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Legislation

No. 19

Anti-Smoking Law

No. (19) of 2012

قانون مكافحة التدخين

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Laws

Anti-Smoking Law

In the name of the people

Presidency of Republic

RESOLUTION NO.

Based on what had been approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on March 7, 2012 to issue the following law:

NO. (19) OF 2012
ANTI-SMOKING LAW



SECTION ONE
DEFINITIONS, OBJECTIVES &
MEANS

ARTICLE 1

For the purposes of this law, the following terms have the definitions indicated opposite them:

First: The Ministry: The Ministry of Health.

Second: The Minister: The Minister of Health.

Third: Smoking: Usage of tobacco products of all kinds, such as cigarettes, shisha and pipes.

Fourth: Passive smoking or involuntary smoking: Inhaling the tobacco smoke of others.

Fifth: Tobacco: Tobacco plants of all kinds and their parts, including roots, leaves, fruits, green and dried seeds.



ARTICLE 2

This law aims to protect people from the health, environmental, economic and social dangers of smoking and reduce the percentage of smokers by setting anti-smoking standards.

ARTICLE 3

The Ministry shall, in coordination with the relevant ministries and authorities, implement the objectives of this law through the following means:

- First: Including in curricula and educational programs materials that show the overall harms resulting from smoking and its dangers to smokers and non-smokers.
- Second: Establishing educational programs and periodic awareness programs in educational institutions, places of worship, health and cultural institutions and in various media about the harms of smoking within the framework of an annual national plan.
- Third: Printing and distributing anti-smoking posters and warnings of its harms in public places where smoking is prohibited.
- Fourth: Organizing awareness programs for farmers to grow crops that are beneficial to society instead of growing tobacco.



SECTION TWO
PROHIBITION OF SMOKING IN
PUBLIC PLACES

ARTICLE 4

Smoking shall be prohibited in the following public places:

First: Inside the buildings of presidential bodies, ministries, departments, educational and health institutions, airports, companies and factories in all governorates.

Second: Theaters, cinemas, hotels, clubs, restaurants, meeting and event halls, work offices and commercial markets.

Third: Public and private collective land, sea and air transportation on domestic and international trips.

Fourth: All fuel stations.



ARTICLE 5

It shall be specified smoking areas stipulated in both Items (First and Second) in Article (4) of this Law away from the non-smokers with specifications determined by those authorities.

ARTICLE 6

First:

- a. It shall be prohibited to promote smoking directly or indirectly.
- b. The provision of Paragraph (a) of this Item shall be applied for the visual, audio and readable media and the sports and cultural institutions, publishing and distribution houses and advertising and publicity offices.

Second: A Minor and juvenile shall be prohibited from smoking or practicing a profession of selling and purchasing the tobacco or its derivatives.

Third: The shops practicing selling the cigarettes or tobacco shall put health precaution signs in a noticeable place.

ARTICLE 7

First: It shall be prohibited to manufacture, circulate or import logos relating to the tobacco products or its derivatives on other products such as; caps, shirts, bags, umbrellas, traffic signals and the advertising banners with their various types.



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Second: It shall be prohibited to paint any part of transportation means or walls or bridges indicating to any type of smoking.

Third: The manufacturing and importing companies shall remove the advertisement stipulated in Item (First) of this Article during a period no more than (6) six months as of the validity of this Law.

ARTICLE 8

It shall be prohibited to import or manufacture the counterfeited tobacco products or any materials representing smoking advertising.



SECTION THREE
PROHIBITION OF IMPORTING,
MANUFACTURING AND
SELLING TOBACCO

ARTICLE 9

- First: It shall be prohibited to import, selling and manufacturing any type of tobacco or its products that its nicotine percentage is more than (0,8) milligram and tar than (12) milligram based on a report issued by the Standardization and Quality Control service.
- Second: The Ministry shall set precise specifications for manufacturing and importing, with instructions issued for this purpose that ensure the reduction of the harms of smoking, and shall, with the relevant authorities, coordinate supervising their implementation.
- Third: The Ministry of Commerce shall be responsible for issuing licenses to import tobacco and its products to limit imports that violate the minimum conditions specified for the specifications for importing this material.
- Fourth: Manufacturing and importing companies shall arrange their conditions and products in accordance with the specifications stipulated in Item (Second) of this Article within (6) six months from the date of entry into force of this Law.



