

Law No. 20 of 2002 on the Control of Tobacco and its Derivatives 20 / 2002

Number of Articles: 17

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We, Jassim bin Hamad Al-Thani, Deputy Emir of Qatar,
Having reviewed the Amended Provisional Constitution, in particular Articles 22, 23, 34 and 51 thereof;
The Qatari Penal Law promulgated by Law No. 14 of 1971, as amended;
The Criminal Procedure Law No. 15 of 1971, as amended;
Law No. 3 of 1975 on Commercial, Industrial and Similar Public Stores, as amended;
Law No. 4 of 1980 on Organization and Control of Placing Advertisement, as amended;
Law No. 5 of 1989 on the State General Budget;
Law No. 4 of 1990 on Specifications and Metrology System, as amended by Law No. 2 of 1992;
Law No. 1 of 1992 on the Specifications to be Applied for Certain Cigarettes and their Packaging, as amended by Decree-Law No. 26 of 1995;
Law No. 10 of 1993 Organizing the Ministry of Public Health and Specifying its Functions;
Law No. 3 of 1996 on the Prohibition of Smoking in the Ministry of Public Health and its Affiliated Institutions and Facilities;
Decree No. 14 of 1999, on Increasing Customs Duties Rate on Tobacco and its Derivatives;
The Council of Ministers' Resolution No. 1 of 1986 and Resolution No. 4 of 1989 on the Specifications to be Satisfied by Certain Goods and Substances, and amendments thereto;
The Proposal of the Minister of Public Health;
The Draft Law submitted by the Council of Ministers;
And after consulting the *Shura* Council;
Hereby promulgate the following law:

Articles

Article 1

In applying the provisions of this law, unless the context otherwise requires, the following words and phrases shall have the meanings assigned thereto:

"Ministry" means the Ministry of Public Health.

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"Tobacco" means tobacco plants of all species and varieties of the genus *Nicotiana*, and parts including roots, stems, leaves, fruits and green or dried seeds.

"Tobacco derivatives" means tobacco leaves, whether whole, sliced or chopped, pure or mixed with other substances, and any other substances of which tobacco is a component.

"Smoking" means the lighting of tobacco or its derivatives with a view to inhaling and exhaling the smoke emitted therefrom.

"Publicity, promotion and advertising" means presentation of tobacco and its different derivatives, and encouraging its trading and the increase in the number of its users, through printed matter and broadcasting in the visual and audio media, whether directly or indirectly.

"Means of public transport" means methods of public transport, such as taxis, buses, planes, ships, boats, intended for use by and transporting of the public.

Article 2

a. The cultivation or manufacture of tobacco or its derivatives shall be prohibited in the State, whether through preparation, mixing with other substances or packing in any form, for any purpose such as sale or resale.

1. The importation or use of automated devices intended for the sale of cigarettes shall be prohibited.

Article 3

Each person who imports, sells, offers for sale, or possesses tobacco and its derivatives for the purpose of sale or storage, shall observe the terms and conditions contained in this Law.

Article 4

- a. Each importer of tobacco or its derivatives, or of cigarettes of different kinds, shall notify the Ministry in writing at least one week prior to the arrival of the shipment in the State, for the purpose of testing and ascertaining compliance with the approved standards.
1. Entry to the State of any shipment of tobacco or its derivatives, or of cigarettes of different kinds, shall be permitted only upon written authorization from the Ministry stating that the imported shipment satisfies the standard specifications.

Article 5

The amount of tar and nicotine allowed in one cigarette shall be determined by a decision from the Council of Ministers on the recommendation of the Minister, provided that:

1. tar shall not exceed (10) mg.
2. nicotine shall not exceed (0.6) mg.

Article 6

Subject to the provisions of the approved standard specifications, the following data in the Arabic language must be conspicuously affixed on each unit of tobacco or derivatives or cigarette package:

1. Date of production and month and year of expiry.
2. The following cautionary statement: "*Smoking is a major cause of cancer and lung, heart and blood vessel diseases*". This cautionary statement shall be in accordance with the following conditions:
 1. It shall be preceded by the phrase "Health Warning";
 2. The font size in which it is written shall not be smaller than one quarter of the font size in which the brand of cigarettes or tobacco product is written;
 3. The colour of the text in which it is written shall be the same as that in which the brand is written;
 4. It shall be written on both sides of the package.
3. For cigarette packs, the tar and nicotine content of each cigarette shall be stated.

