

L A W O F U K R A I N E

On Measures for the Prevention and Reduction of the Use of Tobacco Products and their Harmful Impact on the Health of the Population

(Chronicles of the Verkhovna Rada of Ukraine (VVR), 2005, No. 52, Art. 565) (With amendments introduced pursuant to Laws No. 3425-IV of February 9, 2006, VVR, 2006, No. 26, Art. 213 No. 1512-VI of June 11, 2009, VVR, 2009, No. 49, Art. 730 No. 1824-VI of January 21, 2010, VVR, 2010, No. 11, Art. 111)

This Law defines the main principles and directions of state policy on the prevention of smoking of tobacco products, a reduction in the level of their use among the population, limiting the access of children to them, protection of the health of the population from the harm that is caused to their health as a result of diseases, disability and also mortality caused by smoking or other use of tobacco products.

Article 1. Definitions of terms

For the purposes of this Law the following definitions shall apply:

public place – part (parts) of any buildings, structures, which are accessible or open to the public for free or by invitation, or for a fee, constantly, periodically, or from time to time, including entrances, as well as underground passages, stadiums;

tobacco dependence (nicotine addiction) – a psychophysical state, caused by a person's addiction to nicotine and other ingredients of tobacco products, which enter the body due to his use of tobacco products;

(Paragraph three of Article 1 in the version of Law No. 1512-VI of June 11, 2009)

tobacco substitutes, substances, which by their effect on human health correspond to tobacco, but do not contain tobacco;

tobacco product ingredients – any substances, except for tobacco, which are used for the production of tobacco products;

smoking tobacco products – actions that lead to the combustion of tobacco products, as a result of which tobacco smoke is formed and then released into the air and inhaled by the person who is smoking them;

health warning for consumers of tobacco products - information contained on tobacco product packages about the adverse impact of the use of these products on human health. Health warnings for consumers of tobacco products consist of a main and supplemental warning;

(Paragraph seven of Article 1 in the version of Laws No. 3425-IV of February 9, 2006 and No. 1512-VI of June 11, 2009)

nicotine – nicotine alkaloids;

(Paragraph eight of Article 1 in the version of Law No. 3425-IV from February 9, 2006)

items related to tobacco product use – cigarette cases, cigarette holders, tobacco pipes, cigarette paper, filters, cigar cutter, which are needed for the use of tobacco products, except lighters and matches;

workplace – the space reserved in the building or structure for the employee to perform his work;

(Paragraph ten of Article 1 in the version of Law No. 1512-VI of June 11, 2009)

tar - raw, anhydrous, nicotine-free smoke condensate;

(Paragraph eleven of Article 1 in the version of Law No. 3425-IV of February 9, 2006)

tobacco - a substance that contains nicotine and is manufactured from the plant of the Solanaceae family;

tobacco products – filter or non-filter cigarettes, hand-rolled cigarettes, cigars, cigarillos, and also pipe, snuff, sucking, chewing tobacco, mahorka and other tobacco products or substitutes for smoking, snuffing, sucking or chewing;

tobacco smoke – products of the combustion of tobacco products that are released into the air as a result of their smoking;

packaging – pack, box or any other packaging of tobacco products for their sale (except transportation packaging), with the exception of transparent wrappers that are used in retail sale.

(Paragraph fifteen of Article 1 with amendments pursuant to Law No. 3425-IV of February 9, 2006)

Article 2. Legislation of Ukraine on Measures for the Prevention and Reduction of the Use of Tobacco Products and their Harmful Impact on the Health of the Population

Legislation of Ukraine on measures for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population is based on the Constitution of Ukraine and consists of the Basic Public Health Laws of Ukraine, this Law and other normative-regulatory acts adopted pursuant thereto.

If by international agreement of Ukraine, ratified by the Verkhovna Rada of Ukraine, regulations are established other than those stipulated by the legislation of Ukraine on measures for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population, then the regulations of the international agreement apply.

Article 3. Main objectives of this Law

The main objectives of this Law are:

definition of the legal and organizational framework of state policy on the prevention of tobacco smoking among children and young people and the reduction of the use of tobacco products by citizens in order to reduce the risk of development of diseases, disability and their premature mortality due to smoking tobacco products or other methods of their consumption;

definition of the powers of the Cabinet of Ministers of Ukraine, other executive agencies and local self-government agencies for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population;

strengthening of state control over the safety of tobacco products that are manufactured in Ukraine or imported into Ukraine, and the reduction in toxicity of tobacco products by reducing their content of nicotine, tar, other substances harmful for human health and ingredients of tobacco products that are a part of tobacco products and are released along with tobacco smoke during their smoking;

improving preventive and educational measures aimed at preventing and reducing the smoking of tobacco products and other methods of their consumption;

facilitation of treatment of tobacco dependence (nicotine addiction) for those who wish to quit their harmful habit of smoking tobacco products or other method of their consumption, and promotion of a healthy lifestyle;

(Paragraph six of Article 3 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

guarantee of protection of people from the harmful impact of tobacco smoke in work and public places;

creation of economic and other conditions that will help to limit smoking of tobacco products or other methods of their consumption, protection of public health, reduction of morbidity and an increase in the human lifespan;

ensuring public awareness of the risks and harmful impact on human health from smoking tobacco products or other methods of their consumption, regardless of a person's age and health status;

establishment of measures to impose responsibility for violation of legislation on measures for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population.

