

Unofficial Translation

LAW N° 10- 033 dated July 12, 2010, Concerning the sale and consumption of tobacco and tobacco products

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REPUBLIC OF MALI One People – One Purpose – One Faith

LAW N° 10- 033 dated July 12, 2010, Concerning the sale and consumption of tobacco and tobacco products

The National Assembly has deliberated and adopted at its session of July 1, 2010, and

The President of the Republic promulgates this law whose content is as follows:

TITLE I: GENERAL PROVISIONS

CHAPTER I: PURPOSE

Article 1: The purpose of this Law is to regulate in the Republic of Mali the importation, distribution, sale, advertising, promotion and consumption of tobacco and other tobacco products.

CHAPTER II: DEFINITIONS

Article 2 : For the purposes of this Law, the follow definitions shall apply:

“Illegal trade” – any practice or conduct prohibited by this Law involving the production, shipment, reception, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate such an activity.

"Advertising for tobacco and promotion of tobacco" – any kind of communication, recommendation or commercial action having as its result, effect or likely effect, the direct or indirect promotion of a tobacco product or the use of tobacco.

“Tobacco control” – a whole series of strategies to reduce the supply, demand and harmful effects of tobacco, seeking to improve the health of the public by eliminating or reducing its consumption of tobacco products and exposure of the public to tobacco smoke.

“Tobacco industry” – companies engaged in the manufacture and wholesale distribution of tobacco products and importers of such products.

“Tobacco products” - products made entirely or partially of tobacco leaf as its primary material, and intended to be smoked, sucked or chewed.

“Sponsorship of tobacco” – any kind of contribution to any event, activity or person, having as its goal, effect or likely effect the direct or indirect promotion of a tobacco product or the use of tobacco.

TITLE II: MEASURES FOR PROTECTION AGAINST TOBACCO

CHAPTER I : THE CREATION OF A NATIONAL COMMITTEE FOR TOBACCO CONTROL

Article 3: A National Committee for Tobacco Control is hereby created

Article 4 : The National Committee for Tobacco Control is a body for the coordination of national tobacco control policies against the prevalence of tobacco.

Its mission is to oversee the implementation of the legal texts in force concerning the importation, distribution, sale, advertising, promotion and consumption of tobacco and other tobacco products.

To this end, it is particularly responsible for the following things:

- Taking part in the definition of and seeing to the consistency of national policy for tobacco control;

- Following the development of prevalence of the tobacco habit and issuing opinions on the matter;
- Promoting information, and public awareness of the dangers of tobacco and other tobacco products ;
- Offering opinions on all matters concerning the illegal trade in tobacco and tobacco control on which it is consulted by authorities competent in the matter;
- Submitting to the Government, prior to January 31st of each year, a report for the year elapsed concerning measures taken for the execution of this Law as well as the methods for their implementation.

Article 5 : The National Committee for Tobacco Control includes representatives of the public sector, Territorial Units, the Malian diaspora, civil society and the private sector.

The organization and procedures for the functioning of the National Committee for Tobacco Control are to be set by decree.

CHAPTER II: TOBACCO PRODUCTS

Article 6 : Compliance with regulations

It is prohibited to manufacture, import or sell a tobacco product that is not in compliance with the provisions of this Law, or of any text adopted for the implementation hereof.

Article 7 : Information concerning tobacco products

Manufacturers and importers are required each year to submit to the National Committee for Tobacco Control the results of tests concerning the content of nicotine, tar and carbon monoxide for all brands of tobacco products that they manufacture or import.

Article 8 : Access to tobacco products

It is prohibited to any person under the age of eighteen to sell or distribute cigarettes or other tobacco products.

It is prohibited to manufacture or sell objects, especially candies, snacks or toys that resemble tobacco products.

Article 9 : Cigarette distributors

It is prohibited to sell cigarettes and other tobacco products by means of a cigarette vending machine.

Article 10: Conditions of sale

It is prohibited to sell cigarettes unless they are inside a pack.

