

[TO BE INTRODUCED IN THE SENATE]

**A
BILL**

further to amend the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002

WHEREAS it is expedient further to amend the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002), in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act shall be called the Prohibition of Smoking and Protection of Non-Smokers Health (Amendment) Act, 2025.

- (2) It shall extend to the Islamabad Capital Territory.
- (3) It shall come into force at once.

2. Amendment of section 2, Ordinance No. LXXIV of 2002.- In the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002 (Ordinance No. LXXIV of 2002), hereinafter referred to as the said Ordinance, in section 2, after clause (b), the following new clause shall be inserted, namely:-

“(ba) “Electronic Nicotine Delivery System (ENDS)” means any device or appliance, whether battery-operated or otherwise, that delivers nicotine, flavored vapor, aerosol, or similar substances for inhalation. This includes, but is not limited to, e-cigarettes, vapes, vape pens, e-shisha, heated tobacco products, sheesha devices, pods, cartridges, e-liquids, and their accessories;

Explanation.— In definitions and throughout this Ordinance, wherever the words ‘smoking’ or ‘tobacco’ are used, they shall also include the use of Electronic Nicotine Delivery Systems (ENDS) as defined in clause (bb);”

3. Substitution of section 5, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 5, the following shall be substituted, namely:-

“5. Prohibition of Smoking, Tobacco, and Electronic Nicotine Delivery System use.-(1) No person shall smoke, use tobacco in any form, or use an Electronic Nicotine Delivery System (including but not limited to sheesha, e-cigarettes and vapes) in any place of public work or public use.

(2) The Federal Government may, however, issue guidelines for permitting designated smoking areas in premises or places where adequate arrangements are made to protect the health of non-smokers.”

4. Substitution of section 6, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 6, the following shall be substituted, namely:-

“6. Prohibition of Smoking and Use of Electronic Nicotine Delivery Systems in Public Service Vehicles.- Without prejudice to the provisions of the Provincial Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), no person shall smoke, use tobacco in any form, or use an Electronic Nicotine Delivery System (including but not limited to sheesha, e-cigarettes, and vapes) in a public service vehicle.”

5. Substitution of section 7, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 7, the following shall be substituted, namely:-

"7. Prohibition on Advertisement of Cigarettes and Related Products.- Notwithstanding anything contained in any other law for the time being in force, no person or company shall advertise tobacco or tobacco-related products, including Electronic Nicotine Delivery Systems (ENDS) and their related products, sheesha, e-cigarettes, or vapes, in any media, at any place, or in any public service vehicle, unless such advertisement complies with the guidelines prescribed for this purpose by a committee constituted by the Federal Government through a notification published in the official Gazette."

6. Substitution of section 8, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 8, the following shall be substituted, namely:-

"8. Prohibition on Sale of Cigarettes and Related Products to Minors.- No person shall sell cigarettes, tobacco, Electronic Nicotine Delivery Systems (ENDS) and their related products, sheesha, e-cigarettes, vapes, or any other smoking substances to any person who is below the age of eighteen years."

7. Substitution of section 9, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 9, the following shall be substituted, namely:-

"9. Prohibition on Storage, Sale, and Distribution of Cigarettes and Related Products in the Immediate Vicinity of Educational Institutions.— No person shall, either personally or through any other person on their behalf, store, sell, or distribute cigarettes, tobacco, Electronic Nicotine Delivery Systems (ENDS) and their related products, sheesha, e-cigarettes, vapes, or any other smoking substances or tobacco products within fifty meters of any college, school, or other educational institution."

8. Substitution of section 11, Ordinance No. LXXIV of 2002.- In the said Ordinance, for section 11, the following shall be substituted, namely:-

"11. Penalties.- Any person who contravenes the provisions of,-

- (a) sections 5, 6, or 10 shall be punishable with a fine of twenty thousand rupees, and in the case of a second or subsequent offence, shall be punishable with a fine which may extend to fifty thousand rupees; and
- (b) sections 7, 8, or 9 shall be punishable with a fine of one hundred thousand rupees, and in the case of a second or subsequent offence, shall be punishable with imprisonment for a term which may extend to one year, or with a fine of two hundred thousand rupees, or with both."

STATEMENT OF OBJECTS AND REASONS

The primary objective of this Bill is to amend the Ordinance to explicitly extend its prohibitions to cover Electronic Nicotine Delivery Systems (ENDS) and related products. This includes prohibiting their use in public places and vehicles, restricting and regulating their sale to minors, banning advertisements inconsistent with prescribed guidelines, and prohibiting storage, sale, or distribution near educational institutions. The Bill also strengthens penalties for violations and empowers the Federal Government to prescribe standards related to the manufacture, packaging, sale, and promotion of ENDS.

2. This bill is aimed at achieving the above-stated objectives.

SENATOR SARMAD ALI
Member-in-Charge