

LAW OF THE KYRGYZ REPUBLIC

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On the Protection of the Health of the Citizens of the Kyrgyz Republic from the Effects of Tobacco and Nicotine Consumption and from Exposure to Ambient Tobacco Smoke and Aerosol

Adopted by the Supreme Council of the Kyrgyz Republic on July 29, 2021

Chapter 1. General Provisions

Article 1. Subject Matter, Purpose and Main Regulatory Objectives of this Law

1. This Law, in accordance with the World Health Organization Framework Convention on Tobacco Control (hereinafter referred to as the WHO FCTC), regulates public interactions in the sphere of protecting the health of the citizens of the Kyrgyz Republic from exposure to tobacco and nicotine, confirms the rights of citizens to air free from substances emitted by tobacco products, and also ensures the implementation of measures to prevent and reduce diseases arising from the effects of tobacco and nicotine consumption and exposure to ambient tobacco smoke and aerosol.

2. The main purpose of this Law is to prevent and reduce the consumption of all types of tobacco products, followed by a reduction in morbidity and mortality from diseases associated with tobacco and nicotine consumption.

3. The main objectives of this Law are:

1) implementation of the provisions of the WHO FCTC in the legislation of the Kyrgyz Republic in the sphere of protecting the health of citizens from the effects of tobacco and nicotine consumption and exposure to ambient tobacco smoke and aerosol;

2) creating conditions for steady reduction of tobacco and nicotine consumption in the Kyrgyz Republic;

3) implementation of measures to protect the health of citizens from the effects of tobacco and nicotine;

4) ensuring the protection of health and rights of citizens to clean air, free from ambient tobacco smoke and aerosol;

5) implementation of coordinated measures at the intersectoral level to prevent and reduce the tobacco and nicotine epidemic among the population;

6) anti-smoking promotion, raising the level of education and awareness of the population about the dangers of tobacco and nicotine products consumption, and the harmful effects of ambient tobacco smoke and aerosol;

7) ensuring the availability and effectiveness of medical information services aimed at cessation of the consumption of tobacco and nicotine-containing products.

Article 2. Basic Concepts Used in this Law

1. For the purposes of this Law, the following basic concepts are used:

1) tobacco and nicotine control - a wide range of supply, demand and harm prevention strategies aimed at improving public health by eliminating or reducing their consumption of tobacco and nicotine-containing products, as well as their exposure to tobacco smoke and aerosol;

2) waterpipe - a smoking accessory, specifically a device (such as hookah, shisha, nargile and other similar goods) for smoking tobacco or non-tobacco smoking mixtures in which filtration and cooling of smoke, aerosol by water take place (it usually consists of three basic parts hermetically sealed together: a stem, a base, and a mouthpiece);

3) secondary tobacco smoke and aerosol (or ambient tobacco smoke and aerosol) - tobacco smoke and aerosol contained in the atmospheric air in the areas where tobacco smoking and the use of electronic nicotine

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delivery systems are or were carried out, arising from the used smoking tobacco and (or) nicotine-containing products and (or) exhaled by a person smoking or using electronic nicotine delivery systems;

4) heated tobacco products - tobacco products intended for inhalation of the aerosol formed as a result of heating tobacco electronically or otherwise without using the tobacco burning process;

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

6) smoking - the use of tobacco and nicotine (tobacco and nicotine-containing products) for the purpose of inhaling products arising from their decay or heating;

7) smoking accessories - items intended for the process of smoking tobacco and nicotine-containing products (including smoking pipes, water pipes (hookahs), heat-not-burn tobacco products, electronic nicotine delivery systems (including electronic cigarettes), cigarette paper, lighters, and ashtrays);

8) smoking tobacco products - tobacco products intended for smoking;

9) treatment of tobacco (nicotine) addiction - providing medical care to tobacco and nicotine users, including providing behavioral support and medicines to stop the consumption of tobacco and nicotine-containing products;

10) medical information regulations - a set of medical information rules applied for implementation of the measures of the WHO FCTC and this Law;

11) naswar - a non-smoking tobacco product intended for sucking and made from tobacco with the addition of an alkaline component (including lime) and other ingredients;

12) illegal trade - any type of practice or behavior prohibited by law that is related to production, shipment, receipt, possession, distribution, sale or acquisition, including any type of practice or behavior intended to facilitate such activities;

13) non-smoking tobacco products - tobacco products intended for sucking, chewing, or sniffing;

14) non-tobacco smoking mixture - a mixture that does not contain tobacco leaf and other parts of tobacco, and which is intended for consumption in various ways, including using water pipes;

15) nicotine — an alkaloid contained in plants of the genus *Nicotiana*, the family of nightshade species *Nicotiana Tabacum* and *Nicotiana Rustica*;

16) nicotine-containing liquid - liquid containing nicotine and intended for use in electronic nicotine delivery systems, including electronic cigarettes (in cartridges, reservoirs and other containers), used when heated for formation of aerosol intended for inhalation;

17) nicotine-containing non-smoking products - products containing nicotine or nicotine salts, vegetable raw materials and (or) food additives that are not tobacco products and are intended for sucking, chewing, sniffing, with the exception of medicines, as well as food products of natural origin containing nicotine in its natural form;

18) public places - places accessible to an unlimited number of persons or intended for collective use, regardless of the basis of the ownership and the right to use them, as well as the time of access to them;

19) public transport - common transport (automobile, railway, air, inland water, and urban electric transport) used to provide passenger transportation services;

20) premises - any space having a roof and (or) bounded by one or more walls or partitions, regardless of the type of materials used for the roof, wall or partitions, and regardless of whether the structure is permanent or temporary;

21) effects of tobacco and nicotine consumption - harm inflicted to people's life or health, and their living environment as a result of tobacco or nicotine consumption and exposure to ambient tobacco smoke and aerosol, as well as related medical, demographic, or socio-economic consequences;

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22) tobacco consumption - smoking, sniffing, sucking, and chewing tobacco products, as well as other ways of using tobacco products for their intended purpose;

