



IMPROVING ADMINISTRATIVE LIABILITY FOR THE USE OF TOBACCO PRODUCTS AND NICOTINE CONSUMPTION DEVICES IN PUBLIC PLACES: LEGAL AND PRACTICAL GROUNDS FOR AMENDMENTS TO ARTICLE 56¹ OF THE ADMINISTRATIVE CODE OF THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

This article examines the improvement of Article 56¹ of the Code of the Republic of Uzbekistan on Administrative Liability to ensure clear and consistent enforcement of liability for the use in public places not only of tobacco products but also of nicotine consumption devices (electronic cigarettes, vapes, heated tobacco systems, and similar products). It substantiates the need to align the subject matter and terminology of the liability provision with sectoral legislation that imposes restrictions on nicotine consumption devices in public places. The proposed amendments are analyzed in light of international standards (WHO Framework Convention on Tobacco Control—WHO FCTC, Guidelines for Article 8) and precautionary principles regarding electronic nicotine products; practical recommendations are advanced for algorithmic enforcement (a minimum standard for evidence recording and preventive mechanisms) [1–5].

Restricting the consumption of tobacco products and the use of nicotine consumption devices (electronic cigarettes, vapes, heated tobacco systems, and similar products) in public places remains highly relevant in recent years from the perspective of protecting public health, ensuring a safe working environment, strengthening preventive regimes in educational and healthcare institutions, and enhancing safety requirements in areas with elevated fire risks. The effectiveness of the regulatory framework in this field is assessed not only by the existence of a prohibition, but primarily by the clarity of administrative measures and the possibility of uniform enforcement. Under current regulation, Article 56¹ establishes liability for consuming tobacco products in public places, including workplaces, healthcare institutions, educational institutions, sports and wellness facilities, fire-hazard areas, fuel stations, public transport, and other public places (except specially designated areas/rooms), providing for a fine in the

amount of one-third of the basic calculation amount; a special, higher fine is provided for aircraft [1]. However, given the growing prevalence of electronic nicotine delivery technologies, public-place restriction policies can no longer be limited to “traditional tobacco” and must ensure regulatory coherence that also covers nicotine consumption devices.

This coherence is primarily required because the Law of the Republic of Uzbekistan dated 24 May 2023 “On Restricting the Distribution and Consumption of Alcohol and Tobacco Products” закрепляет a prohibition in public places not only on consuming tobacco products but also on using devices for consuming tobacco and nicotine [2]. Article 24 of that Law explicitly states that in public places—including trade and service facilities, public catering establishments, and a range of other locations—consumption of tobacco products and the use of nicotine consumption devices are prohibited [2]. The Law also defines the obligations of responsible persons to ensure compliance with restrictions in public places: they must ensure observance of legal requirements, warn violators, notify internal affairs bodies if the violation continues, and place warning signs/labels in visible areas [3]. Therefore, where sectoral legislation establishes a restriction regime along the chain “facility – responsible person – violator,” the administrative liability norm must be equally clear regarding the subject matter (what is consumed/used) and the scope of coverage.

The relevant draft law arises precisely from this need: it proposes to expand the disposition of Article 56¹ so that, in public places, “nicotine consumption devices” (electronic cigarettes, vapes, heated tobacco systems, etc.) are expressly covered alongside “tobacco products” [1]. This approach ensures substantive proportionality between the sectoral prohibition and the administrative sanction, reduces disputes in enforcement, and strengthens the preventive effect. At the same time, the draft clarifies that the notion of “other public places” also encompasses the places listed in Article 24 of the sectoral Law, which enhances legal certainty as to the boundaries of the norm; open-ended expressions such as “other public places” may otherwise lead to divergent interpretations and adversely affect stability of application [2].

Maintaining a special rule for aircraft while differentiating sanctions also appears legally sound. An aircraft is a confined environment with a strict safety regime, where the risk of passive exposure to bystanders is higher due to passengers’ forced co-presence, and where enhanced fire-safety requirements apply. The current text of Article 56¹ already provides a separate sanction for consuming tobacco products on aircraft [1]. The draft makes this differentiation more logical and systematic by extending it to “nicotine consumption devices” as well.

The impact of a legislative change is not measured solely by the expanded text: effective implementation requires an operational enforcement mechanism. In this respect, an important element of the draft is the assignment to the Ministry of Health and the Ministry of Internal Affairs to develop inter-agency practical recommendations (enforcement algorithms, a minimum standard for evidence recording, and preventive measures) [1]. The scientific and practical value of this approach lies in the fact that many administrative disputes arise due to insufficient evidence, incomplete determination that the location is a “restricted place,” or inconsistent verification of the exception for “specially designated areas/rooms.” Since Article 26 of the sectoral Law establishes obligations for responsible persons to warn, notify internal

affairs bodies, and place signs, the practical fulfillment of these duties is also significant for detecting and proving violations [3].