Article 11 : Delivery of tobacco products

It is prohibited, on the basis of payment, to arrange for the delivery of a tobacco product or to send one through the mail, unless the delivery is made between manufacturers, distributors, wholesalers or retailers, or other persons participating in a legal commercial activity involving tobacco products.

It is prohibited to engage in advertising for an offer concerning delivery or shipment through the mails of a tobacco product in Mali.

Article 12 : Information required on packs

Each pack of tobacco products, as well as any outer packaging, excluding transparent wrapping, used for the retail sale of the product, must include statements of health warnings.

Manufacturers are required to see to it that there appears on each pack, carton or other packaging unit, the brand name and the inclusion in French of the following things:

"For Sale in Mali," tobacco is seriously harmful to health, the name and country of origin of the manufacturer and lot number.

There must not appear on the pack of a tobacco product any term or descriptor that could give rise to an erroneous impression concerning its effects on health.

For the implementation of the provisions of this Article, operators are allowed a period of twelve (12) months to bring their packs into compliance with the required markings. Beyond this deadline, any pack that does not contain the statements required by this Article will be considered illegal and be sanctioned in accordance with the provisions set forth in Title III of this Law.

CHAPTER III: ADVERTISING, SPONSORSHIP AND OTHER KINDS OF PROMOTION

Article 13 : Any kind of advertising of tobacco and any activity for the promotion of tobacco is strictly prohibited.

Companies engaged in advertising are granted a period of 3 months counting from the publication of this Law to comply with the provisions of this Article.

With the lapse of the deadline, any material or advertising element that is found in the territory of Mali will be considered illegal, and sanctioned in accordance with the provisions set forth in Title III of this Law.

CHAPTER IV : EXPOSURE TO SMOKE

Article 14 : It is prohibited for any person to expose another person to tobacco smoke outside places reserved for smokers.

Article 15 : It is prohibited to smoke in the following places:

- Kindergartens and daycare centers;
- Within the precincts of government offices;
- Meeting rooms, conference rooms or venues for spectacles;
- Rooms for practical or theoretical courses;
- Dining rooms;
- Dormitories;
- Public transportation;
- Movie theaters;
- Service stations;
- Public or private community health care institutions and hospitals;
- Public or private pharmaceutical establishments, public or private storage areas for pharmaceutical products;
- Airports and passenger aircraft;
- Waiting rooms;
- Reception areas.

However, areas reserved for smokers can be set aside in some of these places.

TITLE III : INFRACTIONS AND PENALTIES

Article 16 : Without impairment to the provisions of the Penal Code and the Code of Penal Procedure, violations of the provisions of this Law are to be investigated and enforced by officers authorized by the Ministry of Commerce, pursuant to the provisions of Ordinance n° 07-025/PRM of July 18, 2007, concerning the organization of Competition.

Article 17: Anyone who infringes the provisions of Articles 6, 7, 8, 9, 11 and 12 above is susceptible to a sentence of imprisonment of one to five years, and a fine of 250,000 to 10,000,000 francs, or only one of these two punishments.

Article 18: Anyone who violates the provisions of Article 10 above shall be punished by a fine of 300 to 18,000 francs, and possibly by a term of imprisonment of one to ten days.

Article 19 : Anyone who infringes the prohibition of advertising, sponsorship or other kinds of promotion of tobacco is susceptible to a sentence of imprisonment of one to fifteen days, and a fine of 200,000 to 2,000,000 francs, or only one of these two punishments .

Article 20 : Anyone who smokes outside areas reserved for smokers in violation of the provisions of Article 15 above shall be susceptible to a sentence of imprisonment of one to fifteen days, and a fine of 5,000 to 25,000 francs, or only one of these two punishments.

TITLE IV : FINAL PROVISIONS

Article 21: A decree drawn up in the Council of Ministers shall determine the procedures for the implementation of this Law.

Article 22: This Law supersedes Law n° 96-041 of August 7, 1996, concerning the restriction of advertising and the use of tobacco.

Bamako, July 12, 2010

The President of the Republic

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Amadou Toumani TOURE