

Sultanate of Oman

Ministry of Regional Municipalities  
and Water Resources

Minister's Office

Muscat

Ministerial Decision - No. 272/2010

Regulating Smoking at Enclosed Public Places

Pursuant to the legislation regulating functions of regional municipalities, issued via Sultanian Decree No. 96/2000, and

Pursuant to Sultanian Decree No. 20/2005, approving accession of the Sultanate to the WHO Framework Convention on Tobacco Control, and

Based upon the Health Standards issued by Ministerial Decision No. 219/99, and

Health Control Regulations, issued by Ministerial Decision No. 241/99, and

For purposes of ensuring public interest, the following has been decided:

**Article (1)**

The attached Bylaw shall be activated in regards to regulation of smoking at enclosed public places.

**Article (2)**

The decision shall be published in the official gazette and shall take effect on the following day of its publishing.

Abdullah Bin Salem Al-Rawas

Minister of Regional Municipalities and Water Resources

*Issued on 4/7/2010*

## **Bylaw on Regulation of Smoking at Enclosed Public Places**

### **Article (1)**

For purposes of implementing this Bylaw, the following words and phrases shall denote the meaning reflected across each of them, unless the context implies otherwise:

- The Concerned Municipality:** The Municipality affiliating with Ministry of Municipalities and water Resources.
- The Concerned Body:** The General Directorate for Health Affairs and Sanitation Control.
- Tobacco:** Raw tobacco leaves from the Nicotiana Tobacum and Nicotiana Rustica families, in all kinds, as well as stems, roots and the green and dried seeds of this plant.
- Tobacco Products:** Products that are totally or partially composed of tobacco leaves, as a raw material and are processed for purposes of use, either by smoking, sucking, chewing, inhaling or by any other means, for human use.
- Smoking;** Possession or domination of a burning product of tobacco, no matter whether the smoke would be voluntarily inhaled or puffed out.
- Smoking Designated Place:** The space, room or area designated for smoking.

**Enclosed Public Places:** All places accessible to the public, or places used in a collective manner, irrespective of ownership or the right of entry. The word enclosed denotes any space that is roofed and bounded by one wall or more, or one side or more, irrespective of the kind of material used in building the roof, walls, sides and irrespective of the building being permanent or temporary.

**Means of Transport:** All means of transport designated to transport the public, i.e buses, taxies, etc.

### **Article (2)**

Smoking is banned in all enclosed public places including all facilities thereof and in all means of transportation.

### **Article (3)**

The following requirements must be met at all places where smoking is banned:

- a. Removal of ash trays or urns from all enclosed public places in which smoking is banned.
- b. Ash trays or urns can be placed out of enclosed public places at a distance not less than 7.5 meters.
- c. Signs indicating ban of smoking, in symbol and in words, in both English and Arabic, must be placed in prominent places and in a manner proportionate with the space area or the means of transportation's size so as to serve the purpose.

#### **Article (4)**

As an exception for provisions of Article (2), the following standards and controls must be met, in cases of places being designated for smoking:

- a) The place must be totally isolated from non-smoking areas and must be firmly closed. Surface area of such a place must not be less than twenty (20) square metres, with a wall height of not less than three (3) meters.
- b) Doors of such places must be self closing and they must remain closed at all times, except for entry and exit.
- c) Smoking-designated places must be situated at areas away from main entrances by at least seven and a half (7.5) meters.
- d) Number of persons to be in one place at one time must not exceed the allowable number, in the rate of 1.8 square meters per one person.
- e) The place must not be used for purposes other than smoking, like using it as a lounge or a place for eating and drinking, or to practice sports, amusement or any other purpose.
- f) A sign in Arabic and English (any other language can be added), must be placed to indicate that the place is solely designated for smoking and that it is banned for individuals under 18 years of age, according to the Gregorian calendar.
- g) Must not contain services needed by non-smokers, i.e telephone services or health facilities.
- h) Must meet safety standards as per civil defense guidelines.
- i) Must meet the following technical specifications and conditions:
  1. Internal air pressure must be lower than neighboring places by 5-7 Pascal, equivalent to 0.02 – 0.03 inch of water.
  2. Incoming airflow must not be less than sixty cubic feet per minute for each person. It should be designed at the maximum occupancy rate.

3. Expulsion of polluted air (exhaust) must be achieved in a mechanical way and must not be recycled within the main ventilation and air-conditioning system. Ventilation system must remain operating throughout the working hours.
4. Ventilation system must be separated from air-conditioning system such that air will not be recycled with the air in other non-smoking areas.
5. Exhaust outlets must be situated, at least, seven and a half (7.5) meters from building entrances/exits, windows and air supply inlets for air conditioning system of the building.

#### **Article (5)**

It is prohibited to designate areas for smokers at worship places, educational institutions, government departments, health facilities, sporting settings and the like.

#### **Article (6)**

A space not to exceed 50% of a restaurant surface area may be designated for smokers, if the total space designated for customers is more than 100 square meters, provided that standard specifications observed for smoking–designated areas are met.

#### **Article (7)**

Submission of the following documents is mandatory to obtain approval to designate areas for smokers:

- a. An application from the requestor submitted to the Concerned Body or Concerned Municipality on the form developed for this purpose.

- b. A valid municipal license for the concerned activity being practiced.
- c. An inclusive plan for the store with the smoking-designated area marked thereon. The plan should also indicate other surface areas.
- d. Engineering plans for ventilation and air-conditioning systems, reflecting complete separation between smoking and non smoking areas, so as to grant initial written approval before commencement of actual execution.

### **Article (8)**

Approval to designate a place for smokers shall be granted after the application has been reviewed and the site has been inspected by the Concerned Municipal Staff.

### **Article (9)**

Selling tobacco to individuals under 18 years of age, according to the Gregorian calendar, is prohibited. Also prohibited is employment of such individuals to sell tobacco or tobacco products.

### **Article (10)**

It is prohibited to sell sweets, foods or children's toys which take the shape of tobacco products or packages.

### **Article (11)**

All means of promotion, advertisement and publicity of tobacco or tobacco products are banned at public places. Tobacco manufacturers, importers or distributors are prohibited to sponsor contests or games, or events which might be utilized by these companies to

publicize or advertise their products.

**Article (12)**

Without prejudice to severer penalties in the Omani Penal Code or any other legislation, individuals who may smoke at the enclosed public areas, defined in Article 2 above, shall be penalized with a fifty (50) Omani Riyals fine for the first and second offence and with two hundred (200) Omani Riyals fine for the third offence.

**Article (13)**

Without prejudice to severer penalties in the Omani Penal Code or any other legislation, Offenders to provisions of Articles 3,4,5,6,9,10 and 11 shall be penalized with a hundred (100) Omani Riyals fine for the first and second offence and with a three hundred (300) Omani Riyals fine for the third offence with the store being closed until cause of the offences have been removed. Fines shall be doubled in cases of recurrent offences during validity period of the license.