

**State Gazette 2013 No. 39**  
**Law of 20<sup>th</sup> February 2013, Containing Rules for**  
**Limiting the Use of Tobacco and Tobacco Products**  
**(Tobacco Law)**

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**THE PRESIDENT OF THE REPUBLIC SURINAME,**

Having considered that, in the context of the accession of Suriname to the WHO Framework Convention on Tobacco Control as well as in the context of article 9 of the Constitution, it is in the interest of public health to set rules that limit the use of tobacco and tobacco products.

Therefore, having heard the State Council, after the approval by the National Assembly, ratified the following law:

**§ 1 General provisions**

**Article 1**

**Definitions**

In this law and the thereon based provisions is understood as:

- a. Minister: Minister responsible for care of public health;
- b. Director: Director responsible for care of public health;
- c. Onsert: Any communication affixed to the outside of an individual packet and/or carton of tobacco and/or tobacco products;
- d. Insert: Any communication affixed to the inside of an individual packet and/or carton of tobacco and/or tobacco products;
- e. Carton: A box or package which includes two or more packets of tobacco and/or tobacco products;
- f. Package: Each cover, wrapper, packet or other packages which includes tobacco or a tobacco product or all other packing in which or with which tobacco and/or tobacco products are offered;
- g. Smoking:
  - a. Inhaling or exhaling or the use of tobacco and/or tobacco products which produces in some extend emissions; as well as
  - b. Possess or administering burning tobacco and/or tobacco products, irrespectively whether the emitted smoke thereof actually actively is being inhaled or exhaled.

- h. Smoke free: All spaces where smoking is prohibited;
- i. Wall: All structures or particles, solid or mobile, which stops or considerably obstructs airflow;
- j. Space: Any area, room or premise covered with a roof or comparable structure or which is closed by means of one or more walls or sidewalls irrespectively the type of material used for the roof structure, walls or side walls and irrespectively whether the structure is permanent or temporarily;
- k. Public accessible spaces: Generally, accessible spaces for the general public, or parts of it, whether or not using fees, irrespectively whether the space is owned publicly or privately;
- l. Workspaces: All spaces used by one or more persons during work, whether self-employed or employed, irrespectively of any payments are received;
- m. Public transportation: Vehicles and vessels taking care of public services or all other vehicles and vessels for the transportation of persons using payments or other;
- n. Tobacco brand element: Brandname, trademark, trade name, clear characteristic, logo, graphical shape, design, slogan, symbol, motto, selling message, letterpress, lettertype, recognizable color or color pattern;
- o. Tobacco and/or tobacco products: Products entirely or partly made of tobacco leaves as raw material and which are manufactured to be used for smoking, sucking, chewing or snuffing.
- p. Tobacco advertising or - promotion: Any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;
- q. Tobacco sponsorship: Any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;
- r. Tobacco selling point: Any place where tobacco and/or tobacco products are present, in order to sell, let sell or to provide other than for free;
- s. Illicit trade: Any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase, including any practice or conduct intended to facilitate such activity.

**Article 2**  
**Provision of delegation**

Without prejudice to provisions of this law in which a state decree is prescribed about the subjects covered by this law further rules can be adopted by state decree.

**§ 2 Smoking bans**

**Article 3**

**Smoking bans in public spaces, work spaces and public transportation**

1. It is prohibited for everyone to smoke in public spaces, working spaces and public transportation. This ban is also applicable for terrains belonging to the facilities, as mentioned in section 2 sub d and h of this article.
2. The ban on smoking, intended in section 1 of this article, is applicable in any sense for the following public spaces, working spaces and public transportation:
  - a. Public and private working spaces, offices and office buildings;
  - b. Government grounds, including all government buildings and offices used for the execution of proceedings or activities, directly or indirectly, in connection with governments functioning;
  - c. Cafés, discotheques, clubs, cafeterias, pubs, bars, lounges and restaurants including all spaces that are contributing and/or part of these facilities functioning;
  - d. Buildings and spaces of educational institutions of all levels and child care institutions;
  - e. Elderly homes and all other spaces that are part of or operate in conjunction with the facility;
  - f. Industrial estates, including all public and private facilities, which are in use by any kind of industrial or commercial activity or services;
  - g. Factories, storage areas and warehouses;
  - h. Health care facilities, clinics and hospitals;
  - i. Hotels, motels, guesthouses and all other accommodation facilities;
  - j. Public transport terminals, including seaports, river ports, airports, train- and bus stations and waiting rooms;
  - k. Airplanes, helicopters, busses, trains, taxis, boats, and all other means of public transportation;
  - l. Small commercial establishments, including shops, markets, market squares and shopping malls;
  - m. Public and private owned spaces rented for public events
  - n. Cinemas, theaters, concert halls, casinos, and all other places meant for indoor amusements;
  - o. Museums, libraries, district centers, recreation centers and halls;