Article 7

1. The sale or display of any quantity of tobacco and its derivatives, whose expiry date is more than one year from the production date, shall be prohibited.
1. The sale of cigarettes of all types or tobacco and its derivatives to any person under 18 (eighteen) Gregorian years shall be prohibited. Ignorance of the law shall not be an excuse and the seller shall take all necessary precautions to ascertain the age of the buyer.

Article 8

The advertising of cigarettes or tobacco or its derivatives with a view to promoting and encouraging smoking shall be prohibited in all places and by any advertising media in Qatar.

Article 9

Stores that offer cigarettes or tobacco or its derivatives for sale shall prominently and legibly display the cautionary statement described in Article 6 (2) herein inside the store or on other conspicuous banners.

Article 10

Smoking shall be prohibited in the following enclosed public places:

1. Means of public transport;
2. Schools, education and training centers, universities, hospitals, health centers, and other educational institutions and health facilities;
3. Ministries, other government agencies, public organizations and institutions, sports clubs, premises of associations and public stores, elevators, cinemas and theaters;
4. Industrial facilities and shopping malls;
5. Restaurants and other establishments that sell food or drink to the public;

Any other places where smoking shall be prohibited may be added by the decision of the Minister of Public Health after the approval thereof by the Council of Ministers.

As an exception to the aforementioned prohibition, tightly closed areas for smoking may be allocated in those places stipulated in sub-articles 10/1, 2, 3 and 4 herein. However, smoking areas in restaurants and similar places stipulated in sub-section 5 may not be completely closed.

Article 11

The sale of cigarettes or tobacco or its derivatives at a distance of less than five hundred meters from schools and other educational and training institutions shall be prohibited.

Article 12

Two percent (2%) of the proceeds of customs duties on tobacco and its derivatives shall be allocated and entered into the Ministry's budget for the purpose of spending on health education and combating all forms of smoking.

Article 13

- a. Any person who smokes cigarettes or tobacco or its derivatives or permits smoking in places where smoking is prohibited shall be liable to punishment by a fine of not less than two hundred (200) Riyals and not more than five hundred (500) Riyals

1. Compounding of such an offence shall be permissible, in which case no criminal proceedings shall be initiated.
2. Any person convicted of a violation of any other provision of this Law or its implementing regulations or decisions shall be sentenced to a period of imprisonment for a term not exceeding six months or to a fine not exceeding five thousand (5000) Riyals, or to both.
3. In all cases, the court may order, at the expense of the accused, the confiscation, re-exportation or destruction of the substances involved in the violation. The court may also order the closure of those places in which the violation occurred for a period of not less than one month and not more than three months.
4. In the case of a repeat violation, the minimum and maximum sentences shall be doubled. All violations provided for under this Law are deemed identical.

Article 14

Upon a decision by the Minister, and in coordination with other ministries, government bodies and other public organizations and institutions, some administrative staff and security personnel nominated by their respective authorities may be granted the rank of judicial officer to investigate and prove violations in accordance with the provisions of this Law.

Upon a decision by the Minister of Energy and Industry, some staff of Qatar Petroleum and its subsidiaries may be granted the rank of judicial officer to investigate and prove violations committed at those entities.

Upon a decision by the Minister of Education, some employees of the Ministry of Education and schools affiliated thereto may be granted the rank of judicial officer to investigate and prove violations committed at those entities.

Judicial officers shall have all or some of the following powers:

1. to enter entities that distribute or store tobacco and its derivatives and to inspect the substances and operations;
2. to open and examine any package containing tobacco and its derivatives;
3. to take samples for laboratory testing;
4. to access documents, records, recipes, compositions and papers relating to the substances;
5. to investigate and provisionally seize infringing substances; and
6. to investigate smoking violations, to apprehend violators, and to offer compounding in respect thereof; in which case the amount of the fine shall be one hundred riyals. Where a violator refuses an offer of compounding, the necessary criminal proceedings shall be initiated.

Article 15

Law No. 1 of 1992 and Law No. 3 of 1996, referred to above, shall be repealed together with any provision conflicting with the provisions of this Law.

Article 16

The Minister shall issue regulations and decisions necessary for the implementation of the provisions of this Law. Until that time, the regulations and decisions currently applicable to tobacco or its derivatives and the prohibition on smoking shall remain in force, insofar as they are not inconsistent with the provisions of this Law.

Article 17

All competent authorities, each within its jurisdiction, shall implement the provisions of this law, which shall be published in the Official Gazette.

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