

In the Name of God, the Merciful, the Compassionate

# Tobacco Control Law 2005

## **Tobacco Control Law for the Year 2005**

Acknowledging the provisions of the constitution of the Republic of Sudan in the Year 1998 approved by the National Assembly and agreed to by the President of the Republic, the following is passed into law:

### **Article I**

#### **Name of the Law and Beginning of its Implementation**

- 1) This law shall be named "Tobacco Control Law for the Year 2005." It shall be implemented from the date of its publication in the official gazette.

#### **Nullification and Exclusion**

- 2) This law nullifies the Smoking Ordinance for the Year 1983 whereas all regulations and orders issued on behalf of shall remain valid as long as they are nullified or amended in accordance with the provisions of this law or the regulations issued by it.

#### **Interpretation**

- 3) In this law the following terms shall not have a different meaning:

#### **Tobacco:**

This means all tobacco products whether prepared for smoking, inhalation, chewing, or placement in the mouth for any other use and any product whereby tobacco components partially enter therein.

#### **Public Places:**

This means places where people gather without discrimination and includes: places of worship, learning, public means of transportation, places providing health care, government libraries, sporting facilities, gardens, public parks and any other public places identified by regulations.

#### **Closed Places:**

This means closed rooms intended for public use including ports, airports, transit stops, cinemas, theaters, museums, restaurants, hotels, commercial locations, electrical lifts, closed ladders to buildings, workshops, laboratories, closed warehouses, libraries, halls, rooms intended for use by more than one person at a single time, and any other closed place identified by regulations.

#### **Minister:**

This means the Minister of Federal Health.

#### **Technical Committee:**

This means the Technical Committee composed in agreement with Clause 12.

## **Article II**

### Warning of the Harm Caused by Tobacco

- 4) (1): Every producer, importer, and distributor of tobacco and its products must have a warning for the harm caused by tobacco in writing on each package of cigarettes or tobacco product regardless of whether it is intended for smoking or not. In front of every place where it is sold, there must be a health warning in clear and comprehensible form identifying its harms.
- (2): The warning must take up no less than 30% of the side displaying the product and specifying the health warning regulations.
- 5) All persons involved with producing and importing tobacco products must be committed to the specifications imposed by responsible agencies related to maximum levels of tar, nicotine, scent, and others identified by the regulations.

### Tobacco Advertising

- 6) Tobacco related announcements are not permitted by direct or indirect means using any method of advertising or announcements, just as it is not permitted to distribute tobacco products freely as means of advertising or by using any other method mentioned as means of promoting in order to use tobacco.

### Expansion in Providing Tobacco

- 7) It is not permitted to expand tobacco production by increasing the area reserved for its farming, or increasing the number of factories producing it, or providing any support of any type which would encourage an increase of its production, importing, circulation, or use.

## **Article III**

### **Sales Controls**

- 8) (1): It is not permitted to sell tobacco in or nearby schools, educational or therapeutic institutions, houses of worship and their subsidiaries.
- (2): It is not permitted to use children (less than 18 years of age) in the production, storage, transport, sale, or purchase of tobacco. Any child performing any of these actions will be considered in violation of the provision of this law.
- (3): It is not permitted to use use automatic distribution machinery in the distribution of tobacco products.

### **Tobacco Use Controls**

- 9) (1): It is not permitted to use tobacco to the following places:
  - (a) Public places.
  - (b) Closed places.
- (2) It is not permitted for the workers mentioned to use tobacco during the performance of the following functions:
  - (a) The workers in the field of manufacturing, preparing, or providing food meant for

- human consumption during service delivery.
- (b) Physicians working in a place where health services are provided and treatment during service delivery.
- (c) Workers during delivery of lessons or other educational activities.
- (d) Workers in the public or private sector during service delivery to the public.

### **Places Reserved for Tobacco Use**

- 10) (1) The owner or manager of a closed location for the purpose of tobacco use only provided it has the following conditions:
  - (a) It provides highly efficient ventilation equipment.
  - (b) It prohibits admittance to children of less than 18 years old.
  - (c) It clearly displays a sign indicating the location is for tobacco use only.
  - (d) It provides a separate place for non-tobacco users for the same purpose.
- (2) A closed place reserved for tobacco users is excluded from the provisions of article (9)(1) of this law if it meets the conditions appearing in clause (1) above.

### **Control of Tobacco Use**

- 11) (1) The State Health, Training, Education, Professional, Media, and Culture Agencies within their offices will be made aware of the dangers of tobacco use.
- (2) The State offices each intend in their field to implement trainings, research, and providing the necessary facilities to find appropriate alternatives for employees in the fields of tobacco farming, manufacturing, and commerce, as well as providing alternative resources to the public treasury in order to address the resource gap for the application of this law.
- (3) The Ministry of Health shall work to provide programs for prevention and diagnosis of addition to tobacco.

### **Technical Committee**

- 12) (1) A committee shall be formed, named “the Technical Committee for Controlling Tobacco Use.” It shall be formed by an announcement from the Prime Minister. Members will possess expertise, efficiency, and interest in controlling tobacco use. Its composition shall include related Ministries and interested social organizations.

### **The Committee Shall:**

- (a) Pursue the effective implementation of the law.
- (b) Prepare the technical studies necessary to support the control of tobacco use and monitor the progress that occurs.
- (c) Coordinate with other agencies with an interest in inventing appropriate means to encourage cessation of tobacco use.
- (d) Present advice to the Minister in matters pertaining to means of controlling tobacco use.
- (e) Any other jurisdiction assigned to it by the Minister.

## **Article IV**

### **General Provisions On Reporting Violations**

- 13) (1) It is permitted for any person to notify the nearest prosecutor or policeman of any violation of the provisions of this law.
- (2) It is permitted for any policeman to arrest any person committing a violation for the provisions of this law and to present him immediately to the nearest prosecutor, just as it is permitted for any prosecutor to order the arrest of the violator and to present him in court.
- (3) Managers of places and locations where tobacco use is prohibited in accordance with the provisions of this law are required to prevent violations and notify suitable authorities thereof.

### **Seizure and Destruction of Goods**

- 14) Prosecutors are permitted to order the seizure and arrest of tobacco and equipment used in its production, sale, transportation, or delivery in violation of the provisions of this law or non-compliance with the required conditions until the end of a trial.
- 15) (1) Each violation of the provisions of this law or the regulations issued will be punished with imprisonment for a period not to exceed three years or a fine set by the court, or both punishments together.
- (2) In the case of a conviction, the court is permitted – in accordance with the provisions of this law, to confiscate goods relating to the offense, as it is similarly permitted to order those good destroyed.
- (3) In cases of repeat violations it is permitted to rule that the location be closed and its business permit be revoked.

### **Regulations**

- 16) The Minister issues the regulations necessary to implement the provisions of this law.

### **Certification**

I testify that the National Assembly has approved the Tobacco Control Law for the Year 2005 in Session Number (39) of its Eighth Session reconvened on the date 4 Dhul-Hija 1425 AH; corresponding to 15 January, 2005 AD.

Ahmad Ibrahim Al-Tahir  
President of the National Assembly

Agreed:  
Marshall / Umr Hasan Ahmad Al-Yushbir  
President of the Republic