

Adopted on February 13, 2020

**LAW ON REDUCTION AND PREVENTION OF THE DAMAGE
CAUSED TO HEALTH BY THE USE OF TOBACCO PRODUCTS AND
SUBSTITUTIONS FOR THEM**

The objectives of this Law are to protect present and future generations from the adverse effects, caused by the use of raw tobacco materials, tobacco products, tobacco substitutes, harmful effects of tobacco smoke, their damaging impact on the social, economic spheres and environment, as well as to root in public perceptions that the use of tobacco products, tobacco substitutes is unhealthy and rejected behavior.

Article 1. Main concepts used in the Law

1. Main concepts used in this Law:

1) **raw tobacco:** raw materials, received from tobacco plants (nicotiana), which are a whole plant or leaves in the natural state or dried or fermented or separated by a middle vein, broken or unbroken, compressed or crushed, sorted and moistured by a liquid with a special composition, as well as tobacco plant leftovers, containing the nicotine and intended for preparation or manufacture of tobacco products;

2) **tobacco products:** any product, which is completely or partly produced from raw tobacco leaves or contains raw tobacco and produced in the way to be used for smoking or absorbing or chewing or breathing into the organism, including for breathing in by producing aerosol as a result of heating tobacco raw materials;

3) **tobacco product accessories:** things to be used with tobacco products or for the use of tobacco products (device, mouthpiece, cigarette holders, cigarette packing paper, cylindrical cigarette packing machine).

4) **resin:** non-processed component, resulted from burning of tobacco products;

5) **nicotine:** nicotine alcaloids, contained in the tobacco products or smoke;

6) **imitations of tobacco products:** products, not containing raw tobacco and working electronically (electricity or batteries) with cartridge or container, by means of which the aerosol, resulted from the evaporation of solution, containing nicotine and propyleneglycol or glycerine and in some cases flavor or odor supplements, is passed to the organism of the user;

7) **the use of tobacco product or tobacco substitute:** application of the tobacco product or tobacco substitute by smoking or inhaling or chewing or breathing in or out of organism;

8) **imitation of tobacco product:** product, imitating the tobacco product (by color and form) to a confusing level;

9) **tobacco industry:** manufacturers or importers or wholesalers of tobacco products or tobacco substitutes;

10) **turnover:** import or production or storing or sales or consumption or destruction of tobacco products or their accessories or tobacco substitutes;

11) **tobacco substitutes used for the medical purpose:** products, equivalent to tobacco products, passing nicotine to organism, without raw tobacco materials for quitting the use of tobacco products (nicotine chewing gum, sublingual tablets, mouth-watering tablets, inhaler, similar to mouthpiece (cigarette-holder), plaster);

12) **chewing tobacco:** a type of tobacco product, intended for chewing or sucking and manufactured from pressed pieces of tobacco leaves with or without addition of non-tobacco raw materials and other components;

13) **secondary smoke:** smoke, also including substances, produced because of the use of tobacco products or tobacco substitutes, available in the air, where a person or people are smoking or smoked;

14) **indoor area:** any building, whether temporary or permanent, with a covering, movable or immovable wall, which is completely closed except for windows and door openings;

15) **public area:** area, available for the public collective use, regardless its form of property;

16) **sponsorship of tobacco products and tobacco substitutes:** any action, aimed at any event or person and intended to promote consumption (sales) or use of tobacco products or tobacco substitutes with a real or probable result;

17) **promotion of consumption (sales) of tobacco products and tobacco substitutes:** any action, not containing advertising elements, defined as such by the law, may indirectly impact or impacts the increase of consumption of tobacco products and tobacco substitutes or indirectly raises the interest toward tobacco products and tobacco substitutes.

Article 2. Legal regulation of the consumption, turnover and use of tobacco products, tobacco substitutes, tobacco substitutes used for the medical purpose, imitations of tobacco products

1. The consumption, turnover and use of tobacco products, tobacco product substitutes, tobacco substitutes used for the medical purpose, tobacco product imitations shall be regulated by this Law and other legal acts.

2. In case of contradiction between the norms of international treaties, ratified by the Republic of Armenia, and the laws, the norms of international treaties shall be applied.

Article 3. General requirements for the import, manufacture, consumption of tobacco products, tobacco substitutes

1. Tobacco products and tobacco substitutes, complying with technical safety regulations, set up by the Government of the Republic of Armenia, can be imported and sold in the Republic of Armenia and manufactured in the territory of the Republic of Armenia for sale.

2. Tobacco products and tobacco product substitutes, manufactured for export can be manufactured in compliance with the requirements of technical regulations of the exporting country.

