

# Official Gazette

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## Tobacco Control Law

### Chapter One

### General Provisions

#### Purpose of Enforcement

Article One:

This Law has been enacted pursuant to the provisions of Article Seven of the Constitution of Afghanistan that aims to abide by the World Health Organization Convention on Tobacco Control and Oversight.

#### Objectives

Article Two:

The Law aims to:

1. Provide conditions for gradual yet complete ban on the use of cigarettes, water-pipe, *hookah*, snuff and other tobacco products and enable public mindsets on entirely banning the production, promotion and use of the above, as is supported by Islamic *Shari'ah* Law.
2. Reduce and prevent the increase of production and import of cigarettes, water-pipe, *hookah*, snuff and other tobacco products
3. Reduce and prevent the increase of production and importation of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products sold to minors, youth and women.
4. Reduce and prevent advertisements, promotions and donations aimed at encouraging and promoting the use of cigarettes, water-pipe, *hookah*, snuff and other tobacco products
5. Prevent the production and illegal business of cigarettes, water-pipe, *hookah*, snuff and other tobacco products
6. Protect environment, with a particular focus on human health
7. Encourage farmers to grow profitable plants as an alternative to tobacco

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## Terms

Article Three:

The terms used in this Law are described as follows:

1. Permit: an official document issued by the Ministry of Public Health to allow the production, import, export or wholesale selling of cigarettes, water-pipe, *hookah*, snuff and other tobacco products
2. Packaging: the process of managing the final tobacco product carried out with the aim of safe transportation, storage and prevention of loss. This process entails the reflection of information on cartons, packets, cases and containers describing the harms of tobacco in light of the contents [provisions] of the Convention.
3. Tobacco Products: cigarettes, snuff, *marghozi* including *hookah* [tobacco] and other tobacco products made wholly or partially from its leaves as a raw material for eating, smoking, chewing and smelling.
4. Encouraging Commercials: all types of commercials and practices with the direct or indirect aim of encouraging people to use tobacco products.

## Implementing Agency

Article Four:

The ministries of Public Health, Finance, Agriculture, Irrigation and Livestock, Commerce and Industries and the National Environment Protection Agency are responsible within their respective scope of operation to implement the provisions of this Law. Police is obliged to cooperate in this regard.

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## Chapter Two

### Permit and Prohibition

#### Permit Issuance

Article Five:

- (1) A person, who engages in the production, import, export and wholesale sale of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products, is obliged to abide by the provisions of this Law and obtain permit from the Ministry of Public Health
- (2) The manner of issuance, cancellation, suspension and other aspects of the Permit requested by natural and legal persons as set forth in item (1) of this article shall be determined by the Ministry of Public Health through a separate regulation.
- (3) Retail or wholesale sale of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products across the country shall be subject to the following conditions:
  1. Obtaining the permit as set forth in item (1) of this Article.
  2. The seller must have attained the age of 18 years.
  3. Existence of warning (as approved by the Ministry of Public Health) on packages.

#### Packaging

Article Six:

Production, import, export and wholesale sale of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products shall be prohibited without proper packaging, serial numbering and special pictorial label that cover 50% of the packet.

#### Prohibition of Advertisement and Publicity

Article Seven:

All types of commercials encouraging the production, import and use of tobacco products are prohibited.

#### Ban on Financial and Moral Support

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Article Eight:

Any grant, donation, bonus, prize, financial and moral support aimed at encouraging the production, import and use of cigarettes and other tobacco products shall be prohibited.

## Chapter Three

### Measures for Ending the Use of Cigarettes and other Tobacco Products

#### **Ban on Sale**

Article Nine:

Purchase and sale of cigarettes, water-pipe, *hookah*, snuff and other tobacco products to minors or through minors via the internet and other means shall be prohibited.

