

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Federal Law No. (15) of 2009
Regarding Tobacco Control

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,
Having Perused the Constitution;

- Federal Law No. (1) of 1972 regarding the Ministries Competencies and Ministers' Capacities and the amending laws thereto;
- Federal Law No. (1) of 1979 regarding Restrictions on Organizing the Industrial Affairs;
- Federal Law No. (4) of 1979 regarding the Suppression of Fraud and Deception in Commercial Transactions;
- Federal Law No. (11) of 1981 regarding the Imposition of a Federal Tax on the Imports of Tobacco and its Derivatives and the amending laws thereto;
- Federal Law No. (3) of 1987 on Issuance of the Penal Code and the amending laws thereto;
- Federal Law No. (35) of 1992 on Issuance of the Criminal Procedure Law and the amending laws thereto;
- Federal Law No. (7) of 1993 regarding Establishment of the Federal Environment Agency and the amending laws thereto;
- Federal Law No. (14) of 1995 on the Countermeasures Against Narcotic Drugs and Psychotropic Substances and the amending laws thereto;
- Federal Law No. (20) of 1995 regarding Medicines and Products Derived from Natural Sources;
- Federal Law No. (24) of 1999 regarding Protection and Development of the Environment and the amending laws thereto;
- Federal Law No. (28) of 2001 regarding Establishment of Emirates Authority for Standards and Meteorology;
- Federal Law No. (1) of 2003 regarding Establishment of the Federal Customs Authority;
- Federal Law No. (8) of 2004 regarding the Financial Free Zones;
- Federal Law No. (24) of 2006 regarding Consumer's Protection; and
- Pursuant to the proposal of the Ministry of Health and to the approval of the Cabinet, the Federal National Council and the ratification of the Supreme Council of the Federation;

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President of the United Arab Emirates

Hereby enact the following law:

Article (1)
Definitions

In application of the provisions of this Law, the following words and phrases shall have the meaning ascribed thereto, unless the context otherwise states:

State	: United Arab Emirates
Minister	: Minister of Health
Competent Authority	: The domestic authority in the concerned Emirate.
Tobacco	: The tobacco plant with all its types, species, parts in regards with stems, leaves, fruits and green or dried seeds.
Tobacco products	: Products that are formed, wholly or partially, of tobacco leaves as a raw material either such leaves are full, chopped or minced, either they are unmixed or mixed with other materials, or in any form they may be, in which the tobacco powder in any form or in any other compound material is used.
Tobacco Use	: Using all types of tobacco by smoking, snuffing, chewing, and absorption or by any other mean used for smoking or using tobacco.
Advertising and Promotion	: Introducing the tobacco plant and its derivatives by using any of the printed, audible and visible advertising means, directly, indirectly or by any other mean that stimulates trading in tobacco and boost the number of dealers thereof.
Public Place	: The place set out for the public or a particular class of people for any purpose.

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Closed Public Place : Public place in an integrated building form with no ventilation to let the air in except through specific windows. Public transportation means shall be the same as the closed public places.

Public Transportation Places : Buses, vehicles, trains, aircrafts, ships, boats and any other mean dedicated for transportation of the public.

Article (2)

Without prejudice to the provisions stipulated under other laws, regarding entering tobacco and its products to the State or using any of them inside the State, unless the terms set out in the State's Standard Specifications are provided.

Article (3)

Warning phrases, images and statements shall be written in a perspicuous and various ways on each package of tobacco and its products and in the way set out by the executive regulation of this law.

Article (4)

Any natural or moral person may not advertise or promote for any of the tobacco products in any manner that may target encouragement of tobacco use, in accordance with the executive regulation of this law.

Article (5)

It shall be prohibited to carry out any of the following actions:

- 1- Cultivating tobacco for commercial purposes and manufacturing its products inside the State. The existing farms and plants currently carrying out such activity shall make the conditions thereof compatible within the period prescribed in the executive regulation of this law;
- 2- Selling or initiate selling of tobacco or products for those under the age of (18). The seller shall be entitled to ask the buyer for evidence to prove his age. Ignorance of age shall not be an acceptable excuse.

