

ANTI-SMOKING LAW

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Implementing Regulations

Version 3

2019

Article 1

This Law aims to combat smoking by taking all necessary measures at the levels of State, community, and individuals in order to curb the habit of smoking, in all kinds, among individuals of all ages.

Regulation:

- 1.1 The Law aims at protecting community members from the health, social, environmental, and economic consequences of using tobacco and being exposed to its smoke.
- 1.2 All government authorities, civil societies, the private sector, and all members of the community shall cooperate with each other to take measures and activate all procedures stipulated in this Law and the Implementing Regulations thereof, which aim to limit the spread of the phenomenon of smoking in all its forms among different age groups, as well as to avoid its negative effects.

Article 2

Smoking shall mean the use of tobacco and its derivatives, such as cigarettes, cigars, jaraq, toombak, mu'assel and any product containing tobacco, whether in the form of cigarettes, cigars, pipe, snuff, shisha, by chewing or keeping it in mouth, or any other method.

Regulation:

- 2.1 Smoking shall mean the use of tobacco and its derivatives in any way, including but not limited to, the use of cigarettes, cigars, jaraq, toombak, mu'assel, electronic smoking systems, pipe tobacco, tobacco used by chewing and keeping it in mouth, chewing tobacco (shamma), swika, snuff, and temple, or any other method that contain raw or manufactured tobacco or any of its derivatives.

Article 3

Cultivation or manufacturing tobacco and its derivatives in the Kingdom shall be prohibited.

Regulation:

- 3.1 Cultivation tobacco plants of all kinds, species, and parts, or anything that includes tobacco shall be prohibited.
- 3.2 Manufacturing any kind of tobacco, its leaves, fruits, roots, stems, or seeds (green or dried) or any other products that contain raw or manufactured tobacco or any of its derivatives in its composition, , manufacture, remanufacture, repacking or mixing, shall be prohibited.
- 3.3 The relevant regulatory authorities shall detect and issue violations tobacco and its derivatives cultivation and manufacturing, impose fines on violators, taking into account the provisions of Chapter Three of the State Revenue Law, and supervise the process of removing the violation.

Article 4

Tax increase on tobacco and its derivatives shall be pursuant to a resolution by the Council of Ministers.

Regulation:

Whenever needed, the National Committee for Tobacco Control shall raise its perspectives on tax increase on tobacco and its derivatives to the Minister of Health. The Minister of Health may raise these perspectives to the Council of Ministers.

Article 5

A pack of tobacco and its derivatives shall display warning labels as prescribed by the Implementing Regulations.

Regulation:

- 5.1. All tobacco packs, large or small, and packs of any products that contain tobacco or an amount of its derivatives shall comply with the applicable standard specifications approved by the Saudi Food and Drug Authority published on its website, as amended.
- 5.2. The Saudi Food and Drug Authority shall coordinate with the National Committee for Tobacco Control to review and amend the specifications for packs labels of tobacco products and its derivatives whenever needed.

Article 6

Products of tobacco and its derivatives may be cleared only after tests on samples are conducted in the laboratories specified in the Implementing Regulations, to ensure compliance with specifications set by the relevant authority in coordination with the Ministry of Health.

Regulation:

- 6.1 Without prejudice to the advantage of clearance with a pledge not to use, products of tobacco or any products that contain raw or manufactured tobacco or any of its derivatives may not be cleared unless these products pass the tests of examination by the Saudi Food and Drug Authority or its accredited laboratories.
- 6.2 Random samples shall be taken from the market by the competent regulatory authorities or from customs outlets and tested at the laboratories accredited by the Saudi Food and Drug Authority to ensure the conformity of the tobacco products offered in the markets, provided that the importers of these products bear the costs of conducting the tests and related matters.

