

## **President Bashar El-Asad Bans Smoking and Tobacco Sales in Public Places**

11/10/2009

President Bashar El-Asad issued Legislative Decree No. 62 for 2009 ordering the ban of smoking and sales of tobacco products in public places, in the manner detailed in the Decree. The Decree also ordains smoking ban in meetings, conferences, lectures, training activities and official symposia. The concerned agencies at places specified in the Decree shall provide separate well-ventilated spaces to be designated for smokers. The Decree further bans production, importation and sales of sweets, foods and children's toys that take the shape of tobacco products or resemble the packages thereof. It also bans publicity and advertisement of tobacco products or use of tobacco products. The Decree also defines penalties to be applied against offenders.

Text of said Decree reads as follows:

### **Syrian Arab Republic - Legislative Decree No. 62**

The President,

Having reviewed provisions of the constitution, has decreed the following:

#### **Article (1)**

For purposes of implementing this legislative decree, the following definitions shall denote the meaning reflected across each of them:

<b>The Ministry:</b>	Ministry of Health
<b>The Minister:</b>	Minister of Health
<b>Tobacco Products:</b>	Products composed of tobacco leaves as a raw material processed for use, either by smoking or by any other way.
<b>No Smoking Sign:</b>	A symbol and a phrase denoting prohibition of smoking tobacco products, i.e., cigarettes, water-pipes, cigars or tobacco-pipes, etc.
<b>Smoking Control:</b>	A set of plans, methods, and actions aiming at improving health of the population through reducing consumption of tobacco products and decreasing exposure to tobacco harms. They also aim at cutting down supply and reducing demand for these products in order to ward off their harmfulness and detrimental effects on health.

### **Publicity, Advertisement and Promotion of Tobacco Products:**

Any form of publicity or promotion of a tobacco product or for tobacco use, whether directly or indirectly. This includes advertisement of tobacco products on television, radio, print or via any other means of publicity.

### **Public Stores:**

Places designated to provide food, beverages or drinks in their various kinds for consumption at the same place. They include restaurants, coffee shops, bars and the like.

### **The Concerned Body:**

The Ministry, institution or any other agency responsible, according to their statute, for implementation of this legislative decree and control of offenders.

### **Article (2)**

- A. Smoking, sales and provision of tobacco products are banned in the following public places:
1. Schools, nurseries, kindergartens, institutes and other educational institutions.
  2. Government and private universities and other educational institutions, including high and intermediate institutes and vocational training centers.
  3. Health centres, sanitariums, hospitals, medical clinics, pharmacies, radiological imaging clinics, medical rehabilitation centres and other public or private health care institutions.
  4. Forests, protectorates, woods and grain fields during harvest seasons.
  5. Places of worship and their adjuncts.
  6. Sporting clubs and indoor halls, sports practicing and training settings and their adjuncts.
  7. Public transport over land, sea and air.
  8. Petrol and gas storage, sales, transport and distribution places
  9. Elevators (lifts).
  10. Cultural centres, cinemas, theatres, public libraries, museums and other cultural institutions.
  11. Enclosed public stores and any other places determined by the Prime Minister via a decision issued by him.
- B. Smoking is banned during meetings, conferences, lectures, training activities and official symposia.
- C. The concerned bodies at the following places shall provide a separate, well ventilated space to be designated for smokers. A "FOR SMOKING" sign shall be posted at such places.

Smoking shall be prohibited in places other than these smoking-designated areas. These places are:

1. Prisons and detention settings.
  2. Airports, seaports, railway stations, vehicle transport stations, passenger waiting areas and ticket booking places.
  3. Places occupied by government agencies, joint public sector, public organizations, vocational unions, non governmental societies and associations and any other places identified by the Prime Minister via a decision issued by him.
- D. Officials in charge of places mentioned in paragraphs A, B, C above are obligated to post clearly visible “No Smoking” signs at several prominent sites at these places.

