

In the Name of Allah the Most Gracious the Most Merciful
Republic of Yemen [Logo]
Ministry of Legal Affairs

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The Prime Minister's Resolution No. (379) of 2013
Issuing the Executive Regulations of the Law No. (26) of 2005 Concerning Combating Smoking and Treatment of its Damages

The Prime Minister:

Having perused:

The Republic of Yemen Constitution;

Law No. 26 of 2005 on Combating Smoking and Treatment of its Damages;

The Presidential Resolution No. 76 of 2004 concerning the Regulations of the Ministry of Public Health and Population;

The Presidential Resolution No. 184 of 2011 concerning Formation of the National Reconciliation Government and Nomination of its Members and the amendments thereof.

And upon the recommendation of the Minister of Public Health and Population;

And after the approval of the Council of Ministers.

Decided

Chapter 1

Denomination and Definitions

Article (1): These regulations shall be denominated as (the Executive Regulations of Law No. (26) of 2005 concerning Combating Smoking and Treatment of its Damages).

Article (2): For the purposes of applying the provisions of this Regulation, the words and the phrases hereinafter shall have the meanings ascribed thereto, unless the context otherwise requires:

Republic: The Republic of Yemen.

Ministry: The Ministry of Public Health and Population.

Minister: The Minister of Public Health and Population.

Law: Law No. (26) of 2005 concerning Combating of Smoking and Treatment of its Damages.

Competent Department: the National Program of Combating Smoking and Treatment of Its Damages.

Smoking: The intended use of tobacco of all types in the form of smoking, inhalation, or chewing. This includes cigarettes, waterpipes or smoking pipes, etc.

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- Passive smoking: Involuntary smoking resulting from inhalation by non-smokers of gases emitting from tobacco combustion.
- Tobacco: All types, species, and parts (green or dried roots, stems, leaves, fruits and seeds) of tobacco plants
- Tobacco products and derivatives: Such as Cigars, Cigarettes, pipe tobacco, waterpipes, tobacco, snuff, Indian Khat and any other product that contains raw tobacco or manufactured tobacco.
- Smoking Imitative Products: All products which do not contain tobacco, while they are means of publicity of smoking, whether through shapes or smoking logos.
- Public places: Movable or immovable spaces surrounded by sides, having ceilings or missing ceilings or walls, and dedicated to be visited by people collectively or solely.

Chapter 2

Prohibition of Smoking in Public Places

Article (3): Smoking shall be entirely prohibited in public places, such as:

- A. Schools, universities, hospitals and all health and educational institutions;
- B. Theaters, cinemas, clubs, meeting rooms, private work offices, airports and road and maritime ports;
- C. Collective public and private (road, maritime and air) means of transportation, whether in their national or international journeys and small and medium private means of transportation, such as buses, taxicabs, and limousine service cars, in case of presence of children or aged persons;
- D. Inside premises of ministries, public institutions, authorities, departments, companies, various state agencies as well as public, mixed and private sectors and their branches and offices in the Republic governorates;
- E. Gas and liquid fuel stations and outlets of butane gas cylinders.

Article (4): Taking into consideration the provisions of Article (3) of these regulations:

1. Restaurants and cafes;
2. Airports;
3. Closed markets;
4. Entertainment places;
5. Events halls;

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Shall dedicate smoking areas.

Article (5): Smoking areas shall meet the following requirements:

- A. For restaurants, cafes and events halls:
 1. Dedicate a well-ventilated smoking area, provided that such area shall not exceed one third of the place at the maximum;
 2. Put clear signs identifying smoking and no-smoking areas;
 3. Give preference of site, in terms of views or convenience, to the area dedicated to non-smokers.
- B. For closed commercial markets and the like, a smoking room shall be provided for the smokers and it shall be:
 1. Not less than six sq. m;
 2. Well ventilated, through a window not connected to or open before another room;
 3. Away from non-smoking areas and crowded main areas in such place;
 4. Provided with ventilating devices;
 5. Provided with fire-extinguishers;
 6. Provided with ongoing cleaning services and supplies for wastes disposal;

Article (6): The Competent Department shall print and distribute posters for no-smoking and warning from smoking damages and circulate them in the public places in which smoking is prohibited. Officials of such places shall maintain such posters and place them in the frontages of main sites.

