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## **THE LAW OF KYRGYZ REPUBLIC “ON PROTECTION OF HEALTH OF CITIZENS OF KYRGYZ REPUBLIC AGAINST HARMFUL TOBACCO IMPACT”**

Adopted by the Jogorku Kenesh of the Kyrgyz Republic

June 16, 2006

The current Law regulates main legal relationships in the field of production, and sales of tobacco and tobacco products as well as implementation of preventive activities in order to protect population of the Kyrgyz Republic against harmful impact of tobacco.

### **CHAPTER I. GENERAL REGULATIONS**

#### **Article 1. Goals of the current Law**

The main goals of the current Law are:

- Providing of activities to protect health of population of Kyrgyz Republic from harmful impact of tobacco and tobacco products;
- Creating conditions resulting in reduction of tobacco products consumption by the population;
- Ensuring production and sales of tobacco products to meet the national standards;
- Conducting of coordinated activities aiming to lessen smoking prevalence.

#### **Article 2. Main notions, used in the current Law**

**Smokeless tobacco products** – are tobacco items, which are introduced into an organism through inhaling, sucking, chewing or by other way except for medications, containing nicotine;

**Tobacco control** – wide-ranging strategies in the area of supply and demand and health hazard reduction aiming at the public health improvement by liquidation or harm reduction of the tobacco products consumption and impacts of tobacco smoke;

**Ingredient** – any substance, which is being added during the process of production into tobacco and non-tobacco components of tobacco product;

**Health warning** – information about adverse impact of tobacco products and tobacco smoke on human health, advantages and methods of quitting smoking and also other corresponding information which is placed on packages, packs of tobacco products and other places specified by the present Law;

**Nasvay** – a smokeless tobacco product made of the third brand tobacco leaf with adding ashes, lime and aromaticity.

**Illicit trade** – any prohibited by the law kind of activity or behavior relating to production, delivery, reception, ownership, distribution, sale or purchase including any kind of practice or behavior aiming at promoting such activity.

**Pack** – a unit of consumer package containing certain quantity of tobacco products and carrying any graphic or text information;

**Tobacco products consumption** – smoking, inhaling tobacco smoke through the nose, chewing of tobacco;

**Passive smoking** – process of harmful tobacco smoke inhalation out of the environment, performed by non-smokers;

**Advertising and promotion of Tobacco and tobacco products**– any way of delivering information, recommendation or action directed to stimulate or probably stimulate tobacco product sales or consumption, direct or indirect use;

**Sponsorship of Tobacco and tobacco products** – any way of contribution into any event, activity, or individual in order to attain result or probable result, stimulating tobacco product sales, direct or indirect tobacco use;

**Smoking rooms** – are room in enclosed public spaces allocated for smoking and partitioned off from other places or rooms where smoking is prohibited by floors, walls (from floor up to ceiling), ceiling and doors, equipped with ventilation system taking the air out (outside the building or premises) the possible, with ventilation;

**Tobacco (Nicotiana)** – kind of annual and perennial nicotine-containing plants of nightshade family used for tobacco product manufacture;

**Tobacco smoking** – actions leading to tobacco product consumption that results in tobacco smoke inhaled and exhaled by the smoker, and expired in air;

**Tobacco smoke** – a result of tobacco product smoking contained in the air;

**Tobacco products** – are products that are entirely or partially produced of tobacco leaf for smoking, sucking, chewing or smelling (filtertipped or filterless cigarettes, cigars, cigarillas, pipe tobacco, makhorka, caporal and nasvay);

**Tobacco industry** – entities that are involved in tobacco fermentation, production and distribution of tobacco products;

**Package** – a unit of grouped consumer package containing certain quantity of packs and carrying any graphic or text information

### **Article 3. Legislation of Kyrgyz Republic on protection of citizens against harmful effects of tobacco**

The legislation of Kyrgyz Republic in the field of protection of citizens against harmful effects of tobacco is based on the Constitution of Kyrgyz Republic and comprises the current Law and other normative-legal acts of Kyrgyz Republic along with the International Treaties, ratified by Kyrgyz Republic.