Article 4. Basic principles of state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

According to the objectives of this Law, the state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population is based on the following principles:

legality;

complexity of legal, economic, medical and other measures directed at the protection of the health of the population by preventing and reducing the use of tobacco products;

step-by-step and progressive implementation of measures, aimed at the protection of the health of the population from the effects of tobacco smoke, prevention of the start of smoking tobacco products or other methods of their consumption, especially among children and young people, and reduction in the use of tobacco products;

(Paragraph four of Article 4 in the version of Law No. 1512-VI of June 11, 2009)

participation of physical persons, associations of citizens, whose activities are not associated with the tobacco industry, in measures for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population;

(Paragraph five of Article 4 in the version of Law No. 1512-VI of June 11, 2009)

individual approach and availability of treatment and preventive measures for every person who wants to quit the harmful habit of smoking tobacco products or other methods of their use;

availability of information to the public on the harm to human health from the use of tobacco products, exposure to tobacco smoke and the benefits of a healthy lifestyle;

priority of the policy in the health sphere in comparison with the financial, tax and corporate interests of entities whose activities are related to the tobacco industry.

(Article 4 supplemented by paragraph eight pursuant to Law No. 1512-VI of June 11, 2009)

Article 5. Main directions of state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

The main directions of the state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population are:

implementation of a set of measure to protect the health of the population from the harmful impact of tobacco smoke, to prevent the start of smoking tobacco products, to limit their consumption, especially among children and young people;

improved communication to the public on the risks and harmful impact on human health of smoking tobacco products or other methods of their use, and also the harmful impact of tobacco smoke;

assurance of the availability of preventive, diagnostic and treatment assistance, effective medicinal support for all individuals who smoke tobacco products or use them in another way and want to quit this habit by creating national programs for the prevention, diagnosis and treatment of tobacco dependence (nicotine addiction);

(Paragraph four of Article 5 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

strengthening the logistical base of health care facilities to ensure the implementation of a set of measures aimed at restoring and strengthening the health of the public as well as promoting a healthy lifestyle;

improvement of the hygienic regulation of tobacco products and the procedure for determining the compliance of the content of tar and nicotine, other harmful substances that are contained in tobacco products and released along with tobacco smoke during their smoking, with the parameters established by law, taking into account the requirements of international law;

assurance of enforcement by enterprises of the relevant standards, regulations and rules during the production and sale of tobacco products;

development of scientific research on the prevention of use of tobacco products and the treatment of tobacco dependence (nicotine addiction);

(Paragraph eight of Article 5 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

facilitating the media in supporting measures for the implementation of state policy in the battle against the smoking of tobacco products and other methods of their consumption.

Article 6. Powers of the Cabinet of Ministers of Ukraine to prevent and reduce the use of tobacco products and their harmful impact on the health of the population

The Cabinet of Ministers of Ukraine:

ensures the conduct of a single state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population, develops and approves the appropriate programs;

develops and ensures performance of the relevant national programs for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population, ensures the efficient use of budget funds for their implementation;

(Paragraph three of Article 6 in the version of Law No. 1512-VI of June 11, 2009)

- develops proposals on the improvement of tax and financial policies in combating the prevalence of smoking of tobacco products or other method of their consumption and the reduction of their harmful impact on the health of the population;

- coordinates the work of executive agencies in the implementation of state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population;

- implements a system for monitoring the use of tobacco products among the population and the prevalence of diseases related to smoking tobacco products or other method of their consumption, assessment of the effectiveness of the state policy in combating smoking of tobacco products or other method of their consumption;

- concludes the relevant international agreements of Ukraine;

- exercises other powers provided by law.

Article 7. Powers of the Central Executive Health Care Agency to prevent and reduce the use of tobacco products and their harmful impact on the health of the population

The Central Executive Health Care Agency within its jurisdiction:

- implements state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population pursuant to the law, participates in the development and implementation of the relevant national programs for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population;

(Paragraph two of Article 7 in the version of Law No. 1512-VI of June 11, 2009)

- determines in due course, taking into account the standards of international law, the lists of substances harmful for human health and ingredients of tobacco products that are part of the tobacco products and are released with tobacco smoke during their smoking;

- develops and implements in due course, on the level of primary health care measures, diagnostics and treatment of tobacco dependence (nicotine addiction);

(Paragraph four of Article 7 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