- p. Spaces for sport, education and recreation,
3. By order of the minister, rules will be determined concerning the indication or signs for the ban on smoking, the prescriptions concerning the placements of the meant indications or signs and additional prescriptions concerning a right execution of the ban on smoking.

**Article 4**  
**Responsibilities and obligations**

1. Concerning article three referring to public spaces, the ones who have the actual leadership or policy determining responsibilities, no matter on which level they operate, will undertake the necessary actions to make the public space smoke free. By order of the minister, further regulations will be determined concerning specific obligations meant for the persons indicated in the first sentence.
2. Employers are obligated to undertake the necessary actions, which results in smoke free spaces where employees can do their work.
3. Owners of public transportation services are obligated to undertake actions resulting in smoke free public transportation services.
4. The measures included in section 1, 2 and 3 in this article are in any case:
  - a. Taking care of the compliance of the smoking ban as indicated in article 3 of this law;
  - b. Placement of signs where the ban on smoking is applicable on places where this is visible for public;
  - c. Taking care that no ashtrays are provided.

**§ 3 Restrictions concerning advertisements, promotions and sponsoring**

**Article 5**  
**Ban on tobacco commercials and tobacco sponsoring**

1. All forms of tobacco advertisements and tobacco sponsoring are prohibited.
2. The ban mentioned in section 1 of this article for tobacco advertisement and tobacco sponsoring includes in any case:
  - a. Audio, visual and audio visual means;
  - b. Any printed forms including newspapers, magazines, pamphlets, folders, flyers, letters, billboards, posters, marker boards or any other printed publications;
  - c. All television broadcasts or broadcasts existing of land- or satellite transmissions, all games including computer games, video games or online games;

- d. All other digital communication platforms, including computers and mobile phones;
- e. Stage arts and music performances;
- f. The use of brand elements in amusement venues, small commercial establishments or on vehicles or equipment;
- g. Exposition of tobacco and or tobacco products or tobacco elements at all tobacco selling points, by using for example marker boards, displays, or other promotion equipment;
- h. Internet or any other digital medium;
- i. Promotion including informative material, as direct mail, telemarketing, surveys for customers or research;
- j. Any other form of direct or indirect tobacco advertisement, promotion or sponsoring.

### **Article 6**

#### **Product placement, brand stretching and brand sharing**

Without prejudice to article 5 section 1 of this law it is prohibited for everyone to:

1. Promote or advertise tobacco and/or tobacco products, directly or indirectly, irrespectively if these products have a brand name, in any broadcast program, television program, film, video or digital recording, television broadcast or other electronic medium for which the producer or any other person related to the broadcast, transmission or any other electronic medium, receives payment or any other compensation in exchange for advertisement or promotion for tobacco and/or tobacco products or tobacco elements;
2. Use or let use any tobacco trade mark, logo, brand name or other tobacco element with the aim of advertising, promoting, selling or disseminating any tobacco product, service, activity or event;
3. Use or let the use of any brand element, emblem, trademark, logo or trade name or any other distinctive characteristic, including distinctive color combinations, graphical design, symbols, mottos, selling message, prints, fonts or any other symbol or product identification of any non-tobacco product or service with the aim of advertising or promoting tobacco and/or tobacco products, or producers of tobacco and/or tobacco products.

### **Article 7**

#### **Free distribution and promotional discounts**

Without prejudice to article 5 section 1 of this law it is also prohibited for everyone to:

1. Distribute tobacco and/or tobacco products to others for further distribution for a reduced price or for free whether or not in combination with incentives or promotional activities via mail services, selling points or otherwise;

2. Provide any product, discount or other kinds of rewards to any person who procures tobacco and/or tobacco products;
3. Provide tobacco and/or tobacco products to any person younger than 18 years.

#### **Article 8**

#### **Socially responsible entrepreneurship**

Without prejudice to in article 5 section 1 of this law it is prohibited for the producer, importer, distributor, or trader of tobacco and/or tobacco products to provide any contribution, financial or other, to any individual or organization, or a campaign, service, activity, action, program, project or any other happening in name of tobacco and/or a specific tobacco product.