Meanwhile, should the international treaties and conventions envisage different from the current Law regulations, the international obligations of Kyrgyz Republic are superior.

#### **Article 4. Basic implications of state policy in protection of population against harmful effects of tobacco**

The basic implications of state policy in protection of population against harmful effects of tobacco shall be:

- political commitment to development and determination of clear state policy and state strategy in population protection against harmful effects of tobacco, choice of life priority and population health over tobacco production and its realization;
- tax policy, establishing a system of protection of population health from harmful impact of tobacco;
- active participation of the population and public associations in resolution of issues of environmental protection and health of population from harmful impact of tobacco;
- availability of information about consequences of the tobacco consumption for health;
- compensation of the caused harm to the persons who have received occupational disease as a result of work in tobacco industry and/or in case of loss of health at consumption, connected to harmful influence of tobacco on an organism due to employers and/or manufacturers;
- adoption of effective activities on securing the rights of human beings for smoke-free lives, as well as reduction of consumption of tobacco products by population;
- international cooperation in the area of effective programme development on reduction of tobacco consumption.

#### **Article 5. State guarantees**

The state shall guarantee:

- development, adoption, implementation and financing of state programmes along with social and economic actions to reduce demand for tobacco products;
- access to all kinds of medical aid delivered by medical facilities to tobacco branch employees;
- Capacity building to increase public awareness in Kyrgyz Republic on the consequences of tobacco use for health and impact of tobacco smoke on non-smokers.

#### **Article 6. Tax measures on demand reduction for tobacco**

The Government of the Kyrgyz Republic with the purpose of tobacco consumption reduction and public health strengthening shall:

- provide for implementation of tax policy and, when needed, price policy towards tobacco products;
- pursue the policy of the smokeless tobacco product manufacture legalization and sale and their taxation by the excise tax.

## **CHAPTER II. ACTIONS ON PROTECTION OF HEALTH OF POPULATION FROM HARMFUL IMPACT OF TOBACCO**

### **Article 7. The right of citizens for smoke-free environment**

Citizens of Kyrgyz Republic have the right for smoke-free environment.

#### **Smoking tobacco products is completely prohibited:**

- in all educational organizations of all levels, recreational facilities for children independent of their departmental subordination and ownership forms;
- in medical facilities independent of their departmental subordination and ownership forms;
- in fire prone places, including gas stations;
- in cinemas, theatres, sports premises and arenas, circuses, concert halls and other closed cultural and enlightenment and sports institutions;
- in museums, libraries, exhibition halls and lecture halls;
- in passenger compartments of urban, inter-urban, shuttle taxi and urban electric transport;
- in crafts of water and air transport;
- in elevators;
- in any workroom where services are delivered to population.

#### **Tobacco smoking is prohibited except for rooms specially allocated for smoking:**

(since April, 1, 2007):

- in buildings and premises of governmental institutions and bodies of local self-government;
- in buildings and halls of intercity bus stations, railway stations and airports;
- in local and long-distance trains;
- in places of public catering<sup>1</sup> allocating no more than 50 percent of area for smoking citizens so that the smoke would not give off in the smoke free room.

Heads of institutions, enterprises and public places specified in part three of the present Article regardless of their ownership forms must allocate smoking room and equip them in concordance with sanitary and hygienic requirements stated by the empowered state body of Kyrgyz Republic in healthcare (since April 1, 2007).

Requirements to smoking rooms equipment shall be regulated by authorized state health care and fire-prevention institutions of the Kyrgyz Republic.

Violation of parts two-four of the present Article shall entail responsibility stipulated by legislation of the Kyrgyz Republic.

### **Article 8. Support to people, willing to cease harmful habit of tobacco products consumption**

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<sup>1</sup> restaurants, cafe, pabs, bars and etc

Medical facilities deliver qualified medical and advisory aid to people who have made a decision to cease harmful habit of tobacco products consumption.

