

Law No. 174

Tobacco Control and Regulation of Tobacco Products' Manufacturing, Packaging and Advertising

As amended by the Administration and Justice Committee

Chapter One: Definitions

Article 1: terms and expressions

For the purpose of implementing the provisions of this law, all the following definitions and terms shall be solely referred to.

“Accessories”: shall mean a product that can be used for the consumption of any tobacco product, namely the pipe, water pipe, mouth piece, cigar cutter, matches, or lighter.

“Retailer”: shall mean any person who is investing in an institution dealing wholly or partially with the direct sale of tobacco products to the consumer.

“Brand”: shall include any symbol, distinctive feature, trademark, commercial name linked to a trademark or a distinctive feature, symbol, special feature, picture or logo that is likely to be associated with a product, service, product trademark or service trademark, except for the colour.

“Packaging”: shall mean any pack or packet in which tobacco products are sold.

“Emissions”: shall mean nicotine, tar and carbon monoxide yields. The Council of Ministers is entitled to add other constituents to this definition by virtue of a decree, upon suggestion of the Minister of Finance and the Minister of Public Health.

“Person”: shall mean any moral or natural person.

“Manufacturer”: shall mean any person that manufactures tobacco products and accessories, by any means whatsoever, either directly or indirectly.

“Importer”: shall mean every person who is importing, distributing and wholesaling any tobacco product.

“Supplying”: shall mean selling, marketing, lending, delivering, giving, sending any product or service to others for free, in return of a pay off, or in exchange for a product or a service.

“Minor”: shall mean any natural person who is under 18 years old.

“Tobacco products”: shall mean products made of tobacco or tobacco alternatives, including leaves, leaf extracts such as pipes, and cigarette filters.

"Tobacco alternative": shall mean a battery-operated device, generally containing cartridges filled with nicotine, flavor and other chemicals, which turn into a vapor that is inhaled by the smoker, and all materials related to a tobacco product including the electronic water pipe.

"Tobacco advertising and promotion": shall mean any form of commercial communication, recommendation or action aiming at promoting a tobacco product or tobacco use either directly or indirectly; marketing information broadcasted, written or drawn for the promotion of any product, by any written or audiovisual media outlet, or by any other electronic or informational mean.

"Brand sharing": shall mean the use of a brand name including distinctive colour combinations on a non-tobacco product or service not in connection with a tobacco product.

"Tobacco sponsorship": shall mean any form of contribution to any event, activity or individual with the aim of promoting a tobacco product or tobacco use either directly or indirectly.

"Enclosed public places": shall mean places open to the public or places used collectively, regardless of their property. Enclosed public places are, for example but not limited to: official departments, offices and centers pertaining thereto, including public institutions and companies, hospitals, dispensaries, pharmacies, cinemas, theaters, all public and private transportation means, schools, universities, elevators, restaurants, night clubs, shopping malls. Enclosed public places include any of the aforementioned places that is covered by a ceiling and bounded by more than two walls, regardless of the type of materials used for the construction of the ceiling or the walls, and regardless of whether the construction was permanent or temporary.

Are considered as well as enclosed public places, all institutions of health, education and sports with all their opened and enclosed annexes.

"Smoking": shall mean possessing or using a lit tobacco product, whether the smoke is inhaled or emitted voluntarily.

"Workplace": shall mean any place used collectively by people while performing their remunerated or benevolent duties, including all related places used by workers collectively, such as corridors, elevators, stairs, stairwells, lobbies, joint facilities, cafeterias, toilets, lounges, lunchrooms, outbuildings including roofs, as well as vehicles used within working hours.

"Public transport": shall mean every vehicle usually used for public transportation purposes.

Chapter two: Tobacco Products

Article 2:

It is prohibited to import, manufacture, distribute or supply any tobacco products to which the terms and conditions of the present law don't apply.

And it's also prohibited to import, manufacture, distribute or supply all tobacco products before they undergo the laboratory tests required in accordance with the provisions of the introduction of tobacco products and before obtaining a license from the competent authority. The maximum amount of nicotine allowable per cigarette was set to /1/mg (one), and the maximum amount of tar to /10/mg (ten).

Article 3:

Taking into account the applicable laws, the manufacturers or importers are required to inform the Lebanese Regie for Tobacco (Régie Libanaise des Tabacs et des Tombacs) about the use of quantitative and qualitative statements on tobacco products concerning constituents and emissions such as tar, nicotine and carbon monoxide yields within a period of two months from the date of implementing the law.

Chapter three: Obtaining and use of tobacco

Article 4: it is prohibited to:

- a. Provide free samples of tobacco products and advertising materials in any place.
- b. Provide minors with any tobacco product, through any means whatsoever such as selling it to them or distributing it for free.
- c. Sell cigarettes in a unit pack containing less than twenty cigarettes.
- d. Place tobacco products at points of sale in a way that allows consumers to grab them directly by themselves.
- e. Provide tobacco products and accessories in restaurants, nightclubs and enclosed places.

Article 5:

- a. Smoking, lighting a tobacco product or using such a product is prohibited in all enclosed public places, workplaces and means of public transportation.

The aforementioned prohibition shall take effect in restaurants, nightclubs or any other tourism or entertainment place, one year after this law takes effect.

- b. Hotels are allowed to allocate (20%) twenty percent of their room capacity for smokers, provided that these rooms are adjoining.

