

In the Name of God, the Merciful, the Compassionate

Palestinian National Authority

Council of Ministers

**Council of Ministers Resolution (12/215/11) of 2011 under
Regulations of anti-smoking law (25) of 2005**

Having reviewed the Basic Law of 2003, as amended; the anti-smoking law No. (25) of 2005; the Tobacco Act of 1921; and the Public Health Law No. (20) of 2004, and upon the recommendation of the Minister of Health, based on the powers conferred upon us by law and on the requirements of public interest,

The Council of Ministers at its two hundred and fifteenth session held in Gaza City on 9 August 2011, decided the following:

Article (1)

The words and phrases set forth in these Regulations shall have the following meanings unless the context indicates otherwise:

Ministry: The Ministry of Health.

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Public space: Places into which air is admitted only through outlets already intended for this purpose, such as those found in schools, universities, hospitals, clubs, restaurants, meeting rooms, galleries, etc. As such, public transport places and other places specified by the Ministry are considered public places.

Tobacco: All types of tobacco used for smoking, including all kinds and parts thereto, whether roots, stems, leaves, fruits and green or dried seeds, by whatever means, such as cigarettes, cigars, tumbak and so on.

Smoking: Deliberate use, inhalation or chewing of all kinds of tobacco, by any means, such as hookahs (water pipes), hubble-bubbles or pipes, and other means.

Tobacco use by artificial means: All products that do not contain tobacco and its products, but mimic the methods employed for their use.

Regulations: The Regulations of anti-smoking law No. (25) of 2005.

Article (2)

1- All types of tobacco smoking shall be prohibited in public spaces, including the following places:

- a- Kindergartens, nurseries, schools, universities, hospitals, similar facilities, rehabilitation centers, pharmacies and all educational and health institutions.
- b- Theatres, cinemas, clubs, meeting rooms and business offices.
- c- Means of mass and public transportation, whether by land, sea or air, on domestic or overseas routes, trips and flights.
- d- On the premises of government buildings, businesses, institutions belonging to the general public and mixed sectors, and branches and offices thereof in Palestine.
- e- Facilities for the manufacture, processing, sale and handling of food intended for human consumption.
- f- Gas stations and gas cylinder points of sale.
- g- Enclosed markets and shops, and electric ladders and lifts.
- h- Airports, seaports and passenger stations.
- i- Enclosed spaces where social, cultural and sport activities take place.
- j- Industrial facilities and training centres.
- k- Any other places the Ministry considers public, by decision of the Minister.

Article (3)

The Ministry undertakes to print and distribute posters on the prevention of smoking and warning of the harm caused by smoking, and to circulate those posters in public places where smoking is prohibited as stated in Article (2) of these Regulations.

Article (4)

1- The sale, distribution, display or advertising of tobacco, any of its products or purchase cards shall be prohibited to persons under 18 years old.

2- The retail sale of the content of packages of tobacco and tobacco products shall be banned for all age groups.

3- Sale of tobacco shall be prohibited in unauthorized places, such as open stands, whether mobile or fixed, or any other shops not having a special licence to that effect.

4- Shops, cafes and restaurants on the premises of health facilities, hospitals, universities, scientific institutions and public facilities and administrations, may not be granted a tobacco sale licence.

Article (5)

1- The import, supply, manufacture, display, marketing, distribution, and offer for sale or possession by the seller of any kind of tobacco or tobacco products with a nicotine content of more than 0.8 mg and tar content exceeding 12 mg, shall be banned.

2- Distribution machines selling tobacco or tobacco products shall not be used in public places.

3- The Ministry shall, with other competent authorities, conduct controls on the conformity of all tobacco products with the requirements set forth in paragraph (1) of this Article.

Article (6)

1- The quantity of nicotine and tar, or any other material specified by the Ministry, must be indicated on each tobacco package, whether locally produced or imported.

2- A warning reading "Watch out. Smoking damages health and causes death" must be displayed on all tobacco packages, whether locally produced or imported. This warning shall be in Arabic and clearly hand-written in an indelible font; a picture depicting the warning of the harmful effects of smoking and tobacco use and its derivatives may be added.

