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Ministry of Health

Decisions of the Ministry of Health

Decision of the Minister of Health No. 1853515 on 29/12/ 1439 AH

Approval on the Amendment of the Executive Regulation of Tobacco Control Law

The Minister of Health,

According to the authorities vested in him;

After reviewing the Tobacco Law issued by the Royal Decree No. (M/56) on 28/07/1436 A.H;

After reviewing Article 19 of Clause 1 of the Executive Regulation of Tobacco Control Law, which set forth that "The Ministry of Health reviews the Regulation one year from its enforcement and amends the same as it may requires".

And as dictated by the public interest.

Decided that:

First: Approve the amendment to the Executive Regulation of Tobacco Control Law according to the form attached herewith:

Second: This Regulation shall be published in the Official Gazette and on the Minister website and shall be put into force as of the date of its publication.

Respectfully,

Minister of Health

Tawfiq bin Fawzran Al Rabiah

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Executive Regulation of Tobacco Control Law

Article 1:

Law:

This Law aims to control tobacco, by applying all the necessary procedures and steps in the State, society and individuals; reducing all forms of smoking habits at different ages.

Regulation:

- 1.1 The Law aims to protect all society members from health, social, environmental and economic consequences resulted from smoking and being exposed to it.
- 1.2 All governmental bodies, national associations, private sectors and all society members must collaborate together to take all measures and enforce all procedures set out in this Law and the Executive Regulation thereof; aiming to reduce the spread of all forms of smoking at different ages; and to avoid the resulting negative consequences.

Article 2:

Law:

Smoking means the use of tobacco and its derivatives; including cigarettes, cigar, mu'assel, paan, hookahs, and other tobacco products, whether it is through cigarettes, cigar, pipe tobacco, inhalants, shisha, chewing, storage and any other method.

Regulation:

- 2.1 Smoking means, the use of tobacco and its products in any manner whatsoever. For example; without limitation: cigarettes, e-cigarettes, cigars, fruit-flavored tobacco, paan, hookah, e-hookah, tobacco pipe, chewing and storing tobacco, snuff, chewing tobacco, inhalant, snus, or any other means by which raw or processed tobacco or any of their derivatives is used.

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Article 3:**Law:**

The growing or manufacturing of tobacco is banned in the territories of the Kingdom.

Regulation:

3.1 Growing any forms of tobacco plants, species and parts and any other material in which tobacco is a component is banned.

3.2 Manufacturing any kind of tobacco, any of its leaves, fruits, roots, stems, seeds (green or dried) or any products in which the raw or processed tobacco or any of their derivatives is a component, part of the packaging or mixing, or is a component in the manufacturing or re-manufacturing is banned.

3.3 The supervisory authority on agriculture and manufacturing shall register the violations of agriculture and manufacturing of tobacco and its derivatives; and impose fines on violators, taking into consideration the State Revenue Law, and shall monitor the removal of the committed violation.

Article 4:**Law:**

Charges on tobacco and its derivatives, pursuant to a decision of the Council of Ministers are increased.

Regulations:

4.1 The National Tobacco Control Committee shall report its suggestions, whenever it is required, to the Minister of Health concerning increasing the charges on tobacco and its derivatives. The Minister of Health may report the suggestions to the Council of Ministers.

Article 5:**Law:**

The explanatory and warning statements prescribed by the Executive Regulation must be incorporated on the packs of Tobacco and its products.

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Regulation:

5.1 All tobacco packs, small or large, as well as packs of any products in which raw or processed tobacco or any of their derivatives is a component must meet the following:

- A. Saudi Food and Drug Authority in collaboration with the National Tobacco Control Committee must review and amend the specifications for tobacco, and its derivatives, pack labelling.
- B. The front side of the tobacco pack must incorporate a warning text and a picture for smoking health damages. The authorized text and picture must be changeable, clear and intelligible. The text and the picture must occupy at least 50 percent of the pack's front-side.
- C. Percentage of nicotine, tar and carbon monoxide and the manufacturing date must be clearly indicated on the pack.
- D. A clear and intelligible text saying that "Sale of Tobacco is prohibited to those who are less than 18 years old" must be incorporated on the pack.
- E. Advertisements or any promotional texts including the use of any patterns, fonts, engravings and bright colors are prohibited to be displayed on the small or large tobacco packs or any other products that raw or processed tobacco or any of their derivatives is a component.

