

Law of 2013 no 39

Containing rules for limiting the use of Tobacco and tobacco products  
(Tobacco law, 2013 no 39)

The president of the republic Suriname

Considered is that, since the accession of Suriname in the WHO framework convention on Tobacco Control as well as in article 9 of the constitution, it is in the interest of public health to set rules whose limit the use of tobacco and tobacco products.

Has, the council heard, after approval of the National assembly, ratified the following law:

§ 1 General provisions

Article 1

Provisions of concepts

In this law and the thereon based provisions is understood as:

a.	Minister	Minister responsible for care on Public health;
b.	Director	Director responsible for care on Public health;
c.	Package leaflet	All communications attached on the outside of each separate package and/or carton of tobacco and/or tobacco products;
d.	Containment	All communications attached within each separate package and/or carton of tobacco and/or tobacco products;
e.	Carton	A box or package which includes two or more packages of tobacco and/or tobacco products;
f.	Package	Each cover, wrapper, packet or other packages which includes tobacco or a tobacco product or all other packing in which or with which tobacco and/or tobacco products are offered;
g.	Smoking	a. Inhaling or exhaling or the use of tobacco and/or tobacco products which produces in some extend emissions; as well as b. Possess or administer burning tobacco and/or tobacco products, irrespectively whether the emitted smoke thereof actually actively is being inhaled or exhaled.
h.	Smoke free	All spaces where smoking is prohibited;
i.	Wall	All structures or particles, solid or mobile, which stops or considerably obstructs airflow;
j.	Space	All areas, room or premise covered with a roof or comparable structure or which is closed by means of one or more walls or sidewalls irrespectively the type of material used for the roof structure, walls or side walls and irrespectively whether the structure is permanent or temporarily.
k.	Public accessible spaces	Generally accessible spaces for the general public, or parts of it, whether or not using fees, irrespectively whether the space is owned publicly or

		privately.
l.	Work spaces	All spaces used by one or more persons during work, whether self-employed or employed, irrespectively of any payments are received.
m.	Public transportation	Vehicles and vessels taking care of public services or all other vehicles and vessels for the transportation of persons using payments or other.
n.	Tobacco brand element	Brand name, trademark, trade name, clear characteristic, logo, graphical shape, design, slogan, symbol, motto, selling message, letterpress, letter type, recognizable color or color pattern.
o.	Tobacco and tobacco products	Products, partly or completely, made from tobacco leaves as element, meant for smoking, chewing or sniffing.
p.	Tobacco commercial or promotion	All actions with an economical manner meant to raise the sales of tobacco and/or tobacco products and all forms of commercial communication which has, direct or indirect, as a result publicity or recommendation of tobacco and/or tobacco products. Included are commercials, which, without mentioning tobacco or the specific tobacco product, and hence, trying to circumvent the advertising ban, by using a name, brand, symbol or any other distinctive sign of tobacco and or a tobacco product.
q.	Tobacco sponsoring	All forms of contribution to an activity, event, or person with as goal, consequence or possible consequence, direct or indirect support of tobacco, tobacco products or the use of tobacco.
r.	Tobacco selling point	All places where are tobacco and/or tobacco products present, with as goal to sell, let sell or different than to not provide.
s.	Illegal trade	All actions or behaviors prohibited by law and refers to production, sending, receiving, possession, distribution, selling or buying, including all actions or behaviors which facilitate these activities.

## Article 2

### Provision of delegation

The decisions in this law can edited.

## § 2 Smoking bans

### Article 3

Smoking bans in public spaces, working spaces and public transportation

1. It is forbidden for everyone to smoke in public spaces, working spaces and public transportation. This ban is also applicable for terrains subordinating to the facilities, as mentioned in section 2 sub d and h of this article.
2. The ban on smoking, intended in section 1 of this article, is in any sense applicable for the following public spaces, working spaces and public transportation:
  - a. Public and private working spaces, offices and office buildings;
  - b. Government grounds, including all government grounds and offices used for the executions of proceedings or activities, directly or indirectly, in connection with governments functioning.