3- Health warnings of the harmful effects of smoking specified by the Ministry must be displayed on all tobacco packages, whether locally produced or imported; the area displaying the warning should occupy no less than 20% of the front face of the package. The importation of any type of tobacco which does not display such health warnings or indicate their contents shall be prohibited. Other data displayed on packs of cigarettes or tobacco may be added by decision of the Minister.

4- Logos that promote smoking, such as low tar, light or very light, shall not be used.

5 – The provisions of this Article shall apply to all tobacco packets intended for sale or consumption.

Article (7)

The import, sale or manufacture of artificial means for tobacco use, including school supplies or items such as sweets, chewing gum, biscuits, food, toys, clothes, hats and shoes made in the form of tobacco products or their packaging or any propaganda

material for smoking, shall be prohibited, even if these were not intended for sale or consumption.

Article (8)

1- The preparation, printing, displaying, or publicizing of any announcement for the purposes of tobacco advertising or promotion shall be banned; this ban shall be applicable to the following:

- a- All audiovisual media and press.
- b- Cultural and sports institutions, publishing, distribution and printing houses, and advertising and publicity offices.

2- The ban includes any advertisements promoting the purchase or use of tobacco or any tobacco product, either directly or indirectly. The following shall be also prohibited: writing the names of tobacco and its derivatives, forms or colours, or the use of names, trademarks or logos that promote smoking or mislead the public, or participating in financing of any activity for this purpose or other means to this end.

3- The logos of tobacco, tobacco products and tobacco derivatives shall not be displayed on any other products, such as any type of clothing or shoes, various kinds of foods, and also umbrellas, traffic signals, bridges, publicity banners of various kinds or display paintings or posters covering any part of means of transport or the walls of buildings, to indicate any type of tobacco. It shall be prohibited to write the names of tobacco and its derivatives, forms or colours, or to use names, trademarks or logos that promote smoking or mislead the public (such as low tar, light or very light tobacco), or participating in financing of any activity for this purpose or other means to this end. This ban shall also apply inside shops and to show windows.

4- Means of publicizing and promoting tobacco products or tobacco derivatives on roads, at airports and in public places (whether publicly-owned or privately) shall be banned. It shall be prohibited to write the names of tobacco and its derivatives, forms or colours, or to use names, trademarks or logos that promote smoking or mislead the public. This ban shall also apply inside shops and to show windows.

5- Advertising for cigarettes and tobacco products in situations other than those described in the preceding paragraphs, shall be limited to the form of the tobacco package, its components and price; however, the advertisement should obviously contain the data provided in Article VI and apparently according to these Regulations.

6- Companies and other parties manufacturing and importing tobacco products shall be given a period not exceeding six months to remove any advertisements specified in the preceding paragraphs of the present Article.

Article (9)

The distribution of all kinds of tobacco products in the form of prizes or free gifts in contests, or the use of tobacco products as a means to win a prize, whether in money, in kind or literary, shall be prohibited.

Article (10)

The Ministry, in cooperation with the competent authorities, shall conduct the following activities:

- 1- Take action against smoking and establish regular education and awareness programmes on the risks associated with smoking at schools, mosques, health and cultural centres, and in the media.
- 2- Raise awareness of the harmful health, economic and social implications of smoking, and to clarify the serious risks thereof to smokers and non-smokers.
- 3- Organize awareness-raising programs for farmers to grow useful crops instead of expanding the cultivation of tobacco.
- 4- Support organizations that seek to control smoking.
- 5- Control the extent of local and imported tobacco conformity with the specifications and standards contained in statutory regulations
- 6- Establish specialized centres to help smokers stop smoking.

Article (11)

Without prejudice to the provisions of these Regulations or any other legislation, the provisions of these Regulations shall apply to all tobacco products or tobacco derivatives intended for smoking, inhalation or chewing, as long as they consist of tobacco or tobacco derivatives, even in part; these provisions shall also apply to hookahs (water pipes) or any other smoking paraphernalia.

Article (12)

Without excluding any other sanction, an employee found smoking in any government department or while performing his/her duties shall be referred for administrative investigation.

Article (13)

The Minister shall issue the decisions and instructions necessary to implement the provisions of these Regulations.

Article (14)

The competent authorities shall - in their respective capacities - implement the provisions of these Regulations, which shall come into effect on the date of issuance, and shall be published in the Official Gazette.

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