23) tobacco and (or) nicotine consumer - a person consuming any tobacco and (or) nicotine-containing product;

24) warning about the dangers of tobacco products consumption - information about the devastating effects of tobacco products and tobacco smoke consumption for human health, applied to the consumer packaging of tobacco products in the form of color drawings or photographic images, including text;

25) warning about the dangers of smoking tobacco and (or) non-tobacco mixture using water pipes (hookah, shisha, nargile and others) is information about the devastating effects of smoking tobacco or non-tobacco smoking mixture for human health, applied to the packaging of water pipes in the form of color drawings or photographic images, including text;

26) warning about the dangers of using electronic nicotine delivery systems, including electronic cigarettes - information about the devastating effects of using electronic nicotine delivery systems, including electronic cigarettes, for human health, applied to the consumer packaging in the form of color drawings or photographic images, including text;

27) warning about the dangers of smoking products with heated tobacco - information about the devastating effects of tobacco smoking on human health, applied both to the consumer packaging of products with heated tobacco and to the consumer packaging of heat-not-burn tobacco products in the form of color drawings or photographic images, including text;

28) cessation of tobacco and nicotine consumption - the process of stopping the consumption of any tobacco and nicotine-containing product with or without someone's help;

29) workplace - a place of permanent or temporary stay of employees in the course of their work, including places used by an employee during working hours;

30) solution for electronic systems of nicotine delivery - a fluid with a nicotine content and/or gel with a nicotine content as well as a liquid or gel without nicotine content, designated for use in electronic systems of nicotine delivery, including in electronic cigarettes;

31) the advertisement and the stimulation of sales of tobacco and nicotine products, and smoking accessories - any type of transmission of commercial information, recommendations, or activities with the intent, the result, or the probable result of stimulating the sale of a tobacco product or the use of tobacco and nicotine directly or indirectly;

32) guidelines for the implementation of the articles of the WHO FCTC - documents approved by the decision of the Conference of the Parties to the WHO FCTC, developed to assist the states in the implementation of individual articles of the WHO FCTC;

33) a system for heating tobacco - an electronic apparatus (smoking accessory) designated for the use of heated tobacco products and producing an aerosol or steam to be inhaled by the user, including any item or part manufactured for use with the device regardless of whether it is sold separately;

34) promoting the cessation of tobacco and nicotine consumption are measures and approaches covering the entire population that contribute to the cessation of tobacco and nicotine consumption, including the treatment of tobacco (nicotine) addiction;

35) social corporate responsibility is a concept according to which organizations take into account the interests of society by assuming responsibility for the impact of their activities on customers, suppliers, employees, shareholders, local communities and other interested parties of the society, going beyond the scope of the statutory obligation to comply with legislation, and which assumes that organizations voluntarily take additional measures to improve the quality of life of the employees and their families, as well as the local community and society as a whole;

36) tobacco and nicotine sponsorship - any type of input into any event, endeavor, or separate entity, the intent, the result, or the probable result of which is to stimulate the sale of tobacco and nicotine containing products or the use of a tobacco and nicotine, directly or indirectly;

37) tobacco — a plant of the genus *Nicotiana* family of nightshade species *Nicotiana Tabacum* and *Nicotiana Rustica*, cultivated to obtain raw material;

38) tobacco products - products completely or partly manufactured from tobacco leaf and/or other parts of the tobacco plant as raw material, made in such a manner as to be used for sucking, chewing, sniffing;

39) tobacco (nicotine) addiction - a set of behavioral, cognitive and physiological phenomena that form after repeated consumption of tobacco and (or) nicotine and usually include a strong desire to consume tobacco and (or) nicotine, cause difficulty in controlling their consumption, and lead to constant consumption of tobacco and (or) nicotine;

40) tobacco organizations - legal entities, regardless of their organizational and legal form, engaged in production and movement of tobacco and nicotine-containing products. For the purposes of this Law, individual entrepreneurs engaged in the production and movement of tobacco and nicotine-containing products are deemed to be tobacco organizations;

41) electronic nicotine delivery systems (ENDS) - devices simulating tobacco smoking by heating the solution for electronic nicotine delivery systems and generating an aerosol or vapor inhaled by the user, including electronic cigarettes (may look similar to conventional tobacco products such as cigarettes, cigars, pipes or hookahs, and may also look like everyday household items, such as pens, USB flash drives and larger cylindrical, rectangular products or other types and shapes);

42) electronic cigarettes - tobacco-free products that, using electronic technologies, heat nicotine-containing liquid (in cartridges, reservoirs and other containers for use in electronic cigarettes) and form an aerosol intended for inhalation.

2. Other concepts are used in this Law in the meanings defined by the WHO FCTC and the guidelines for the implementation of its articles, the Technical Regulations of the Customs Union "Technical Regulations on Tobacco Products" (TR CU 035/2014), and other technical regulations of the Customs Union/ Eurasian Economic Union.

Article 3. Legislation of the Kyrgyz Republic on the protection of the health of the citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol

The legislation of the Kyrgyz Republic in the sphere of protecting the health of the citizens from the effects of tobacco and nicotine, and from exposure to ambient tobacco smoke and aerosol is based on the Constitution of the Kyrgyz Republic and consists of this Law and other regulatory legal acts of the Kyrgyz Republic.

Article 4. The Relation of this Law to the Standards of the International Law

1. The Kyrgyz Republic may conclude bilateral or multilateral international agreements in order to more effectively implement the WHO FCTC and its protocols.

2. In order to ensure the protection of the health of the citizens, the Kyrgyz Republic may take and implement measures in addition to those contained in the WHO FCTC and its protocols, including the implementation of such measures in accordance with international treaties adopted within the framework of regional integration associations to which the Kyrgyz Republic is a party, such as the Treaty on the Eurasian Economic Union.