- provides for persons, who want to quit the bad habit of smoking tobacco products or other method of their consumption, affordable, quality and effective treatment and preventive care;

- takes measure to prevent the spread of smoking of tobacco products among the population, especially among children and young people;

- informs the public via the media about the dangers of smoking and other methods of use of tobacco products and promotes medical knowledge on issues of the prevention of diseases associated with the use of tobacco products;

- participates in the development of training programs on the prevention of smoking tobacco products or other method of their consumption and treatment of tobacco dependence (nicotine addiction);

(Paragraph eight of Article 7 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

- coordinates the performance by health care agencies and research institutions, which are under its managements, of measures to limit the use of tobacco products and also to reduce their harmful impact on human health;

- monitors the effectiveness of measures to protect the health of the population from the harmful impact of the use of tobacco products, analyzes and forecasts population morbidity that is associated with the use of tobacco products;

- organizes the conduct of scientific research on the prevention and reduction of the smoking of tobacco products or other methods of their consumption among the population, the treatment of tobacco dependence (nicotine addiction);

(Paragraph eleven of Article 7 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

- pursuant to the law, performs hygienic regulation of hazards associated with the use of tobacco products, taking into account international law;

- participates in the creation of state orders for the production of medicines necessary for the treatment of tobacco dependence (nicotine addiction), implementation of other preventive and treatment measures, and also provides training and retraining and skills development for specialists who implement the measures for the prevention and reduction of the use of tobacco products or other methods of their consumption among the population and provide treatment of tobacco dependence (nicotine addiction);

(Paragraph thirteen of Article 7 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

ensures interaction with other central and local executive agencies and NGOs on issues of the protection of the health of the population from the harmful impact of use of tobacco products;

participates in the development of proposals for the improvement of tax and financial policies in combating the prevalence of smoking of tobacco products or other method of their consumption and reduction of their harmful impact on the health of the population;

participates in international cooperation on the prevention of the use of tobacco products and reduction of their harmful impact on the health of the population;

exercises other powers provided by law.

Article 8. Powers of the Council of Ministers of the Autonomous Republic of Crimea and local executive agencies on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

The Council of Ministers of the Autonomous Republic of Crimea and local executive agencies within their jurisdiction:

implement national, regional and other programs on the prevention and reduction of the use of tobacco products and their harmful impact on the health of population;

ensure the performance of preventive and treatment measures aimed at the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population;

organize monitoring and collection of data on the prevalence of the use of tobacco products in the respective region, conduct safety and preventive measures to limit the use of tobacco products among the population and for protection especially of children and young people from the harmful impact of tobacco smoke;

inform the population via the media of the harm that is inflicted on human health by the use of tobacco products, on the incidence of disease and mortality caused by the use of tobacco products, in the respective region, and on safety and preventive measures implemented;

facilitate the resolution of financial support issues for treatment and preventive measures and activities related to the prevention of illness caused by the use of tobacco products and the harmful impact of tobacco smoke, and also the treatment of tobacco dependence (nicotine addiction), including the formation of the respective annual budgets;

(Paragraph six of Article 8 in the version of Law No. 1512-VI of June 11, 2009)

exercise other powers provided by law.

Article 9. Powers of local self-government agencies on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

Local self-government agencies within their jurisdiction:

monitor the implementation of the appropriate programs for the prevention and reduction in the use of tobacco products and their harmful impact on the health of the population;

facilitate the resolution of financial and logistical issues for assurance of measures and activities aimed at restricting the use of tobacco products and also the reduction of their harmful impact on the health of the population, including formation of the respective annual budgets;

(Paragraph three of Article 9 in the version of Law No. 1512-VI of June 11, 2009)

exercise control of the implementation of preventive and treatment measures within the relevant administrative and territorial unit to limit the use of tobacco products, reduce their harmful impact on the health of the population, and designate smoke-free places;

ensure in public health institutions access to preventive measures and provision of effective medical treatment, including medicinal supply, for people who want to quit the bad habit of smoking tobacco products or other method of their consumption;

exercise other powers provided by law.

Article 10. Requirements for implementation of activities related to the production, wholesale and retail trade, export and import of tobacco products

Activities related to the production, wholesale and retail trade, export and import of tobacco products, carried out pursuant to the law, with consideration of the prohibitions established by this article.

The production (except production for export) and import of the following tobacco products for sale on the territory of Ukraine is prohibited:

cigarettes, in which the parameters for nicotine and tar content in the smoke of one cigarette exceed 1.2 mg of nicotine and 12 mg of tar;

(Paragraph two of Part two of Article 10 shall enter into force on January 1, 2009, pursuant to Paragraph 1 of Article 21 of this Law)

a package which has no health warnings for consumers of tobacco products and an information label on the content of nicotine and tar in the smoke of one cigarette (for cigarettes);

(Article three of Part two of Article 10 shall enter into force on January 1, 2007, pursuant to Paragraph 1 of Article 21 of this Law; in the version of Law No. 1512-VI of June 11, 2009; with changes pursuant to Law No. 1824-VI of January 21, 2010)

"with the use on their packaging of terms, labels, trade marks, images, symbols or any other signs, which can mislead or create an incorrect impression about the characteristics of the tobacco products, their effects on health, or directly or indirectly creates the false impression that a certain tobacco product is less harmful than other tobacco products, including terms such as "low-tar," "light", "very light," "super light" and similar terms in other languages.

