

Law of the Republic of Kazakhstan from July 10, 2002 No. 340-II

On the Prevention and Restriction of Tobacco Smoking

(with changes and additions as of June 19, 2007)

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This Law regulates the general public relations that arise during the production, sale and consumption of tobacco products, and also defines the main measures for the prevention and restriction of tobacco smoking for the purposes of the protection of the rights of citizens to health protection.

Chapter 1

General Provisions

Article 1. Goals and objectives of this Law

The goals and objectives of this Law are:

- 1) protection of the health of the population;
- 2) introduction of an age limit for persons who have the right to acquire tobacco products;
- 3) prevention of tobacco smoking among minors;
- 4) distribution of information on the harmful consequences of addiction to the consumption of tobacco, of morbidity and mortality caused by smoking tobacco;
- 5) the formation of a relationship on the part of the population to tobacco smoking as a factor in the increased risk to life and health;
- 6) carrying out coordinated measures for the prevention of the propagation of tobacco smoking.

Article 2. Basic concepts used in this Law

The following concepts are used in this Law:

- 1) **flavoring** – substance added to the tobacco to give it a special taste, smell or aroma to tobacco products;

2) **ingredient** – any substance, except tobacco, water or tobacco leaf, which is added during production either to tobacco, or to non-tobacco components of tobacco products;

3) **tobacco products brand** – elements of the trade mark, which in totality are used by the manufacturer in order for the consumer to be able to identify the tobacco product issued by this manufacturer;

4) **non-tobacco component** – auxiliary material used in the production of tobacco products (cigarette, papirosy, cigarette tip paper, colored printing ink, glue for the paper side seam, a filter, paper for the printed wrapper, rim paper and rim ink, glue for the rim (filter);

5) **nicotine** – nicotine alkaloid, which is contained in tobacco leaves and tobacco smoke;

Changes are introduced to subparagraph 6 in accordance with the [Law](#) of the Republic of Kazakhstan from December 11, 2006 No. 201-III (effective as of January 1, 2007) ([see old version](#))

6) **pack** – unit of consumer goods, manufactured from cardboard or paper or other material that contains a specific quantity of tobacco product;

7) **manufacturer** – physical person or legal entity that produces tobacco products for sale in the Republic of Kazakhstan;

8) **variety of the brand of tobacco products** – individual type of production within the scope of one brand of tobacco products that has its own distinctive special features, which can be used by the consumer to identify the brand;

9) Excluded in accordance with [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

10) **cigarette** – made with the use of cigarette paper, glue for the sides, a filter, paper around the filter construction in the shape of a small tube or cylinder, filled with components which are domestic or imported tobacco, ingredients, technological additives and flavorings;

11) **tar** – the damp, waterless non-nicotine containing condensate of smoke;

12) **tobacco** – a nicotine-containing plant used for the production of tobacco products;

13) **tobacco smoking** – the process of consumption of a tobacco product, which causes the dependence of the smoker's body on nicotine, negatively impacting his health, and also the health of non-smokers and polluting the environment;

14) **tobacco product** – any product containing tobacco, with the exception of pharmaceutical products that contain nicotine;

15) **packaging** – the unit of a multi-pack consumer container, which contains a specific quantity of packs;

16) **authorized agency** – the state agency that exercises management in the sphere of protection of the health of the citizens in the Republic of Kazakhstan.

Article 3. Legislation of the Republic of Kazakhstan on the prevention and restriction of tobacco smoking

1. Legislation on the prevention and restriction of tobacco smoking is based on the [Constitution of the Republic of Kazakhstan](#) and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If by international agreement, ratified by the Republic of Kazakhstan, other rules are established than those, which are contained in the present Law, then the rules of the international agreement are applied.

Changes are introduced into the title of chapter 2 in accordance with the [Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III \(see old version\)](#)

Chapter 2

Requirements for Information on Tobacco and Tobacco Products

Article 4. Excluded in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

See [terms for implementation of this article](#)

Article 5. Right to receipt of information on tobacco and tobacco products

1. Physical persons and legal entities have the right to receive information on tobacco and tobacco production and the danger from smoking, which should be provided in the state and the Russian languages.

2. The information:

1) must contain information on the composition, tar, nicotine, and other characteristics of the quality and degree of safety of tobacco products;

2) may reflect other information stipulated by state standards.

3. The name of the tobacco product must specifically and reliably characterize this tobacco product and make it possible to distinguish it from other types of tobacco products.

4. The pack, packaging of the tobacco product must containing warning labels on the danger of smoking. [The text of the warning on the danger from consumption of tobacco products](#) is approved by the authorized agency. The warning label on each pack, package of tobacco products must correspond to the following requirements:

See [terms for implementation of this subparagraph](#)

Changes are introduced into subparagraph 1 in accordance with the [Law of the Republic of Kazakhstan from June 19, 2007 No. 264-III \(enters into force as of January 1, 2008\) \(see old version\)](#)

1) must occupy not less than thirty percent of each of the largest in area sides of the pack, packaging of the tobacco products;

2) must be easy to read and to be situation in such a manner that the integrity of the text is insured;

3) must not be printed on the transparent wrapper or any other external packaging material;

The paragraph is supplemented by subparagraph 4 in accordance with the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III (enters into force as of January 1, 2008)

4) must consist of a main and one of the supplemental warning labels approved by the authorized agency.

See [terms](#) for implementation of this paragraph

5. The pack, packaging of the tobacco products must have a label with the following content: "Sale to persons under the age of 18 is prohibited."