Article 5. Regulation of the Circulation of Electronic Nicotine Delivery Systems and Liquid for Them

In order to protect the health of the citizens of the Kyrgyz Republic from substances released by electronic nicotine delivery systems and to reduce the number of people with chronic tobacco (nicotine) addiction, the provisions of this Law apply to electronic nicotine delivery systems and solutions for them in accordance with this Law.

Chapter 2. National Policy in the Sphere of Protecting the Health of the Citizens from the Effects of Tobacco and Nicotine Consumption, and from Exposure to Ambient Tobacco Smoke and Aerosol

Article 6. Main Principles of Protection of the Health of the Citizens from the Effects of Tobacco and Nicotine Consumption, and from Exposure to Ambient Tobacco Smoke and Aerosol

The main principles of protection of the health of the citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol:

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- 1) observance of the rights of the citizens of the Kyrgyz Republic in the sphere of protecting the citizens from the effects of tobacco and nicotine consumption and from exposure to ambient tobacco smoke and aerosol;
- 2) political commitment to the development and establishment of state policies and strategies in the sphere of protecting the health of citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol, the primacy of protecting the health of the citizens of the Kyrgyz Republic over the interests of tobacco organizations;
- 3) implementation of the tax policy that promotes a system to protect the health of citizens from the effects of tobacco nicotine consumption and from exposure to ambient tobacco smoke and aerosol;
- 4) active participation of citizens and local communities in addressing issues of protecting citizens' health and the environment from exposure to tobacco smoke and aerosol;
- 5) availability of information on the devastating effects of tobacco and nicotine consumption on human health;
- 6) compensation for damage caused to life or health of citizens as a result of tobacco and nicotine consumption, or exposure to ambient tobacco smoke and aerosol, including to persons having occupational diseases as a result of working in the tobacco industry;
- 7) protection of the process of development, adoption and implementation of the public health policy on tobacco and nicotine control from the impact of commercial and corporate interests of tobacco organizations;
- 8) openness and transparency of interaction of state bodies and local self-government bodies with a tobacco organization and its affiliated organizations;
- 9) taking effective measures to protect the rights of citizens to live without tobacco, nicotine, tobacco smoke and aerosol, to prevent morbidity, disability, premature mortality of the population, which are associated with tobacco and nicotine consumption and exposure to ambient tobacco smoke and aerosol, as well as to reduce the consumption of tobacco and nicotine-containing products by the population;
- 10) ensuring international cooperation of the Kyrgyz Republic in the sphere of protecting the citizens from the effects of tobacco and nicotine consumption and from exposure to ambient tobacco smoke and aerosol;
- 11) responsibility of state bodies and local self-government bodies, individual entrepreneurs and legal entities for ensuring the rights of citizens in the sphere of protecting the health of citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol;
- 12) interaction of state bodies, local self-government bodies, public organizations, individual entrepreneurs, citizens and legal entities not related to tobacco organizations, on the protection of the health of citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol;
- 13) informing the population about the narcotic and harmful nature of tobacco and nicotine-containing products and the harmful effects of ambient tobacco smoke and aerosol;
- 14) systematic approach, continuity and consistency in the implementation of measures provided for in this Law;
- 15) prevention of tobacco (nicotine) addiction among the population and reduction of all types of tobacco and nicotine-containing products in the market of the Kyrgyz Republic.

Article 7. State Guarantees in the Sphere of Health Protection of Citizens from the Consequences of Consumption of Tobacco, Nicotine and from Exposure to Environmental Tobacco Smoke and Aerosol

The state guarantees:

- 1) protection of the rights of citizens of the Kyrgyz Republic in the sphere of health protection of citizens from the consequences of the consumption of tobacco and nicotine, and from exposure to ambient tobacco smoke and aerosol;
- 2) development, adoption, and implementation of state programs, including medical and information regulations, and other socio-economic measures aimed at reducing the supply of tobacco and nicotine and the demand for tobacco and nicotine-containing products;
- 3) protection of the public health policy on tobacco and nicotine control from the impact of commercial and corporate interests of tobacco organizations;

4) creating conditions for raising awareness among citizens of the Kyrgyz Republic about the consequences of tobacco use, nicotine and the effects of environmental tobacco smoke and aerosol on human health;

5) treatment of tobacco (nicotine) addiction of the consumers wishing to quit using tobacco and (or) nicotine;

6) implementation of the policy prohibiting the production, import and sale of non-smoking tobacco products and nicotine-containing non-smoking products in the territory of the Kyrgyz Republic;

7) organization and implementation of state control in the sphere of health protection of citizens from the consequences of consumption of tobacco, nicotine and from exposure to environmental tobacco smoke and aerosol.

Article 8. Measures to Protect the State Public Health Policy on Tobacco and Nicotine Control

In order to protect the development and implementation of the public health policy on tobacco and nicotine control and on elimination of the effects of ambient tobacco smoke and aerosol from the influence of tobacco organizations:

1) state bodies are prohibited from establishing any partnership relations with tobacco organizations and providing preferential treatment for tobacco organizations, including in the form of subsidizing them in any way whatsoever;

2) tobacco organizations and their affiliated persons are prohibited from publicly disclosing information on activities within the framework of corporate social responsibility or on related expenses, except in cases when the tax legislation of the Kyrgyz Republic establishes the obligation to disclose such expenses;

3) representatives of tobacco organizations and their affiliated persons are prohibited from participating in any committees or advisory groups under state bodies that develop or implement policies on issues that are the subject of regulation of this Law;

4) it is prohibited, when informing the public about the dangers of tobacco consumption, to report on the use by tobacco organizations of individuals and related organizations that openly or covertly act on behalf of tobacco organizations or in their interests

5) the Cabinet of Ministers of the Kyrgyz Republic is prohibited from developing and approving regulations establishing rules of conduct for state and municipal employees and requirements for their behavior when interacting with tobacco organizations and persons promoting the interests of tobacco organizations;

6) tobacco organizations and their affiliated persons are prohibited from making contributions to political activities.