(Paragraph four of Part two of Article 10 shall go into force on January 1, 2007 pursuant to Paragraph 1 of Article 21 of this Law) (Part two of Article 10 in the version of Law No. 3425-IV of February 9, 2006)

The manufacturer of tobacco products is prohibited from including inserts in the packaging of tobacco products that contain terms, labels, trade marks, images, symbols or any other signs, which can mislead or create an incorrect impression about the characteristics of the tobacco products, their impact on health, or directly or indirectly creates the false impression that a certain tobacco product is less harmful than other tobacco products, including terms such as "low-tar," "light", "super light," "ultra light" and similar terms in other languages.

(Part three of Article 10 in the version of Law No. 3425-IV of February 9, 2006)

The inclusion of tobacco products and items related to their consumption in humanitarian aid, as well as the distribution of tobacco products to the public free of charge is prohibited.

(Part four of Article 10 in the version of the Law No. 1512-VI of June 11, 2009)

Support of the production (import) of tobacco and tobacco products for sale on the customs territory of Ukraine in the form of state funding, provided by the State Budget of Ukraine and local budgets, to the relevant enterprises of financial assistance, financial guarantees, grants, subsidies, credit at preferential rates (loans) is prohibited.

(Part five of Article 10 in the version of Law No. 3425-IV of February 9, 2006)

Article 11. Requirements for the content of substances harmful to human health and ingredients that are contained in the composition of tobacco products and are released along with tobacco smoke during their smoking, and information on the harmful substances and ingredients of tobacco products

Determination of the content of nicotine, tar, other substances harmful for human health, including ingredients of tobacco products, in tobacco products and tobacco smoke is made by organizations (laboratories), which in the procedure prescribed by law have the right to test products for compliance with safety requirements for human health and life. These organizations (laboratories) are included by the Agency for Technical Regulation and Consumer Policy in the appropriate list to be published.

Monitoring of compliance with parameters designated by law for the content of nicotine and tar, and also other parameters for the content of other substances harmful to human health and ingredients of tobacco products in tobacco products, which are manufactured or sold on the territory of Ukraine, is exercised within the powers of the Central Executive Health Care Agency.

The Central Executive Health Care Agency annually publishes lists of substances harmful for human health and ingredients of tobacco products that are contained in tobacco products and are released along with tobacco smoke during their smoking, and also informs the public via the media about the harmful substances and ingredients of tobacco products that are contained in tobacco products and are released along with tobacco smoke during their smoking, on the harm to human health from the use of tobacco products.

The manufacturer or importer of tobacco products, at the request of the Central Executive Health Care Agency, must in the manner prescribed by the Cabinet of Ministers of Ukraine provide information on the content of substances harmful for health: nicotine, tar, other substances and ingredients harmful for health that are contained in tobacco products and are released along with tobacco smoke during their smoking.

Article 12. Health warnings for consumers of tobacco products

(Article 12 shall go into force as of January 1, 2007 pursuant to Paragraph 1 of Article 21 of this Law)

Each package of tobacco products should be marked with a main health warning for consumers of tobacco products and one additional health warning on the harm that smoking tobacco products causes to human health, information on the content of nicotine and tar that is contained in tobacco products and is released along with tobacco smoke during their smoking.

On one of the outside larger sides of the package of tobacco products the main medical warning for consumers of tobacco products is indicated: "Smoking leads to cardiovascular diseases and lung cancer."

On the other outside larger side of the package of tobacco products one of six additional health warnings with the following contents is indicated: "Smoking during pregnancy harms your baby;" "Tobacco smoke harms the health of those around you;" "Smoking causes addiction, don't start smoking!"; "Smoking causes impotency;" "Protect your children: don't let them breathe your smoke;" "Smokers die prematurely." Each variant of the texts of additional health warnings is placed by the manufacturer of the tobacco products on the tobacco product packaging on a rotating basis.

The main and additional health warnings for consumers of tobacco products must occupy at least 30 percent of the area of the outside of each larger side of the tobacco product packaging.

Information on the content of nicotine and tar that is contained in the tobacco products and is released along with tobacco smoke during their smoking is indicated on the outside of one of the smaller sides of the tobacco product packaging and must occupy at least 15 percent of the area of this side.