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- 3- Importing sweets and toys that resemble tobacco or its products in shape;
- 4- Selling or initiate selling of sweets and toys that resemble tobacco or its products in shape;
- 5- Smoking during driving private vehicles, if there is a child under 12 on board.

Article (6)

It shall be prohibited to show up or sell out tobacco products except in the designated places that are licensed by the Competent Authority. The executive regulation of this Law sets out the controls for showing up and selling out the tobacco products.

Article (7)

Smoking shall be prohibited in the closed public places:
Except for the houses of worship, the educational facilities as well as the health and sports facilities, the Competent Authority may define a certain smoking area in such places in accordance with the controls set out by the executive regulation of this Law.

Article (8)

Smoking shall be prohibited in the public places prescribed in the executive regulation of this Law in coordination with the Competent Authority.

Article (9)

It shall be prohibited to dedicate devices and mechanic equipment to sell out tobacco and its products or use them inside the State.

Article (10)

The Competent Authority shall, in case of entering any of the tobacco products that doesn't conform with the technical standard specifications and conditions approved in the State, destroy all the materials under control in a manner that doesn't cause harm to the environment or rather assign the person in charge to take such tobacco products out of the State on his own expenses.

Article (11)

It shall be prohibited to grant license to cafes or similar entities that sell any kind of tobacco or its products inside the residential buildings or the residential neighborhoods or near them by the distance specified in the executive regulation of this Law. This regulation, after coordination with the Competent Authority, shall define the places which may be permitted to serve tobacco and its products therein and shall also define the working hours of such places. The currently existing cafés and similar entities shall render the conditions thereof compatible within two years of the date of putting into action the provisions of this Law by changing their activity or relocating to another place.

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Article (12)

By virtue of the cabinet's decision, a committee shall be constituted and named the National Committee on Tobacco Control. This decision shall set out the competences of the Committee, the system of action thereof and remuneration of the members thereof.

Article (13)

Anyone who violates any of the provisions of Articles (2), [illegible], (3/5) and (9) of this Law shall be punished by imprisonment for minimum one year and by fine of minimum AED 100,000 and maximum AED 1,000,000 or shall be punished with either of the two punishments.

In case of recurrence, the violator shall be punished by imprisonment for minimum two years and a fine of minimum AED 1000,000.

Article (14)

Anyone who violates any of the provisions of Articles (3) and (4) of this Law shall be punished by a fine of minimum AED 100,000 and maximum AED 1000,000

Article (15)

Taking into consideration the provision of Article (10) of this Law, anyone who doesn't abide by the order of the Competent Authority as stated in this Article shall be punished by a fine for minimum AED 50,000 and maximum AED 200,000.

In case of recurrence, the violator shall be punished by imprisonment of maximum one year and a fine of minimum AED 200,000

Article (16)

Any other violation of the provisions of this Law, the Competent Authority shall receive an immediate fine of AED 500 to be paid against reconciliation.

In case of failure of reconciliation, the incident shall be referred to the criminal trial, where the violator shall be punished by a fine of minimum AED 3,000 and maximum AED 10,000. Recurrence of violation shall be resulted in recurrence of punishment.

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Article (17)

In case the violator proved to be convicted, the court shall issue a ruling, in addition to the punishment stipulated in this Law, to confiscate the materials under control as well as the advertising materials. The court shall be entitled to rule closing of the facility.

Article (18)

The punishments stipulated in this Law, shall not prejudice any more severe punishment stipulated by any other law.

Article (19)

The Minister of justice shall issue by the agreement with the Minister of Health and by the coordination with the Competent Authority a resolution regarding listing the employees who shall hold the capacity of judicial officers to prove the violations committed against the provisions of this Law, regulations and the executive decisions thereof, each according to the competency thereof.

Article (20)

The cabinet shall issue the executive regulation for this Law.

Article (21)

Any provision that comes into conflict or contradicts the provisions of this Law shall be eliminated.

Article (22)

This Law shall be published in the official gazette, and be effective from the day following the date of publishing.

[Signature]

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Issued at the Presidential Palace in Abu Dhabi

On: / / 1431A.H

Corresponding to: 27 September 2009