Chapter 3

Prohibition of Smoking Advertisements and Promotions

Article (7): All means of media, cultural institutions, sportive institutions, publication and distribution and printing houses, and publicity and advertising agencies shall be prohibited to perform any promotional advertisements or publicity activities for smoking, whether directly indirectly.

Article (8): Companies and firms manufacturing or importing tobacco products and derivatives shall be prohibited to perform publicity and promotion through:

- Putting tobacco logos, products, and derivatives on other products, such as hats, shirts, baskets, umbrellas, traffic signs, bridges, and publicity signs, of all types or painting means of transportation or building walls of any reference or symbol of any smoking type.
- Sponsoring cultural, sportive, and social activities, presenting prizes or gifts, conducting races, or distributing free samples of their products.

Article (9): Manufacturing or importing of any smoking imitative products or smoking publicity materials shall be prohibited.

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Chapter 3

Provisions of Tobacco Importation, Manufacture and Sell

Article (10): A- Importation or manufacture of any type of tobacco or its products in which the ratio of nicotine exceeds (0.8 mg) and the ratio of tar exceeds (12 mg) shall be prohibited. The Ministry shall set out accurate specifications for the manufacture and importation that ensure mitigation of smoking risks as possible and shall coordinate with the designated bodies to supervise the implementation of those specifications.

B- For importation and manufacture of any type of tobacco, its products or its derivatives, the Yemen standard specifications set out pursuant to laws, resolutions and executive regulations shall be applied.

Article (11): The Minister shall submit to the Council of Ministers a proposal to amend the percentage rate assigned on tobacco in pricing regulations to become consistent with the international orientation and the Cooperation Council for the Arab States of the Gulf in this regard within the framework of the mutual cooperation and the ratified agreements.

Article (12): A- Companies manufacturing and importing tobacco and its derivatives shall:

1. Put a warning health statement that covers not less than 30% of the total display panel area of the packet and the package. The warning statement shall be on the front and back sides of the package;
2. Put a colored warning image on the front side of the packet and the package as determined by the competent department.
3. Put an expressive warning statement on the back side of the packet and the package as determined by the competent department.

By virtue of the decision of the Minister, the warnings referred to herein may be changed in the form of a statement, image or patterns.

Article (13): Sellers of tobacco products and derivatives shall:

- Put a clear signage in a prominent place in their shops showing the prohibition of selling tobacco to minors.
- Not display tobacco products and derivatives in prominent and remarkable places.
- Put warning posters and signs of the risks and damages of smoking on the advertising walls and places in the shop.

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Article (14): Each packet and package of tobacco products shall include, in addition to warnings contained in Article (12) of these regulations, data of tobacco products components and related emissions.

Article (15): A. Tobacco shall not be sold to children less than 18 years.

B. Employers shall not hire children to sell tobacco products and derivatives or present shisha in their shops. Such works shall be considered as harmful works of social dangerousness. Violators shall be subject to the punishment set forth in the Labor Law.

Chapter 5

The National Program of Combating Smoking and Treatment of Its Damages

Section 1

Establishment and Organizational Structure

Article (16): Pursuant to the Minister's decision, a national program of combating smoking and treatment of its damages shall be established and subjected to the direct supervision of the Minister.

Article (17): A. A person appointed pursuant to the Minister's decision shall manage the program.

B. The program shall have coordinators in health affairs offices in governorates and they shall be appointed pursuant to the Minister's decision upon recommendation of offices managers and an offer by the program manager.