#### **§ 4 Restrictions on sales**

#### **Article 9**

#### **Tobacco vending machines**

It is prohibited for everyone to use tobacco vending machines, or any other mechanically operated equipment for the distribution or selling of tobacco and/or tobacco products.

#### **Article 10**

#### **Sales to persons younger than 18 years**

1. It is prohibited for everyone to sell tobacco and/or tobacco products to a person of whom it is not determined that he or she has reached the age of 18 years.
2. The determination of age is omitted for persons who are unmistakably older than 18 years. Determination of the age as indicated in section 1 of this article has to be done on the basis of one of the following documents:
  - a. A valid driving license, as indicated in article 7 section 1 sub 3 of the "Driving Law 1971" (applicable text S.B. 1978 no. 54, as last amended by S.B. 2007 no. 92);
  - b. A valid identification, obtained pursuant to the "Identity Law" (G.B 1974 no. 35, as last amended by S.B. 2002 no.19);
  - c. A valid travel document, obtained pursuant to the "Passport-instruction for the Republic of Suriname" (S.B. 2005 no. 02).
3. In places where tobacco and/or tobacco products are provided other than for free it has to be clearly visible and readable that persons younger than 18 years cannot obtain tobacco and/or tobacco products. By order of the minister, further regulations can be determined concerning this section.

**Article 11**  
**Sales by persons younger than 18 years**

It is prohibited for persons younger than 18 years to distribute, sell, or let sell tobacco and/or tobacco products.

**Article 12**  
**Restrictions concerning tobacco selling points**

It is prohibited for everyone to sell tobacco and/or tobacco products in:

- a. Establishments of all health institutions;
- b. Educational institutions as well as all facilities related to these institutions;
- c. All facilities meant for persons below 18 years.

**Article 13**  
**Products similar to tobacco and tobacco products**

1. It is prohibited for everyone to represent, imitate, import, sell or let sell products, which are similar to, or meant to be similar to, tobacco and /or tobacco products.
2. It is prohibited for everyone to import, distribute, sell or let sell electronic cigarettes.

**Article 14**  
**Unit packet of tobacco and tobacco products**

1. By virtue of state decree rules can be determined concerning the unit packet of tobacco and/or tobacco products.
2.
  - a. It is prohibited for everyone to import cigarettes in packages consisting of less than 20 cigarettes.
  - b. It is prohibited for everyone to produce, pack, distribute, sell and/or to let sell cigarettes in packages consisting of less than 20 cigarettes.
  - c. It is prohibited to sell cigarettes other than in a closed package.

**Article 15**  
**Illicit trade in tobacco and/or tobacco products**

Without prejudice to the Economic Offences Act (S.B. 1986 no. 02) and the Smuggling Prevention Act (S.B. 1986 no. 03), illicit trade in tobacco and/or tobacco products is classified as a crime and is punishable.

## **§ 5 Actions on tobacco and tobacco products packaging and labeling**

### **Article 16**

#### **General provisions for health warnings on all tobacco products**

1. It is prohibited to import, distribute, sell or let sell tobacco and/or tobacco products which:
  - a. are not facilitated with clear and readable health warnings about the harmful effects of tobacco use;
  - b. do not comply with the requirements concerning packaging and labeling set by order of the minister.
2. The health warnings referred to in section 1 sub a of this article have to be placed in such a manner and place on the package of tobacco and/or tobacco products, that the reading of the health warnings and messages is not obstructed.
3. The health warnings referred to in section 1 sub a of this article:
  - a. cover at least fifty percent of both, the outside front as well the outside back of the corresponding surface of the package on which they are applied;
  - b. contain a graphical image or picture and text describing the harmful effects of tobacco use;
  - c. should be printed on all onserts and inserts of tobacco and/or tobacco products.
4. By order of the minister further regulations will be determined concerning health warnings on the packaging and labeling of tobacco and/or tobacco products and the manner in which tobacco and/or tobacco products are offered.