ARTICLE 10

First: The manufacturing body shall put health warnings written in Arabic and Kurdish and pictorial health warnings on the packages of locally-manufactured tobacco products of all kinds and specify the percentages of their components.

Second: It shall be prohibited to import any type of tobacco products that do not contain health warnings or the nicotine and tar percentages stipulated in Item (First) of Article (9) of this law.

ARTICLE 11

Tobacco industries may not be exempted from taxes and fees, nor may not be granted the privileges stipulated in Investment Law No. (13) of 2006 or any other law.



SECTION FOUR PENALTIES

ARTICLE 12

First: Whoever manufactures, imports or sells tobacco or its products in violation of the specifications stipulated under the provisions of this law shall be punished with a fine of not less than (25,000,000) twenty-five million Iraqi dinars and not more than (50,000,000) fifty million Iraqi dinars, and the violating quantity shall be confiscated and destroyed.

Second: The license for importing, manufacturing or selling tobacco products shall be withdrawn by the licensing authority in case of repeating the violation in addition to the fine stipulated in Item (First) of this Article.

ARTICLE 13

Any quantity of tobacco or its products illegally entered in the territory of the Republic of Iraq shall be confiscated, and the smuggling person shall be punished by a fine of not less than (50,000,000) fifty million Iraqi dinars and not more than (100,000,000) one hundred million Iraqi dinars, without prejudice to any more severe penalty stipulated in the laws in force.



ARTICLE 14

Cultural and information means, publishing houses, newspapers, magazines, printing presses and advertising offices that promote smoking shall be punished with the following:

First: Closure for a period not exceeding (30) thirty days and a fine of not less than (5,000,000) five million Iraqi dinars and not more than (10,000,000) ten million Iraqi dinars.

Second: Closure for a period of (60) sixty days and a fine of not less than (10,000,000) ten million Iraqi dinars and not more than (20,000,000) twenty million Iraqi dinars in case of repeating the violation stipulated in this Article.

ARTICLE 15

The foreign newspaper and magazine issues, books and bulletins in violation of the provisions of this law shall be confiscated, and subsequent issues thereof shall be prohibited from entering Iraq's territory for a period not exceeding (30) thirty days.

ARTICLE 16

A fine of not less than (250,000) two hundred and fifty thousand Iraqi dinars and not more than (1,000,000) one million Iraqi dinars shall be imposed on whoever violates the provisions of Item (Third) of Article (6) of this law, and in the event of repeating the violation, the shop shall be closed for a period of (30) thirty days.



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ARTICLE 17

smokers in the public places specified in Article (4) of this law shall be punished with a fine of (10,000) ten thousand dinars.

ARTICLE 18

The entities in which smoking is prohibited stipulated in Article (4) of this law shall be punished with a fine of (250,000) two hundred and fifty thousand Iraqi dinars in the event that they don't designate a place for smoking in accordance with the provisions of Article (5) of this law.



SECTION FIVE
GENERAL AND FINAL
PROVISIONS

ARTICLE 19

First: The Ministry of Finance shall allocate all revenues obtained from the implementation of the provisions of this law to the health departments in Baghdad and all governorates, and the percentage of each health department shall be in accordance with the collection amounts therein.

Second: Local governments shall be responsible for organizing collection operations in accordance with the instructions of the Ministry of Finance.

ARTICLE 20

The Minister may issue instructions to facilitate the implementation of the provisions of this law.



ARTICLE 21

This law shall be published in the Official Gazette and shall be enforced (90) ninety days after the date of its publication.

Jalal Talabani

President of the Republic