Article (18): The organizational structure of the National Program of Combating Smoking shall consist of the program manger, who shall head:

1. Governorates coordinators
2. Personnel affairs unit
3. Financial affairs unit
4. Health education unit
5. Coordination and follow-up unit
6. Monitoring, information and research unit
7. Secretariat unit

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Article (19): The program action mechanism shall be regulated as follow:

1. Coordinators shall perform their works under supervision of the program manager, in coordination with the managers of health affairs offices in the governorates.
2. Health affairs offices in the governorates shall supervise works of coordinators and offices general managers in the governorates shall provide necessary facilities that ensure for the coordinators performing their assignments.
3. Coordinators shall submit their periodical reports to the program manager and a copy thereof to the general manager of health and population office in certain governorate.
4. The program manager and coordinators in the governorates shall coordinate with the related bodies to facilitate assignments of coordinators.

Section 2

The Program Financial System

Article (20): The Program shall have a special account to be financed through the following resources:

1. 1% of the total taxes and customs duties charged on the imported tobacco or locally manufactured tobacco or its products contained in Article (16) of this Law.
2. Donations, grants and aids.
3. Fines defined in the Law.
4. Any other resources related to the program nature and set forth by applicable legislations.
5. Funds dedicated by the State in the annual general budget.

Article (21):

- A. The Ministry of Finance shall enhance the percentage set forth in Article (16) of the Law biannually in the program bank account.
- B. Fines set forth in the Law shall be collected pursuant to the collection bills issued by the Ministry of Finance and deposited in the program bank account.
- C. Donations, aids and grants shall be deposited directly in the program bank account.

Article (22): The government shall dedicate in its general budget financial resources necessary to operate the program. This shall include expenses of operation, salaries and wages.

Article (23): The program financial resources shall be reimbursed according to the reimbursement procedures applicable in Law and the applicable financial regulations and they shall be allocated as follows:

1. 30% of such financial resources shall be dedicated for the treatment purpose:

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- 50% of which shall be dedicated to open specialized clinics to treat tobacco addiction, deal with its cases and provide necessary medicines, in accordance with a plan prepared by the program; based on the needs required by the treatment bodies.
- 50% of which shall be dedicated to contribute to supporting centers, departments and programs of treating chronic diseases, such as cardiovascular diseases, lungs diseases and cancer according to a plan developed by the program in coordination with the concerned bodies.
- 2. 15% of such financial resources shall be dedicated for the purposes of research, field studies, monitoring tobacco use cases, and the medical record system of diseases related to tobacco and its impact on the public health.
- 3. 15% of such financial resources shall be dedicated for specialized non-governmental associations and institutions working in the field of combating tobacco, which are established according to the applicable laws, and they shall be reimbursed in accordance with the annual plans submitted by such associations approved by the program.
- 4. 35% of such financial resources shall be dedicated for education programs related to tobacco damages according to an annual plan developed by the program.
- 5. 5% of such financial resources shall be dedicated for expenses of committees set forth in paragraph (E) of Article (24) of these Regulations.

Chapter 6

General and Final Provisions

Article (24): The below mentioned persons shall have the capacity as judicial officers in detecting violations committed against Law and these Regulations and those are:

- A. Any person has the capacity of judicial officer under applicable laws within the frame of powers of the body in which such judicial officer works in a way that ensures enforcement of Law and these Regulations.
- B. Persons assigned to provide security in public places.
- C. Officers granted with the judicial enforcement capacity pursuant to the decision issued by the Minister of Justice, upon the request of the Minister.
- D. Police patrols officers seizing violators in restaurants, cafes, closed markets entertainment places, cinemas, sportive clubs and events halls.
- E. Committee/ committees constituted pursuant to the Minister's decision in the Ministry or governorates, in relation to the inspection of public facilities, factories and importers.

Article (25): Health offices in governorates shall recommend and report to the Minister the officers to be granted the judicial enforcement capacity in the facilities that don't have judicial officers.

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Article (26): In case of misuse of the judicial enforcement capacity granted under Law and the Regulations, the Minister shall ask the Minister of Justice to take the legal procedures concerning violators and replace them.

Article (27): This decision shall take effect as of the date of its issuance and shall be published in the Official Gazette.

Issued by the Council of Ministers

On 12 Ramadan 1434 AH

Corresponding to 21 July 2013

Dr. Ahmed Qasem Al Anasy
[signature]
Minister of Public Health and Population

Mohamed Salem Basandouh
[signature]
Prime Minister