Article 9. Organization of Preventive and Consultative Assistance to Persons with Tobacco (Nicotine) Addiction, Informing on the Dangers of Tobacco and Nicotine Consumption and the Effect on Health of Ambient Tobacco Smoke and Aerosol

1. In order to prevent and reduce the spread of tobacco (nicotine) addiction, prevent diseases associated with tobacco consumption, nicotine and the effects of ambient tobacco smoke and aerosol on the health of citizens, the Cabinet of Ministers of the Kyrgyz Republic provides:

1) conducting effective medical information, information and educational programs among various segments of the population using all available methods and means of communication and mass media, including information:

a) on the benefits of healthy lifestyle without tobacco and nicotine, as well as tobacco smoke and aerosol;

b) on the negative socio-economic, medical and demographic consequences of tobacco and nicotine consumption;

c) on the goals, strategies and tactics of tobacco organizations;

d) on the scale of tobacco and nicotine consumption in the territory of the Kyrgyz Republic and implemented and (or) planned measures to reduce their consumption using low-cost and cost-effective methods;

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e) on the services offering assistance for quitting the consumption of tobacco, nicotine, tobacco and nicotine-containing products;

2) qualified medical consultation and assistance, and behavioral support, as well as treatment of tobacco (nicotine) addiction at the national, local and individual levels by:

a) organization of an assistance hotline at the national level;

b) organization of consultations and (or) treatment of tobacco (nicotine) addiction;

c) organization of systematic and long-term measures for the prevention of tobacco (nicotine) addiction and to prevent and reduce the consequences of tobacco (nicotine) addiction and diseases resulting from tobacco and nicotine consumption.

2. The medical and information regulations for the implementation of this article are developed and approved by the Cabinet of Ministers of the Kyrgyz Republic.

3. The financing of the measures provided for in this article shall be carried out in accordance with article 22 of this Law.

Article 10. Scientific Research, Epidemiological Surveillance, Monitoring and Evaluation of Implemented Measures

1. In order to study the extent and consequences of tobacco and nicotine consumption and of exposure to ambient tobacco smoke and aerosol, as well as to monitor and evaluate the effectiveness of measures aimed at preventing exposure to ambient tobacco smoke and aerosol and reducing tobacco and nicotine consumption, the Cabinet of Ministers of the Kyrgyz Republic provides:

1) conducting scientific research aimed at studying the causes and consequences of the consumption of tobacco and nicotine-containing products;

2) conducting studies of tobacco and nicotine consumption among various population groups, including representative epidemiological studies (epidemiological surveillance);

3) conducting research of various aspects of tobacco and nicotine consumption control in cooperation with competent international and intergovernmental organizations.

2. Based on the results of scientific research, epidemiological surveillance and monitoring, the authorized state body in the sphere of healthcare of the Kyrgyz Republic:

1) analyzes and evaluates the effectiveness of measures aimed at reducing tobacco and nicotine consumption and preventing exposure to ambient tobacco smoke and aerosol on the health of citizens;

2) develops measures controlling the consumption of tobacco and nicotine to be included in the state programs for the protection and promotion of the health of citizens and the development of the health sector;

3) submits a report to the Cabinet of Ministers of the Kyrgyz Republic to set the course of further measures to protect the health of the citizens of the Kyrgyz Republic from the effects of tobacco and nicotine within the framework of this Law;

4) informs state bodies, local self-government bodies and the population about the extent of tobacco and nicotine consumption in the territory of the Kyrgyz Republic and the measures implemented and (or) planned to reduce their consumption;

5) prepares and submits a report on the implementation of the WHO FCTC by the Kyrgyz Republic within its competence.

Article 11. Participation of Non-profit Organizations in Consultative, Informational and Research Work on Reducing Tobacco and Nicotine Consumption

In order to address the issues of informing, educating the population and providing qualified assistance to persons willing to get rid of tobacco (nicotine) addiction, as well as to conduct research, the state authorized body in the sphere of health care attracts relevant professional non-profit organizations in the sphere of health promotion, health protection, education and information.

Chapter 3. Measures Related to Reducing the Demand for Tobacco and Nicotine

Article 12. Pricing and Tax Measures to Reduce the Demand for Tobacco and Nicotine

The Cabinet of Ministers of the Kyrgyz Republic, in order to reduce the consumption of tobacco and nicotine-containing products and to promote public health, ensures the implementation of tax and pricing policies for all types of tobacco and nicotine-containing products, including products with heated tobacco, ENDS (including electronic cigarettes) and solutions for them, in accordance with the tax legislation of the Kyrgyz Republic and (or) its decisions.

Article 13. The Right of Citizens to Air Free from Ambient Tobacco Smoke and Aerosol Emitted by Tobacco Products, Including Products with Heated Tobacco and the ENDS substances

1. To prevent the exposure to ambient tobacco smoke and aerosol emitted by tobacco products, including products with heated tobacco and ENDS (including electronic cigarettes) substances, including electronic cigarettes, on human health, tobacco and nicotine smoking, including using water pipes (hookah), heat-not-burn tobacco products and other smoking accessories, as well as the use of ENDS (including electronic cigarettes) is prohibited:

1) in the following places:

a) in entrances, elevators, stairwells and platforms, in toilets, regardless of departmental subordination and forms of ownership, including in communal areas of apartment buildings, and in auxiliary and utility rooms of shared apartments;

b) in buildings and premises of institutions, youth affairs agencies, culture and sports institutions, social services, and in stadiums;

c) in buildings and premises of railway and bus stations, regardless of departmental subordination and forms of ownership;

d) in buildings, structures, and premises where services are provided to the population, including residential, hotel, household, temporary accommodation and (or) temporary residence, catering facilities, and in non-stationary retail facilities;

e) in buildings and premises of state and local self-government bodies

2) at workplaces and in working areas of buildings, structures and premises;

3) in fire-hazardous places, including gas stations;

4) in catering facilities (food courts) located in premises;

5) in public transport, including taxis, on water-carriers and aircraft, and on local and long-distance trains;

6) in buildings and territories of educational organizations of all levels, organizations for children's recreation, regardless of departmental subordination and forms of ownership, in children's play areas;

7) in buildings of healthcare organizations, regardless of departmental subordination and forms of ownership;

8) in buildings and premises intended for the provision of rehabilitation and spa services;

9) in buildings, structures, and premises where trade services are provided to the population, and on the grounds of covered markets;

10) at public transport stops;

11) in open areas during cultural and sports events, meetings, actions, within the boundaries of beaches, with the exception of places specially designated for smoking.

