

**LAW NO. 26 OF THE YEAR 2005**  
**CONCERNING COMBATING SMOKING AND TREATMENT**  
**OF ITS DAMAGES\***

In the name of the people

**The President of the Republic**

By reviewing the constitution of the Republic of Yemen

And after approval of the House of Representatives,

**The following law is promulgated**

**PART 1**  
**DENOMINATION AND DEFINITIONS**

**ARTICLE (1):**

This law is denominated as (law of combating smoking and treatment of its damages)

**ARTICLE (2):**

For the purposes of implementing the provisions of this law the following terms and expressions shall have the meanings against each unless the context requires otherwise:

Republic:	The Republic of Yemen
Ministry:	The Ministry of Public Health and Population
Minister:	The Minister of Public Health and Population
Competent Department:	The National Program for Combating Smoking and Treatment of its Damages
Smoking:	Taking tobacco of all its types intentionally by smoking, inhalation, chewing in any manner such as cigarettes, cigars or any means such as hubble-bubble, water pipe, tobacco pipe or any other means.
Negative smoking:	An unintentional smoking represented by the inhalation of the non smoker of smokes resulting from burning tobacco.

\* this law is published in the official gazette issue no. 8 of 2005



Tobacco:	Tobacco plants of all types, categories and parts of roots, stems, leaves, fruits, green or dry seeds.
Tobacco products and derivatives:	Such as cigar, cigarettes, tobacco pipe, tobacco candied tobacco, smelling tobacco and tambool and any other material containing raw or manufactured tobacco.
Smoking imitations:	Every product not containing tobacco or tobacco products but points out to the promotion or advertisement of smoking whether by form or by bearing a smoking slogan.
Bylaw:	The executive bylaw of this law.
Public place:	Each fixed or moveable space surrounded by sides and having a ceiling or the ceiling and walls are incomplete and is allocated for the frequency of persons collectively or individually.

## PART 2 OBJECTIVES

### **ARTICLE (3):**

This law has the objective to achieve the following:

- a. Consolidate and coordinate the official and public efforts to reduce the percentage of smokers and limit the growing increase of their numbers
- b. Educate the society of the damages resulting from smoking and the protection of society members from taking it and encourage the behavioral trends combating smoking.
- c. Protection of the society against the negative smoking hazards and preserving the rights of individuals of non-smokers to live in a healthy environment free of smoking.
- d. Provide necessary medical care to those inflicted by diseases resulting from smoking and assist smokers to quit smoking
- e. Contain economic, health and social losses as a result of smoking

## PART 3 FORBIDDING SMOKING IN PUBLIC PLACES

### **ARTICLE (4):**

Smoking is strictly prohibited in public places such as:



- a. Schools, universities, hospitals and all educational and health institutions.
- b. Theatres, presentation houses, clubs, meeting halls, work offices and airports
- c. Public and private collective transport means whether land, sea or air in internal or external flights.
- d. Within the buildings walls of ministries, corporations, authorities, concerns, public companies, different state organs, public and mixed sectors and their branches and offices in the governorates of the Republic.
- e. Fuel and gas stations and means and places of selling gas cylinders

**ARTICLE (5):**

Places are allocated for smoking in public places away from places where non-smokers exist provided that the allocated place should be spacious with good ventilation and within the specifications determined by the Ministry of Public Health and Population.

**ARTICLE (6):**

The competent department should print and distribute posters prohibiting smoking and warning of its damages and circulate the same in the public places where smoking is prohibited.

**PART 4**

**PROHIBITION OF SMOKING PROMOTION ADVERTISEMENTS**

**ARTICLE (7):**

All mass media whether visual, audible and readable as well as cultural and sportive establishments and publishing, distribution and printing houses and the offices of announcement and advertisement should not make any advertisement promoting smoking whether directly or indirectly.

**ARTICLE (8):**

- a. Tobacco, products and derivatives slogans are prohibited from being stuck on other products such as shirts, hats, baskets, umbrellas , traffic signs, bridges, advertisement posters of different types or painting any part of transportation means or buildings walls in a way that points to or represents any type of smoking.



- b. the manufacturing or importing companies are granted a grace period not exceeding six months to remove any of the advertisements indicated by paragraph (a) of this article.

**ARTICLE (9):**

It is prohibited to import or manufacture imitations of smoking or any materials representing smoking advertisement.

**PART 5**

**PROVISIONS OF TOBACCO IMPORTATION, MANUFACTURING AND SALE**

**ARTICLE (10):**

It is prohibited to import or manufacture any type of tobacco or tobacco products in which nicotine percentage exceeds 0.8 mg and tar 12% mg and the Ministry should set accurate specifications for manufacturing and importation guaranteeing alleviation of smoking hazards to the possible limit and coordinate with the control concerned agencies to implement that and manufacturing and importation companies are allowed a grace period not exceeding six months as from the date of this law issuance.

**ARTICLE (11):**

Prominent health warnings must be put on the locally manufactured tobacco products of different types and also state percentages of components provided that the warning area should not be less than one third of the packet size. Importation of any type of tobacco not bearing health warnings or components percentages is prohibited in accordance to article (10) of this law.