- c. Cafés, discotheques, clubs, pubs, bars, lounges and restaurants including all spaces that are contributing and/or part of these facilities functioning.
  - d. Buildings and spaces of educational institutions of all levels and child care institutions.
  - e. Elderly houses including all spaces that are contributing and/or part of this facilities functioning.
  - f. Industrial estates, including all public and private facilities which are in use by any kind of industrial or commercial activity or services.
  - g. Factories, storage areas and warehouses.
  - h. Health facilities, health care facilities, clinics and hospitals.
  - i. Hotels, motels, pensions, and all other accommodation facilities.
  - j. Public transport terminals, including seaports, river ports, airports, train- and bus stations and waiting rooms.
  - k. Airplanes, helicopters, busses, trains, taxis, boats, and all other means of public transportation.
  - l. Small commercial establishments, including shops, markets, market squares, and shopping malls.
  - m. Public owned spaces rented for events.
  - n. Cinemas, theaters, concert halls, casinos, and all additional places meant for indoor amusements.
  - o. Museums, libraries, district centers, recreation centers, and halls
  - p. Spaces for sport, education and recreation
3. By order of the minister, rules will be determined concerning the indication or signs for the ban on smoking, the prescriptions concerning the placements of the meant indications/signs and additional prescriptions concerning a right execution of the ban on smoking.

#### Article 4

##### Responsibilities and obligations

1. The ones who have the actual leadership or policy determining responsibilities, no matter on which level they operate, concerning the in article three referred public spaces, will undertake the necessary actions to make the applicable public space smoke free. By order of the minister, further regulations will be determined concerning specific obligations meant for the persons indicated in the first sentence.
2. Employers are obligated to undertake the necessary actions which results in smoke free spaces where employees can do their work.
3. Owners of public transportation services are obligated to undertake actions resulting in smoke free public transportation services.
4. Included in section one, two and three are in any case
  - a. Taking care of the compliance of the smoking ban as indicated in article 3 of this law.
  - b. Placement of signs where the ban on smoking is applicable on places where this is visible for public.
  - c. Taking care of the absence of ashtrays.

### § 3 Restrictions concerning advertisements, promotions and sponsoring

#### Article 5

##### Ban on tobacco commercials and tobacco sponsoring

1. All forms of tobacco advertisements and tobacco sponsoring are forbidden.
2. The ban mentioned in section 1 of this article for tobacco advertisement and tobacco sponsoring includes in any case:
  - a. Audio, visual and audio visual means;
  - b. All printed forms including newspapers, magazines, pamphlets, folders, flyers, letters, billboards, posters, marker boards, or any other printed publications.
  - c. All television broadcasts or broadcasts existing of land- or satellite transmissions, all games including computer games, video games or online games;
  - d. All other digital communication platforms, including computers and mobile phones.
  - e. Stage arts, and music performances.
  - f. The use of brand elements in amusement venues, small commercial establishments or on vehicles or equipment.
  - g. Exposition of tobacco and or tobacco products or tobacco elements at all tobacco selling points, by using for example marker boards, displays, or other promotion equipment.
  - h. Internet or any other digital medium
  - i. Promotion including informative material, as direct mail, telemarketing, surveys for customers or research.
  - j. Any other form of direct or indirect tobacco advertisement, promotion or sponsoring.

#### Article 6

##### Product placement, brand expansion, or brand dissemination

Unabated the decision of article 5, section 1 of this law it is forbidden for everyone to:

1. To promote or advertise, direct or indirect, tobacco and/or tobacco products, irrespectively if these products have a brand name, in any broadcast program, television program, film, video or digital take, television broadcast or other electronic medium for which the producer or any other person related to the broadcast, transmission or any other electronic medium, receives payment or any other compensation in exchange for advertisement or promotion for tobacco and/or tobacco products or tobacco elements.
2. Using or let using any tobacco trade mark, logo, brand name or other tobacco element with as goal advertising, promoting, selling or disseminating of any tobacco product, service, activity or event.
3. Using or let using any brand element, emblem, trade mark, logo or trade name or any other distinguished characteristic, including distinguished color combinations, graphical design, symbols, mottos, selling message, prints, fonts or any other symbol or product identification of any nontobacco product or service with as goal to advertise or promoting tobacco, or producers of tobacco and/or tobacco products.