### **CHAPTER III. REGULATION OF PRODUCTION, IMPORT AND SALES OF TOBACCO PRODUCTS**

#### **Article 9. Requirements to tobacco products safety**

Aiming to protect health of population against harmful tobacco impact the Government of Kyrgyz Republic is obliged to:

- establish principles and procedures of assessment of safety of tobacco products, produced in Kyrgyz Republic and of those imported into Kyrgyz Republic;
- control tobacco products safety, produced in Kyrgyz Republic and imported into Kyrgyz Republic;

#### **Article 10. Limits of maximum allowable levels of toxic ingredients in tobacco products**

The authorized state body of the Kyrgyz Republic in the field of public health care establishes annually maximum allowable levels of contents in a tobacco product of toxic components or tobacco smoke components, informing about them the population.

Manufacturers of tobacco products are obliged to present reports annually to the authorized state body of the Kyrgyz Republic in the field of public health care about conformity of made production the to requirements established by legislation of the Kyrgyz Republic.

The contents of toxic components should be checked by the authorized bodies of the Kyrgyz Republic in the field of public health care and standardization according to requirements established by the legislation of the Kyrgyz Republic. (since April 1, 2007).

#### **Article 11. Requirements to design of tobacco products packaging**

(since April 1, 2008).

Aiming to diminish all forms of illegal tobacco products sales including smuggling, illegal production and falsification, every pack and package of tobacco products for retail and wholesale distribution on the internal market must contain the heading: "Sales permitted on the territory of Kyrgyz Republic" with indication of a country of origin of tobacco products .

Each pack and box of tobacco item must contain the health warning in the state and official languages occupying **not less than 40 percent** of main space on front and back sides of the pack and box of tobacco products as a text heading, drawings and/or pictograms.

Text of the health warning should meet the following requirements:

- clear and readable;
- printed by the means, excluding its elimination, at the bottom of the pack and box, aligned at the centre and placed in parallel to the pack top edge in Helvetica font, black color, bold type against white background; it should be separated

from the brand name and other graphics on the pack by black-coloured line (border) 3 mm width. At identifying of the warning size the line (border) size should not taken into account;

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- placed on the packaging in an area, where the sign can not be damaged when opening the package.
- can not be hidden, unnoticeable, easily erasable, interrupted by other signs and drawings.

Text of the medical warning, drawings and/or pictograms on harmfulness of tobacco products consumption for the population health shall be confirmed by the authorized state body of Kyrgyz Republic in healthcare and shall be changed not less than once in three years.

### **Article 12. Restriction for sales of tobacco products**

Sales of tobacco products are prohibited on the territory of Kyrgyz Republic:

- to those under age 18;
- by those under age 18;
- in buildings of health and education, sports halls and constructions, in stadiums and the adjacent to them territories and shops within a radius of 100 m;
- imported tobacco items, which do not meet standards, established in Kyrgyz Republic (since April 1, 2008);
- in cases of toxic agents to exceed the established limits;
- without health warning sign on package (box) according to article 11 of the current Law (since April 1, 2008);
- on packs and boxes that contain such terms as “with low tar content”, “lights”, “extra lights”, “ultralights” or “soft”, thus directly or indirectly misinform of the tobacco item features and consequences of its use for health as well as less harmfulness of certain tobacco product compared with other tobacco products (since April 1, 2008);
- cigarette boxes, containing less than 20 pieces of cigarettes or their sale by the piece.

Production, import and sales of tobacco products without excise marks in the Kyrgyz Republic shall be prohibited.

### **Article 13. Right of selling tobacco products subjects to require customers' IDs**

Persons that sell tobacco products, when selling the latter to persons, whose age supposedly is less than eighteen years old, shall have the right to:

- require their IDs;
- in case of declining to submit IDs - to reject to sell tobacco products.