### **Article (3)**

- a. It is prohibited to produce, import or sell sweets, foods or children’s toys which take shapes similar to tobacco products.
- b. Partial sale of the contents of tobacco product packages is prohibited (loose sale of products).
- c. It is prohibited to sell or offer tobacco products to individuals who appear to be under 18 years of age. Tobacco product sellers are obligated to post, at a prominent spot on the facade of their stores, a sign that indicates this restriction.
- d. No advertisements of tobacco or its products will be printed on clothes or on school stationeries.
- e. Minister of Local Government and Minister of Economy and Commerce shall issue, in coordination with Minister of Health and Minister of Finance, the appropriate decisions organizing importation and exportation of tobacco products and tobacco vending machines.

### **Article (4)**

No publicity or advertisement of tobacco products, tobacco use or tobacco use gadgets will be allowed in mass media of television, radio or print or via any other means, whatsoever.

### **Article (5)**

- a. Owners or investors of public stores, if interested in allowing smoking at their stores, will have to designate an open space for smokers, at a specific surface area to be proportionate with the general space of the store. They will have to take the

necessary precautions and measures to ensure good ventilation in these smoking designated places.

- b. (1) Hotel owners or investors who are interested in allowing smoking in their hotels will have to designate rooms, within their hotels, for smokers that would be proportionate with the total number of hotel rooms. Such smoker-designated rooms are to be located on smoker-designated floors.  
(2) Hotel owners or investors are obligated to post the "NO Smoking" signs on non-smoker room doors.
- c. A Prime Ministerial decision shall be issued to determine the space proportion referred to in paragraphs (a) and (b) above, pursuant to a proposal from the Ministry, in coordination with Ministry of Tourism.
- d (1) No water pipes (shisha) will be offered to individuals under the age of 18.
- d (2) Water pipe is totally banned in enclosed places. Non-compliance will be subjected to legal prosecution .

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

- a. The Syrian Arab Standardization Authority, in collaboration with Ministries of Health, Industry and Local Government, as well as other concerned bodies, shall set up standard specifications for all tobacco products, production requirements thereof and testing methods, no matter whether they are national or imported.
- b. Specifications must include, among other things, requirements related to packaging cover of tobacco products prepared for consumption. The following considerations must be observed:
  - 1. The following warning must be posted in Arabic, in a clearly legible manner "Smoking is Harmful to Health and Constitutes a Major Cause of Lung Cancer, Cardiovascular and Respiratory Diseases. It also causes Harm to Pregnant Women and the Fetus".
  - 2. It must show the toxic ingredients and their concentration, particularly nicotine, tar and carbon monoxide.

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

Agencies concerned with health are to encourage quitting and offer necessary counseling in this regard. Individuals who are willing to quit smoking must be offered appropriate management and medical prescriptions which include the needed medications, if required.

#### **Article (8)**

- a. A national committee for smoking control shall be formulated under the Minister's chairmanship, by a decision from him.
- b. The Minister shall nominate whoever he may deem appropriate to act as a rapporteur for this committee.
- c. Tasks of the Committee:
  1. Review status of tobacco products use.
  2. Develop a national plan for smoking control and update this plan as required.
  3. Organize meetings at high schools to explain and shed light on smoking dangers.
  - 4.

#### **Article (9)**

Educational institutions are to include, in all stages of education curricula, topics addressing the harms of smoking and ways to quit.

#### **Article (10)**

All agencies concerned with smoking control are committed to educate the public on the harms tobacco can pose to health, as well as the detrimental environmental, economical and social effects and negative consequences of smoking. They should, in the meantime, educate the public on the benefits of quitting, in keeping with the national plan for smoking control.

#### **Article (11)**

Minister of Local Government shall determine, in coordination with Minister of Health, specifications of the "No Smoking" signs, in terms of measurements and the text to be included.

#### **Article (12)**

- a. Civil servants employed at public institutions, who violate, at their workplaces, provisions of Article (2) of this legislative decree shall be subject to the disciplinary penalties set forth in the organic law of government employees No. 50, issued on 6/12/2004.
- b. Private sector and joint sector personnel who violate, at their work places, provisions of articles (2) of this legislative decree, shall be subject to the disciplinary actions set forth in work rules and regulations applicable to them.

- c. Subject to provisions of paragraph (b) of this article, offenders of Articles (2) provisions of this legislative decree, shall be convicted to a 200 Syrian Lyra fine. Offences of this nature shall be controlled by the Concerned Authorities.