Article 6:**Law:**

Tobacco and its derivatives are not finally approved except after a sample is examined at the laboratories prescribed by the Executive Regulation to ensure its conformity with the specifications set out by the competent authority in collaboration with the Ministry of Health.

Regulation:

6.1 Final approval is not provided (without prejudice to the feature of approval with a pledge of non-disposition) for the tobacco or any of the products in which raw or processed tobacco or any of their derivatives is a component unless the tobacco companies submit a true copy of the certificate from the laboratories accredited by the Saudi Food and Drug Authority.

6.2 Samples will be withdrawn randomly from the markets by the competent supervisory authorities or from the customs outlets to be examined at the laboratories accredited by the Food and Drug Authority to ensure that tobacco at markets are in conformity with the specifications.

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Executive Regulation of Tobacco Control Law ... continued.

Article 7:

Law:

Smoking is prohibited in the following places:

1. Places and areas surrounding mosques.
2. Ministries, government factories, public institutions and bodies and their branches as well as in other public bodies in the State.
3. Educational, health, sports, cultural, social and charitable institutions.
4. Working areas in companies, institutions, bodies, factories, banks and others.
5. Public transportation means including land, air or sea as prescribed in the Executive Regulation.
6. Places for processing and packaging food and beverage.
7. Sites for production, distribution, transportation, refining of oil and its derivatives as well as sites for fuel and gas stations.
8. Warehouses, elevators and toilets.
9. Public places not mentioned in the preceding paragraphs. However, if smoking areas are found in the places set out in this paragraph, the person in-charge must ensure that the smoking areas are strictly isolated and those who are less than 18 years old are not allowed to access such areas. The Executive Regulation specifies the applicable standards for this paragraph.

Regulation:

7.1 To protect public health and safety; reduce the use of tobacco and protect non-smokers from being exposed to tobacco fumes, tobacco and its derivatives are prohibited to be used by smoking or by any other method in any of the following places:

1. Governmental and private educational and training facilities and their affiliates, including educational facilities belonging to Saudi embassies and consulates, including training sites.
2. Associations and national associations, including charitable and social associations and their branches.
3. Archaeological and cultural sites and museums.
4. Wedding halls and halls for conferences, seminars and lectures.
5. Government and private health facilities such as hospitals, medical cities, clinics, mobile clinics, centers, laboratories, pharmacies and similar facilities.
6. All means of public transportation, including, but not limited to, vehicles, buses, trains, ships, boats and aircraft.

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7. Public transport stations, train stations, railway stations and airports.
8. Transportation and storage means of pharmaceuticals, health supplies, food, beverages.
9. Places for manufacturing, preparation and packaging of food and beverages in restaurants, cafés, food stalls, mobile and immobile food carts, factories and kitchens, etc.
10. Fuel and gas distribution and selling stations.
11. Transportation means for oil and its derivatives as well as chemicals and its derivatives and any other flammable materials.
12. Closed ATM cabins and similar places.

7.2 Ensure a distance not less than 8 meters away from any places specified for the entrance, gathering, and passing of people in the above-mentioned places or any other places such as complexes, malls, exhibition halls, festivals, forums, restaurants, cafes, recreational and entertainment areas, public parks, etc.

7.3 If a smoking area is designated in the places specified in paragraph 9 of this Article, they must be licensed and must be provided with proper ventilation systems. No services, including food and beverages, are to be provided in such smoking areas. Such areas shall not incorporate any form of entertainment, recreation or display screens. Warning boards in Arabic and English languages must be placed clearly to prohibit the access of those who are less than 18 years old to such smoking areas.