## Article 7

### Free distribution and promotion discounts.

Unabated what is determined in article 5, section 1 of this law it is forbidden for everyone to:

1. Distribution to others of tobacco and/or tobacco products for further distribution for a reduced price or whether or not in combination with incentives or promotional activities via mail services, selling points of others.
2. Providing any product, discount or other kinds of rewards, to any person who procure tobacco and/or tobacco products.
3. Providing tobacco and/or tobacco products to anyone younger than 18.

## Article 8

### Socially responsible entrepreneurship

Unabated what is determined in in article 5, section 1 of this law it is forbidden for the producer, importer, distributor, or trader of tobacco and/or tobacco products to provide any contribution, financial or other, to any individual or organization, or a campaign, service, activity, action, program, project or any other happening in name of tobacco and/or a specific tobacco product.

## § 4 Restrictions on selling's

### Article 9

#### Tobacco automata

It is forbidden for everyone to use selling machines, or any other mechanically operated equipment for the distribution or selling of tobacco and/or tobacco products.

## Article 10

### Selling to persons younger than 18 years old

1. It is forbidden for everyone to sell tobacco and/or tobacco products to persons for which it isn't determined that they are younger than 18 years old.
2. The determination of age is inapplicable for persons who are unmistakable older than 18. Determination of age as indicated in section 1 of this article has to be done on one of the following manners:
  - a. A valid driving license, as indicated in article 7, section 1, sub 3 of the "driving law 1971"
  - b. A valid identification, obtained pursuant the "Identity law"
  - c. A valid travel document, obtained pursuant the "passport-instruction for the Republic of Suriname"
3. On places where commercial or other than supplying to individuals of tobacco and/or tobacco products, it has to be clearly visible and readable that persons younger than 18 years old cannot obtain tobacco and/or tobacco products. In order of the minister, further rules can be determined.

## Article 11

### Selling among persons younger than 18 years old

It is, for person who did not reach the age of 18 forbidden to distribute, sell, or let sell tobacco and/or tobacco products.

#### Article 12

##### Restrictions concerning selling points

It is for everyone forbidden to sell tobacco and/or tobacco products in:

- a. Establishments of all health institutions.
- b. Educational institution facilities of all levels as well as facilities related to educational institutions.
- c. All facilities meant for persons below eighteen.

#### Article 13

##### Products similar to tobacco and tobacco products.

1. It is forbidden for everyone to represent, imitate, import, sell or let sell products which are similar to, or meant to be similar to, tobacco and tobacco products.
2. It is forbidden for everyone to import, distribute, sell or let sell electronic cigarettes.

#### Article 14

##### Package for tobacco and tobacco products.

1. By virtue of state decree rules can be determined concerning packages for tobacco and/tobacco products.
2. A. It is forbidden for everyone to import cigarettes in packages consisting of less than 20 cigarettes.  
B. It is forbidden for everyone to produce, pack, distribute, sell and/or to let sell cigarettes in packages consisting of less than 20 cigarettes.  
C. It is forbidden for everyone to sell cigarettes other than in a closed pack.

#### Article 15

Illegal trade concerning tobacco and/or tobacco products

Unabated what is determined in the law Economical offenses (S.B. 1986 no. 02) and the Law prevention of smuggling (S.B. 1986 no. 03), smuggling of tobacco and tobacco products is classified as a crime and will be punishable.

### § 5 Actions on tobacco and tobacco products packaging and labeling

#### Article 16

##### General facilities for health warnings for all tobacco products

1. It is for everyone forbidden to import, distribute, sell or let sell tobacco and/of tobacco products which:
  - a. Are not facilitated with clear readable health warnings about the harmful effects of tobacco use.
  - b. Do not fulfill the requirements set by the minister concerning packaging and labeling.
2. The health warnings indicated in section 1 sub a of this article have to be placed in such a way and place on the package of tobacco and/or tobacco products that reading of those messages is not hindered.
3. The health warnings indicated in section 1 sub a of this article:
  - a. Includes at least 50% of the outside front as well as the outside back of the concerning surface of the package on which they are putted.
  - b. Include a graphical image or photo and text on which the harmful effects are announced and visible.
  - c. Are printed on all package leaflets and containments of tobacco and/or tobacco products.
4. By order of the minister further rules will be determined concerning health warnings on the package of tobacco and/or tobacco products and labeling and the manner on which tobacco and/or tobacco products are offered.