Article 6:

All the administrations of the places aforementioned in the Article 5 of this present law, shall post clear “No smoking” signs at their entrance, inside the building and on the vehicles.

Chapter four: Label and Package

Article 7:

It is prohibited for manufacturers, importers, wholesalers and retailers to sell or provide any tobacco product unless its cover contains a notice about the risks and effects of the use of this product on health, as set forth in Article eight of this law.

Article 8:

- a. It is prohibited to cover any tobacco product with any misleading element about its characteristics, effects, risk factors, emissions, including any expression, description or symbol implying that one tobacco product is less dangerous than another, such as “light”, “ultra light”, “mild”, or any other term in Arabic or any other language.
- b. All tobacco packs or packets must contain health warnings in Arabic, written very clearly, describing the dangerous effects of tobacco on health. These warnings shall cover 40 % (forty percent) of the total surface of the pack and packet, and are to be determined by implementation decrees issued upon the proposal of the Minister of Public Health based on the opinion of Standards and Specifications Authority of Lebanon.
Warnings must be written on the two main sides of the pack and packet; and what is meant by the two main sides is the widest sides.
- c. It is possible to issue a decree upon the proposal of the minister of public health and the minister of finance, to post warning images on the two main sides of the pack and packet, covering 40 % (forty percent) of the total surface of each side.
- d. It is prohibited to hide the health warnings in any way.

Chapter four of this law related to the label and the package will be applied one year after its implementation decrees are issued.

Chapter five: Publicity and Advertising

Article 9:

All kinds of advertisements and promotional elements for tobacco products, tobacco brands, logos or trademarks are totally prohibited unless they respect the conditions and terms stipulated in the present law and in its implementation decrees.

It is also prohibited to produce, import, promote, sell or display all kinds of products that represent or imply to, in any way, tobacco products, such as and not solely, food items, candies, sweets and toys, especially those intended for the use by minors.

Article 10:

All manufacturers, importers, wholesalers, retailers or distributors are prohibited to give for free, to the buyer of any tobacco product or its derivatives, any gift bearing the logo, any distinguishing mark, any trademark or even the right to participate in a draw or any other competition.

Article 11:

It is prohibited to publish or broadcast, for free or in exchange for something, by any written or audiovisual media outlet, or by any other electronic or informational means and all media related mechanisms and means, any publicity or advertisement, program or article that can be considered as an advertisement or publicity of any tobacco products.

Article 12:

- a. It is prohibited to post advertising on the roads through ads on billboards or on the roofs of buildings and shop fronts, and generally by any means visible for pedestrians in public places.
- b. It is totally prohibited to provide sponsorship for any kind of cultural, sport or commercial events.

Article 13:

Taking the regulations into account, the retailer is allowed to refer that tobacco products are sold in his institution, and the wholesaler is allowed to post a sign on his institution's interface showing that he's an authorized distributor by the Lebanese Regie for Tobacco (Régie Libanaise des Tabacs et des Tombacs).

All provisions stipulated in chapter five of the present law and related to advertising and publicity, are applicable six months after its publication.

Chapter six: Monitoring implementation

Article 14:

The officially appointed members of the judicial police, the inspectors of the Ministry of Public Health, the Directorate of Consumer Protection in the Ministry of Economy and Trade and the tourist police will be in charge, every party within its jurisdiction, of monitoring the implementation of the present law's provisions..

If a tobacco product violating the provisions of this law is seized, it will be confiscated and handed with a copy of the seizure report to the Lebanese Regie for Tobacco.

Chapter seven: Sanctions

Article 15:

Upon violation of the provisions of articles four and ten, the violator shall bear a fine two to six fold the minimum wage. The same sanction applies to the head of any department violating articles five and six of the present law.

In the event of a second offense, the violator shall be sanctioned by imprisonment from one to six months and by bearing a fine of ten to twenty times the minimum wage, or by one of these two sanctions.

Article 16:

Upon violation of the provisions of article 5 of the present law, the offender shall bear a fine of one fifth the minimum wage.

All the investors and managers of enclosed public places where the provision of the article 5 of this law is violated intentionally, by negligence or nonperformance, shall bear a fine from two to six times the minimum wage. The investor or the manager of these places shall not be punished if he informs the competent authorities about the violation.

Article 17:

A fine of twenty to sixty times the minimum wage shall be borne by the person who violates the provisions of articles 7,8,9,11 and 12 of this law.

In the event of a second offense, the sanction will be aggravated and the offender shall be sanctioned by imprisonment from two months to one year and bear a fine of forty to a hundred times the minimum wage, or by one of these two sanctions.

Article 18:

A sanction of imprisonment from one to three months shall be imposed on every person having given false information or a false statement about any tobacco product. This sanction shall be applied to the persons mentioned in Article 14 of this Law who misuse their authority in controlling its implementation.

The partner in crime shall be punished by the same sanction mentioned in this Article.

Article 19:

The right of the Lebanese Regie for Tobacco concerning prosecuting the violations will stay valid in accordance with the regulations and applicable laws.

Article 20:

Specific details regarding the implementation of this law shall be defined under decrees published by the Lebanese Council of ministers, based on the proposal of the Minister of Finance and the Minister of Public Health.

Article 21:

This law enters into force upon its publication in the official gazette.

Beiteddine, August 29, 2011

Signature: Michel Sleiman

Promulgated by the President of the Republic

The Prime Minister

Signature: Mohammad Najib Mikaty

The Prime Minister

Signature: Mohammad Najib Mikaty