

Unofficial translation

**Code of the Republic of Kazakhstan "On people's health and the health care system"** (consolidated as at 21/4/2016)

**Article 159. Prevention and Restriction of the Consumption of Tobacco Products and Alcohol**

*Changes were made to paragraph 1 in accordance with **Law of the Republic of Kazakhstan No. 210-V dated June 18, 2014 (see old version)**; set forth in the version of **Law of the Republic of Kazakhstan No. 299-v dated April 6, 2014 (see old version)***

1. The prevention and restriction of the consumption of tobacco products and alcohol aimed at protecting the health of the population, the introduction of age limits for persons who have the right to buy tobacco and alcohol products, the formation of the public's attitude to consumption of tobacco products and alcohol as increased risk factors for life and health, carrying out coordinated measures to prevent the spread of the consumption of smoking products and alcohol.

2. The sale of tobacco products is prohibited:

1) to persons and by persons under the age of eighteen years;

2) from open packs of tobacco products or unit sales;

3) without the direct participation of the seller, through vending machines and other electronic or mechanical devices;

*Subparagraph 4 is set forth in the version of **Law of the Republic of Kazakhstan No. 229-V dated July 3, 2014 (see old version)***

4) in buildings and on territories of health care, education, physical education and sports facilities;

5) without the relevant documents confirming the quality of production;

6) not marked with excise stamps or accounting control stamps;

7) if a pack of tobacco products contains less than twenty cigarettes;

*See **effective date in subparagraph 8***

*In subparagraph 8 changes were made in accordance **Law of the Republic of Kazakhstan No. 452-IV dated July 5, 2011 (in effect three months after its first official publication) (see old version)**; set forth in the version of **Law of the Republic of Kazakhstan No. 239-V dated September 29, 2014 K (see old version)***

8) without placing information on the pack of tobacco products, tobacco product packaging about the composition, levels of tar, nicotine and at least three harmful compounds – systemic poisons, carcinogenic and mutagenic substances. The **Procedure** for placement of information on the pack of tobacco products, tobacco product packaging on the composition, levels of tar, nicotine and systemic poisons, carcinogenic and mutagenic substances is approved by the authorized agency;

*Subparagraph 9 is set forth in the version of **Law of the Republic of Kazakhstan No. 299-V dated April 6, 2015 (see old version)***

9) without placing warnings on a pack of tobacco products about the danger of consuming tobacco products;

*See **effective date of subparagraph 10***

10) without placing labels on the pack of tobacco products, on tobacco product packaging prohibiting the sale to persons under eighteen years of age;

*See effective date of subparagraph 11*

*Subparagraph 11 is set forth in the version of **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

11) on the pack of tobacco products, tobacco product packaging which contain the words “low tar,” “light,” “ultra light” or “mild,” or other phrases, including in foreign languages, creating a false impression of the tobacco product being less harmful compared to others and evoking associations with fruits, berries and other confectionery products;

12) from self-service shelves;

13) in sets with other products;

14) in premises of trade organizations engaged in selling goods for children.

*Changes are made to paragraph 3 in accordance with **Law of the Republic of Kazakhstan No. 452-IV** dated July 5, 2011 (in effect three months after its first official publication) (see old version); set forth in version of **Law of the Republic of Kazakhstan No. 239-V** dated September 29, 2014 (see old version); in accordance with **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

3. In places where tobacco products are sold, there should be a sign in a prominent place which reads: “The sale of tobacco products to persons and by persons under the age of eighteen years is prohibited,” and a **warning about the danger of consuming tobacco products**, approved by the authorized agency.

4. With the sale of tobacco products to citizens whose age, judging by their appearance, is less than eight years, the persons selling the tobacco products must:

1) require that proof of identity be presented in order to determine the actual age of the buyer;

2) refuse to sell tobacco products if proof of identity was not presented.

*Changes are made to paragraph 5 in accordance with **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

5. Consumption of tobacco products is prohibited in:

1) educational organizations, as well as recreational organizations for minors;

2) healthcare organizations;

3) public dining facilities;

4) cinemas, theaters, circuses, concerts, viewing and exhibition halls, sports arenas and other indoor facilities intended for public entertainment, including nightclubs, discos;

5) museums, libraries and lecture halls;

*Subparagraph 6 is set forth in the version of **Law of the Republic of Kazakhstan No. 132-V** dated July 4, 2013 (see old version)*

6) in unidentified places on trains and sea and river transport;

*Subparagraph 6-1 is added to the paragraph in accordance with **Law of the Republic of Kazakhstan No. 132-V** dated July 4, 2013*

6-1) on board aircraft, in the passenger compartments of buses, minibuses transporting passengers, trolleys, taxis and urban rail transport;

7) airport buildings, rail, road and water transport stations;

8) state agencies and organizations;

9) premises that are **workplaces**;

10) doorways of houses.

