

Decision No. 6 of 2016**Executive Regulation regarding Rules and Regulations for Smoking in Closed and Partially Closed Public Places****(Article 56 of Environmental Protection Law No. 42 of 2014 and its Amendments)**

The general manager and chairman of the board of the Environment Public Authority, after reviewing

- Law No. 42 of 2014 regarding protection of the environment, and its amendments in Law No. 99 of 2015;
- Decision No. 916 of 2015 issued on 9/22/2015 regarding reformation of the Executive Regulation Preparation Committee for Environmental Protection Law No. 42 of 2014 and its amendments;
- Decision No. 288 of 2016 issued on 4/3/2016 regarding reformation of the Executive Regulation Review Committee for Law No. 42 of 2014 and its amendments;
- And after the approval of the Management Council in its decision issued at its meeting number 2/2016 held on 4/17/2016 to issue this regulation, and on the basis of the requirements of the public welfare;

has decided

Article 1

The attached executive regulation regarding the rules and regulations for smoking in closed and partially closed places is issued.

Article 2

This decision and the attached regulation will be published in the official gazette (Kuwait Today), and it will go into effect on the date of its publication.

Article 3

All relevant and concerned parties, agencies, and departments – each one within the scope of its jurisdiction – shall operate in accordance therewith and implement its requirements.

Chairman of the Board and General Manager

Abdallah Ahmad Al-Hammoud Al-Sabah

Issued on: 14 Shawwal 1437 AH

CE date: July 19, 2016

Executive Regulation on Rules and Regulations for Smoking in Closed and Partially Closed Public Places

(Article 56 of Environmental Protection Law No. 42 of 2014 and its Amendments)

Text of Article 56

“Smoking is absolutely prohibited on public transportation. Smoking is also prohibited in closed and partially closed public places, except in places designated for it in accordance with the rules and regulations specified by the executive regulation for this law. It is also absolutely prohibited to advertise cigarettes or types of tobacco or its derivatives and its accessories in the State of Kuwait. All agencies must take all measures to ensure the prohibition of smoking in these places so as to ensure the prevention of harm to others.”

The executive provisions of the text of Article 56 of the law (Rules, Conditions, and Regulations Governing Smoking in Closed and Partially Closed Public Places)

Article 1**Definitions**

In the application of the provisions of these regulations, the following terms and expressions have the meaning shown next to each term:

Smoking: Smoking includes: tobacco cigarettes, e-cigarettes, hookahs and e-hookahs, and any other devices or equipment used for the same purpose.

Tobacco: the tobacco plant in all its types, families, and parts, including roots, stems, leaves, fruit, or seeds, green or dried.

Tobacco products: products consisting entirely or partially of tobacco leaves as a raw product, whether whole, or cut, or minced, and whether in its natural form or mixed with other substances, or formed into any shape, tobacco powder in any form, or any other compounded material of which tobacco is a component.

Advertising, publicity, and promotion: Introducing tobacco cigarettes, e-cigarettes, hookahs, or e-hookahs, or the tobacco plant or its products through the use of any means of written, audio, or visual media – traditional or new – directly or indirectly, or by any other means whose purpose is to encourage trade and to increase the numbers of its users.

Public place: a place intended to receive the public or a certain group of people for any purpose.

Closed public place: a place that has the form of an integral construction in which air does not enter other than through openings made for that purpose. Means of public transportation are considered closed public places.

Partially closed public place: a place that has the form of non-integral construction and which has direct contact with outside air since it cannot be closed entirely.

Public transportation: buses, cars, trains, airplanes, ships, boats, and any other means designated for public transport.

Article 2

Publicizing, advertising, or promoting cigarettes, tobacco and their products is prohibited.

First: It is forbidden for any natural person or legal entity to undertake any of the following actions:

1. Advertise, publicize, or promote cigarettes, tobacco, tobacco products, or commodities associated with tobacco or cigarettes.
2. Distribute cigarettes, tobacco, tobacco products, or commodities associated with tobacco or with cigarettes as prizes or gifts in contests, parties, festivals, sports matches, activities, exhibitions, symposia, conferences, forums, panel discussions, meetings, camps, military camps, or other activities.
3. Use cigarettes, tobacco, or tobacco products as a means for advertising, publicizing, or promoting any product or other goods or service.
4. Print or publish advertisements or use any other promotional means to encourage the use of cigarettes or tobacco, such as distributing gifts, prizes, or coupons, or offering discounts or facilitations, certificates of thanks or appreciation, or the like.