3. Tobacco products sold in the Republic of Armenia shall be subject to conformity assessment.

4. Manufacture, import, consumption of tobacco products shall be banned in case if the nicotine and resin content in the tobacco products exceeds the permissible limit approved by the Government. This requirement shall not be applicable to tobacco products and tobacco substitutes, exported from the territory of the Republic of Armenia.

5. For the personal use, individuals are allowed to import tobacco products into the Republic of Armenia in accordance with the procedure, rescribed by the law of the Republic of Armenia, only in the amounts not exceeding the apparent trade volumes, as defined by the law of the Republic of Armenia for non-entrepreneur individuals.

6. Wholesale and retail sale of chewing tobacco in the Republic of Armenia shall be banned.

Article 4. Main requirements for packaging and labeling of tobacco products and tobacco substitutes from the view of providing information regarding their adverse effects on health

1. Requirements for the packaging and labeling of tobacco products, tobacco substitutes shall be defined in compliance with the safety technical regulations, prescribed by the Government, in particular, each pack of tobacco products must contain the main warning text on the adverse effects of the use of tobacco products and tobacco substitutes, which shall be placed on one of the two largest sides on each pack, and the additional warning text shall be placed on the other one. The warning texts must be included into the black frame and occupy no less than 30 percent of the each surface (including the frame) of the two largest sides of the consuming package (a pack and block of cigarette), used in the whole-sale and retail trade of tobacco

products. In case of transparent packages of pipe and smoking types of tobacco, the warning texts on the adverse effects of smoking, defined by this technical regulations, shall be placed on the insert sheet and occupy no less than 30 percent of its surface.

2. The warning text on the harm caused by the use of tobacco products, tobacco substitutes shall be approved by the Government.

3. Turnover of the tobacco products and tobacco substitutes, not corresponding to legal requirements of the Republic of Armenia, regarding the packaging and labeling of tobacco products, tobacco substitutes shall be banned except the cases of their destruction. The destruction shall be carried out in accordance to the procedure, defined by law.

4. It is banned to depict brand colors, images, corporative “logos” and other symbol (image), presenting the manufacturer on the consuming containers (hereinafter, tobacco products in plain packaging). The technical regulation of tobacco products in plain (standardized) packaging mandatory defines as follows.

1) the maximum length unit for the notes information, related to the brand name of the consumer container, the product type and the producer;

2) regulations excluding the words or colors on the consuming container that may confuse the consumer;

3) requirements for the types, size or placement of fonts or symbols on the consuming packages;

4) other requirements necessary for the safety of tobacco products and health protection.

Article 5. Bans on sales of tobacco products, their accessories, tobacco substitutes, imitations of tobacco products

1. It is banned to sell or carry out sales of tobacco products or their accessories or tobacco substitutes or imitations of tobacco products to persons under the age of 18 years. In case if the seller has doubts on the age of a buyer, he/she shall be empowered to request a document, envisaged by the Armenian legislation to certify a person, and in case if such a document is not presented, the seller shall not sell or carry out sales of such products.

2. It is banned to sell or carry out sales of tobacco products or their accessories or tobacco substitutes or tobacco imitations to persons under the age of 18 years.

3. It is banned to sell or carry out sales of tobacco products or their accessories or tobacco substitutes (except tobacco substitutes used for the medical purpose) or imitations of tobacco products by self-service (independently choosing and bringing to the payment area).

4. It is banned to sell or carry out sales of tobacco products or their accessories or tobacco substitutes (except the tobacco substitutes used for the medical purpose) or imitations of tobacco products by vending machines or mechanical devices.

5. It is banned to apply any discount when carrying out all kinds of retail sales of tobacco products or their accessories or tobacco substitutes (except the tobacco substitutes used for the medical purpose) or imitations of tobacco products.

6. The following shall be banned as related to tobacco products or their accessories or tobacco substitutes (except the tobacco substitutes used for the medical purpose):

1) sale without permission, envisaged by the law;

2) public display in shops and catering, except for airport duty free shops. The seller shall provide the list of such items with indication of prices to the adult person upon request. The list is not posted in the grocery stores or public catering establishments.

7. The following activities shall be banned:

1) retail selling or sales of tobacco products in open packs or in case if the number of products certified by a manufacturer is more or less in such packs;

2) the piece sale of cigarettes or selling by pieces in any other way;

3) selling or sales of tobacco product or tobacco substitute as a whole package with food or non-food products.