2. Legal entities and individual entrepreneurs are obliged to exercise control over the fulfillment of the requirements of this article in the spaces, buildings, structures and premises where they carry out their activities.

3. To designate spaces, buildings and facilities where the consumption of tobacco and nicotine-containing products is prohibited, a sign on the prohibition of smoking (consumption) shall be placed; the requirement of the sign and its placement procedure are developed and approved by the authorized state body in the sphere of healthcare.

4. It is prohibited to place ashtrays and create conditions for smoking tobacco in the areas listed in part 1 of this Article.

5. Managers of airports, regardless of their departmental subordination and forms of ownership, may organize specially allocated isolated premises equipped with ventilation systems at airports and in the areas intended for passengers registered for a flight after preflight inspection, and the areas intended for connecting passengers, in compliance with fire and aviation safety requirements.

Article 14. Requirements for Smoking Tobacco Products

1. The requirements for smoking tobacco products, for the content of information (labeling) for tobacco consumers, for the rules for submitting a report on the composition of tobacco products and on released substances, as well as the procedures for evaluation of the compliance of tobacco products are established by the Technical Regulations of the Customs Union "Technical Regulations for Tobacco Products" (TR CU 035/2014).

2. Compliance monitoring for smoking tobacco products manufactured in the Kyrgyz Republic and(or) imported into the territory of the Kyrgyz Republic with the requirements of the Technical Regulations of the Customs Union "Technical Regulations for Tobacco Products" (TR CU 035/2014) is carried out by the state bodies authorized by the Cabinet of Ministers of the Kyrgyz Republic.

Article 15. Requirements for Non-smoking Tobacco Products and Nicotine-containing Non-smoking Products

1. Production, import and circulation (including storage, wholesale and retail trade, and export) of non-smoking tobacco products and nicotine-containing non-smoking products are prohibited in the territory of the Kyrgyz Republic, with the exception of naswar.

(Part 1 of Article 15 comes into force on December 28, 2021)

2. Mandatory requirements for the composition of naswar and the rules of its circulation are established by the Cabinet of Ministers of the Kyrgyz Republic.

(Part 2 of Article 15 comes into force on September 28, 2024)

3. The Cabinet of Ministers of the Kyrgyz Republic, in order to prevent and reduce the consumption of naswar, provides:

- 1) phased reduction of the area intended for the cultivation of tobacco used in the production of naswar;
- 2) transition to economically viable alternative activities involving the cultivation and sale of healthful crops instead of tobacco cultivation;

(Paragraph 2 of Part 3 of Article 15 comes into force on September 28, 2024)

- 3) medical consultative assistance to the population in accordance with [article 9](#) of this Law.

Article 16. Requirements for Warning about the Dangers of Tobacco Products Consumption and about Other Information Intended for Placement on Consumer Packaging of Tobacco Products, ENDS, Including Electronic Cigarettes, Products with Heated Tobacco, Naswar, and Water Pipes

1. Each consumer packaging of tobacco products, including products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, naswar and water pipes, must contain a warning about the dangers of their consumption and use in the state and official languages in the form of text inscription and illustrated color drawings.

2. A warning about the dangers of tobacco consumption applied to consumer packaging of smoking tobacco products is placed in accordance with the rules established by the Technical Regulations of the Customs Union "Technical Regulations on Tobacco Products" (TR CU 035/2014).

3. The list and parameters of warnings about the dangers of smoking tobacco (tobacco blend) and (or) a non-tobacco mixture using water pipes (hookah), products with heated tobacco, and the dangers of the use of ENDS (including electronic cigarettes) are developed by the authorized state body in the sphere of health care and are approved by the Cabinet of Ministers of the Kyrgyz Republic.

(Part 3 of Article 16 comes into force on March 28, 2023)

4. The warnings specified in part 3 of this Article must not be printed on transparent outer wrapping film or any other outer wrapping material or covered over by other printed information and may be partially covered over with stamps, except on the front side of the consumer package.

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(Part 4 of Article 16 comes into force on March 28, 2023)

5. The text of the warnings specified in part 3 of this article must be marked with clear, legible, easy to read, indelible letters or symbols, resistant to climatic factors.

(Part 5 of Article 16 comes into force on March 28, 2023)

6. The means and methods of applying the warnings specified in part 3 of this article to consumer packaging must ensure their safety during transportation, storage and sale of products.

(Part 6 of Article 16 comes into force on March 28, 2023)

7. Each consumer package of naswar must contain a warning about the dangers of naswar consumption in the state (on the front side) and official (on the reverse side) language that occupies at least 65 percent of the area of each of the main sides of the consumer packaging.

(Part 7 of Article 16 comes into force on March 28, 2023)

8. Information on the content of systemic poisons, and carcinogenic and mutagenic substances is applied to the side of the naswar consumer packaging in a color contrasting with the main color of the consumer packaging, in the Helvetica font in the form of an inscription: "Contains systemic poisons, and carcinogenic and mutagenic substances", occupying at least 17 percent of the surface area of the side of the naswar consumer packaging.

(Part 8 of Article 16 comes into force on March 28, 2023)

9. Each water pipe must contain a warning about the dangers of smoking tobacco and(or) a non-tobacco mixture using water pipes in the state (on the front side) and official (on the reverse side) languages, occupying at least 65 percent of the main area of the largest part of the device (shaft).