Texts of the main and additional health warnings for consumers of tobacco products, which are placed on each package of tobacco products, must be clear, printed within a black border, the width of which is not less than three millimeters, with black bold print against a white background, in lower case letters, except for the first letter of the warning, and placed in the center of the frame so as to ensure the integrity of the text when the tobacco product is opened by the method indicated on its package and shall not overlap any other printed information or excise duty stamps.

Article 13. Restrictions on the sale and use of tobacco products

The sale of tobacco products and items related to their consumption to persons who have not reached the age of 18, and also the sale of tobacco products in packages that contain less than 20 cigarettes or by piece (except cigars) is prohibited. Other limits on the sale of tobacco products may be set by law.

(Regulations on the prohibition of the sale of tobacco products in consumer packages that contain less than 20 cigarettes, shall take effect as of January 1, 2011 – see Paragraph two of Item 1 of Section II of Law No. 1824-VI of January 21, 2010)

Smoking of tobacco products in the following places is prohibited:

- 1) in elevators and public pay phones;
- 2) in health care institutions;
- 3) in training and educational institutions;
- 4) at children's playgrounds;
- 5) at sports facilities;
- 6) in the entrances to residential buildings;
- 7) in underground passages;
- 8) on public transportation (including international transportation).

With the exception of places specially designated for this, the smoking of tobacco products is prohibited in the following places:

- 1) in public dining facilities;
- 2) on the premises of state executive agencies and local self-government agencies, other state facilities;
- 3) on the premises of cultural institutions;
- 4) on the premises of indoors sports facilities;
- 5) on the premises of enterprises, establishments and organizations of all forms of ownership.

In places and establishments where smoking is prohibited, visual information must be posted, which consists of a graphic sign on the prohibition of smoking and text as follows: "Smoking is prohibited!".

Visual information shall be posted in places specially set aside for smoking, which is composed of the relevant graphic sign and text as follows: "Smoking area. Smoking harms your health!".

In public dining facilities, at least 50 percent of the area of the trade halls of such facilities shall be set aside to serve persons who do not smoke.

The owner or persons authorized by him or lessees of the respective facilities and individual premises must set aside special places for smoking, equipped with exhaust ventilation or other means to remove tobacco smoke, and also must place visual information on the location of these places and on the harm that smoking tobacco products has on a person's health.

In smoking areas a graphic sign with the following text must be posted: "Smoking area" and information on the harm that smoking tobacco products has on a person's health, with the following text: "Smoking is harmful to your health!".

During public events, rural, village and city councils within the respective administrative territory may prohibit or restrict the smoking of tobacco products.

(For more, see Law No. 1512-VI of June 11, 2009 – amendments expired according to Law No. 1824-VI of January 21, 2010; Article 13 in the version of Law No. 1824-VI of January 21, 2010)

Article 14. Promoting knowledge about the danger of using tobacco products and measures to prevent the spread of tobacco product use

With the goal of preventing the use of tobacco products and reducing their harmful impact on human health, the central executive agencies for health care, education and science, youth and sports, culture and tourism, within the limits of their powers, are required at least once every quarter to ensure placement in print media, on television and radio of public service announcements, other materials on the harm that is caused to human health from the use of tobacco products and inhaling of tobacco smoke, which is released during the smoking of tobacco products, especially to the health of children and young people, and to promote a healthy lifestyle.

Training programs and educational-professional programs of all educational institutions of Ukraine, regardless of form of ownership, must include special topics on the harm to human health from smoking tobacco products or other methods of their consumption, especially for children and young people, and also about the benefits of a healthy lifestyle.

Training and refresher programs for medical, pharmaceutical, social and educational professionals should include special topics on drugs and measures for the prevention and cessation of the use of tobacco products.

Article 15. Prevention of the use of tobacco products and treatment of tobacco dependence (nicotine addiction)

(Name of Article 15 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

Medical workers of health care institutions of all forms of ownership shall:

promote medical knowledge on issues of the prevention of diseases caused by smoking tobacco products or other method of their consumption, and prevention of their use among the population, especially among children and young people;

provide practical advice on a healthy lifestyle and recommend that people not start smoking or use tobacco products in another way or quit using them;

explain the harmful impact on human health of smoking tobacco products or other method of their use, the impact of tobacco smoke;

provide persons, who want to get rid of their dependence on tobacco (nicotine addiction), the relevant treatment and preventive care.

(Paragraph five of Part one of Article 15 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

Health care institutions of all forms of ownership are required on the premises where they serve the public to post visual information on the harmful impact on human health of the smoking of tobacco products or other methods of their use, the impact of tobacco smoke, practical advice on a healthy lifestyle, recommendations on quitting smoking or other method of using tobacco products.

Medical staff working in the relevant educational institutions should facilitate the promotion of educational programs on the prevention of the use of tobacco products.

Sanitary-epidemiology services and health care centers are obliged to conduct work in the relevant regions to inform the public of the adverse effects on human health of the use tobacco products, and to promote a healthy lifestyle. The National Council of Ukraine on Television and

Radio Broadcasting and the specially authorized Central Executive Agency of Television and Radio Broadcasting and the media are obliged to facilitate these services in conducting this work.