#### Article 17

#### Announcement concerning labeling

It is forbidden for everyone to:

- a. Make qualitative or quantitative announcements on tobacco- and/or tobacco product packages and labels about tobacco ingredients and secretions which suggest that one brand is less harmful than another, under which, but not limited to, the quantity amount of tar, nicotine, and carbon monoxide of which the tobacco or the tobacco product exist, nor qualitative announcements in this nature.
- b. Making announcements on the package about Label numbers about smoke secretions including tar, nicotine and carbon monoxide. The alleged in the first sentence is also applicable for packages of tobacco and/or tobacco products and labeling which are used as subordinate of a brand name or trademark.
- c. Promotion of tobacco products by any means which can give a misleading or wrong impression about the product characteristics, health effects, dangers or emissions, including graphical indications, description, or other sign which directly or indirectly raises a wrong impression that one tobacco and or tobacco product is less harmful than another.

#### Article 18

#### Obligation concerning health warnings

1. Producers, importers, traders and selling points of tobacco and/or tobacco products are obligated to maintain the prescriptions concerning the package and labels determined in this law.
2. The necessary costs for placing these health warnings and messages as prescribed in this law will be carried by the producers of tobacco and or/ tobacco products.

§ 6 Organ for discouraging the use of tobacco and/or tobacco products  
Article 19

1. By order of the minister a bureau will be settled as executive organ for discouraging the use of tobacco and tobacco products.
2. The bureau has as tasks:
  - a. Developing, implementing and monitoring of a national strategic plan to discourages the use of tobacco and tobacco products.
  - b. Develop yearly a year plan to discourages the use of tobacco and tobacco products.
  - c. Developing and organizing project, programs and trainings to discourage smoking. To accompany smokers and raising the awareness concerning the health risks of tobacco consumption and the exposure of tobacco smoke
  - d. To promote national research and organizing and supervising of an epidemiological information system for monitoring of inter alia the use of tobacco in Suriname.
  - e. Promoting the cooperation between national institutions, non-governmental organizations and other relevant actors concerning the implementation of national tobacco policy.
3. By order of the minister further rulers concerning the bureau will be determined.

§ Supervision and detection  
Article 20  
Supervision

1. The director has the task to supervise the compliance of this law.
2. The director is admitted to designate other people when necessary.

Article 21  
Detection

At the detection of punishable facts are besides pursuant article 134 of the Law book of criminal procedure designated civil servants, also by the director entrusted civil servants, after they are appointed and sworn by the minister and attorney general as exceptional agent of the police.

§ 8 Sanctions  
Article 22



1. The ones who acts contrary article 3 of this law, will be punished with an imprisonment of maximum one month or a fine of the second category of the general fine law (S.B. 2002 no. 73), or with both punishments.
2. The ones who acts contrary article 4 and 9 of this law, will be punished with an imprisonment of maximum three months or a fine of the fifth category of the general fine law (S.B. 2002 no. 73), or with both punishments.
3. The ones who acts contrary article 6, 7, 8, 10, 11, 12, 13 and 14 of this law, will be punished with an imprisonment of maximum six months or a fine of the sixth category of the general fine law (S.B. 2002 no. 73), or with both punishments.
4. The ones who acts contrary article 5, 16, 17, and 18 of this law, will be punished with an imprisonment of maximum nine months or a fine of the sixth category of the general fine law (S.B. 2002 no. 73), or with both punishments.
5. The in this article section 1 until 4 punishable facts are violations.
6. The ones who acts contrary article 15 of this law, will be punished with an imprisonment of maximum six years or a fine of the seventh category of the general fine law (S.B. 2002 no. 73), or with both punishments.

#### § 9 transitional and final provisions

##### Article 23

##### Transitional provisions

1. Within a year after entry into force of this law, the ones for which the determined article 14 section 2 sub a and b, 16 and 17 sub a and b are concerning, must suffice the requirements.
2. The determined in article 22, sections 3 and 4 concerning the articles 14 section 2 sub a and b, 16 and 17 sub a and b is during the in section 1 indicated time not applicable.

##### Article 24

##### Final provisions

1. This law can be cited as: "Tobacco law"
2. She will be promulgated in the statute book.
3. She will enter into force three months after the day of her promulgation
4. The minister responsible for public health is responsible for the execution of this law.