**ARTICLE (12):**

- a. Tobacco industries established after the issue of this law are deprived from privileges granted in accordance with the investment law.
- b. The government endeavors to prevent future expansion of the locally produced tobacco and restrict importation.



**PART( 6)**  
**AWARENESS OF THE HAZARDS AND DAMAGES OF SMOKING AND  
TREATMENT OF DAMAGES**

**ARTICLE (13):**

In the framework of combating smoking the government shall act through each of the Ministry of Education, the Ministry of Higher Education, the Ministry of Information and the Ministry of Endowments in coordination with the Ministry of Public Health and Population to:

- a. Incorporate materials illustrating the whole health, material, economic and social damages resulting from smoking in the scholastic curricula and educational programs and illustrate smoking serious risks to smokers and non smokers.
- b. Organize periodical educational and awareness programs in schools, mosques, health and cultural centers, different information means about hazards of smoking and reveal its damages and guide smokers to quit it within the framework of an annual awareness plan.

**ARTICLE (14):**

Concerned agencies shall organize awareness programs to farmers to plant useful crops to the society and the national economy instead of expanding tobacco agriculture together with stopping the grant of lands for tobacco agriculture.

**ARTICLE (15):**

The competent department is established by a resolution of the Minister which shall be named the national program for combating smoking and treatment of damages which shall have an independent financial liability under the direct supervision of the Minister which shall be competent in caring activities of smoking fighting and treatment of its damages and the program shall have coordinators in the health affairs offices in the governorates determined by a resolution of the Minister in accordance with the provisions of this law and the executive bylaw organizes the method of establishment, composition and work mechanism.

**ARTICLE (16):**

A percentage of 1% of the total custom and tax duties on imported or locally manufactured tobacco and products shall be allocated and incorporated in a special account in the name of the competent department in the Ministry to which the fines determined by this law as well as donations, grants and assets shall be paid in and



the bylaw states the mechanism of collecting these revenues and method of disbursement.

**ARTICLE (17):**

The revenues of the competent administration shall be allocated to treat sick cases resulting from smoking and funding combating programs and extending financial support to associations operating in this field provided that the allocations for treatment should not be less than 30% of the revenues and the bylaw defines such details.

**PART (7)**  
**PUNISHMENT PROVISIONS**

**ARTICLE (18)**

Tobacco companies not stating the components percentages of its products on the product or imported tobacco or which do not abide by putting health warnings thereupon shall be punished by expropriating and destruction of the quantity together with a penalty equal to 50% of the total value of the expropriated quantity and the penalty is doubled in case of recurrence after the grace period indicated by article (10) of this law.

**ARTICLE (19):**

Agencies which manufacture, import or sell tobacco which specifications are different from those defined by law are punished by expropriating and destructing the quantity together with a penalty equal to 50% of the total value of the expropriated commodity and the penalty is doubled in case of recurrence.

**ARTICLE (20):**

Any quantity entered illegally to the country is confiscated in addition to imposition of a penalty on whoever acts smuggling or selling in a fine equal to the smuggled or sold quantity value without prejudice to any more severe penalty provided by other applicable laws.

**ARTICLE (21):**

Information and cultural means, publishing houses, newspapers, magazines, local printing houses, advertisement and announcement offices which promote smoking are penalized by one of the following penalties:

- a. Closure for a period not exceeding one month.



- b. Payment of a fine not exceeding one Million Yemeni Rials and such penalty shall be doubled in case of recurrence and such penalty does not stand instead jailing individuals who committed violations in a period not less than one month and not exceeding one year.

**ARTICLE (22):**

Distributors of foreign newspapers, magazines, books and publications in case of violation are penalized with the following together with giving a grace period not exceeding three months as from the issuance of this law as follows:

- a. Confiscation of the violating issues.  
b. Prohibiting the entry of following issues for a period not exceeding six months.

**ARTICLE (23):**

- a. Individuals violating the provisions of this law concerning smoking in public places are penalized by a financial fine of 500 Yemeni Rials or jail for 24 hours and penalty is doubled in case of recurrence.  
b. The penalty of a teacher or a doctor who smokes in the presence of students or patients during performance of duty is penalized double that penalty indicated by paragraph (a) of this article and penalties are progressive in case of recurrence.

**ARTICLE (24):**

The agencies where smoking is prohibited which don't allocate a special place for smoking are penalized by a fine not exceeding ten thousand Yemeni Rials together with obligating them to allocate the indicated place by law enforcement.

**PART (8)**  
**GENERAL PROVISIONS**

**ARTICLE (25):**

Employees assigned implementation of the provisions of this law in exercising such a duty shall have the capacity of judicial control commissioners and a resolution from the Minister of Justice upon submittal of the Minister shall be issued thereby and the bylaw shall organize that.

**ARTICLE (26):**

The council of Ministers issues the executive bylaw of this law in accordance to a submittal by the Minister of public health and population.



**ARTICLE (27):**

The central and local authorities should cooperate with competent agencies each in the relevant domain of activity towards application of the provisions of this law and its executive bylaw.

**ARTICLE (28):**

This law is operative as from the date of issuance and shall be published in the official gazette.

**Issued at the presidency of the Republic-Sana'a**

**Date: 10 Rabi Awal 1426 AH**

**Corresponding to 19 April 2005**

**Ali Abdullah Saleh  
President of the Republic**