Article 16. Advertising of tobacco products

Advertising of tobacco products is carried out pursuant to the law on advertising.

Article 17. Monitoring of the measures for the implementation of state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

To ensure the implementation of the main directions of state policy on the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population by the Central Executive Health Care Agency, the effectiveness of the measures implemented is monitored, which stipulates:

monitoring the health of the population to detect changes in the state of its health in connection with measures taken to prevent and reduce the smoking of tobacco products or other method of their use, especially among children and young people;

studying the prevalence of the use of tobacco products among the population and evaluating the data obtained;

developing and introducing into medical practice methods for the prevention, diagnosis and treatment of tobacco dependence (nicotine addiction) and diseases caused by smoking tobacco products or other method of their consumption.

(Paragraph four of Part one of Article 17 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

The Central Executive Health Care Agency is obligated to publish the results of the monitoring annually in the media in the prescribed manner.

Article 18. International cooperation

Ukraine participates in international cooperation with the relevant international organizations for the control and fight against the illegal sale of tobacco products to take joint measures to prevent the spread of the use of tobacco products and to fight against smoking, as well as the harmonization of state standards with international standards that define the requirements for the safety of tobacco products. For this purpose, information and advanced technologies are exchanged and professional and scientific cooperation of the relevant agencies and organizations is implemented.

The state supports all forms of international cooperation to prevent the spread of the use of tobacco products that do not contradict Ukrainian law.

Article 19. Agencies of state control over compliance with the provisions of this Law

State control over the compliance with the provisions of this Law is exercised by the relevant specially authorized central executive agencies within the limits of the powers defined by law.

Article 20. Responsibility for violation of legislation on measures for the prevention and reduction of the use of tobacco products and their harmful impact on the health of the population

(Article 20 shall enter into force on January 1, 2007 pursuant to Paragraph 1 of Article 21 of this Law)

Persons guilty of violating legislation on measures to prevent and reduce the use of tobacco products and their harmful impact on the health of the population shall be liable under the law.

For violation of the standards of this Law the specially authorized Central Agency for Consumer Protection, Standardization, Metrology and Conformity Assessment applies financial sanctions against enterprises in the event of:

the retail sale of tobacco products without health warnings for consumers of tobacco products and without an information label on the content of nicotine and tar in the smoke of one cigarette (for cigarettes), - from fifty hryvnias to ten thousand hryvnias;

(Paragraph two of Part two of Article 20 with amendments pursuant to Law No. 1824-VI of January 21, 2010)

the retail sale of tobacco products, in which the content of harmful substances exceeds the permissible level established by this Law, - from one hundred hryvnias to twenty thousand hryvnias;

the retail sale of tobacco products with the use on their packaging of words that contain additional characteristics of tobacco products: "with low tar content," "light," "super light," "ultra light," and similar such words in foreign languages, creating the impression that this tobacco product is less harmful to health - from fifty hryvnias to ten thousand hryvnias;

the import, wholesale trade of tobacco products on the territory of Ukraine without health warnings for consumers of tobacco products and without an information label on the content of nicotine and tar in the smoke of one cigarette (for cigarettes), - from five hundred hryvnias to ten thousand hryvnias;

(Paragraph five of Part two of Article 20 with amendments pursuant to Law No. 1824-VI of January 21, 2010)

the import, wholesale trade in tobacco products on the territory of Ukraine, in which the content of harmful substances exceeds the permissible level established by this Law, - from one thousand hryvnias to twenty thousand hryvnias;

the import, wholesale trade in tobacco products with the use of words on their packaging that contain additional characteristics of tobacco products: "with low tar content," "light," "super light," "ultra light," and other such similar words in foreign languages that create the impression that this tobacco product is less harmful to health, - from five hundred hryvnias to ten thousand hryvnias;

the production and introduction into circulation on the territory of Ukraine of tobacco products without health warnings for consumers of tobacco products and without an information label on the content of nicotine and tar in the smoke of one cigarette (for cigarettes), - from two thousand hryvnias to twenty thousand hryvnias;

(Paragraph eight of Part two of Article 20 with amendments pursuant to Law No. 182—VI of January 21, 2010)

the production and introduction into circulation on the territory of Ukraine of tobacco products, which contain harmful substances that exceed the permissible levels established by this Law, - from five thousand hryvnias to fifty thousand hryvnias;

the production and introduction into circulation on the territory of Ukraine of tobacco products with the use on their packaging of words that contain additional characteristics of tobacco products; "with low tar content," "light," "super light," "ultra light," and similar such words in foreign languages, which create the impression that this tobacco product is less harmful to health, - from two thousand hryvnias to twenty thousand hryvnias;

failure to set aside at public dining enterprises (organizations) for people who do not smoke at least half the area of their public spaces, located such that tobacco smoke cannot spread to that area, - from one thousand hryvnias to ten thousand hryvnias;

failure to set aside at hotels and other places of accommodation for persons who do not smoke at least 50 percent of the hotel rooms and or places of accommodation - from one thousand hryvnias to ten thousand hryvnias.