(Part 9 of Article 16 comes into force on March 28, 2023)

10. On water pipes that entered the market of the Kyrgyz Republic before the effective date of the Law, including those used for their intended purpose in public places, a warning must be applied to a sticker with one-sided waterproof lamination, which is glued to the device in such a way that it covers the main visible part of the device (shaft) on both sides.

(Part 10 of Article 16 comes into force on March 28, 2023)

11. Each consumer packaging of heated tobacco products and heat-not-burn tobacco products must contain a warning about the dangers of tobacco smoking in the state (on the front side) and official (on the reverse side) language that occupies at least 65 percent of the area of each of the main sides of consumer packaging.

(Part 11 of Article 16 comes into force on March 28, 2023)

12. Each consumer package of ENDS (including electronic cigarettes) and solutions for them must contain a warning about the dangers of using ENDS (including electronic cigarettes) in the state (on the front side) and official (on the reverse side) language, occupying at least 65 percent of the area of each of the main sides of consumer packaging.

(Part 12 of Article 16 comes into force on March 28, 2023)

13. It is not allowed to put misleading information on consumer packaging of ENDS (including electronic cigarettes) and ENDS liquids, products with heated tobacco and heat-not-burn tobacco products, including:

1) any term, description, trademark (trade sign), and(or) colors of trademarks (trade signs), symbolic or other sign that directly or indirectly create a false impression as to the product characteristics, and also that a certain product is less harmful than other similar products, including due to the way they are consumed, including information indicating the absence of resins;

2) any word or phrase that facilitates association of the product with a food product, a food additive or a medicinal product, including medicinal herbs, including those that create the idea that the product tastes like a food product or a medicinal product, including medicinal herbs (including words such as "cherry", "strawberry", "apple", "chocolate", "mint"), cognate, analogues of such words in foreign languages, as well as words translated from foreign languages into the state and (or) official languages, analogues of such words, signs, symbols and other designations;

3) quantitative indicators of the content of resin, nicotine and carbon monoxide in smoke, steam or aerosol products, as well as information containing statements that:

a) the use of this product reduces the risk of diseases related to the consumption of tobacco products or to the use of other similar products and ENDS, including due to the way they are consumed;

b) the risk of diseases related to the consumption of this product is reduced due to the absence (reduced content) of the substance released during the consumption of tobacco products and an ENDS substance.

14. The manufacturer and (or) importer (seller) of the products specified in this article must ensure that the warnings specified in part 3 of this article are applied to such products in accordance with the mock-up designs within a period not exceeding 12 months from the date of their approval.

Article 17. Prohibition of Sponsorship, Advertising and Stimulation of Sales of Tobacco and Nicotine-containing Products, Water Pipes, Products with Heated Tobacco, ENDS (including Electronic Cigarettes) and ENDS liquids

1. In order to protect the health of citizens from the effects of tobacco and nicotine, the following is prohibited:

1) tobacco and nicotine sponsorship;

2) advertising and stimulation of the sales of tobacco, tobacco products and(or) consumption of tobacco and tobacco-nicotine products, products with heated tobacco, heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories, including:

a) use of price discounts through coupons, vouchers and otherwise;

b) their free distribution among the population, including in the form of gifts;

c) organization of mass cultural and sports events, public actions and contests, intended for, resulting or probably resulting in a direct or indirect incentive to purchase or consume tobacco products, including products with heated tobacco, and ENDS (including electronic cigarettes);

d) use of tobacco products and smoking accessories, including products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and water pipes, as prizes during mass cultural events;

e) manufacturing, selling and distributing of sweets, chewing gums, toys and other food and non-food products imitating tobacco products, or using trademarks (logos) of tobacco or nicotine-containing products, as well as tobacco organizations;

3) wholesale and retail trade of tobacco products, including products with heated tobacco and heat-not-burn tobacco products, nicotine-containing products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories by displaying (exhibiting) and demonstrating them in retail facilities, while:

a) information on tobacco products, including products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories offered for retail trade, is brought by the seller to the attention of buyers by placing in the display area a list of tobacco and nicotine-containing products, with the text in lowercase letters in black on a white background, in Times New Roman font and size no more than 14 pt, compiled in alphabetical order, indicating the price and without the use of any graphic images, colors and drawings;

b) demonstration of tobacco products, including products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories is carried out only at the request of the buyer after familiarization of the buyer with their list;

c) tobacco products, including products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories at the actual place of sale shall be stored in closed cabinets;

d) it is prohibited to place anywhere, including cabinets for storing tobacco products, any information on products with heated tobacco and heat-not-burn tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, water pipes and other smoking accessories, advertising and promoting the consumption and purchase of those products, including through the use of design, images, trademarks and logos of tobacco and nicotine-containing products, and the names of manufacturers or importers of tobacco and nicotine-containing products.

(Paragraph 3 of Part 1 of Article 17 comes into force on March 28, 2022)

2. It is not allowed to demonstrate tobacco products, including products with heated tobacco and heat-not-burn tobacco products, nicotine-containing products, ENDS (including electronic cigarettes) and water pipes, the process of tobacco and nicotine consumption in newly created audiovisual works intended for children, including television and video films, theatrical and entertainment performances, radio, television, video- and newsreel programs, as well as public performance, broadcasting, cable transmission and any other

use of those works, performances, or programs in which those products and the process of their consumption are demonstrated.

(Part 2 of Article 17 comes into force on March 28, 2022)

3. It is not allowed to demonstrate tobacco products, including products with heated tobacco and heat-not-burn tobacco products, nicotine-containing products, ENDS (including electronic cigarettes) and water pipes, the process of tobacco and nicotine consumption in newly created audiovisual works intended for children, including television and video films, theatrical and entertainment performances, radio, television, video- and newsreel programs, as well as public performance, broadcasting, cable transmission and any other use of those works, performances, or programs in which those products and the process of their consumption are demonstrated, except in cases where such action is an integral part of the artistic intent.

