

LAW OF THE REPUBLIC OF TAJIKISTAN

ON LIMITING THE USE OF TOBACCO PRODUCTS

This Law defines the organizational and legal bases for limiting the use of tobacco products and regulates the social interactions associated with the use, production, import, export and sale of tobacco products.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Basic concepts

The following basic concepts are used in this Law:

- **tobacco** – a shrub-like plant containing nicotine and other substances harmful to human health that are processed for the purpose of obtaining raw materials for the production of tobacco products;
- **tobacco products** – products made entirely or partially from tobacco leaves that are intended for smoking, chewing, sucking, placing under the tongue or snuffing, including filter cigarettes, non-filter cigarettes, cigars, cigarillos, smoking tobacco, all kinds of non-smoking tobacco, hookah, nasvay, as well as electronic cigarettes, electronic hookah and all kinds of electronic means that provide nicotine;
- **nicotine** – a substance contained in tobacco (alkaloid contained in plants of the genus “Nicotiana”), causing various diseases, including myocardial infarction, stroke and cancer;
- **consumption of tobacco products** – smoking tobacco (inhaling the products of burning or heating tobacco), chewing, snuffing, sucking or placing tobacco products under the tongue causing dependence of the human body on nicotine, negatively affecting the health of these persons, as well as the health of people who do not use tobacco products, and polluting the environment;
- **tar** – main component of tobacco smoke, which does not contain nicotine and has carcinogenic properties;
- **ingredient** – a substance (with the exception of tobacco leaf and other parts of tobacco) used in the manufacture of tobacco products and present in the finished tobacco product, including in a modified form;
- **consumer packaging** – a package of tobacco products intended for sale, including packs and cartons, or primary packaging of products sold to the end user;
- **technical regulation** – technical regulatory act developed in the process of technical regulation that establishes binding technical requirements related to the safety of products, the processes of its development, production, operation, storage, transportation, sale, utilization of its wastes, performance of work and provision of services in terms of safety;

- **hookah** – a device that consists of interconnected main parts: a shaft, a flask and a mouthpiece, used for smoking tobacco or consuming a variety of smoking mixtures that do not contain tobacco leaf;

- **electronic cigarette** – type of electronic means for providing nicotine, similar to a real cigarette (regardless of size and shape), which can consist of a convex part, similar to a cigarette filter, and smoke-like vapor;

- **nasvay** – a tobacco-containing mixture mixed with alkali (lime or other substance), as well as with other components intended for use by placing under the tongue, between the lips and gums.

Article 2. Legislation of the Republic of Tajikistan on Limiting the Use of Tobacco Products

Legislation of the Republic of Tajikistan on limiting the use of tobacco products is based on the Constitution of the Republic of Tajikistan and consists of this Law, other regulatory legal acts of the Republic of Tajikistan as well as international legal acts recognized by Tajikistan.

CHAPTER 2. REGULATION OF ACTIVITIES ON LIMITING THE USE OF TOBACCO PRODUCTS

Article 3. Licensing of Activities for the Production, Import, Export, Wholesale and Retail Sale of Tobacco Products

Licensing of activities for the production, import, export, wholesale and retail sale of tobacco products is carried out in accordance with the Law of the Republic of Tajikistan “On Licensing Certain Types of Activities.”

Article 4. Regulation of Activities for the Production, Import, Export, Wholesale and Retail Sale of Tobacco Products

1. Prohibited is the production, import, export, wholesale and retail sale of tobacco products in which the content of harmful substances exceeds the hygienic norms approved by the authorized state body in the field of public health. The indicators of harmful substances in the composition of tobacco products for filter and non-filter cigarettes cannot exceed respectively 10 milligrams of tar and 1.0 milligram of nicotine per cigarette. Indicators of harmful substances in other types of tobacco products should not exceed the norms established by the relevant technical regulations, standard and other regulatory legal acts.