Second: It is forbidden for any natural person or legal entity engaged in any activities related to cigarettes, tobacco, or tobacco products to take advantage of any activities, events, actions, groups, or people to promote its activity related to cigarettes or tobacco.

Third: It is forbidden for all public and private organizations and institutions – including cultural, athletic, educational, academic, and social – and the media, publishing, distribution, and printing houses, advertising and public relations agencies, etc., to publicize, advertise, or promote the use of cigarettes, tobacco, or tobacco products, or goods connected with tobacco or with cigarettes, for the purpose of encouraging the smoking of cigarettes or tobacco.

Fourth: It is forbidden to advertise, publicize, or promote cigarettes, tobacco, or tobacco products by using any means whose goal is to encourage smoking, including:

1. Billboards.
2. Personal belongings, clothing, and the like.
3. Electronic media and the like, including the internet and video games.
4. Communication media and the like, including telephone calls and text messages.
5. Newspapers, magazines, books, flyers, brochures, blogs, publications, CDs, and the advertising and media guide.
6. Products of the cinema, television, radio, theater, cartoons, media and educational programs, and various communications media.
7. Various means of public and private transportation.
8. Any commodity associated with cigarettes, tobacco, or tobacco products.

Fifth: Tobacco companies are forbidden to make donations or provide assistance for causes related to social or human responsibility for the purpose of promoting tobacco. Specifically, the following must be complied with:

1. Tobacco or tobacco products must not be shown at point of sale locations in major stores and cooperatives, and they must be kept as far away as possible from the point of sale in the store, and they must be in a separate place, without advertising.
2. There must not be discounts, sales, or special or promotional offers, or liquidation of tobacco or its products.
3. There must be no display or sale of cigarettes, tobacco, or tobacco products at festivals and exhibitions without authorization to do so from the competent authority.
4. There must be no sale of cigarettes, tobacco, or tobacco products within the campuses or buildings of houses of worship, public agencies, educational and academic institutions, or sports, health, or cultural facilities.

Article 3**Public Places where Smoking is Prohibited**

First: Smoking or using cigarettes or tobacco in any form is prohibited in the following public places:

1. Public and private educational institutions, such as schools, universities, academies, scientific and teacher training institutes and their annexes.
2. Houses of worship and their annexes.
3. Health and pharmaceutical facilities and their annexes.
4. Sports facilities, unless commercially licensed, without prejudice to the requirements and standards that are included in the articles of this regulation.
5. Public transportation and private group transportation, their designated waiting areas, collection points, and annexes.
6. Vehicles for transporting foods, medicines, or health products and the like.
7. Vehicles for transporting petroleum products and their derivatives, chemical products and their derivatives, and any other flammable products.
8. Shopping centers, except for authorized smoking areas, which meet the conditions contained in this regulation.
9. Restaurants, except for authorized smoking areas, which meet the conditions contained in this regulation.
10. Entertainment and recreation areas, theaters, movie theaters, and the like, except for authorized areas.
11. Industrial facilities and fuel or gas stations and their annexes.

Second: The following must be adhered to in all closed or partially closed public places:

1. A “No Smoking” sign in Arabic and English must be placed in visible locations at the entrances to public areas.
2. All ashtrays must be removed from public places where smoking is banned.
3. If ashtrays are placed outside of public buildings, locating them at least four (4) meters away from the entrances must be considered.
4. A license must be obtained from the Authority for places where smoking is allowed in accordance with the rules, regulations and standards contained in this regulation.

5. There must be security personnel whose job it is to warn habitués of public places not to smoke in those places.

Article 4

Rules for designated smoking areas in closed public places
With the exception of houses of worship, educational institutions, and health and sports facilities, the Environment Public Authority can designate a smoking area in closed public places in accordance with the following rules and conditions:

First: Obtain a permit from the Environment Public Authority: Within six (6) months of the publication of this regulation, apply to the Agency for a license, which is subject to the terms, conditions, and standards stated in this regulation, and which must be renewed annually.