(Part 3 of Article 17 comes into force on March 28, 2022)

4. When demonstrating previously created audiovisual works, including television and video films, and television, video and newsreel programs, in which tobacco products are demonstrated, including heated tobacco products and HNB-systems, nicotine-containing products, ENDS (including electronic cigarettes), water pipes and the process of tobacco and nicotine consumption, the broadcaster or organizer of the demonstration must ensure, immediately before or during the demonstration, broadcasting of social advertising about the dangers of tobacco and nicotine consumption.

(Part 4 of Article 17 comes into force on March 28, 2022)

5. It is allowed to demonstrate tobacco products, including heated tobacco products and HNB-systems, nicotine-containing products, ENDS (including electronic cigarettes), water pipes and the process of tobacco and nicotine consumption when informing the public about the dangers of tobacco and nicotine consumption and the harmful effects of ambient tobacco smoke and aerosol or ENDS (including electronic cigarettes) and heated tobacco products when conducting public health information campaigns, including in the media.

Article 18. Reporting of Manufacturers and Importers of Heated Tobacco Products, HNB-systems, ENDS (Including Electronic Cigarettes) and ENDS Liquids, Supplying their Goods to the Market of the Kyrgyz Republic

1. Manufacturers and importers of ENDS (including electronic cigarettes) and ENDS liquids, heated tobacco products, HNB-systems, supplying their goods to the market of the Kyrgyz Republic, are obliged annually, no later than March 31 of the year following the reporting year, to submit a report to the authorized state body in the sphere of health care, including:

- 1) information on manufactured and(or) imported into the market of the Kyrgyz Republic ENDS (including electronic cigarettes) and ENDS liquids, heated tobacco products, HNB-systems for each type and trade name;
- 2) data on the target category of citizens for the design of this product;
- 3) data on the application of hazard warnings concerning:
 - a) smoking of heated tobacco products;
 - b) smoking of tobacco and (or) tobacco-free mixture using water pipes;
 - c) consumption of ENDS (including electronic cigarettes) and ENDS liquids, in accordance with the procedure established by the Cabinet of Ministers of the Kyrgyz Republic;
- 4) information on the compliance of those products with the requirements established by this Law, the legislation of the Kyrgyz Republic on technical regulation and the technical regulations of the Eurasian Economic Union;
- 5) information on the toxicological studies conducted and the results of those studies, indicating the used methods, measurement techniques and types of measuring instruments. The fact of conducting toxicological studies and their results cannot be a trade secret.

2. State bodies authorized by the Cabinet of Ministers of the Kyrgyz Republic may, if necessary, require random inspections to evaluate the compliance of manufactured products with the requirements established by this Law. Those studies can be conducted both in the Kyrgyz Republic and in cooperation with the centers of the World Health Organization accredited by a recognized certifying body in accordance with Standard 17025 (General requirements for the competence of testing and calibration laboratories) of the International Organization for Standardization (ISO), in accordance with the methodology adopted within the framework of the guidelines for the implementation of the WHO FCTC.

3. The authorized state body in the sphere of health care annually informs consumers about the content of toxic ingredients in heated tobacco products, ENDS, including electronic cigarettes and liquids for them, the substances released by them, as well as about the content of the report of the tobacco organization on the

compliance of manufactured products with the requirements established by the Law, the legislation of the Kyrgyz Republic and the law of the Eurasian Economic Union.

(Article 18 comes into force on March 28, 2023)

Chapter 4. Measures to Reduce the Supply of Tobacco and Nicotine

Article 19. Requirements for Trade in Tobacco Products, ENDS (including electronic cigarettes) and ENDS liquids, Heated Tobacco Products, and HNB-systems

1. Selling of tobacco products, ENDS (including electronic cigarettes) and ENDS liquids, heated tobacco products, HNB-systems and other smoking accessories is prohibited in the territory of the Kyrgyz Republic:

- 1) to persons and by persons under the age of eighteen;
 - 2) in the following places:
 - a) in buildings and premises of institutions, youth affairs agencies, social services, cultural and sports institutions, and in stadiums;
 - b) in buildings and premises of state and local self-government bodies;
 - c) at workplaces and in working areas of buildings, structures and premises;
 - d) in public transport, including taxis, on water-carriers and aircraft, and on local and long-distance trains;
 - e) in buildings and territories of educational organizations of all levels, organizations for children's recreation, regardless of departmental subordination and forms of ownership, in children's play areas;
 - f) in buildings of healthcare organizations, regardless of departmental subordination and forms of ownership;
 - g) in buildings and premises intended for the provision of rehabilitation and spa services;
 - h) in open areas during cultural and sports events, meetings, and actions;
 - 3) by way of street peddling;
 - 4) using vending machines.
2. It is not allowed to:
- 1) carry out retail trade in cigarettes contained in an amount of less than or more than twenty pieces per unit of consumer packaging (pack);
 - 2) carry out retail trade in cigarettes and mouthpiece cigarettes by single item;
 - 3) carry out trade in tobacco products without consumer packaging;
 - 4) carry out trade in tobacco products, including heated tobacco products and HNB-systems, nicotine-containing products, ENDS (including electronic cigarettes) and ENDS liquids, packed in one consumer container with goods that are not tobacco and nicotine-containing products, as well as with devices for their consumption;
 - 5) carry out trade in tobacco products, including heated tobacco products and HNB-systems, ENDS (including electronic cigarettes) and ENDS solutions in the event of non-compliance with the requirements established by this Law, the legislation of the Kyrgyz Republic on technical regulation, the Technical Regulations of the Customs Union "Technical Regulations for Tobacco products" (TR CU 035/2014), and other technical regulations of the Customs Union;
 - 6) sales in all types of tobacco products, including heated tobacco products and HNB-systems, ENDS (including electronic cigarettes) and ENDS liquids, without warnings about the dangers of their consumption;

(Paragraph 6 of Part 2 of Article 19 comes into force on March 28, 2023)

7) carry out retail trade in pure nicotine, nicotine salts, as well as nicotine solution if the nicotine content in the solution exceeds 20 mg/ml.

