

The Great Socialist People's Libyan Arab Jamahiriya

The General People's Committee

Decision No. (206) for 2009 by the General People's Committee Approving Rulings on the Control of Smoking, Tobacco and All Tobacco Products

The General People's Committee,

Having reviewed Legislation (1) for 2007 regulating functions of People's Congress and People's Committees and its Executive Bylaw, and

Having reviewed Legislation (106) for 1973 whereby the Legislation on Health was issued, and

Having reviewed, the WHO Framework Convention on Tobacco Control and,

Having reviewed legislation (10) for 2005, governing ratification of International treaties, conventions, and protocols concluded between the Great Socialist People's Libyan Arab Jamahiriya and other countries within the scope of regional and international organizations, and

Having reviewed decision (494) for 1989, approving a number of provisions related to smoking, and

Having reviewed decision (54) for 2008, of Secretary of the General People's Committee, on formulation of a committee and delineation of their terms of reference, and

Having reviewed memorandum No. (5) dated 22/4/2009, from Secretary of the General People's Committee for Health and Environment, and

Based upon the decision adopted by the General People's Committee in its ninth regular meeting for 2009,

The Following Has Been Decided:

Article (1)

For purposes of enforcing Legislation (10) for 2005, which ordained ratification of the WHO Framework Convention on Tobacco Control, the procedures and measures set forth in the following articles, pertaining to control of smoking and the use of tobacco and tobacco products, shall be put into effect.

Also, for purposes of this legislation, tobacco and tobacco products are defined as those products intended for smoking, inhalation or chewing, as long as the contents thereof are composed of tobacco or tobacco products, even if it was a partial composition.

Article (2)

No direct or indirect publicity, promotion or advertisement shall be allowed for tobacco or tobacco products by any means. This ban covers publicity in radio, television, print, posters, presentations, offering or distribution of tobacco or tobacco products for cost or for no cost, for purposes of propaganda. This ban also covers involvement of tobacco industries in funding any activity intended for this purpose.

Article (3)

Advertisement and promotion activities for tobacco and tobacco products are banned on roads, at airports and public places (whether public or private owned property). The ban also involves writing names of tobacco or tobacco products, drawing their shapes or colours, or the use of names, signs or slogans that might be misleading to the public or might promote smoking. This ban shall be observed both, inside the stores and on their facades.

Article (4)

It is prohibited to manufacture, supply, market or distribute products that may carry names of tobacco products, such as clothes, caps, shoes, children's toys or school stationeries. It is also prohibited to manufacture or market sweets, chewing gums, or biscuit that takes the shape of any kind of tobacco products, or those carrying names of tobacco or tobacco products

Article (5)

Manufacturers, suppliers or distributors of tobacco and tobacco products will have to put the following health warning on the package, box or any kind of encasement “Smoking is harmful and leads to death”. This warning must appear on, at least, half of the space of the front side of the box, or the package that is displayed for sale. The warning shall be reworded by the Health and Environment Sector, whenever the need will arise. It should appear in a clear, legible and inerasable Arabic writing. A picture illustrating this written warning and manifesting the harms of smoking and the use of tobacco and its products, may also be added.

Article (6)

Smoking is banned at public places, with particular emphasis on the following:

- a. Health care facilities, i.e hospitals, health centres, sanitariums, clinics, rehabilitation centres and pharmacies, in both private and public sectors.
- b. Settings where foods, designated for human consumption, are prepared, processed or handled.
- c. Enclosed areas inside coffee shops, restaurants, parks and hotels.
- d. Educational institutions, i.e. universities, institutes, schools, public libraries and similar settings, in both private and public sectors.
- e. Worship settings and their adjuncts.
- f. Premises of public institutions, centres, offices, agencies and departments, etc.
- g. Enclosed areas holding social, cultural or sportive activities.
- h. Enclosed shopping malls and stores
- i. Airports, seaports, land, and sea entry points and passenger transport stations.
- j. Means of public transport, over land, sea and air, whether owned by the public or private sector.
- k. Industrial institutions and training centres.
- l. Staircases and elevators

Article (7)

Legal representatives, supervisors and officials in charge of settings mentioned in Article (6) of this legislation shall be responsible for putting this decision into effect. They shall be further responsible for banning smoking at the settings and places set forth in this decision. In this respect, they shall take whatever actions that might be needed, including posting clear and legible “No Smoking” signs at different locations, with no ash trays or urns placed at such places.

Article (8)

Importation of tobacco or tobacco products’ vending machines is banned in the Jamahiriya.

Article (9)

No permit to sell tobacco or tobacco products shall be granted to stores, cafes, restaurants operating at health care facilities, hospitals, educational institutions, public service facilities or departments.

Article (10)

Selling tobacco or tobacco products to individuals under 18 years of age is strictly prohibited. Also prohibited is the loose selling of cigarettes or their selling in small packs. It is prohibited to sell tobacco or tobacco products at stores other than those licensed to do so. In all cases, the distance between a tobacco-selling store and the nearest educational institution, sportive or social club, must not be less than 500 metres.

Article (11)

Health and Environment Sector, in coordination with Education and Scientific Research Sector, the General Organization for Endowments and Alms Affairs, Mass Media and the National Sector may formulate a joint commission to assume development of systematic educational programme to raise public awareness on the detriments of smoking and ways to control it.

Article (12)

The Education and Scientific Research Sector shall have appropriate information on the detriments of smoking included in the educational curricula and school activities, for all stages of basic education.

Article (13)

Penalties set forth in enforced legislations shall apply to offenders of provisions of this decisions.

Article (14)

The concerned investigating officers, in the event of spotting an offence to provisions 6b, 6c or 10 of this decision, shall warn the offender or store owner, as appropriate, for the first offence. Should there be a recurrence, the store may be temporarily closed, or the licensed revoked for a period not to exceed one month. Should there be a third-time recurrence of the offence, license shall be permanently revoked.

Article (15)

This decision shall take effect on its date of issue. The concerned agencies are required to put it into execution. It shall be published in Procedures Code.

The General People's Committee

Issued on 12/5/2009