Second: The area designated for smoking must fulfill the following conditions:

1. It must be completely separated from the areas adjacent to it and it must be tall enough for the installation of ventilation units.
2. The area must not exceed fifty percent (50%) of the total area of the closed public place. This condition does not apply to restaurants, hookah cafes, and similar places.
3. The doors to the area that separates the smoking area from the non-smoking area must be equipped with doors that close automatically (door closer).
4. Visible signs must be posted at the entrances that designate the smoking area and the non-smoking area. Warning signs must also be posted that state – in both Arabic and English – “Smoking is harmful to your health and the health of children, the fetus, and nursing babies.”
5. The number of people present in the area at one time must not exceed the permissible number, with an average of one (1) square meter per person for smoking booths. This condition does not apply to restaurants and cafés, in accordance with the provisions of this regulation.

6. There must be safety provisions that include the use of fire-retardant materials and firefighting equipment must be present.
7. The smoking area must have air conditioning and ventilation systems that are completely separate from the other parts of the building, and there must not be any link or connection between them.

Third: The designated smoking area must comply with the technical specifications for a smoking booth shown in the table below, and it must fulfill the following requirements for ventilation and air conditioning:

1. The inside air pressure must be less than the adjacent areas by approximately 3 pascals, that is, the equivalent of 0.02-0.03 inches of water.
2. The inside average air flow to the area must be at least 2.5 liters per second per person, designed for the maximum occupancy.
3. Contaminated air (exhaust) must be expelled directly by mechanical means. It can be recirculated in the ventilation and air conditioning system after it passes through a filtration system.
4. The ventilation system must be able to replace the air at the rate of at least ten (10) times the volume of air in the room per hour. The ventilation system must remain active the entire time of the facility’s operation.
5. The ventilation and air conditioning system must be completely separated from the system designated for smokers.
6. The technology used for the ventilation system and the smoking booth system must have authorized international guarantors consisting of entities that specialize in health, safety, and the environment.
7. The technology used for the ventilation system and the smoking booth system must undergo specialized safety tests, and they are subject to periodic inspection and review, and they must provide proof of this from authorized authorities.

Table of technical specifications for smoking booths

Components	Technical Specifications
Air conditioning unit (ventilation system)	High capacity ventilation unit based on air cleaning of at least 700 cubic meters / hour which can maintain temperature and air pressure within the booth as it is, so that the rate of air intake is equal to the rate of expulsion of air from the booth (taking into consideration that the design of the gas withdrawal and absorption system is in the ceiling)
Filtration system: Absorption of odors and smoke emissions	The filtration system must contain the following filters: <ul style="list-style-type: none"> • Pre-filter • ElectroMax filter • Gas Oxidation filter
Thickness of the glass used	It must be at least 6 mm of safety glass
Air withdrawal engine	High capacity with a maximum air intake rate of 1200 m ³ / hour (it must be operable at a intake capacity of 100 m ³ / hour according to the user)
Insulation and fire resistant materials	Surfaces manufactured of non-flammable materials
Energy consumption	<ul style="list-style-type: none"> • It must be an energy saving system, and it must have a certificate from the Ministry of Electricity and Water attesting to that.
Noise	<ul style="list-style-type: none"> • 35 decibels when the ventilation system is operating at the rate of 100 cubic meters / hour. • 41.5 decibels when the ventilation system is operating at the rate of 400 cubic meters / hour. • 48.5 decibels when the ventilation system is operating at the rate of 600 cubic meters / hour.
Ash and cigarette containers (ashtrays)	Capacity of at least 6,000 cigarette butts. (must be cleaned with appropriate regularity)

Fourth: Signs must be placed warning that entry to designated smoking areas is forbidden to people under eighteen (18) years of age, with the individual, parent, or guarding responsible bearing responsibility for failure to comply.

Fifth: Within six (6) months of the publication of this regulation, application must be made to the Environment Public Authority to obtain a special operator license only (investor or leaseholder) for areas designated for smokers after compliance with the special terms and

rules and the standards specified in this regulation. Annual fees for the special operator license in the amount of ten (10) dinars will be due for each square meter, with a non-refundable first-time license issuance fee of twenty (20) dinars per square meter.