8. It is banned to sell tobacco products or their accessories or tobacco substitutes or imitations of tobacco products or to carry out sales within the premises listed below:

1) within the premises of institutions, providing medical care and services, resort facilities (except the tobacco substitutes used for the medical purpose) at the distance up to ten meters along the straight line from their entrances;

2) within the premises of pre-school, secondary, pre-vocational and secondary vocational, higher and post-secondary education institutions and at the distance up to ten meters along the straight line from their entrances;

3) within the premises of youth sports organizations and at the distance up to ten meters along the straight line from their entrances;

4) within the population social protection institutions;

5) within theater-concert centers, museums, libraries, cinemas;

6) within the areas allocated for state and local self-government bodies (or occupied by them);

7) within sports halls, complexes and stadiums;

- 8) in the areas of immovable historical and cultural monuments, except immovable historical and cultural monuments, considered as residential houses;
- 9) in airports (except for duty free shops).

Article 6. Bans and restrictions related to the use of tobacco products and tobacco substitutes

1. It is banned to use tobacco products, tobacco substitutes (except the tobacco substitutes used for the medical purposes:

1) in the following areas:

- a. within the premises of institutions, providing medical care and services, and at the distance of up to ten meters along the straight line from their entrances;
- b. within the premises of pre-school, general education, pre-vocational and secondary vocational, higher and post-secondary educational institutions and at the distance up to ten meters along the straight line from such premises,
- c. within the premises of youth sports organizations and at the distance of 5 meters along the straight line from their entrances,
- d. at playgrounds and amusement parks, allocated for children by the community,
- e. in the areas of immovable cultural and historical monuments, except the immovable cultural and historical monuments considered as residential houses,
- f. within the premises, occupied by state and local-self-government bodies,
- g. in the areas, where smoking is banned in compliance with fire safety rules,
- h. in the public caterings facilities, including outdoor areas (canteens, restaurants, cafes, bars, buffets and other cooking and selling facilities),
- i. at hotel facilities (resorts, resort and specialized camps or houses, boarding houses, resort, youth and camping complexes, holiday homes).

2) within other closed working areas, regardless the form of property;

3) within trade centers;

4) within any other closed public areas, including common use areas, except:

- a. airports, where it is permitted to have special areas designated for use, to which a state health authority defines relevant technical requirements;
- b. hospital-type facilities, providing psychiatric care and services, where it is permitted to have special areas designated for use, to which a state health authority defines relevant technical requirements;

5) military units and military establishments, with exception of special areas designated for use the Law of the Republic of Armenia “On Approving the Code of Internal Affairs of the Armed Forces of the Republic of Armenia;

6) within transport:

a. public transport: in general use vehicles, in light passenger-taxi cars, air, overland electric transport, underground, with the exception of water or railway transports, where it is permitted to have special areas designated for use, to which a state health authority prescribes relevant technical requirements;

b. within the private motor vehicle in the process of movement;

7) under the covers of public transport stops.

2. Measures, aimed for reduction and prevention of adverse effects of the use of tobacco products, tobacco substitutes and imitations of tobacco products and tobacco smoke in the areas of detention of the arrested, detained and convicted persons, shall be implemented in compliance with the procedure, prescribed by the justice and health state authorities of the Republic of Armenia.

3. Measures aimed reduction and prevention of adverse effects of the use of tobacco products, tobacco substitutes and imitations of tobacco products and tobacco smoke in the military units and military establishments shall be implemented in compliance with the procedure, prescribed by the defense state authority of the Republic of Armenia.

4. In the visible parts of establishments, bodies, facilities and areas, mentioned in parts 1-3 of this article, heads of the given establishments, bodies shall place signs with information on prohibition or restriction of the use of tobacco products or tobacco substitutes. Requirements to such signs shall be defined by the state health authority.

Article 7. Ban and restrictions of advertising, promotion, selling (sales) and sponsorship of tobacco products, tobacco substitutes (except the substitutes used for the medical purpose), imitations of tobacco products

1. All forms of advertising, promotion of realization (sales) or sponsorship of tobacco products, their accessories, tobacco substitutes (except the substitutes used for medical purposes), imitations of tobacco products shall be banned.

2. Free of charge sale of samples of tobacco products, their accessories, tobacco substitutes (except the substitutes used for medical purposes), imitations of tobacco products shall be banned.

3. In the areas, allocated for sales of tobacco products or their accessories or tobacco substitutes or imitations of tobacco products, it is banned to place them (including their empty or enlarged packs, boxes, blocks, color posters, imitating relevant trademarks) or their trademarks or emblems in area visible for consumers.

4. It is banned to promote selling tobacco products or tobacco substitutes or imitations of tobacco products the following way:

1) to present the use of tobacco products or their accessories or tobacco substitutes (except the substitutes used for medical purposes) in advertising of other goods or works or services by a word or sound or image;

2) to mention or include tobacco products, tobacco substitutes (except the substitutes used for medical purposes) or imitations of tobacco products in advertising of other goods or works or services;

3) manufacturing or improving or selling foodstuff or toys, constituting imitations of tobacco products;

4) Depicting tobacco products or tobacco substitutes or imitations of tobacco products or their use in video-audio works, produced in the Republic of Armenia for children (TV movies, video-films, theatrical performances, broadcasted via television, radio or the Internet).