Article 7

Smoking shall be prohibited in the following places:

1. Places and yards surrounding mosques;
2. Ministries, government factories, public institutions and authorities and their branches as well as other public entities in the State;
3. Educational, health, sport, cultural, social, and charitable institutions;
4. Work areas in companies, institutions, institutions, authorities, factories, banks, and the like;
5. Public means of transportation (land, air, or sea), as prescribed in the Implementing Regulation;
6. Places for producing, processing and packaging food, foodstuffs, and beverages;
7. Sites for producing, transporting, distributing and refining petroleum and its derivatives as well as fuel and gas distribution and sale stations;
8. Warehouses, elevators and lavatories; and
9. Public places not mentioned in the preceding paragraphs. If the above mentioned places allocate areas for smoking, such areas shall be isolated and restricted and shall not be accessible to persons under the age of 18 years. The Implementing Regulations shall specify the criteria for the implementation of this paragraph.

Regulation:

7.1. In order to preserve public health and safety, reduce tobacco use, and protect non-smokers from exposure to tobacco smoke and its emissions, the use of tobacco and its derivatives through smoking or any other method through which tobacco is used, shall be prohibited in the following places:

- Mosques and their surrounding yards, especially the Two Holy Mosques and their surroundings.
- Government and private educational and training institutions and their annexes, including the educational institutions of Saudi embassies and consulates, including training sites.
- Civil associations and societies, including charitable and social associations and societies and their branches.
- Archaeological and heritage sites and museums.
- Wedding halls and halls prepared for holding conferences, seminars, and lectures.
- Government and private health facilities, such as hospitals, medical cities, clinics, mobile clinics, health centers, laboratories, pharmacies, and the like.
- All public means of transportation, including but not limited to: Vehicles, buses, trains, ships, boats, and airplanes;
- Public transportation stations, train stations, railway stations, and airports;
- Means of transporting and storing medicines, health supplies, foods, foodstuffs, and beverages;
- Places designated for manufacturing, preparing, and packaging the food, beverages, and foodstuffs, as well as restaurants, cafes, stalls, mobile and fixed food carts, factories, kitchens, and the like.
- Fuel and gas distribution and sale stations.
- Means of transporting petroleum products and its derivatives, chemicals and its derivatives, and any other inflammable materials.
- Closed ATM cabins, and the like.

7.2. Within a distance of (10) meters from all places that are prepared for people to enter, meet, sit, or pass to the places referred to in the previous paragraphs, or other places such as commercial centers and complexes, exhibitions, festivals, meeting places, forums, restaurants, cafes, places of entertainment, public gardens, parks, and the like. The places licensed by the Ministry of Municipal and Rural Affairs shall be excluded from the above.

7.3. In the event that an area is designated for tobacco use in the places referred to in Paragraph 9 of this Article, then this area designated for that purpose shall be licensed, have special means for ventilation, and no kind of services shall be provided therein, including food and beverages, nor any kind of entertainment or displays shall be provided, as well as warning boards that prohibit the entry of those under the age of 18 years shall be placed, provided that they are clearly written in Arabic and English and placed in a visible place before entering the area designated for smoking.

7.4. The area designated for tobacco use in the places referred to in this Article shall be in compliance with the following conditions and specifications on ventilation and air conditioning:

- Area shall be isolated from the other surrounding areas.
- Its height shall not be less than 3 m.
- Doors shall be self-closing.
- Number of people present in the area, at one time, shall not exceed the allowed number; at least 1.40 square meters per person.
- No services needed by non-smokers, such as telephone, fax, printing devices, etc., shall be placed in this area.
- Smoking rooms shall not be placed in corridors of non-smokers.
- Dropped ceilings shall be made of aluminum sheets that are easy to clean.