7.4 Smoking area exists in the places set out in this Article must meet all the following conditions and specifications of ventilation and air-conditioning:

1. Smoking areas must be isolated from the surrounding areas.
2. Height must be 3 meters minimum.
3. Automated doors must be provided.
4. Number of persons inside this area must not exceed the specified number, with a space not less than 1.40 m² for each.
5. Services for non-smokers such as (telephone – fax – printers – etc.) must not be provided in such areas.
6. Smoking areas must not be designated by a corridor used by non-smokers.
7. Suspended ceiling must be made of aluminum panels and easy to clean.
8. Floors of such areas must be made of inflammable materials and easy to clean. Carpet or vinyl floors are prohibited.
9. Those who are less than 18 years old are prohibited to enter such areas.
10. Smoking areas must be provided with safety and fire-fighting conditions.
11. Air pressure inside such areas must be negative, i.e. less than the surrounding areas 5-7 pascal, equivalent to In WG (0.02 - 0.03).

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12. Rate of air flow to such areas must not be less than 25 liter/sec per person and must be designed according to the highest density of ignition.
13. The air must be expelled directly outside in mechanical ways and may not be recycled in the ventilation and the adaptation system.
14. The ventilation system must be able to change the air at least ten times the air volume in the hall hourly. The ventilation system must be maintained throughout the working hours.
15. Air exits must be at least 8 meters from the main outlets, entrances, windows and air conditioning systems.
16. Separation of the air conditioning and ventilation system from the system allocated to other places so as not to allow the circulation of air with other areas (Non-smoker areas).

Article 8:

Law:

To reduce the sale of tobacco and its derivatives, the following measures must be applied:

1. It must be sold in a closed pack containing the number or the quantity prescribed by the Executive Regulation.
2. Sale through self-service automated machines is prohibited.
3. Sale in public means of transportation is prohibited.
4. Sale to those who are less than 18 years old is prohibited.
5. Patents related to such product will not be registered.
6. Price discount shall not be provided, and samples shall not be offered for free or as gifts.
7. Any product incorporating promotions for tobacco and its derivatives must not be imported, sold or offered.
8. A health warning label on smoking damages must be placed on the sale outlet.

Regulation:

- 8.1 Tobacco products or any of its derivatives are sold only inside closed packs. Cigarettes are sold in closed packs including 20 cigarettes minimum. Sale of unpacked cigarettes is not permissible. Tobacco of mu'assel, hookah, pipe tobacco is sold in 500 gm minimum.
- 8.2 Sale, display or placement of tobacco or any other products in which raw or processed tobacco or their derivatives is a component are not allowed to be sold in self-service automated machines.
- 8.3 Sale, display or placement of tobacco or any other products in which raw or processed tobacco or their derivatives is a component are not allowed to

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be sold in all means of transportation such as vehicles, trucks, trains, vessels, boats and airplanes.

- 8.4 Sale of tobacco products or its derivatives are prohibited to be sold to those who are less than 18 years old. The seller is entitled to request from the buyer the ID thereof to prove his/her age.
- 8.5 Patents are banned for tobacco or any other products in which raw or processed tobacco or their derivatives is a component, or any programs, tools, method or idea that is directly or indirectly related with tobacco or any of its derivatives.
- 8.6 Price discount on tobacco or any of its derivatives or to include the same on promotional offers as free gifts or as samples for any purpose whatsoever are prohibited.
- 8.7 Import, sale or offer any product that is a direct or indirect advertisement for tobacco and its derivatives are prohibited.
- 8.8 A statement and a picture expressing the damages of smoking and of being exposed to its fumes must be clearly placed at the places specified for the sale, display or placement of Tobacco or any other products in which raw or processed tobacco or their derivatives is a component are sold.

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Executive Regulation of Tobacco Control Law ... continued.

Article 9:

Law:

Kids toys and candies in the form of cigarettes or in the form of any smoking means must not be imported or sold.

Regulation:

9.1 Import, sale, display, free offering of kids toys or candies in the form of cigarettes or in the form of any other products in which raw or processed tobacco or any of their derivatives is a component, or in the form of any means of tobacco use are prohibited.

Article 10:

Law:

1. Advertisement or promotion for tobacco or its derivatives through any of the means of media or through Saudi media are prohibited.
2. Scenes including the use of tobacco or its derivatives must be cut from films, series, TV programs, and pamphlets displayed in Saudi Arabia, in addition to any other mean that encourages smoking.

Regulation:

10.1 Advertisement or promotion including sponsorship for tobacco and its derivatives are banned directly or indirectly, through any of media channels or through Saudi media either visual, readable and audio-visual means, including websites, platforms and electronic media.