5. Sponsorship of tobacco products or tobacco substitutes shall be banned.

6. Video or audio display of tobacco products or tobacco substitutes or imitations of tobacco products in audio or video production (TV movies and video-films, broadcasted via television, radio or the Internet) shall be allowed exclusively by displaying by the broadcaster the warning information on adverse effects of the use of tobacco products and tobacco substitutes from the start or in the process of broadcasting the warning information on adverse effects of the use of tobacco products and tobacco substitutes (by voice or image).

Article 8. The powers of Government in reduction and prevention of adverse effects of tobacco products and tobacco substitutes

1. The powers of Government in reduction and prevention of adverse effects of tobacco products and tobacco substitutes are given below:

1) approval of at least a five-year strategy for the control of tobacco products, tobacco substitutes and their use, which also sets up for at least a 5 year period the strategic objectives for reduction and prevention of adverse effects of tobacco products and tobacco substitutes and the measures to be held within the framework of the powers, envisaged by the law, including descriptions of measures to be taken in the inter-departmental format, deadlines, liabilities and other necessary information;

2) approval of the safety technical rules, related to tobacco products and tobacco substitutes;

3) approval of the procedure of labeling the maximum retail price of tobacco products in the Republic of Armenia;

4) definition of the procedure for examination and measurement of the composition of tobacco products and the substances emitted from them, as well as portions of regulation of that composition and emitted substances;

5) approval of the procedure to aware persons, involved in the tobacco industry, on the adverse effects of tobacco products and tobacco substitutes.

Article 9. The rights of individuals and duties of tobacco manufacturers in reduction and prevention of adverse effects of tobacco products and tobacco substitutes

1. Individuals have the right to be aware of the consequences of adverse effects of using tobacco products and tobacco substitutes and the secondhand smoke.

2. Persons, involved in the tobacco industry, shall be obliged to aware the population on the adverse effects of tobacco products and tobacco substitutes in compliance with the procedure, defined by the Government.

Article 10. Provision of the medical care and services aimed for treatment and reduction of the effects of the use of tobacco products, tobacco substitutes and nicotine addiction

1. To each person, using tobacco products, tobacco substitutes, who applies to medical institutions, free medical aid and services shall be provided for treatment of nicotine addiction and elimination of relevant effects within the framework of targeted state programs.

2. The medical aid and services aimed for cessation of the use of tobacco products and tobacco substitutes, as well as nicotine addiction, shall be performed as prescribed by the laws of the Republic of Armenia, according to patients' healthcare practice established by the health authority and other legal acts.

Article 11. Liability in case of violation of this Law

1. Legal entities and individuals, violating the norms provided by this Law, shall be liable in accordance with the procedure established by the Law of the Republic of Armenia.

2. Supervision of compliance with the requirements of this Law shall be exercised by the bodies, established by law, within the powers, vested in them by law.

Article 12. Interim Provisions

1. This Law shall enter into force on the tenth day after the official promulgation, except the provisions as follows:

1) As related to Article 4:

a. Requirements, related to packaging and labeling of tobacco products, prescribed by part 1, which shall enter into force on January 1, 2021;

b. Part 4, which shall enter into force on January 1, 2024.

2) As related to Article 5:

a. Paragraph 2 of part 6, which shall enter into force on January 1, 2021;

b. The norms, prescribing the ban of sales at a fixed distance along a straight line from the entrances of relevant premises, as envisaged by paragraphs 1-3 of part 8, paragraph 5, paragraph 6 and paragraph 8, which shall enter into force three months after the promulgation of this Law.

3) As for paragraph 1, part 1 of Article 6:

a. sub-paragraph “h”, which shall enter into force on March 15, 2022;

b. sub-paragraph “i”, paragraphs 2-5, which shall enter into force on January 1, 2021.

4) Part 3 of Article 7, which shall enter into force on January 1, 2021.

2. Upon the entry into force of this Law, Law AL-72 “On Restrictions on Sale, Consumption and Use of Tobacco” (adopted on December 24, 2004) shall be declared null and void.

3. The by-laws, envisaged by parts 4 and 5 of Article 3 of this Law, part 2 of Article 4, sub-paragraphs “a” and “b” of paragraph 4 of part 1, parts 2 and 3 of Article 6, part 1 of Article 8, part 2 of Article 9, part 2 of Article 10, shall be adopted after the entry into force of the Law: within a 6-month period, except the by-laws, envisaged by part 1 of Article 3 of this Law, which shall enter into force within a three-month period after the entry into force of this Law.

**PRESIDENT OF THE REPUBLIC
OF ARMENIA**

A. SARGSYAN