From an international legal perspective, the principle of protecting the public from exposure to tobacco smoke (and, in a broader sense, aerosols) in public places is well established. The WHO FCTC Article 8 Guidelines emphasize achieving a “100% smoke-free” environment as an effective protective measure and state that there is no safe level of exposure to tobacco smoke [4]. This principle reinforces the scientific and legal justification for national restrictions: the state’s task is to adopt simple, clear, and enforceable rules aimed at protecting the population—especially in enclosed spaces and public transport—from secondhand (passive) exposure.

Regarding electronic cigarettes and other ENDS products, international public health bodies support precautionary measures in public places. According to the WHO, ENDS aerosols typically increase the concentration of fine particles indoors and contain nicotine and other potentially toxic substances; therefore, emissions may pose potential risks both to users and non-users [5]. CDC materials likewise note that e-cigarette aerosol may contain substances harmful or potentially harmful to health (including nicotine) [6], while scientific sources describe “secondhand aerosol” exposure as affecting bystanders via nicotine, ultrafine particles, volatile organic compounds, and other constituents [7]. Health Canada also highlights the risk of nicotine dependence, potential exposure to chemicals that may harm health, and that vaping is not “completely harmless” [8]. Consequently, restricting nicotine consumption devices in public places and establishing administrative liability for violations under the national draft law appears scientifically and practically justified.

At the same time, comparative legal analysis shows that foreign approaches to electronic cigarettes are not uniform: for example, in the United Kingdom the smoke-free law does not apply to e-cigarettes, and employers may regulate their use through workplace policies [9]. In Canada, legal commentary indicates that on some federally regulated workplaces e-cigarette use may be restricted in a manner analogous to places where smoking is prohibited [10]. This comparison suggests that, where Uzbekistan’s sectoral Law of 2023 adopts a model of restricting nicotine consumption devices in public places, aligning the administrative liability provision ensures system coherence: where a prohibition exists, liability must be clear in subject matter and terminology.

Within this study, the following approaches may be substantiated as scientific novelty. First, the “reference norm” mechanism linking “other public places” to the enumerated list in Article 24 of the sectoral Law can be presented as an effective legislative drafting solution that reduces interpretive subjectivity and improves predictability [2]. Second, a concept of a “minimum standard for evidence recording” can be proposed for enforcement practice, including at least classification of the location under Article 24, accurate recording of time and address, corroboration with photo/video and witness statements, and unified criteria for verifying the “specially designated area/room” exception [1–3]. Third, a “dual-subject compliance” model (violator + responsible person of the facility) may be justified in scientific and practical terms, since the sectoral Law imposes duties on responsible persons to warn, notify internal affairs bodies, and place signage; thus, the preventive infrastructure should function effectively in administrative practice [3]. Fourth, while maintaining differentiated sanctions (as in the aircraft example), the draft creates a basis for further legal discussion on

strengthening preventive impact in high-risk zones and in cases of repeated violations; the key criteria are the level of social harmfulness and potential public health impact [1, 4].

In conclusion, the proposed amendments are aimed at aligning Article 56¹ with the restrictions established by the 2023 sectoral Law, fully incorporating nicotine consumption devices into the subject matter of the offense, strengthening legal certainty regarding “public places,” and enhancing preventive impact in higher-risk environments (including aircraft) [1–3]. International standards and scientific positions likewise support the need to protect the public from smoke/aerosol exposure in public places and to apply precautionary measures given that aerosols from electronic nicotine products are not completely harmless [4–8]. Therefore, the draft law is scientifically and practically advisable in terms of expanding the offense subject matter to reflect modern realities, algorithmizing enforcement, and strengthening mechanisms for ensuring compliance with restriction regimes [1–5].

References:

- [1] Code of the Republic of Uzbekistan on Administrative Liability, Article 56¹.
- [2] Law “On Restricting the Distribution and Consumption of Alcohol and Tobacco Products,” Article 24.
- [3] Ibid., Article 26 (obligations of responsible persons).
- [4] WHO FCTC: Guidelines for implementation of Article 8 (Protection from exposure to tobacco smoke).
- [5] WHO: Tobacco: E-cigarettes (ENDS) — aerosol and potential risks in public places.
- [6] CDC: Health Effects of Vaping — composition of e-cigarette aerosol.
- [7] CDC (PCD): Secondhand exposure to e-cigarette aerosols — constituents affecting bystanders.
- [8] Health Canada: Risks of vaping — nicotine dependence and “not completely harmless.”
- [9] GOV.UK: Smoking at work: the law — smoke-free law not applying to e-cigarettes.
- [10] Tobacco Control Laws (Canada): e-cigarettes — legal commentary on restrictions in certain workplaces..