(Part two of Article 20 in the version of Law No. 1512-VI of June 11, 2009)

The decision of the specially authorized Central Executive Agency for Consumer Protection, Standardization, Metrology and Conformity Assessment can be appealed in court.

(Part three of Article 20 in the version of Law No. 1512-VI of June 11, 2009)

Financial sanctions imposed by the specially authorized Central Executive Agency for Consumer Protection, Standardization, Metrology and Conformity Assessment are levied in accordance with the law.

(Part four of Article 20 in the version of Law No. 1512-VI of June 11, 2009)

Financial sanctions envisaged by Part two of this article shall be imposed by the director, deputy director of the specially authorized Central Executive Agency for Consumer Protection, Standardization, Metrology and Conformity Assessment, by the director or deputy director of offices in the Autonomous Republic of Crimea, in the regions, in the cities of Kyiv and Sevastopol after consideration of the materials that are evidence of the violation.

(Part five of Article 20 in the version of Law No. 1512-IV of June 11, 2009)

For commission of a violation, specified in Part two of this article, a report is drawn up by an official of the specially authorized Central Agency for Consumer Protection, Standardization, Metrology and Conformity Assessment, which together with the written explanation of the head of the respective enterprises and documents relating to the case is sent within three days to the authority having the right to impose financial sanctions.

(Part six of Article 20 with amendments pursuant to Law No. 1512-VI of June 11, 2009)

A decision on the imposition of financial sanctions is made within 10 days after receipt of the documents indicated in Part six of this article. The decision on imposition of financial sanctions is made by a decree that is sent to the entity on which the financial sanctions are being imposed and the banking institutions in which this legal entity has an open current account.

The imposition of financial sanctions does not exempt persons guilty of violating this Law from disciplinary, administrative, civil or criminal liability, established by the laws of Ukraine.

Article 21. Final provisions

1. This Law shall take effect from the date of publication, except for Part three of Article 13, which shall take effect as of July 1, 2006, Paragraphs three and four of Part two of Article 10, Articles 12 and 20 and subparagraph "c" of subparagraph 2 of paragraph 2 of Article 21 "Final Provisions", which take effect as of January 1, 2007, Paragraph two of Part two of Article 10 and subparagraph "6" of subparagraph 2 of Article 21 "Final Provisions," which shall take effect from January 1, 2009.

2. To amend the following legislative acts of Ukraine:

1) in the Code of Ukraine on administrative violations (Chronicles of the Verkhovna Rada URSR, 1984, supplement to 51, Article 1122):

a) to supplement articles 168-2 and 175-1 with the following contents:

"Article 168-2. Release for sale of products in violation of the requirements for health warnings for consumers of tobacco products

Release for sale of products in violation of requirements for health warnings for consumers of tobacco products -

entails the imposition of a fine on officials from five to thirty times the minimum income of citizens;"

"Article 175-1. Smoking tobacco products in prohibited places

Smoking tobacco products in places where it is prohibited by law, and also in other places designated by decision of the respective rural, village, city council, -

entails a warning or imposition of a fine from one to five times the minimum income of citizens.

Repeated violations committed during the year, under Part one of this article, for which a person has already been subjected to administrative punishment, -

entails imposition of a fine from five to seven times the minimum income of citizens;"

b) Article 156 shall read as follows:

"Article 156. Violation of the regulations for trade in alcoholic beverages and tobacco products

Retail or wholesale, including import or export, trade in ethyl, cognac or fruit alcohols or retail trade in alcohol beverages or tobacco products without a license or without excise duty stamps or with counterfeit stamps -

entails the imposition of a fine from twenty to one hundred times the minimum income of citizens with confiscation of the goods and proceeds obtained from the sale of the goods.

Violation by an employee of a trade or public dining enterprise (organization) of the regulations for trade in alcoholic beverages and tobacco products, namely: trade in alcoholic beverages or tobacco products in premises or in areas prohibited by law, or in other places designated by decision of the respective rural, village, city council as those where retail trade in alcoholic beverages or tobacco products is prohibited, as well as trade in alcoholic beverages or tobacco products through vending machines or by minors and also the sale of alcoholic beverages or tobacco products to a person under the age of 18, -

entails imposition of a fine from five to twenty times the minimum income of citizens.

Trade in alcoholic beverages or tobacco products by hand -

entails the imposition of a fine from three to ten times the minimum income of citizens with confiscation of the goods.

