

Federal Law No. 15 of 2009
On Tobacco Control

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates,

- After perusal of the constitution,
- Federal Law No. (1) of 1972 on the ministries' functions and the powers of ministers, and the laws amending thereof,
- Federal Law No. (1) of 1979 on the law regulating industry affairs,
- Federal Law No. (4) of 1979 on anti-commercial fraud and deceit,
- Federal Law No. (11) of 1981 on imposing a federal customs tax on imports of tobacco and its derivatives, and the laws amending thereof,
- Federal Law No. (3) of 1987 on promulgating the penal code, and the laws amending thereof,
- Federal Law No. (35) of 1992 on promulgating the criminal procedures law and the laws amending thereof,
- Federal Law No. (7) of 1993 on establishing the federal environment agency, and the laws amending thereof,
- Federal Law No. (14) of 1995 on combating narcotic drugs and psychotropic substances and the laws amending thereof,
- Federal Law No. (20) of 1995 on medicines and pharmaceuticals derived from natural sources,
- Federal Law No. (24) of 1999 on the protection and development of the environment and the laws amending thereof,
- Federal Law No. (28) of 2001 on establishing the emirates standardization and metrology authority (ESMA),
- Federal Law No. (1) of 2003 on establishing the federal customs authority,
- Federal Law No. (8) of 2004 on financial free zones,
- Federal Law No. (24) of 2006 on consumer protection, and
- Based on the statement presented by the Minister of Health and Prevention, and the approval of the Council of Ministers and the Federal National Council as well as the adoption of the Federal Supreme Council

Issued the following law:

Article (1)
Definitions

In implementing the provisions of this law, the following words and expressions shall have the meanings indicated next to each of them, unless the context stipulates otherwise:

*In case of any misinterpretation, the Arabic version of this legislation prevails.

- UAE** : The United Arab Emirates.
- Minister:** : The Minister of Health.
- Competent Authority:** : The local authority of the concerned emirate.
- Tobacco** : All the species, varieties and parts of the plant, including roots, stems, leaves, fruits, and green or dried seeds.
- Tobacco products:** : The products that consist entirely or partially of tobacco leaves as a raw material, as such, cut or chopped, and whether they are in their natural state or mixed with other materials or formulated in any form, and the tobacco powder of any form or any other compound material in which tobacco is one of its ingredients.
- Tobacco use:** : The use of tobacco of all kinds by smoking, sniffing, chewing, sucking, or any other means used for smoking or using tobacco.
- Advertising and promotion:** : direct or indirect introduction of the tobacco plant or its products by using any of the printed, audio or visual media, or any other means, with the aim of promoting the trading therein and increasing number of its users.
- Public Place:** : A place prepared to receive the public or a certain group of people for any purpose.
- Closed public places:** : A public place that has the form of an integrated building that does not allow air to enter except through outlets prepared for such purpose. The public transport is considered a closed public place.
- Public transportation means:** : Buses, vehicles, trains, planes, ships, boats, and any other means intended for the transportation of the public.

Article (2)

Without prejudice to the provisions set out under other laws, tobacco and its products are prohibited to enter into or to be traded in within the UAE, unless they fulfill the conditions set out in the mandatory UAE standards.

Article (3)

The warning phrases, images and statements shall be written on each package of tobacco or the products thereof in clear and varied manner, as prescribed under the executive regulations of this law.

Article (4)

A natural or legal person shall not advertise, promote or make sponsorship for any of the tobacco products by any means aimed at encouraging the use of tobacco, in accordance with the terms specified by the executive regulations of this law.

Likewise, advertisements intended to encourage the use of tobacco shall not be printed nor published.

Tobacco products shall not be a mean of advertising for another product.

Article (5)

Any of the following actions shall be banned:

1. Cultivation of tobacco for commercial purposes and the manufacture of its products within the UAE.
The farms and factories currently operating the aforementioned activity shall legalize their status within the period specified by the executive regulations of this law.
2. Selling or attempting to sell tobacco or its products to a person under the (18) years of age. The seller has the right to request the buyer to provide a proof that it has attained such age, and the excuse of unknowing the age is not acceptable.
3. Importing sweets and toys that resemble tobacco or its products.
4. Selling or initiating the sale of sweets and toys that resemble tobacco or its products.
5. Smoking while driving a private car if there is a child under twelve years of age.