#### **Restricted Areas**

Article Ten:

- (1) Supply and use of cigarettes, water-pipe, *hookah*, snuff and other tobacco products and [as well as] smoking shall be prohibited in the following areas and those specified by the Tobacco Control Commission:
1. Government institutions and their affiliates.
  2. Hospitals, clinics and other healthcare facilities.
  3. Airport terminals, except in the specially designated area for this purpose.
  4. Prisons, orphanages and children's education centers.
  5. Universities as well as civil and military educational institutions.
  6. Dormitories.
  7. Schools, *madrassas* [religious schools], Quran-memorization centers, mosques, *takia khanas* [*Shi'a* mosques] and mourning halls.
  8. Pump [gas] stations and liquid [natural] gas sales sites.
  9. Government and private in-door premises.
  10. Sports clubs.
  11. Inside buses, taxis and public transportation.
  12. Hotels and in-door restaurants.
  13. Exhibition halls.
  14. Stores.

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15. Libraries.

16. Other in-door premises for public use.

- (2) Officials of the facilities as set forth in item (1) of this article are obliged to take appropriate measures to prevent the use of cigarettes, water-pipe, *hookah*, snuff and other tobacco products in such places.

## **Installation of Warning Signs**

Article Eleven:

Officials of the facilities set forth in Article Ten of this Law are obliged to install in appropriate and visible areas warning signs designed by the Ministry of Public Health aimed at preventing the use of cigarettes, water-pipe, *hookah*, snuff and other tobacco products.

## **Formation of the Commission**

Article Twelve:

- (1) With an aim to ensure coordination among ministries and the relevant agencies and in order to monitor the implementation of the provisions of this Law, the Tobacco Control Commission, comprised of the following officials, shall be established under the directorship of the Deputy Minister of Public Health:
1. Technical Deputy of Environment Protection Agency as the Deputy of the Commission
  2. Authorized representative of the Ministry of Interior Affairs as member
  3. Authorized representative of the Ministry of Finance as member
  4. Authorized representative of the Ministry of Commerce and Industries as member
  5. Authorized representative of the Ministry of Information and Culture as member
  6. Authorized representative of the Ministry of Hajj and Religious Affairs as member
  7. Authorized representative of the Ministry of Agriculture, Irrigation and Livestock as member
  8. Authorized representative of the Ministry of Education as member
  9. Authorized representative of the Ministry of Higher Education as member
  10. Representative of the civil society, youth activists as members
- (2) The Commission could invite representatives of other agencies and civil society institutions, as necessary.
- (3) The Ministry of Public Health shall choose the Secretariat to the Tobacco Control Commission



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- (4) The functions of Tobacco Control Commission shall be regulated under separate Regulation approved by the Commission

## **Functions of the Commission**

Article Thirteen:

The Tobacco Control Commission shall have the following tasks and responsibilities:

1. Put in place appropriate measures aimed at controlling the use of tobacco and other tobacco products as per the Tobacco Control Convention
2. Design promotional programs on the harms of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products with an aim to bolster public awareness
3. Develop report on ensuring adherence to the World Health Organization Working Framework Convention on Tobacco Control
4. Propose amendment to the provisions of this Law
5. Enact regulations and procedures as well as propose regulations aimed at better implementation of the provisions of this Law

## **Chapter Four**

### **Responsibilities of Ministries and Line Agencies**

#### **Responsibilities of the Ministry of Public Health**

Article Fourteen:

- (1) The Ministry of Public Health is obliged to build public awareness regarding the harms of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products through training programs, research, publishing books, leaflets, pamphlets, announcements, posters, advertisements and mass media.
- (2) The Ministry of Public Health is obliged to establish health counseling centers aimed at providing advice and offering ways of treatment to addicts of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products helping them to quit and recommend ways to save nonsmokers from the harms of the smoke.

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- (3) The Ministry of Public Health is required to report via the Ministry of Foreign Affairs on its adherence to the Working Framework Convention of the World Health Organization regarding the control and oversight of tobacco.

## **Responsibilities of the Ministry of Agriculture, Irrigation and Livestock**

Article Fifteen:

The Ministry of Agriculture, Irrigation and Livestock is obliged to encourage farmers to grow viable acceptable plants as alternatives to tobacco production.

