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Law Number (8) – Year 2009

On the Matter of Controlling Smoking and All Forms of Tobacco

I, Hamad ibn Isa al-Khalifa, King of the Kingdom of Bahrain.

Having consulted the Constitution,

As well as the Decree in Law Number (14) – Year 1973 on the Matter of Administering Media;

As well as Law Number (3) – Year 1975 on the Matter of Public Health (with amendments);

As well as Penal Law issued in the Decree in Law Number (15) – Year 1976 (with amendments);

As well as the Decree in Law Number (16) – Year 1985 in the Matter of Specifications and Measurements, as amended by the Decree in Law Number (13) – 1992;

As well as Law of Criminal Procedures issued by the Decree in Law Number (46) – Year 2002, amended by Law Number (41) – Year (2005);

As well as Law Number (33) – Year 2005 in approval of the standardization regulations of the Cooperation Council of the Arab Gulf States;

As well as Law Number (26) – Year 2006 in approval of joining the World Health Organization's Framework Convention on Tobacco Control;

The Consultative Council and the Council of Representatives shall read the text of the following law, which I have ratified and issued.

Article I

In applying the provisions of this law, the following words and terms shall carry the meanings assigned to them unless otherwise required by context:

1. Ministry – Ministry of Health.
2. Minister – Minister of Health.
3. Tobacco – Tobacco plants in all of its forms, factions, and parts from roots, stalks, leaves, and fruits, seeds – fresh or dried.
4. Tobacco Products – Products that are completely or partially composed of tobacco leaves as raw materials, and that are produced for purpose of being used – whether by smoking, suction, inhaling, or chewing.

5. Smoking – Burning tobacco or its derivatives in order to produce smoke or to inhale this smoke in any form or means.
6. Advertising or promotion or media: The definition of tobacco plants and its different products through the use of means, materials, and tools leading to encouraging its use, related commerce, as well as seeking to increase the number of its users in their different forms, using visual, audio, or legible media via direct or indirect forms.
7. Public Transport – All means of transport intended as public transit such as busses, taxis, planes, ships, and boats reserved for transport passengers et al.

#### Article II

It is prohibited to farm tobacco in the Kingdom, as well as to produce or remanufacture it in all of its forms.

#### Article III

It is prohibited to import or bring tobacco vending machines into the Kingdom; their use is also prohibited. Similarly, it is prohibited to import tobacco products that are used via chewing, suction, or any material containing tobacco is not authorized by the related Ministry.

#### Article IV

(A) Smoking is prohibited in the following public closed places and locations, particularly:

1. Public transit and transportation.
2. Air and sea ports.
3. Ministries and all other government offices, as well as public institutions.
4. Health centers, hospitals, clinics, rehabilitation centers, pharmacies, and other healthcare locations.
5. Schools, universities, education and training centers, as well as public institutes and offices.
6. Places of worship and related locations.
7. Industrial locales and vocational training centers.
8. Commercial groups and stores, markets, and cooperative associations.
9. Cultural associations, athletic clubs, sports fields, and gyms.
10. Restaurants, hotels, cafes, and other shops that sell food or drink to the public.
11. Entertainment venues, sports arenas, cinemas and theaters.

12. Barbershops and beauty salons that are frequented by the public.
13. Elevators, ATM booths, public telephones, etc.
14. Private institutions prepared for public receptions.
15. Banks and financial institutions.
16. Private cars in case of those accompanying children.
17. Other places that the Minister decrees added to the places in which smoking is prohibited if smoking therein threatens public health.

(B) The managers of these places are required to post clear signs indicating that smoking is prohibited, such as is necessary for them to take measures ensuring implementation of these rules.

(C) It is permitted to reserve places for smoking in these shops as long as it is isolated from the places where smoking is prohibited, is airtight and equipped with special ventilation fans.

(D) The managers of the above mentioned places are required to follow the health requirements of the Ministry.

#### Article V

The sale of tobacco and cigarettes is prohibited, whether individually or otherwise, or giving them free of charge to those of less than eighteen years of age, and all vendors of these products to place a clear sign in the a prominent place within the point of sale, to explain the prohibition of tobacco to those of less than eighteen years of age and to demand proof of age in cases of doubt.

It is prohibited for commercial licensees to sell tobacco products to use those of less than eighteen years of age when selling tobacco.

#### Article VI

It is prohibited to advertise for tobacco, cigarettes, and other tobacco products for the purpose of promoting or encouraging smoking in all public places and through all media, including newspapers, journals, local electronic sites, cinemas, and theaters.

#### Article VII

It is prohibited for companies producing, importing, or distributing tobacco, cigarettes, or other tobacco products to sponsor sporting events, competitions, or parties and to exploit them in order to promote or advertise their products.

#### Article VIII

(A) It is prohibited to open cafes for smoking tobacco or its products in all sports clubs, parks, and public gardens.

(B) It is prohibited for those of less than eighteen years of age to frequent places reserved for smoking.

#### Article IX

A customs tax shall be imposed on tobacco imports with a percentage of no less than 100% in correspondence to the public interest and health of the society and environment. This percentage shall increase based on the assessments of the related office. No exemption is permitted from any aspect of this tax.

#### Article X

It is prohibited to import, distribute, or sell tobacco in commercial shops or to offer shisha services in public shops, until after having obtained a license from the related office in agreement with the conditions that it places for this service, and after paying the proscribed fee to issue the license, to renew it, and to specify the fees by an announcement from the related Minister after the approval of the Council of Ministers.

#### Article XI

It is prohibited to import, distribute, or sell any herbal or non-herbal materials with the intent of using them as an alternative means of smoking tobacco unless it does not contain nicotine, and the Minister issues an announcement indentifying these materials.