Article 5

Rules and Regulations for Places that Provide Hookahs

First: The planning conditions for closed inside rooms for restaurants, restaurant-café, or café and the like:

1. A license will be granted to restaurants, restaurant-café, café, and the like to provide hookahs in commercially classified areas or commercial investment areas with commercial facades, or investment real estate (only those fully utilized).
2. Provide hookahs in licensed restaurants, restaurant-café, or café or the like will be permitted in shopping centers on the condition that they are in outside areas only or internal shops licensed to do so, and in accordance with the conditions specified in this regulation.
3. Provision of hookahs is permitted in licensed restaurants, restaurant-café, or café and the like in hotels, on the condition that they are in outside areas only and within their property limits, and within authorized uses in accordance with the planning and building conditions, and in accordance with the conditions specified in this regulation.
4. Changing the inside area of a shop is prohibited without the Authority's approval.

Second: The conditions for licensing of restaurants, restaurant-café, and popular café and the like to provide hookah service:

1. The site must fulfill the aforementioned planning conditions.
2. Authorization to provide hookahs must be obtained from the Authority, and the requirements for ventilation and air conditioning systems, authorized hours of operation, payment of license issuance and annual renewal fees must be fulfilled in accordance with the provisions of this regulation.

Third: The public health and safety conditions for restaurants, restaurant-café, and popular café and the like that are licensed to provide a hookah:

1. The doors separating the smoking area and the non-smoking area must be equipped with an automatic closing mechanism (door closer), the doors must remain closed at all times, except when entering, exiting, or serving.
2. An area of at least five (5) square meters must be available for cleaning, sterilizing, and preparing the hookah and its accessories, and it must be separated from the areas where tea and coffee is prepared or any other authorized activity is taking place, and the following must be fulfilled:
 - A. A preparation table for the hookah made out of non-rusting material (stainless steel).
 - B. A special washer for the hookah.
 - C. A coal platform in the shop connected to a mechanical ventilation system to expel polluted air (exhaust) directly outside.
3. The smoking room must be separated from the hookah preparation areas.
4. The number of smokers in the shop at one time must not exceed the number permitted, and with one (1) square meter per person.

5. The area designated for smokers must fulfill the requirements and specifications for ventilation and air conditioning specified in this regulation.

6. The shop and its outside areas and its workers must be kept clean.
7. Used tobacco leftovers must not be used.
8. Only single-use (disposable) mouthpieces can be used.
9. A warning sign (sticker) must be posted at the shop entrance prohibiting entry into the shop of people who are under eighteen (18) years of age, as specified in this regulation.
10. Service to deliver a hookah to offices or vehicles must not be provided.
11. All workers in café, restaurant-café, or popular café must obtain a valid professional health card from the competent authorities.
12. The conditions of public safety must be maintained at the place and ashtrays must be available in clear locations.
13. A first aid kit must be available.
14. Used coal must be stored safely by putting it in non-flammable containers (metal or ceramic), away from any flammable materials, and marking the container to indicate that it contains hot and dangerous coal.
15. The floor must not be covered with flammable materials or materials that are difficult to clean.
16. If the shop holds more than fifty (50) seats, an emergency exit must be available in the shop, and signs must be posted indicating it, in accordance with the Fire Service Directorate.
17. Hookahs cannot be provided in booths unless a license to do so is obtained from the Authority, and part of those booths must be visible.
18. The worker who prepares or provides the hookah must not engage in any other activity in the shop where he works.
19. A special uniform must be designated for workers who prepare or provide the hookahs.

Article 6

Rules and Conditions for the Licensing of Restaurants and Cafés to Allow its Customers to Smoke other than Hookahs

Shops licensed as a restaurant, restaurant-café, café, or cafeteria that at the same time allow their customers to smoke tobacco (not smoking a hookah), have the following requirements:

1. The area of the inside dining area must be at least one hundred (100) square meters.
2. The designated smoking area must fulfill the requirements specified in this regulation (separation conditions).
3. Smoking is permitted in eating areas that are open to the outside or partially closed, and which do not have a roof or top covering or which have an opening in the walls that is greater than half the total area of the walls. This does not include areas with open doors, windows, or any accessories or portals that can be opened or closed, in accordance with the following conditions:
 - A. No more than fifty percent (50%) of the total number of seats may be designated for smokers, unless the entire area is designated for smokers and is separated from the non-smoking area.
 - B. Signs must be placed indicating smoking areas as well as non-smoking areas.