2. Consumer packaging of tobacco products, including hookah and nasvay, produced inside the republic, imported from abroad, or intended for free trade on the basis of technical regulations, must contain a main and additional warnings about the danger of tobacco product consumption.

3. Each consumer packaging of a tobacco product must contain the main warning information about the dangers of its use, which must meet the following requirements:

- consist of text and images;

- occupy the top of each larger area of the consumer packaging on both sides, and occupy at least 75 percent of the total area of each side;
- the text in the lower part of the front side shall be in the official language, on the lower part of the back side – in other languages.

4. An additional warning should be text on the content of ingredients, systemic poisons, carcinogenic substances, which is applied to the side of the tobacco product consumer packaging in a color contrasting with the main color of the consumer packaging, in the form of an inscription occupying not less than 17 percent of the surface area of the side of the tobacco product consumer packaging.

5. Sketches of images and texts of the main warnings on the dangers of the use of tobacco products and the wording of the text of additional warnings on the dangers of tobacco consumption shall be approved by the authorized state body in the field of public health.

6. Information applied to the tobacco product consumer packaging, including hookah and nasvay, should not contain terms, descriptions, signs, symbols or other designations that directly or indirectly create the false impression that the tobacco product is less harmful than other tobacco products. This information should not contain words or phrases such as “low tar,” “very light,” “little effect,” “extra,” “ultra” and words, signs and symbols that create associations of tobacco products with a food product (food additive), or which directly or indirectly create the false impression that a tobacco product has the taste of a food product (food additive). The information printed on the consumer packaging must not contain images of food products, medicines, medicinal plants, or words or phrases that directly or indirectly create associations of a tobacco product with a food product, medicine or medicinal plant.

7. Do not print the following information on the tobacco product consumer packaging:

- use of this tobacco product (type of tobacco product) reduces the risk of the occurrence of diseases associated with the use of tobacco products;
- this tobacco product (type of tobacco product) is less dangerous to health than other tobacco products (other type of tobacco products);
- the risk of the occurrence of diseases associated with the use of this tobacco product (type of tobacco product) is reduced due to the presence of a special substance released during consumption of the tobacco product.

8. The following requirements are imposed on inscriptions on the tobacco product consumer packaging:

- the inscription must be in the official language, clear and easy to read;
- the inscription must be located in such a way as to ensure its integrity when opening tobacco product consumer packaging;
- the inscription should not be printed on transparent wrapping film or any other outer wrapping material, or overlap with other printed information.

9. The use of substances as ingredients in accordance with the list developed and approved by the authorized state body in the field of public health in the production of tobacco products is not allowed.

Article 5. Ban on the Sale of Tobacco Products

1. Prohibited is the sale of tobacco products in buildings and on their territories, and also with the use of machines – at a distance of not less than one hundred meters from the territory of public health and social welfare institutions, educational, cultural, sports, tourist institutions and religious associations.

2. Not allowed is the sale of tobacco products on the territory of the Republic of Tajikistan to persons under the age of 18. In the case of doubt about the age of the person purchasing tobacco products, the seller must demand a document verifying the buyer's age. If the buyer does not provide a document verifying his age, the seller must refuse to sell tobacco products to the buyer.

3. Prohibited is the sale of cigarettes and papirosy in quantities of less than twenty pieces in a unit of consumer packaging (pack), the sale of cigarettes and papirosy per piece, as well as the sale of tobacco products without consumer packaging and related documents confirming the quantity of tobacco products.

4. Prohibited is the production, sale and distribution of goods that simulate tobacco products.

5. Prohibited is the distribution of tobacco products among the population free of charge or in exchange for some other goods or services or selling them in a set with non-tobacco products on the territory of the Republic of Tajikistan.

6. It is prohibited to issue tobacco and tobacco products instead of wages.

7. Prohibited is the retail trade in tobacco products with the display and demonstration of tobacco products at a shopping site, except as provided for in part 8 of this article.