#### **Article (13)**

- A. Without prejudice to severer penalties set forth in enforced laws, manufactures, exporters or importers, who violate provisions of paragraph (a) of Article (3) of this legislative decree shall be convicted to a 3-month imprisonment and a 100000 Syrian Lyra fine. Offenders of provisions of this paragraph, of tobacco sellers, shall be penalized with 20000 Syrian Lyra with confiscation of the products.
- B. Without prejudice to severer penalties set forth in enforced laws, offenders of paragraph (B) of Article (3) of this legislative decree shall be penalized with a 6000 Syrian Lyra fine with confiscation of the products.
- C. Offenders of paragraph (c) of Article (3) of this legislative decree shall be penalized with a 5000 Syrian Lyra. Offenders shall be controlled by the police, control personnel or by the Concerned Authorities, each in his area of competence.
- D. Without prejudice to severer penalties set forth in enforced laws, offenders of decisions issued according to paragraph (d) of Article (3) of this legislative decree shall be convicted to a three-month imprisonment and a 100000 Syrian Lyra fine with the vending machines confiscated and damaged by the Concerned Governorate Authority. Offences shall be controlled by the police, control personnel, or by the Concerned Authority, each in his area of competence.

#### **Article (14)**

Offenders of Article (4) provisions of this legislative decree shall be subject to the penalties set forth in Legislative Decree (13) of 9/9/1996 on the Ban of Tobacco Publicity and Advertisement.

#### **Article (15)**

- A. Owners or investors of public stores dealing with food and drinks, who violate provisions of Article (5) of this legislative decree, shall be penalized with a 25000 Syrian Lyra fine. Offending customers at these stores shall be penalized with a fine of 2000 Syrian Lyra.
- B. Hotel owners or investors who violate provisions of Article (5) of this legislative decree shall be penalized with a 40000 Syrian Lyra fine for 5-star hotels, 30000 for 4-star hotels, 20000 for 3-star hotels, 10000 for 2-star hotels and 5000 Syrian Lyra for less than 2-star

hotels. Hotel guests who smoke in non-smoking rooms shall be penalized with a 4000 Syrian Lyra, if the offence occurs at a 5-star hotel, 3000 Syrian Lyra if it occurs at a four-star hotel and 2000 Syrian Lyra if at a 3-star hotel and 1000 Syrian Lyra if it occurs at a 2-star hotel and 500 Syrian Lyra if at a less than 2-star hotel.

- C. Instructions required to implement provisions of paragraph (b) of Article (15) of this legislative decree shall be issued via a decision by Minister of Tourism in coordination with Minister of Health.

#### **Article (16)**

Offenders of Articles (6) of this legislative decree shall be subject to penalties set forth in law No. (2) for 2008 on Consumer Protection, and the amendments effected thereon.

#### **Article (17)**

Without prejudice to severer penalties set forth in enforced laws, individuals who may sell or offer tobacco products without obtaining the necessary license from the Concerned Authority, shall be convicted to a two month imprisonment and a 30000 Syrian Lyra fine.

#### **Article (18)**

- a. The Ministry, in coordination with Ministry of Finance shall issue unified arrest warrant books, for offences committed under this legislative decree.
- b. Personnel entrusted with implementation of these provisions by the Concerned Authority and the Ministry, or by their respective regulations, shall be allowed access to public stores and establishments to control infractions and confiscate incompatible products, by virtue of this legislative decree.

#### **Article (19)**

- A. Fines shall be paid, in the value shown in Article (12) of this legislative decree, to financial authorities within one month, against a cash receipt and according to the respective regulations.
- B. Fines shall be doubled if not settled within one month from the date of offence.
- C. Controlled infractions shall be forwarded to the judicial authorities for execution of the penalties set forth in Article 13, 14, 15, 16 and 17 of this legislative decree. Fines shall be collected in accordance with enforced laws and regulations.

**Article (20)**

Yield of the fines collected in accordance with this legislative decree shall accrue as revenue to the general treasury of the State.

**Article (21)**

The Ministry and other concerned Ministries shall issue appropriate decisions necessary for implementation of this legislative decree.

**Article (22)**

This legislative decree shall be published in the official gazette and shall enter into force six months from the date of publishing.