## **Responsibilities of the Ministry of Information and Culture**

Article Sixteen:

- (1) The Ministry of Information and Culture in close collaboration with the Ministry of Public Health is obliged to build public awareness on the harms of cigarettes and other tobacco products through mass media.
- (2) Officials of both private and public (audio visual, print and electronic) media outlets are obliged to take part in building public awareness regarding the harms of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products as per their broadcast policies, free of charge.
- (3) The Ministry of Information and Culture is obliged to avoid airing films and dramas that encourage the use of cigarettes, water-pipe [tobacco], *hookah* [tobacco] and snuff.
- (4) Officials of both private and public mass media outlets shall avoid the broadcast of commercials encouraging the use of tobacco products.

## **Responsibilities of the Ministry of Hajj and Religious Affairs**

Article Seventeen:

The Ministry of Hajj and Religious Affairs is obliged to encourage the public via Islamic directives to quit the use of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products defining the financial, health, social and moral tribulations arising from the use of the same and launch programs that could be put in practice through addresses by priests and preachers at mosques and madrassas.

## **Responsibilities of the Ministry of Education**

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Article Eighteen:

The Ministry of Education is obliged to include the harms of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products in Education Curriculum.

## **Responsibilities of the Ministry of Higher Education**

Article Nineteen:

The Ministry of Higher Education is obliged to define and explain to students of both public and private higher education institutions the harms of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products through lecturers and professors.

## **Responsibilities of the Ministry of Finance**

Article Twenty:

- (1) The Ministry of Finance is obliged to monitor via its customs personnel the import of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products to make sure that the written and pictorial signs and symbols demonstrating the risks of cigarettes appear in official languages of the country. Officials shall ban all such imports that lack the above demonstrations.
- (2) The Ministry of Finance is obliged to increase customs tariffs up to fifty percent on the import of cigarettes and other tobacco products.

## **Responsibilities of the Ministry of Commerce**

Article Twenty One:

The Ministry of Commerce is obliged to communicate the provisions of this Law to traders thereby preventing the import of cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products exercised contrary to the provisions of this Law.

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## Chapter Five

### Miscellaneous Provisions

#### Restrictions:

#### Article Twenty Two:

- (1) Individuals intending to produce, import or export cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products without obtaining the Ministry of Public Health Permit or import these products in a way that lack pictorial and written risk warning shall be fined (250,000) Afs and products destroyed by Customs Agencies of the Ministry of Finance.
- (2) Individuals selling cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products to children or through children will be fined first time (5000) Afs, second time (10,000) Afs, third time (20,000) Afs and referred to judicial and legal authorities.
- (3) Anyone attempting to sell or purchase cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products online shall be fined (50,000) to (150,000) Afs depending on the type of sale or purchase.
- (4) Individuals attempting to sell cigarettes in the absence of serial number and special label set forth in Article Six of this Law, will be fined (100,000) Afs first time, (200,000) Afs second time and referred to judicial and legal authorities.
- (5) Anyone trying to promote the use of cigarettes and other tobacco products through advertisements shall be fined (50,000) to (100,000) Afs, depending on the type of violation.
- (6) Anyone trying to encourage people to use cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products through grants, donations, prizes and other types of financial and moral support shall be fined (50,000) to (150,000) Afs depending on the type of violation.
- (7) Violators of the provisions of Article Ten, who attempt to use cigarettes, water-pipe [tobacco], *hookah* [tobacco], snuff and other tobacco products in public areas as stated in Article Ten, shall be fined (300) Afs.

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(8) Amounts set forth in items (2-7) of this Article shall be subject to collection by the Ministry of Public Health in collaboration with the Ministry of Interior Affairs and National Environment Protection Agency and deposited to the state's imports account.

## **Implementation and Oversight of the Articles of this Law**

Article Twenty Three:

Provisions of this Law shall be equally enforced and implemented at all ministries, government agencies and private institutions. Personnel at these institutions (except the personnel of tobacco import companies) shall be obliged to monitor adherence to the provisions of this Law.

## **Date of Enforcement**

Article Twenty Four:

This Law shall come into force three months after [its] publication in the official gazette.