6. The dissemination of information on the danger of smoking tobacco is ensured by state agencies in accordance with the legislation of the Republic of Kazakhstan. ponarah

See [terms](#) for implementation of this article

Article 6. Information on the content of nicotine, tar and ingredients in tobacco products

The manufacturer is obligated to provided annually by February 1, in [the order established by the authorized agency](#), reports on the results of laboratory research on the [maximally allowable content of nicotine and tar](#) in all brands of tobacco and tobacco products, on the ingredients of tobacco products, which it issued or intends to issue, sold or distributed in another manner in the previous twelve months on the territory of the Republic of Kazakhstan.

Article 7. Research and the maximally allowable content of nicotine and tar in tobacco products

1. Research on the content of nicotine and tar in tobacco products is carried out by the manufacturer of the tobacco products at his own expense in laboratories accredited in accordance with the legislation of the Republic of Kazakhstan. .

2. It is forbidden to import, issue and sell tobacco products that exceed the [maximally allowable level of nicotine and tar, which is determined by the government of the Republic of Kazakhstan.](#)

Chapter 3

Requirements Directed at the Protection of Minors and Non-Smokers from the Effects of Tobacco Smoke and the Use of Tobacco and Tobacco Products

Article 8. Sale of tobacco products

1. The sale of tobacco products is prohibited:

Subparagraph 1 is presented in the version of the [Law](#) of the Republic of Kazakhstan from June 19, 2007 No. 264-III ([see old version](#))

1) to persons and by persons under the age of eighteen;

2) from open packs or by unit sale;

3) without the direct participation of a salesperson, by means of vending machines, other electronic or mechanical devices;

4) in the buildings and on the territories of public health, educational, physical education-health, sports and sports-technical facilities, stadiums;

5) without the appropriate documents that confirm the quality of the product;

Subparagraph 6 is presented in the version of the Law of the Republic of Kazakhstan from December 11, 2006 No. 201-III (in force as of January 1, 2007) (see old version)

6) without excise stamp marks or accounting-control stamps;

7) if the pack of cigarettes contains less than twenty cigarettes;

8) without information on the pack on the level of the tar and nicotine content;

9) without a warning on the pack on the danger of cigarette smoking.

2. In places where the sale of tobacco products is carried out, in a visible place, on the cash register or next to a notice must be placed with the following content: "The sale of tobacco products to persons under the age of 18 is prohibited," and also a warning on the harm from smoking, approved by the authorized agency.

3. With the sale of tobacco products to citizens, whose age appears to be less than eighteen, those selling the tobacco products are obliged:

1) to require the presentation of a document that identifies the person for the purpose of determining the actual age of the buyer;

2) to refuse to sell tobacco products in this case if no document has been presented that verifies the person's identity and age.

See terms for implementation of this paragraph

Article 9. Prohibition of smoking in individual public places and on public transportation

1. Smoking is banned at:

1) educational organizations, and also organizations for the recreation of minors;

2) public health care organizations;

3) public eating establishments;

4) cinemas, theaters, circuses, concert, viewing and exhibition halls, at sports arenas and other facilities intended for mass recreation;

5) museums, libraries and auditoriums;

6) open places on local and long distance trains, on vessels used in air, sea and river transportation, and also in the passenger compartments of city, inter-city buses, taxi routes and urban electric transport;

7) buildings of airports, railroad, automobile and water transportation stations;

8) state agencies and also other organizations.

2. The standards stipulated in [subparagraphs 3\), 6\), 7\)](#) of paragraph 1 of this article do not apply in those cases where specially-equipped places are designated for smoking.

3. Employers are obligated to set aside special places for smoking, to prohibit smoking in toilets and spaces not set aside for these purposes.

4. Places set aside especially for smoking should be equipped in accordance with the [health and hygiene rules and regulations.](#)

Chapter 4

State Control in the Sphere of the Prevention and Restriction of Tobacco Smoking

Article 10. Scope of the authorized agency

1. State control in the sphere of the prevention and restriction of tobacco smoking is exercised by the authorized agency.

2. [The authorized agency](#) carries out its activity in the sphere of the prevention and restriction of tobacco smoking in accordance with the legislation of the Republic of Kazakhstan.

3. State control in the sphere of the prevention and restriction of tobacco smoking is exercised also by other agencies in accordance with their powers.

4. In the sphere of the prevention and restriction of tobacco smoking public associations may collaborate and interact with state agencies in accordance with the legislation of the Republic of Kazakhstan.

Article 11. Responsibility for the violation of the legislation of the Republic of Kazakhstan on the prevention and restriction of tobacco smoking

Persons guilty of violating the legislation of the Republic of Kazakhstan on the prevention and restriction of tobacco smoking bear responsibility in accordance with the [laws of the Republic of Kazakhstan.](#)

Tobacco products, which do not comply with the requirements of the [standards](#) in force on the territory of the Republic of Kazakhstan, are subject to confiscation and destruction in accordance with the [legislative acts](#) of the Republic of Kazakhstan.

Chapter 5

Final Provisions

Article 12. Procedure for the implementation of this Law

This Law enters into force from the day of its official publication, with the exception of the following articles:

- 1) subparagraph 1 of paragraph 1 of Article 4 enters into force as of October 1, 2004;
- 2) subparagraph 6) of paragraph 1 of Article 4 enters into force as of October 1, 2003;
- 3) Article 5 enters into force as of April 1, 2003, with the exception of subparagraph 1) of paragraph 4 and paragraph 5.
- 4) subparagraph 1) or paragraph 4 and paragraph 5 of Article 5 enter into force as of April 1, 2004;
- 5) Article 6 enters into force as of January 1, 2003;
- 6) Article 9 enters into force as of April 1, 2003.

President
of the Republic of Kazakhstan

N. NAZARBAYEV