Article (6)

It is prohibited to display or sell tobacco products except in places designated for that purpose and licensed by the competent authority. The executive regulations of this law shall specify the controls for displaying and selling the tobacco products.

Article (7)

Smoking is banned in the closed public places.

Except for the places of worship, educational institutions, and health and sports facilities, the competent authority may designate a certain place for smoking in such places according to the controls specified by the executive regulations of this law.

Article (8)

Smoking is banned in public places specified by the executive regulations of this law in coordination with the competent authority.

Article (9)

It is banned to allocate automatic devices and equipment for the sale or use of tobacco or its products in the UAE.

Article (10)

In the event that tobacco or one of its products not complying with the technical standards and conditions approved in the UAE is entered, the competent authority shall destroy the seized materials in a manner that does not harm the environment or instruct the person entering the same to exile them out of the UAE at its own cost and expense.

Article (11)

It is banned to license cafes or the like that offer any of the types of tobacco or its products inside or near residential buildings or residential neighborhoods for the distance specified by the executive regulations of this law. The regulation shall identify, after coordination with the competent authority, the places in which it is permissible to license the provision of tobacco or its products and their working hours. The cafes or the like currently existing shall amend their status within two years from the effective date of this law by changing the activity or shifting to another location.

Article (12)

A committee called the National Committee for Tobacco Control shall be formed under a resolution by the Council of Ministers. This resolution shall identify the functions of the committee, its work system and the remuneration of its members.

Article (13)

Whoever violates any of the provisions of Articles (2), (1.5), (3.5) and (9) of this law shall be sentenced with imprisonment for a period not less than one year and a fine not less than one hundred thousand AED (100,000) and not exceeding one million AED (1,000,000) or one of these two sentences.

In the event of recurrence, the sentence shall be imprisonment for a period not less than two years and a fine not less than million (1,000,000) AED.

Article (14)

Whoever violates any of the provisions of Articles (3) and (4) of this law shall be sentenced with a fine not less than one hundred thousand AED (100,000) and not exceeding one million AED (1,000,000) .

In the event of recurrence, the sentence shall be doubled.

Article (15)

Subject to the provisions of Article (10) of this Law, whoever does not abide by the order of the competent authority stipulated in this Article shall be sentenced with a fine not less than fifty thousand AED (50,000) and not exceeding two hundred thousand AED (200,000) .

In the event of recurrence, the sentence shall be imprisonment for a period not exceeding one year and a fine not less than two hundred thousand AED (200,000) .

Article (16)

For any other violation of the provisions of this law, the competent authority shall collect an immediate fine of five hundred AED (500) , to be paid for reconciliation of the incident.

If reconciliation is not possible, the incident shall be referred to a criminal trial, and the sentence shall be a fine not less than three thousand AED (3,000) and not more than ten thousand AED (10,000) .

The sentence shall be multiplied as per the violations occurred.

Article (17)

In the event of conviction, the court shall decide, in addition to the sentences stipulated in this law, to confiscate the seized materials and advertising materials, and it may order to close the facility as well.

Article (18)

The imposition of the sentences stipulated in this law shall not prejudice any more severe sentence stipulated under any other law.

Article (19)

The Minister of Justice, in agreement with the Minister and in coordination with the competent authority, shall issue a resolution identifying the personnel having the capacity of judicial control officers in demonstrating the violation of the provisions of this law and the regulations and resolutions implementing the same, within the scope of their competences.

Article (20)

The Council of Ministers shall issue the executive regulations for this law.

Article (21)

Any provision that contradicts or conflicts with the provisions of this law shall be repealed.

Article (22)

This law shall be published in the Official Gazette and shall come into force from the day following the date of its publication.

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi
On Muharram 5th 1431 AH
Corresponding to December 22nd, 2009 .