products that is in accordance with the requirements approved by the Technical Specifications regulating tobacco products of the Eurasian Economic Union.

The consumer retail packaging of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend must contain a warning concerning the harm of consuming tobacco products and nicotine, which must comply with the following requirements:

1) occupy at least sixty-five percent of each side of a tobacco product pack or tobacco product packaging that is larger in area, including products with heated tobacco, tobacco for a hookah pipe, or a hookah blend;

2) not be printed on a transparent film covering or any other external covering material;

3) be implemented in the form of color illustrations (images, graphics) or photo images including text.

The drafts of warnings about the harm of the consumption of tobacco products and nicotine are approved by the authority having jurisdiction.

The manufacturer and importer must ensure the transfer of the drafts of the warnings to tobacco product consumer packaging, in accordance with the drafts, within a period not exceeding twelve months from the date of their approval.

Warning signs shall be applied to an equal number of tobacco consumer product packages, including products with heated tobacco, tobacco for a hookah pipe, or a hookah blend.

13. The manufacturer, the importer of tobacco products, including products with heated tobacco, electronic systems of consumption and the liquids for them, must annually provide, before February 1 of the following year, within the reporting period, reports of the results of laboratory studies on the maximum permissible nicotine content in all the brands of tobacco and tobacco products, including products with heated tobacco, electronic systems of consumption and the liquids for them as approved by the authority having jurisdiction.

14. Research on nicotine content and other harmful compounds, carcinogenic and mutagenic substances in tobacco products, including those found in products with heated tobacco, tobacco for a hookah pipe, a hookah blend, electronic systems of consumption and the liquids for them, shall be conducted by the manufacturer, the importer of tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, electronic systems of consumption and the liquids for them, at their own expense, in laboratories accredited in accordance with the laws of the Republic of Kazakhstan.

15. Retail sale is prohibited:

1) for alcohol products to persons under twenty-one years of age;

2) for alcohol products, other than sales in restaurants, bars, and cafes:

from 11:00 pm to 8:00 am of the following day;

with an ethyl alcohol content by volume greater than thirty percent from 11:00 pm to 12:00 pm of the following day;

3) in other instances outlined by the laws of the Republic of Kazakhstan.

16. The sponsorship of tobacco, tobacco products and product advertising imitating alcoholic beverages are prohibited.

The provision of charitable assistance is allowed, in the manner prescribed by the law of the Republic of Kazakhstan, by the physical and legal entities implementing the importation, manufacture, sale and distribution of tobacco.

17. The consumption of alcoholic beverages, tobacco and tobacco products, including products with heated tobacco, tobacco for a hookah pipe, a hookah blend, systems for heating tobacco, and also electronic systems of consumption and the liquids for them by minors is prohibited.

The parents and other legal representatives of minors bear administrative liability for the consumption by minors of alcoholic beverages in accordance with the laws of the Republic of Kazakhstan.

18. In the sale of alcoholic products, persons carrying out the trade of alcoholic products are obliged to:

1) demand that an ID document be presented;

2) refuse to sell alcoholic products if a document verifying identity has not been presented.

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