*See also: **Resolution No. 6** dated March 14, 2013 of the Chief State Sanitary Doctor of the Ministry of Health of the Republic of Kazakhstan “On Introduction of a Ban on Smoking Hookah in Public Places”*

*Changes are made to paragraph 6 in accordance with **Law No. 299-V** dated April 6, 2015 (see old version)*

6. The standards stipulated in **subparagraphs 3), 6), 7) of paragraph 5** of this article are not applicable where there are specially-equipped places for consuming tobacco products.

*Changes are made to paragraph 7 in accordance with **Law of the Republic of Kazakhstan No. 452-IV** dated July 5, 2011 (in effect three months after its first official publication) (see old version); set forth in the version of **Law of the Republic of Kazakhstan No. 239-V** dated September 29, 2014 (see old version); changes are made in accordance with **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

7. Spaces allocated specifically for the consumption of tobacco products should be equipped in accordance with the **requirements** established by the government agency in the sphere of the sanitary-epidemiological welfare of the population.

*Changes are made to paragraph 8 in accordance with **Law of the Republic of Kazakhstan No. 452-IV** dated July 5, 2011 (in effect three months after its first official publication) (see old version); set forth in the version of **Law of the Republic of Kazakhstan No. 239-V** dated September 29, 2014 (see old version)*

8. The manufacturer, importer of tobacco products must submit annually before February 1 of the next year, in the **procedure** established by the authorized agency, reports on the results of laboratory studies on the maximum permissible content of nicotine and tar in all brands of tobacco and tobacco products, ingredients of tobacco products which they produced or intent to produce, sold or otherwise distributed during the past twelve months on the territory of the Republic of Kazakhstan.

9. The examination of the content of nicotine, tar and other harmful compounds – systemic poisons, carcinogenic and mutagenic substances in tobacco products is performed by the manufacturer, importer of tobacco products at their expense in laboratories accredited in accordance with the **legislation** of the Republic of Kazakhstan.

*Paragraph 10 is set forth in the version of **Law of the Republic of Kazakhstan No. 239-V** dated September 29, 2014 (see old version); **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

10. The import, manufacture, sale and distribution of tobacco products that exceed the **maximum permissible** levels of nicotine and tar, as determined by the state agency in the sphere of the sanitary-epidemiological welfare of the population, as well as tobacco products for which no sanitary-epidemiological requirements are established, is prohibited.

11. The manufacture, sale and distribution of goods imitating tobacco products is prohibited.

*Paragraph 12 is set forth in the version of **Law of the Republic of Kazakhstan No. 299-V** dated April 6, 2015 (see old version)*

12. In places where the consumption of tobacco products is prohibited signs must be posted prohibiting the consumption of tobacco products.

*See **effective date of paragraph 13***

*Changes are made to paragraph 13 in accordance with **Law of the Republic of Kazakhstan No. 452-IV dated July 5, 2011 (in effect three months after its first official publication) (see old version)**; **Law of the Republic of Kazakhstan No. 452-IV dated July 5, 2011 (in effect eighteen months from the entry into effect of this Law) (see old version)**; set forth in the version of **Law of the Republic of Kazakhstan No. 239-V dated September 29, 2014 (see old version)**; changes are made in accordance with **Law of the Republic of Kazakhstan No. 299-V dated April 6, 2015 (see old version)***

13. A pack of tobacco products, tobacco product packaging should contain a **warning** about the danger of consuming tobacco products, approved by the authorized agency, and meeting the following requirements:

1) occupy not less than forty percent of each major area of the pack of tobacco products, tobacco product packaging;

2) should not be printed on the transparent wrapping film or any other external wrapping materials;

3) should be made in the form of a picture (icon, graphics) and labels.

*Paragraph 14 is set forth in the version of **Law of the Republic of Kazakhstan No. 210-V dated June 18, 2014 (see old version)***

14. The retail sale of the following is prohibited:

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

2) alcohol products, with the exception of their sale in restaurants, bars and cafes: from 11 pm until 8 am the following day;

with a portion of ethyl alcohol of more than thirty percent from 9 pm until 12 pm the following day;

3) in other cases stipulated by the **legislation** of the Republic of Kazakhstan.

*The article is supplemented by paragraph 15 in accordance with **Law of the Republic of Kazakhstan No. 299-V dated April 6, 2015***

*See changes to paragraph 15 - **Law of the Republic of Kazakhstan No. 299-V dated April 6, 2015 (in effect twenty four months after its first official publication)***

15. Individuals and legal entities carrying out the import, manufacture, sale and distribution of tobacco are allowed to provide charitable assistance in accordance with the procedure established by the legislation of the Republic of Kazakhstan.