Actions stipulated by Part one or three of this article, committed by a person who during the year was subjected to administrative penalty for the same offense, -

entails imposition of a fine from twenty to thirty times the minimum income of citizens with confiscation of the goods;"

c) to add to Part two of Article 13 after the words and numbers "Parts one and two of Article 130" the words and numbers "Part two of Article 156;"

d) in Paragraph two of Part two of Article 110 and 115 and in Paragraph two of Part three of Articles 117 and 119 to replace the words and numbers "from 0.5 to one times the minimum income of citizens" with the words "from one to three times the minimum incomes of citizens;"

e) in Article 218:

in Part one to replace the word and numbers "by Articles 159" with the words and numbers "by Article 159, by Article 175-1 (for violations committed in places prohibited by decision of the respective rural, village, city council), by Article;"

in Part two to replace the numbers "179" with the word and numbers "by Article 175-1 (for violations committed in places prohibited by decision of the respective rural, village, city council), by Article 179;"

f) in Article 219 to replace the numbers "179" with the words and numbers "by Article 175-1 (for violations committed in places prohibited by decision of the respective rural, village, city council), by Article 179;"

g) in Article 221 to replace the words and numbers "Parts one and three of Article 156" with the words and numbers "Parts one, three and four of Article 156;"

h) in Article 222:

in Part one to replace the numbers "176" with the words and numbers "by Article 175-1 (with the exception of violations committed in places prohibited by decision of the respective rural, village, city council), by Articles 176;"

in Paragraphs one and three of Point 1 of Part two to replace the word and numbers "by Articles 176" with the words and numbers "by Article 175-1 (with the exception of violations committed in places prohibited by decision of the respective rural, village, city council), by Articles 176;"

i) in Part one of Article 244-4 to replace the numbers "170" with the words and numbers "Article 168-2, Article 170;"

j) in Article 255:

in Part one:

in Paragraph two of Point 1 to replace the numbers "176" with the words and numbers "Article 175-1 (with the exception of violations committed in places prohibited by decision of the respective rural, village, city council), Articles 176;"

in Point 2 to replace the numbers "183" with the words and numbers "Article 175-1 (for violated committed in places prohibited by decision of the respective rural, village, city council), Articles 183;"

Paragraph two of Point 9 to add the numbers "175-1" after the number "160;"

k) in Part one of Article 294 to replace the words and numbers "Parts one and three of Article 156" with the words and numbers "Parts one, three and four of Article 156;"

2) in the Law of Ukraine "On State Regulation of the Production and Circulation of Ethyl, Cognac and Fruit Alcohols, Alcoholic Beverages and Tobacco Products " (Chronicles of the Verkhovna Rada of Ukraine, 1995, No. 45, Article 345; 1997, No. 45, Article 286; 1998, No. 26, Article 168; 2000, No. 30, Article 240; 2001, No. 11, Article 45; 2002, No. 26, Article 175; 50, No. , Article 365; 2005, No. 4, Article 91, Nos. 17-19, Article 267):

a) Paragraph seven of Article 1 shall read as follows:

"tobacco products – filter or non-filter cigarettes, hand-rolled cigarettes, cigars, cigarillos, and also pipe, snuff, sucking, chewing tobacco, mahorka and other tobacco products or their replacements for smoking, snuffing, sucking or chewing;"

b) to delete Part two of Article 9;

c) Paragraphs eight and nine of Part three of Article 11 shall read as follows:

"information on the content of tar, nicotine, which is contained in tobacco products and is released along with tobacco smoke during their smoking, which is affixed to the outside of one of the smaller sides of the package of tobacco products and occupies at least 15 percent of the surface of that side;

the text of the primary health warning for consumers of tobacco products "Smoking causes cardiovascular diseases and lung cancer" and the text of an additional health warning, selected from six texts of additional health warnings as follows: "Smoking during pregnancy harms your baby;" "Tobacco smoke damages the health of those around you;" "Smoking is addictive, do not start smoking!;" "Smoking causes impotence;" "Protect your children: don't allow them to breathe your smoke;" "Smokers die prematurely," which are applied to the package of tobacco products on a rotating basis, must occupy at least 30 percent of the area of the outside of each larger side of the package of tobacco products. The texts of the main and additional health warnings for consumers of tobacco products, which are specified on each package of tobacco products must be clear, printed within a black frame, the width of which must be at least three millimeters, in bold black print against a white background, with lower case letters, except the first letter of the warning, placed in the center of the frame so as to ensure the integrity of these texts during opening of the tobacco product by the method

specified on its packaging, and does not overlap other printed information or the excise duty stamps."

3. The Cabinet of Minister of Ukraine within six months from the date of publication of this Law shall:

submit for review by the Verkhovna Rada of Ukraine proposals on bringing the laws of Ukraine into accordance with this Law;

bring its regulatory-legal acts into accordance with this Law;

ensure that regulatory-legal acts of Ministries, other central executive agencies are brought into accordance with this Law.

President of Ukraine

V.YUSHCHENKO

Kyiv, September 22, 2005 No. 2899-IV