

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 163 of 1992

The Public Health Act
(Laws, Volume XI, Cap. 535)

The Public Health (Tobacco) Regulations, 1992

IN EXERCISE of the powers contained in section one hundred and fourteen of the Public Health Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Public Health (Tobacco) Regulations, 1992, and shall come into force on the 1st of January, 1993.

2. In these Regulations, unless the context otherwise requires—

"advertise" means any communication disseminated with the direct or indirect intention of promoting sales, irrespective of the place or means of communication; and "advertisement" shall be construed accordingly;

"smoking" means the act of inhaling or puffing the smoke of cigarettes or cigars of any form or kind;

"tobacco product" means any product manufactured from tobacco and used for smoking, chewing, or inhaling and includes nasal and oral snuffs.

3. (1) No manufacturer, importer, distributor, or retailer shall sell any tobacco product in a package unless such package is labelled in a clear, legible and conspicuous manner with a warning as follows:

"WARNING: TOBACCO IS HARMFUL TO HEALTH"

(2) The warning referred to in sub-paragraph (1) shall—

(a) appear on both sides of the large surface area of the package printed in bold letters against a contrasting background;

(b) be in a place where there is no risk of being damaged when the package is opened; and

(c) not be placed on a transparent wrapping or other wrapping paper used outside the packaging.

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Sale to children under age: 4. No person shall sell tobacco or any tobacco product to persons under the age of 16 years.

Prohibition of smoking in some places: 5. (1) Notwithstanding anything contained in these Regulations, no person shall smoke in the places specified in the first Schedule.

(2) The owner or operator of the premises specified in the First Schedule shall display in a prominent place, clearly visible to the public, the warning:

"NO SMOKING", in bold letters.

Advertising: 6. (1) A person may advertise tobacco products to the general public but only through the means specified in the Second Schedule by using—

(a) the name and address of the manufacturer, importer, or distributor;

(b) the name and nature of the product;

(c) the brand and its symbol;

(d) the tar and nicotine levels; and

(e) information on the price and quantity.

Advertising by bill board and poster: 7. Where an advertisement is by a bill board or poster, the advertisement shall—

(a) not exceed nine square meters in surface area; and

(b) have only one poster for any brand in a given visual field.

Advertising in newspapers and periodical: 8. An advertisement shall not exceed half a page in a newspaper or exceed one page in a periodical.

Warning: 9. (1) No person shall sell, distribute or manufacture a tobacco product unless it contains a warning, in clear and legible writing as follows:

"WARNING: TOBACCO IS HARMFUL TO HEALTH"

(2) The warning shall be in the language in which the advertisement appears.

(3) The warning referred to in sub-paragraph (1) shall be as follows:

(a) an oral advertisement shall include the warning at the end of each advertisement and shall be clearly audible;

(b) a television advertisement shall include the warning at the end of the advertisement and shall be clear and legible; and

(c) the warning shall appear for a sufficient period so as to be easily read.

10. No person shall by commercial advertisement, directly or indirectly, encourage the smoking of cigarettes and other tobacco products.

Prohibition of commercial advertising

11. No person shall represent as beneficial to health any treatment, or production process intended to reduce the level of nicotine or tar in any advertisement.

Reference to health in advertising

12. No person shall offer or give any cigarettes, cigars or any other kind or form of tobacco as a prize in a lottery, raffle, game, draw or competition.

Offer of tobacco products

13. Any person who contravenes the provisions of these Regulations shall be guilty of an offence as prescribed in section one hundred and nine of the Act.

Offence and penalty

FIRST SCHEDULE

(Regulation 5)

- (a) Hospital
- (b) Health Centre
- (c) Nursing Home
- (d) Kindergarten
- (e) Cinema Hall
- (f) Theatre
- (g) Elevator (lift)
- (h) Public Transport
- (i) Schools for adolescents up to 21 years of age

SECOND SCHEDULE

(Regulation 6)

- (a) Newspapers
- (b) Radio
- (c) Television
- (d) Cinema
- (e) Billboards
- (f) Posters
- (g) Magazines
- (h) Videos

LUSAKA
7th December, 1992
[MH.6/7/120]

DR B. M. KAWIMBE,
Minister of Health

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 39 OF 2008

The Local Government Act
(Laws, Volume 16, Cap 281)The Local Government (Prohibition of Smoking in Public
Places) Regulations, 2008

IN EXERCISE of the powers contained in section *eighty-four* of the Local Government Act, the following Regulations are hereby made:

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| 1. These Regulations may be cited as the Local Government (Prohibition of Smoking in Public Places) Regulations, 2008. | Title |
| 2. In these Regulations, unless the context otherwise requires— | Interpretation |
| “Act” means the Local Government Act; | Cap. 281 |
| “area” means the area under the jurisdiction of a council; | |
| “Council” means any city, municipal or district council established under section <i>three</i> of the Act; and | Cap. 281 |
| “public place” means any building, premises, conveyance or other place to which the public has access. | |
| 3. (1) A person shall not smoke in a public place within the area. | Prohibition of smoking in public place |
| (2) A person who contravenes sub-regulation (1) commits an offence and is liable, upon conviction to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both. | |

S.T. MASEBO,
*Minister of Local Government
and Housing*

LUSAKA
9th April, 2008
[MLGH.101/30/18]

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