3. Persons engaged in the selling of tobacco products, including heated tobacco products and HNB-systems, ENDS (including electronic cigarettes) and ENDS liquid, water pipes, are obliged to place posters in a prominent place next to each cash register (or the place where payments for purchased goods are made) with information on the prohibition of the trade in tobacco products, including heated tobacco products and HNB-systems, ENDS (including electronic cigarettes) and ENDS liquid, water pipes and other smoking accessories to persons under the age of eighteen. The size of each poster must be at least 1000 sq.cm.

4. Persons engaged in the trade in tobacco products, including heated tobacco products and HNB-systems, ENDS (including electronic cigarettes) and ENDS liquid, water pipes and other smoking accessories:

1) in case of doubt about the age of the buyer, are obliged to demand the presentation of identity documents;

2) in case of non-presentation of identity documents, are obliged to refuse to sell the products specified in this part.

Article 20. Elimination of Illicit Trade in Tobacco and Nicotine-containing Products

1. The elimination of illicit trade in tobacco products is carried out in accordance with the WHO FCTC and its protocols, international treaties entered into force in accordance with the procedure established by law, to which the Kyrgyz Republic is a party, this Law, the legislation on violations of the Kyrgyz Republic and the criminal legislation.

2. All tobacco products that do not meet the requirements of the Technical Regulations of the Customs Union "Technical Regulations for Tobacco Products" (TR CU 035/2014) are subject to seizure in accordance with the procedure established by the Cabinet of Ministers of the Kyrgyz Republic.

3. All heated tobacco products and HNB-systems, nicotine-containing products, ENDS (including electronic cigarettes) and ENDS liquid, water pipes and other smoking accessories that do not comply with the requirements of this Law are subject to seizure in accordance with the procedure established by the Cabinet of Ministers of the Kyrgyz Republic.

4. Funds received from illicit trade and(or) production and import of tobacco and nicotine-containing products, and devices for their consumption, must be confiscated and transferred to the republican budget in accordance with the procedure established by the Cabinet of Ministers of the Kyrgyz Republic.

Article 21. State Control in the Sphere of Protection of Citizens' Health from the Effects of Tobacco and Nicotine Consumption, and Exposure to Ambient Tobacco Smoke and Aerosol

State control in the sphere of protecting the health of citizens from the effects of tobacco and nicotine consumption, and exposure to ambient tobacco smoke and aerosol is exerted by authorized state bodies within their competence.

Chapter 5. Final Provisions

Article 22. Financing of the Measures to Protect Citizens' Health from the Effects of Tobacco and Nicotine Consumption, and from Exposure to Ambient Tobacco Smoke and Aerosol

Financing of measures to protect the health of citizens from the effects of tobacco and nicotine consumption, and from exposure to ambient tobacco smoke and aerosol is drawn from:

1) the republican and local budgets;

2) grants, contributions, donations of organizations, public groups (associations, movements), and citizens not involved with tobacco organizations.

Article 23. Compensation for Damage Caused to the Health of Citizens

1. Citizens have the right to compensation for damage caused to their health as a result of the consumption of tobacco products, including heated tobacco products, nicotine-containing products, ENDS (including electronic cigarettes) and(or) exposure to ambient tobacco smoke and aerosol, as well as caused during the production of tobacco and nicotine-containing products.

2. The amount of damage caused and the procedure for compensation for damage are established by a court decision.

Article 24. Responsibility for violation of the current Law

For violation of the legislation in the sphere of protecting the health of the citizens of the Kyrgyz Republic from the effects of tobacco and nicotine consumption, and exposure to ambient tobacco smoke and aerosol, the disciplinary and civil liability is established, provided for by the legislation on violations of the Kyrgyz Republic.

Article 25. Entry of this Law into Force

1. This Law shall enter into force on the expiry of 15 days from the date of its official publication, with the exception of the provisions of articles, parts and paragraphs for which this Article provides other effective dates:

- 1) [Part 1 of Article 15](#) comes into force 3 months after the date of official publication of this Law;
- 2) [Paragraph 3 of Part 1](#), [Parts 2-4 of Article 17](#) shall enter into force six months after the date of official publication of this Law;
- 3) [Parts 3-12 of Article 16](#), [Article 18](#), [Paragraph 6 of Part 2 of Article 19](#) shall enter into force 18 months after the date of official publication of this Law;
- 4) [Part 2](#) and [Paragraph 2 of Part 3 of Article 15](#) shall enter into force 36 months after the date of official publication of this Law.

2. To repeal:

1) The [Law](#) of the Kyrgyz Republic No. 175 "On the protection of the health of the citizens of the Kyrgyz Republic from the harmful effects of tobacco" dated August 21, 2006 (Gazette of the Supreme Council of the Kyrgyz Republic, 2006, No. 10, Article 851);

2) The Law of the Kyrgyz Republic No. 316 "On Amendments and Additions to the Law of the Kyrgyz Republic "On the Protection of the Health of the citizens of the Kyrgyz Republic from the harmful effects of tobacco" dated December 25, 2009 (Gazette of the Supreme Council of the Kyrgyz Republic, 2009, No. 11, Article 1030);

3) [Article 2](#) of the Law of the Kyrgyz Republic No. 111 "On Amendments to Certain Legislative Acts of the Kyrgyz Republic (to the Code of the Kyrgyz Republic on Administrative Responsibility, the Law of the Kyrgyz Republic "On Protection of the Health of the Citizens of the Kyrgyz Republic from the harmful effects of tobacco")" dated June 28, 2017 (Gazette of the Supreme Council of the Kyrgyz Republic, 2017, No. 11, Article 514).

3. The Cabinet of Ministers of the Kyrgyz Republic, no later than within twelve months, shall bring its regulatory legal acts into compliance with this Law.

President of the Kyrgyz Republic

S.Zhaparov