### **Article 17**

#### **Announcement concerning labeling**

It is prohibited for everyone to:

- a. Display qualitative or quantitative statements on tobacco and/or tobacco product packaging and labeling about tobacco constituents and emissions that might imply that one brand is less harmful than another, including but not limited to the quantitative amounts of tar, nicotine, and carbon monoxide of which tobacco or tobacco product exists, nor qualitative statements of this nature;
- b. Display figures for emission yields including tar, nicotine and carbon monoxide on packages of tobacco and/or tobacco products. The provision in the first sentence is also applicable for packages of tobacco and/or tobacco products and labeling which are used as subordinate of a brand name or trademark;
- c. Promote tobacco and/or tobacco products by any means which can give a misleading or wrong impression about the product characteristics, health effects, dangers or emissions, including



graphical indications, description or other sign which directly or indirectly raises a wrong impression that tobacco and /or one tobacco product is less harmful than another.

#### **Article 18**

#### **Obligations concerning health warnings**

1. Manufacturers, importers, traders and retailers of tobacco and/or tobacco products are obliged to maintain the regulations on packaging and labeling measures prescribed by or under this law.
2. The cost for placing health warnings and messages as prescribed by or under this law shall be borne by the manufacturers of tobacco and /or tobacco products, for which these provisions apply.

### **§ 6 Body to discourage the use of tobacco and/or tobacco products**

#### **Article 19**

1. By order of the minister a bureau will be established as an executive body to discourage the use of tobacco and tobacco products.
2. The tasks of the bureau are:
  - a. to develop, implement and monitor a national strategic plan to discourage the use of tobacco and tobacco products;
  - b. to develop an annual plan to discourage the use of tobacco and tobacco products;
  - c. to develop and setting up projects, programs and training in order to discourage smoking, support smokers where necessary and increase the public awareness regarding the health risks of tobacco consumption and exposure to tobacco smoke;
  - d. to promote national research and introduce and supervise an epidemiological information system for monitoring inter alia the use of tobacco in Suriname;
  - e. to promote cooperation between national authorities, non-governmental organizations and other relevant actors with regards to the implementation of the national tobacco policy.
3. By order of the minister further rules regarding the bureau will be determined.

### **§ Supervision and detection**

#### **Article 20**

#### **Supervision**

1. The director is responsible for the enforcement of the provisions of or pursuant to this law.
2. The director is able to designate other people to do so when necessary.

## **Article 21**

### **Detection**

With the detection of offences by or under this law, are in addition to Article 134 of the Code of Criminal Procedure designated officials, also charged by the Director entrusted officials after they are appointed by the Minister and sworn by the Attorney-General to extraordinary policeman.

## **§ 8 Sanctions**

### **Article 22**

1. Those who act in contravention of article 3 of this Law, shall be punished with imprisonment not exceeding one month or a fine of the category two of the General Fines Act (S.B. 2002 no. 73), or with both penalties.
2. Those who act in contravention of the articles 4 and 9 of this Law, shall be punished with imprisonment not exceeding three months or a fine of the category five of the General Fines Act (S.B. 2002 no. 73), or with both penalties.
3. Those who act in contravention of the articles 6, 7, 8, 10, 11, 12, 13 and 14 of this Law, shall be punished with imprisonment not exceeding six months or a fine of the category six of the General Fines Act (S.B. 2002 no. 73), or with both penalties;
4. Those who act in contravention of the articles 5, 16, 17 and 18 of this Law, shall be punished with imprisonment not exceeding nine months or a fine of the category six of the General Fines Act (S.B. 2002 no. 73), or with both penalties;
5. The offenses referred to in the sections 1 to 4 in this article are violations.
6. Those who act in contravention of article 15 of this law, shall be punished with imprisonment of maximum six years or a fine of the category seven of the General Fines Act (S.B. 2002 no. 73), or with both penalties.

## **§ 9 Transitional and final provisions**

### **Article 23**

#### **Transitional provisions**

1. Within one year after the entry into force of this law, those to whom the provisions of the articles 14 section 2 sub a and b, 16 and 17 sub a and b refer to, should comply with the provisions laid down by or pursuant to these requirements.

2. The provisions of article 22 sections 3 and 4 in relation to the articles 14 section 2 sub a and b, 16 and 17 sub a and b shall not apply during the period referred to in section.

**Article 24**  
**Final provisions**

1. This law can be cited as: "Tobacco law".
2. It will be published in the State Gazette of the Republic of Suriname.
3. It will enter into force three months after the day of publication.
4. The minister responsible for public health is responsible for the execution of this law.

Paramaribo, 20 February 2013

**DESIRÉ D. BOUTERSE**

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Minister of Home Affairs

**S. MOESTADJA**