- Floors shall be non-inflammable and easily cleanable; considering that carpets or vinyl floors shall be avoided.
- Persons under the age of 18 shall not be allowed to enter.
- It shall fulfill the safety and fire-fighting conditions for buildings.
- The air pressure inside the area shall be negative, that is, less than the neighboring areas, 5 - 7 Pascal, equivalent to (0.02 - 0.03) In WG.
- Flow rate of air entering the area shall not be less than 25 liters/second for each person, as it shall be designed for the maximum of ignition intensity.
- Air shall be expelled directly outside by mechanical means and may not be recycled in the ventilation and air conditioning system.
- Ventilation system shall be able to exchange the air not less than ten times the air volume in the hall per hour; and the ventilation system shall be operated throughout the working hours.
- Air outlets shall be at least 8 meters away from the main exits and entrances, windows, and openings for providing air conditioning systems with outside air.
- Ventilation and air-conditioning system shall be separated from the system designated for other places so that the air is not allowed to be circulated with other places (not designated for smokers).

Article 8

To limit the sale of tobacco and its derivatives, the following shall be observed:

1. They may sold only in closed packs containing the number or quantity specified by the Implementing Regulations;
2. They may not be sold in vending machines;
3. They may not be sold inside means of public transportations;
4. They may not be sold to persons under the age of 18 years;
5. No patents related thereto may be registered;
6. They may not be sold at reduced prices or be given as free samples or gifts;
7. Products advertising tobacco and its derivatives may not be imported, sold or given; and
8. A warning label of the health risks of smoking shall be placed in the sales area.

Regulation:

- 8.1 Tobacco products or any of its derivatives shall only be sold in closed packs, and cigarettes shall also be sold in closed packs, provided that one pack contains no less than (20) cigarettes, and they may not be sold unpacked. The net weight of the other pack of the remaining of tobacco product, offered to be sold to the direct consumer, shall range from 250 to 500 grams, including but not limited to, jarak, mu'assel, or pipe tobacco.
- 8.2 Tobacco and any products that contain raw or manufactured tobacco or any of its derivatives shall not be sold or offered through self-selling machines.
- 8.3 Tobacco and any products that contain raw or manufactured tobacco or any of its derivatives shall not be sold or offered inside all public means of transportation, such as vehicles, buses, trains, ships, boats, and airplanes.
- 8.4 Tobacco products or its derivatives may not be sold to those under the age of 18 years, and the seller shall have the right to request from the buyer to provide evidence of their age.
- 8.5 Patents related to any products that contain raw or manufactured tobacco or any of its derivatives, any program, tool, means, or idea that is directly or indirectly related to tobacco or any of its derivatives may not be registered.
- 8.6 Reducing the price of tobacco or any of its derivatives or offering for free as a promotions, such as gifts, prizes, or samples for any purpose, shall be prohibited.

- 8.7 It shall be prohibited to import, sell, or offer any product that carries direct or indirect advertising for tobacco and its derivatives.
- 8.8 A phrase and a picture, expressing the health harms of smoking and exposure to its emissions, shall be placed clearly and in a prominent place in the places where tobacco or any of its derivative or any product that contains raw or manufactured tobacco or any of any of its derivatives are sold, offered, stored.

Article 9

Children toys or candies in the shape of cigarettes or other smoking tools may not be imported or sold.

Regulation:

- 9.1 It shall be prohibited to import, sell, or offer for free children's toys and sweets that are in the form of cigarettes, in the form of any products that contain raw or manufactured tobacco or any of its derivatives, or in the form of any tool or means of using tobacco.

Article 10

- 1- Tobacco and its derivatives may not be advertised or promoted in any Saudi media or means of advertising.
- 2- Scenes containing the use of tobacco and its derivatives, or promotion of the same, shall be deleted from movies, TV series, shows and publications broadcast or distributed in Saudi Arabia.

Regulations

- 10.1 Tobacco and its derivatives may not be advertised or promoted, directly or indirectly, through the channels of the Saudi audio-visual and print media and advertising, including the use of websites, platforms, and electronic media.
- 10.2 All scenes containing the use of tobacco and its derivatives shall be deleted from movies, TV series, shows, and publications displayed in Saudi Arabia, including programs and electronic media; the deletion shall include everything that encourages the use of tobacco, directly or indirectly.

