

## **LAW**

### **ON THE BAN ON THE SALE AND CONSUMPTION OF TOBACCO PRODUCTS TO PERSONS BELOW 18 YEARS OF AGE**

#### **I – MAIN PROVISIONS**

##### Article 1

With the view to improving the health of persons under 18 years of age through the implementation of preventive measures, the present Law hereby stipulates the following:

- the sale and gifting of tobacco and tobacco products by persons under the age of 18 and to persons under the age of 18, as well as any consumption of such products, shall be prohibited;
- the sale and gifting of tobacco products at certain locations shall be prohibited;
- other prohibitions on the sale of tobacco products shall apply;
- the obligations of educational institutions arising from the present Laws shall apply.

##### Article 2

The term tobacco, in the sense of the present Law, means a tobacco plant, as set out in the Law on tobacco, identified as crude tobacco, dried tobacco as well as all products originating from these plants. The term tobacco products, in the sense of the present law, means cigarettes, cigars, cigarillos, tobacco for smoking, tobacco for snuffing, tobacco for sucking, tobacco for chewing as well as all other products originating from tobacco.

#### **II – THE BAN ON THE CONSUMPTION, SALE AND GIFTING OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18**

##### Article 3

It shall be prohibited to sell or gift tobacco or tobacco products to persons under the age of 18.

##### Article 4

Persons under the age of 18 shall be prohibited from consuming, selling or gifting tobacco or tobacco products. Persons under the age of 18 may not gift or sell tobacco or tobacco products to physical persons or legal entities, or perform any duties on behalf of physical persons or legal entities, relative to the sale or gifting of tobacco or tobacco products.

#### **III – BAN ON THE SALE OF TOBACCO PRODUCTS AT CERTAIN LOCATIONS**

##### Article 5

It shall be prohibited to install, set up or use any machines for dispensing tobacco or tobacco products in public areas.

##### Article 6

The selling of tobacco or tobacco products through dispensing machines, supermarket or market shelves, or similar retail outlets where customers can freely collect goods or through street sellers or street stands, shall be prohibited.

#### IV – OTHER PROHIBITIONS RELATIVE TO THE SALE OF TOBACCO PRODUCTS

##### Article 7

It shall be prohibited to sell or gift cigarettes, individually or in packs, containing fewer than 20 units, or loose.

##### Article 8

It shall be prohibited to sell other products bundled with tobacco or tobacco products. Tobacco and tobacco products may not be offered in exchange, for sale or as a gift in any arrangement where they are combined, or not visually separated from other goods.

##### Article 9

It shall be prohibited to produce, distribute, sell or gift sweets or toys of a shape resembling tobacco products.

#### V – OBLIGATIONS

##### Article 10

Tobacco and tobacco products, that is to say the packaging thereof, shall bear an inscription, on a clearly visible side, reading: “not to be consumed by or gifted to persons under the age of 18”. There must be at least one additional sign indicating that tobacco and tobacco products represent a health hazard. The lettering of the warning shall be at least 2 (two) millimetres in size, written in a visible colour and shape, occupying at least 40% of all larger surfaces of the pack.

##### Article 11

All physical persons and legal entities selling or gifting tobacco and tobacco products, shall request the buyer to produce an appropriate document asserting that the buyer is 18 or older, except in circumstances where it shall be evident that the buyer is indeed older than 18.

##### Article 12

All educational institutions (primary schools, high schools, sports organisations, etc.) shall display posters, in a visible area, containing text, images or other visual graphs, indicating that the consumption of tobacco and tobacco products by persons under the age of 18 is prohibited as well as information on the health hazards represented by tobacco. The graphic presentation shall be clearly visible so that children, pupils and students can, in normal circumstances, see at least one of the said graphic presentations at least once per day. The educational institutions shall include the topic “health hazards created by tobacco” in their curricula for primary and high schools, in a manner ensuring that this topic is taught and discussed at least once every month, as part of the regular teaching programme. Lecturers, professors, sports coaches and other staff providing professional care for the under-aged shall report all breaches of Article 3 and Article 4 to the appropriate inspector.

## Article 13

Approvals issued by the appropriate administrative bodies, for the location of sales outlets and places of sale and retail of tobacco and tobacco products, shall be in accordance with the present Law. Administrative bodies, in the sense of the previous Paragraph, shall refuse a licence for the sale of tobacco and tobacco products where the envisaged point of sale or retail outlet is located less than 300 meters from a kindergarten or a school, sports and recreational facility (sports halls) or sports grounds (pitches or other surfaces designated as sports and recreational grounds).

## VI – ENFORCEMENT

## Article 14

Enforcement of the present law shall be entrusted to sanitary inspectors, trade inspectors, educational inspectors, the community, and regular police force.

## Article 15

Sanitary inspectors shall supervise the implementation of Articles 3, 4 and 13 of the present Law. Trade inspectors shall supervise the implementation of Articles 3 to 13 of the present Law. Educational inspectors shall supervise the implementation of Article 12 of the present Law. Community and regular police force members shall supervise implementation in public areas as part of their regular duty.

## Article 16

Where an inspector shall find that tobacco or tobacco products are being sold or gifted in breach of the present Law, he/she shall issue a ban on the sale of tobacco and tobacco products. Such a ban shall be issued for a limited duration, whereby the said duration may not be shorter than 30 days or exceed six months.

## VII – FINES

## Article 17

Legal entities found to be acting in breach of Articles 3-8 and 11 to 12 herein, shall be liable to pay a fine of KM 5,000 to 15,000. The person responsible within the aforementioned legal entity shall be liable to pay a fine of KM 100 to 200.

## Article 18

Physical persons acting in breach of Articles 3-13 herein, shall be liable to pay a fine of KM 100 to 200. In addition to the fine envisaged in Article 18 and the previous paragraph of the present Article, a protective measure comprising of the seizure of goods (tobacco and tobacco products) may be applied.

## Article 19

Physical persons found to be acting in breach of the present Law shall be liable to pay a fine of KM 30. The spot fine shall be payable to the inspector, community or regular policeman in charge of the implementation hereof, in accordance with the law.

## VIII – TRANSITIONAL AND CONCLUDING PROVISIONS

Article 20

All physical persons shall adapt their conduct to the present law as of the date of the present Law coming into force. All institutions, organisations and other legal entities shall bring their general statutes in accordance with the present Law at the latest within 90 days of the present Law coming into force.

Article 21

The present Law shall come into force on the eighth day of its publication in the Official Journal of the Republic of Srpska.

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29<sup>th</sup> April 2004  
Banja Luka

Chairman of the National Assembly, Dr. Dragan Kalinic s.r.