Violation of provisions of the present Article will entail responsibility stipulated by the legislation of Kyrgyz Republic.

### **Article 14. Health warning labels in tobacco products trade places**

Posters with health warnings on harmfulness of smoking for the health of consumers and on prohibition of tobacco products sales to those under 18 must be mandatory placed on the most visible place of all retail sites.

The content of the warning label on the harmfulness of smoking for the consumers' health on these posters must be approved by the authorized state bodies of Kyrgyz Republic in healthcare and shall be changed not less than once in three years.

**Article 15. Promotion, advertising and sponsorship of tobacco and tobacco products**

With the purpose of health promotion and prevention, prevention of smoking-related diseases it is prohibited to:

- distribute tobacco products among population free of charge;
- use price discounts through distribution of coupons, tickets or by other means;
- organize cultural and mass events and public actions with the purpose of selling tobacco products;
- establish prizes in the form of tobacco products when conducting cultural and mass events;
- Sponsorship cultural, sport, health-promotion activities by both local and foreign tobacco companies;
- carry out by local and foreign tobacco firms or joint ventures of cultural and sports, recreational actions, any competitions, the discotheques propagandizing tobacco smoking;
- produce and sell foodstuffs and nonfoods in the form of tobacco products;
- sale of tobacco products through vending machines and their putting into operations in the territory of the Kyrgyz Republic;
- all kinds of tobacco and tobacco products direct and indirect advertising in the territory of the Kyrgyz Republic (since April 1, 2009).

Advertising of tobacco products shall be allowed only inside specially permitted places of retail sites in the form of informational leaflets or posters in the size not bigger than A3 format. In all cases each advertising poster inside the shop must contain medical warning and occupy at least 40% of the advertising area (since April 1, 2009).

**Article 16. Destruction of tobacco products**

All tobacco products to be produced, imported or sold in confrontation with the current Law, must be confiscated according to the court decision and destructed in the order determined by the Government of the Kyrgyz Republic.

Incomes from illegal sales and/or production and import of tobacco products must be confiscated and transferred into Republican budget to be used for health promotion and smoking prevention.

**CHAPTER IV. CONCLUDING PROVISIONS**

**Article 17. Financing of actions on population health protection**

The activities on protection of population health against harmful impact of tobacco must be financed

- by tobacco product manufacturers and importers operating in the Kyrgyz Republic;

- from transfer of funds received as 100% penalty provision levied fro violation of laws regulating consumption of tobacco products in the territory of the Kyrgyz Republic;
- from grants, credits of international organizations, public unions (associations, movements) of citizens;
- from other sources not prohibited by legislations of the Kyrgyz Republic.

The Government of the Kyrgyz Republic and authorized governmental agencies shall develop and approve arrangements on target assignments for implementation of the present Law.

#### **Article 18. Compensation of harm to public health**

Citizens have the right to compensation of harm caused to their health at performing tobacco growing and processing or as a result of consumption of tobacco products.

The caused harm shall be compensated by employers - natural persons and legal entities irrespective of ownership forms.

The extent of the inflicted harm and the order of its compensation shall be identified by the parties by mutual consent or by court.

#### **Article 19. Responsibility for violation of the current Law**

The current law requirements must be followed by all state authorities, local governments, companies, institutions and organizations independent of their ownership.

The responsibility for violation of the current Law shall be established in compliance with legislation of Kyrgyz Republic.

#### **Article 20. Entering into force of the present Law**

The current Law shall be enacted within three months from the day of its official publishing, except for the certain requirement listed below:

- part three of article 7, part three of article 10, paragraph sixth of part one of article 12 that come into force on April 1, 2007;
- article 11, paragraphs five, seven, eight of part one of article 12 that come into force on April 1, 2008;
- paragraph ten of part one of article 15 and part two of article 15 that come into force on April 1, 2009.

The Government of Kyrgyz Republic shall bring its statutory legal acts in compliance with the present Law.

**President  
of Kyrgyz Republic**

**K. BAKIEV**