10.2 Scenes including the use of tobacco or its derivatives must be cut from films, series, TV programs, and pamphlets displayed in Saudi Arabia, including programs and electronic media. Scenes cut must include whatever encourages the use of tobacco directly or indirectly.

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Article 11:**Law:**

All governmental bodies in charge of Islamic affairs, education, media, sport, health and social affairs, must continuously and effectively create awareness programs, urging the private sector to participate in those programs.

Regulation:

11.1 All governmental bodies shall offer annual awareness programs based on the percentage of its smoking personnel.

11.2 The National Tobacco Control Committee shall set a comprehensive national strategy for the awareness of anti-smoking; treatment of smoking damages; and limit the exposition to its fumes. Create other national programs for this purpose based on the scientific evidences and by applying the best international practices, in collaboration with the governmental bodies; and urging the private sectors to participate in such programs.

11.3 To ensure ongoing, efficient and creative implementation of awareness programs for tobacco control, the National Tobacco Control Committee shall carry out national surveys and apply monitoring systems for tobacco use, causes and complications including conducting evaluation studies of relevant programs and activities and how far such activities and programs achieve their desired goals.

Article 12:**Law:**

Ministries, governmental authorities, public institutions and bodies and their branches, as well as other State public bodies, educational, health, sport, cultural, social and charitable institutions, in addition to private institutions and facilities and their branches are responsible for registering any violation and imposing any fines.

Regulation:

12.1 Supervisory bodies of places in which use of tobacco or any of its derivatives is prohibited by virtue of this Law and the Executive Regulation thereof, are liable to:

A. Place boards and statements that the use of tobacco and any of its derivatives is banned in such places, indicating the fine imposed in case of violation; such boards and statements are clearly written in Arabic and English languages and distributed all over the place.

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B. Set a mechanism to register violations and impose fines in conformity with the State Revenue Law.

C. All bodies mentioned in Article 7 by virtue of the Law and its Executive Regulation shall set out the procedures necessary to collect the fines in cooperation with the Ministry of Finance.

Article 13:

Law:

A fine amounted to SR 20,000, twenty thousand Saudi Riyals is imposed on any person who violates the provisions of Article 3 of this law and the violator is liable to remove the committed violation on his/her own account.

Regulation:

13.1 According to the provisions of this Law and its Executive Regulation, removal of violations set out in Article 3 is applied on the violator's own account.

Article 14:

Law:

Any person using tobacco in violation of the provisions of Article 7 of this Law is punished with a fine of SR 200, two hundred Saudi Riyals.

Article 15:

Law:

Wherever there is no special legal text regarding punishment, any person commits a violation to any of the provisions of this Law shall be punished with a fine of SR 5000, five thousand Saudi Riyals, and the punishment is duplicated in the event of repetition.

Article 16:

Law:

Any person exposed to a punishment stipulated in this Law may apply a grievance before the competent bodies within the prescribed term.

Regulation:

16.1 Any person exposed to a punishment may apply a grievance within 60 days to the competent entity which shall accordingly specify its designated department for grievance and the proceedings thereof.

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Article 17:**Law:**

Penalties set out in this Law shall not prejudice any higher penalty stipulated in any other Law.

Article 18:**Law:**

All fines collected under the provisions of this Law are allocated to support the efforts of awareness and encourage the national associations for anti-smoking and spread such national associations all over the Kingdom.

A bank account is opened for this purpose according to the instructions of the Minister of Health.

Regulation:

18.1 The Minister of Health shall issue the necessary regulation for the payment of the collected fines to support the efforts of awareness; encourage the national associations on anti-smoking and spread them all over the Kingdom.

Article 19:**Law:**

The Minister of Health shall issue an Executive Regulation for this Law in collaboration with the competent bodies within six months of the date of its publishing.

Regulation:

19.1 The Ministry of Health shall review the regulation one year after its application and amends the same, when necessary.

Article 20:**Law:**

This Law is put into enforce after one year of its publishing in the Official Gazette.

Regulation:

20.1 This Regulation is published in the Official Gazette and on the Ministry website, and is put into force on the date of publishing.