Article 11

All government authorities in charge of Islamic, educational, media, sport, health and social affairs shall continuously develop effective and innovative awareness programs to control smoking, and shall encourage the participation of the private sector in such programs.

Regulation:

- 11.1 All government authorities shall introduce annual awareness programs based on the percentage of smokers among their employees.
- 11.2 The National Committee for Tobacco Control shall develop a comprehensive national strategy to raise awareness of smoking control, address its harms, and limit exposure to smoke. Besides, it shall build innovative national programs for this based on scientific programs and through international best practices, in coordination with government authorities, while encouraging the private sector to participate.
- 11.3 To ensure the continuous, effective and innovative implementation of smoking control awareness programs, the National Committee for Tobacco Control shall conduct national surveys and systems to monitor the volume of tobacco use, its causes, and complications, including conducting evaluation studies for the relevant programs and activities and the extent to which they achieve the desired objectives.

Article 12

Ministries, government agencies, public institutions and authorities and their branches as well as other public entities in the State; educational, health, sport, cultural, social and charitable institutions; as well as private sector institutions and establishments and their branches shall be responsible for detecting and issuing violations and imposing fines.

Regulation:

12.1 The authorities, supervising the places in which the use of tobacco or any of its derivatives shall be prohibited under this Law and its Implementing Regulations, shall do the following:

- Place signs and phrases indicating the prohibition of using tobacco or any of its derivatives in such places, stating the penalty for violation, provided that such signs and phrases are in Arabic and English, written clearly, and distributed throughout the place.
- Establish a regulation for the mechanism of detecting and issuing violations and imposing fines in line with the State Revenue Law.
- All authorities mentioned in Article 7, under the Law and its Implementing Regulations, shall establish procedures to ensure the collection of fines revenues in coordination with the Ministry of Finance.

Article 13

A person who violates the provisions of Article 3 of this Law shall be punished by a fine of twenty thousand Riyals (SAR 20,000) along with removing the violations at its expense.

Regulations

13.1 The removal or destruction of violations mentioned in Article 3 under the Law and its Implementing Regulations shall be at the expense of the violator.

Article 14

A person who smokes, in a way violates the provisions of Article 7 of this Law, shall be punished by a fine of two hundred Saudi Riyals (SAR 200).

Article 15

For violations where no specific penalty is provided for, a person who violates any provision of this Law shall be punished by a fine not exceeding five thousand Riyals (SAR 5,000). Such penalty shall be doubled in case of recidivism.

Article 16

A Person punished under the provisions of this Law may file a grievance before the competent authority within the prescribed statutory period.

Regulation:

16.1 A punished person may file a grievance within a period of sixty (60) days before the punishing authority; such authority shall specify the department concerned with the grievance and its procedures.

Article 17

Penalties provided for in this Law shall not prejudice any harsher penalty set forth in any other law.

Article 18

Fines collected under the provisions of this Law shall be used to support awareness efforts; encourage civil societies to control smoking; with disseminating thereof throughout the kingdom.

For this purpose, a bank account shall be opened, and disbursement therefrom shall be according to instructions issued by the Minister of Health.

Regulation:

18.1 The Minister of Health shall issue the necessary regulation for the disbursing the collected fines sums to support awareness efforts and encourage civil societies to control smoking, with disseminating thereof throughout the kingdom.

Article 19

The Minister of Health shall issue the Implementing Regulation of this Law in coordination with the relevant authorities within six months following the date of its publication.

Regulation:

19.1 The Ministry of Health shall review the Regulations one year after their application, and amend them whenever necessary.

Article 20

This Law shall come into effect one year following the date of its publication in the Official Gazette.

Regulation:

20.1 Such Regulations shall be published in the Official Gazette and the Ministry's website, and they shall come into effect from the date of their publication.