8. Information about tobacco products offered for retail sale is provided for buyers by placing a list of tobacco products in the sales area. The text of the list of tobacco products must be made with letters of the same size in black on a white background and compiled in alphabetical order, indicating the price of the tobacco products sold without using any graphic images or drawings. The demonstration of tobacco products to the buyer at a shopping site may be carried out upon his request after reading the list of tobacco products being sold, taking into account the requirements of this article.

9. Tobacco products are stored at the immediate place of sale in closed cabinets that are inaccessible to the consumer. The closed cabinets should be structurally designed so that when they are opened, the tobacco products are not displayed to buyers. It is prohibited to place information on the tobacco product storage cabinets that promotes and stimulates the consumption and purchase of tobacco products, including by using words, design, images, colors, as well as brand names, trademarks, logos, names of tobacco companies or suppliers, use of color or color compositions associated with tobacco products, manufacturers or suppliers.

Article 6. Protective Measures against Exposure to Tobacco Products

1. Strictly prohibited is the consumption of tobacco products, including hookah, nasvay and electronic cigarettes, inside buildings and premises, including:

- in the premises and on the territories of public health and social welfare institutions, cultural, sports, tourist, religious, scientific and educational institutions;
- inside the premises of administrative buildings, business offices of state and non-governmental organizations;
- in the premises of public dining establishments (restaurant, canteen, cafe-bar, tea-house, buffet, etc.);
- in the premises of vacation homes and in the premises where social, cultural and entertainment events are held;
- in the premises of hotels and hostels;
- in all types of public transport, including taxis, as well as at stationary public transport stops, in buildings and on the territory of airports, railway and automobile stations;
- on playgrounds;
- in vehicles for personal use where children under the age of 16 are present;
- in the entrances, elevators, underground passages and in other buildings, premises and structures open to public access.

2. An authorized state public health authority or its units in the field, upon request, may permit equipping of special places for the use of tobacco products in prisons, psychiatric hospitals, homes for the elderly and disabled.

3. Local state executive bodies, within their competence, may temporarily or permanently prohibit the use of tobacco products in parks, squares, on beaches and in other places where public events are held.

4. Owners and persons entitled to use the premises and listed facilities, institutions and territories specified in section 1 of this article are obligated to ensure compliance with the requirements of the provisions of this article, and are responsible for their non-compliance.

5. Directors of organizations and institutions, regardless of organizational legal forms, designate special places outside the buildings for the use of tobacco products.

Article 7. Advocacy for the Harm of Tobacco Products

1. Authorized state bodies in the field of public health, culture, education and science, sports, tourism and religion are obligated to use the media, educational films, visual aids, booklets and images to regularly inform the public about the harm from using tobacco products on the health of the public and its disastrous consequences for the gene pool of the nation.

2. Relevant topics on the negative impact of the use of tobacco products on public health are provided for in the educational programs of all levels of education.

3. Academic programs for the training and retraining of public healthcare, cultural, education and science, sports, tourism and religious workers should include topics on informing the public about the dangers of using tobacco products and methods to facilitate the cessation of tobacco use.

4. An authorized state health care body should promote the provision of services for diagnosis, counseling, prevention and treatment of tobacco-dependent individuals in health care institutions.

CHAPTER 3. FINAL PROVISIONS

Article 8. Responsibility for Non-Compliance with the Requirements of this Law

Individuals and legal entities shall be held accountable for non-compliance with the requirements of this Law in accordance with the procedure established by the legislation of the Republic of Tajikistan.

Article 9. On the Recognition as Invalid of the Law of the Republic of Tajikistan “On Limiting the Use of Tobacco Products”

To recognize as invalid the Law of the Republic of Tajikistan of December 29, 2010 “On Limiting the Use of Tobacco Products” (Akhbori Majlisi Oli of the Republic of Tajikistan, 2010, No. 12, part 1, art. 811; 2013, No.3, art. 192).

Article 10. Procedure for Enactment of this Law

This Law shall enter into force after its official publication.

**President
of the Republic of Tajikistan**

**Dushanbe
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