#### Article XII

It is prohibited to supply tobacco and its products in places or stores licensed to sell nutritional substances in such a way that they may be accessed directly.

#### Article XIII

It is prohibited to sell cigarettes individually or in a carton whose capacity is not commensurate with the approved standards, similarly stores displaying cigarettes and tobacco products must place advertising promotions at the points of sale as well as placing legible warning labels in a prominent place at places where tobacco is sold, as identified by the commission appointed in Article (XVI) of this law.

#### Article XIV

Any shipment of tobacco or its products is permitted to enter or circulated until after having been examined, its compliance with approved specifications and standards is guaranteed, and licensure is issued by the Ministry.

#### Article XV

It is prohibited for natural and corporeal persons to produce, distribute, or import tobacco as follows:

1. To distribute tobacco and its products for free.
2. To present gifts bearing advertising for tobacco and its products that seek to promote or encourage the use or purchase of tobacco and its products.
3. To introduce products that guarantee advertising or sponsorship for tobacco and its products, or manufacturing them as sweets or games for children, whether with the intent of selling them or promoting them in any form.

#### Article XVI

A commission known as “the National Commission to Control Smoking, Tobacco, and Tobacco Products” shall be created by the Ministry. It shall be headed by the Minister and its members shall be representatives from the relevant Ministries and Offices, which shall be announced by the Council of Ministers.

The Commission for Internal Regulation shall have an announcement from the Minister to administer its work, particularly in determining its meetings, and the necessary majority for its composition, the manner of issuing its announcements, and its procedure for voting.

#### Article XVII

In addition to any other jurisdictions identified, the Minister specifies the following for the Commission appointed in Article (XVI) from this law:

1. Preparation of studies and statistics that clarify the volume of the problem of use of tobacco and its products, the extent of its spread among different social groups, the type and volume of diseases stemming from or linked to smoking, presenting recommendations leading to the reduction in smoking and tobacco in all of its forms.
2. Establishing regulations that guarantee the protection of food from pollution caused by materials produced by smoking and tobacco in all of its forms during its preparation, packaging, or presentation.
3. Prepare a media policy aimed at creating awareness within society of smoking and tobacco related harms, in coordination with the Ministries of Culture, Media, Instruction, and Education.
4. Studying reports that are raised by the Ministry of Health, Ministry of Industry and Commerce that number those licensed to import, distribute, sell, and present tobacco services every six months, and to provide appropriate recommendations in this matter.
5. Propose the conditions for agreeing to licensure requests to import, distribute, or sell tobacco or to offer shisha services, etc.

6. Propose creating rehabilitation centers affiliated with the Ministry that would work to assist those seeking to end smoking habits and providing free treatment for quitting smoking.
7. Review and propose the permissible upper limit of nicotine, tar, and other damaging substances in tobacco products periodically and send its proposals to the Ministry.
8. Review and propose the required warning phrase provided on tobacco products, and send its proposals to the Minister.
9. Follow-up on the implementation of the announcements and recommendations issued by the Ministry, Council of Health Ministers for the Cooperation Council for the Arab Gulf States, and the World Health Organization in the area of tobacco control.
10. Establishing regulations that guarantee the public's protection from pollution related to smoking and tobacco.
11. Guiding through the instructions appearing in the World Health Organization's Framework Convention on Tobacco Control.
12. Designing and implementing effective programs in places such as educational institutions, healthcare centers, work places, or athletic communities with the goal of encouraging people to quit using tobacco.
13. Establishing required health conditions for reducing the danger due to tobacco use.

#### Article XVIII

Taking into account what appears in the approved standards and specifications and what is contained in the Framework Convention on Tobacco Control, the following information must appear on all packages of tobacco or cigarettes in a prominent place and in both Arabic and English:

- (A) Health warnings and information cards.
- (B) Ingredients, tobacco products, and related emissions.

#### Article XIX

Employees, who shall be identified via announcement from the Minister of Labor and Islamic Affairs, in agreement with the Minister, shall have the status of judicial officers for offences taking place in their jurisdictions and as relevant to their duties.

#### Article XX

Without prejudice to any stronger penalty stipulated by the Penal Code or any other law, punishments of this law are as follows:

- (1) With a fine of no less than 20 Dinars and no more than 50 Dinars for each violation of a provision of Article (IX) of this law.
- (2) With a fine of no less than 100 Dinars for each violation of the provisions of Articles (5, 8, 13); the government is permitted to order the closure of a shop for a duration of no more than one month as a penalty in cases of repeated offences.
- (3) With a fine of no less than one thousand Dinar and no more than three thousand Dinars for each violation of the provisions of Articles (7, 11, 12) of this law; the government<sup>1</sup> is permitted to close the shop for a duration of no more than two months in cases of repeated offences.
- (4) With a fine of no less than two thousand Dinars and no more than five thousand Dinars for each violation of the provision of Articles (2, 3) of this law.

The government is permitted – in cases of conviction – to order the closure of a shop for a duration that shall not be more than three months or confiscation of the materials used.

#### Article XXI

The Minister shall issue the necessary announcements to implement this law within six months of the date of its issuance.

#### Article XXII

The Decree of Law Number (10) – Year 1994 on the matter of Smoking Control shall be abolished, as shall all text conflicting with the provisions of this law.

#### Article XXIII

The Prime Minister and the Ministers – respectively – shall implement the provisions of this law, and shall put it into force from the day following its date of publication in the Official Gazette.

King of the Kingdom of Bahrain

Hamad ibn Isa al-Khalifa

Issued at Riffa Palace

Date: 17 Rabia II 1430 AH

Corresponding to 13 April 2009 AD

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<sup>1</sup> Potential mistake in source text: this word reads “الحكم” [ruling/provision], instead of “الحكومة” [government]. Given the similarities between this line and the one immediately above, a mistake in the source text is likely.