

Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (the Tobacco Control Act)

Section 1. *Purpose*

The object of this Act is to limit the damage to health caused by the use of tobacco products.

Section 2. *Definitions*

The term tobacco products as used in this Act means products that are to be smoked, snuffed, sucked or chewed provided they totally or partly consist of tobacco.

The term smoking accessories as used in this Act means items primarily intended to be used with tobacco products.

The term tobacconist shops as used in this Act means retail outlets that primarily sell tobacco products or smoking accessories.

Section 3. *Territorial scope of the Act*

This Act applies to Norway, including Svalbard and Jan Mayen.

This Act is applicable to offshore petroleum activities to the extent that such activities are encompassed by section 1-3 of Act no. 62 of 17 June 2005 relating to working environment, working hours and employment protection, etc. (Working Environment Act).

Section 4. *Prohibition against tobacco advertising*

All forms of advertising of tobacco products are prohibited. The same applies to pipes, cigarette paper and cigarette rollers and other smoking accessories.

Tobacco products must not be included in the advertising of other goods or services.

A brand name or trade mark that is mainly familiar as a brand or mark for tobacco products may not be used in the advertising of other goods or services so long as the name or mark in question is used in connection with a tobacco product.

Tobacco products may not be launched with the aid of brand names or trade marks which are familiar as, or used as, brands or marks for other goods or services.

The King may issue regulations concerning exceptions to the provisions of this section.

Section 5. *Prohibition against the visible display of tobacco products and smoking accessories*

The visual display of tobacco products and smoking accessories at points of sale is prohibited. The same applies to imitations of such products and cards for use in vending machines that allow customers to obtain tobacco products or smoking accessories from vending machines.

The prohibition in the first paragraph does not apply to tobacconist shops.

At points of sale neutral information may be given regarding prices and the tobacco products sold there. The same also applies to smoking accessories.

The Ministry may issue regulations regarding implementation and supplementation of these provisions and may allow exemption from them.

Section 6. *Prohibition against the free distribution of tobacco products*

All forms of free distribution of tobacco products to consumers from a natural or legal person engaged in business activity with tobacco products are prohibited.

Section 7. *Prohibition against sale at a discount*

It is prohibited to offer special discounts on the sale of tobacco products to consumers.

Section 8. *Prohibition against the sale of tobacco products from self-service vending machines*

The sale of tobacco products from self-service vending machines is prohibited. This prohibition does not encompass systems where customers get tobacco products from vending machines using a prepaid vending machine card.

Cards for use in vending machines may not be labelled with trademarks or company logos or other identifying marks for tobacco products. Vending machine cards may be labelled only with a neutral indication of the trademark name of the relevant tobacco product.

Vending machines may not be labelled with trademarks or company logos or other identifying marks for tobacco products. They may only have a neutral written indication that the device is a vending machine for tobacco products.

The Ministry may lay down further rules to implement and supplement these provisions.

Section 9. *Requirements concerning labelling of tobacco products*

It is prohibited to import into Norway, sell or distribute tobacco products which are not marked with a health warning. Cigarette packets shall similarly carry a declaration of their contents.

It is prohibited to import into Norway, sell or distribute tobacco products which by their text, name, trademark, illustrations or other sign or symbol suggest that a particular tobacco product is less damaging to health than other tobacco products.

A manufacturer or vendor of tobacco products may not by means of symbol or text on packaging provide their own information on the consequences of smoking for health.

Responsibility for issuing regulations on labelling pursuant to this section rests with the Ministry.

Section 10. *Contents of tobacco products*

The Ministry may issue regulations concerning the content of tobacco products, including maximum levels of ingredients, weight, filters, packaging etc.

Section 11. *Age limits*

It is prohibited to sell or to hand over tobacco products, or imitations which may encourage the use of such products, to persons under 18 years of age. If the purchaser's age is in doubt, sale may only take place provided the purchaser produces evidence that he or she has reached the age of 18.

Tobacco products may only be sold to consumers by persons of 18 years of age or more. However, this does not apply if a person over the age of 18 supervises such selling on a daily basis.

The Ministry may issue regulations concerning the minimum age for importing tobacco products and cigarette paper.

Section 12. *Smoking ban in premises and means of transport*

In premises and means of transport to which the public have access the air shall be smoke-free. The same applies in meeting rooms, work premises and institutions where two or more persons are gathered. This does not apply in living rooms in institutions, but the institution is obliged to make smoke-free rooms available to those who request it.

If several premises within a certain area are used for the same purpose, smoking may be permitted in up to one-half of these premises. The smoke-free premises must not be smaller or of a lower standard than the premises where smoking is permitted.

Smoking is not permitted in establishments that serve food and/or drink and that are equipped for consumption on the premises.

The owner or the person having the premises or the means of transport at his disposal is under obligation to ensure that the rules imposed in or in pursuance of these provisions are complied with. Notices shall clearly indicate that smoking is prohibited in areas where such prohibition

may be in doubt, and at the entrance to all establishments serving food and/or drink. To ensure that the prohibition of smoking is complied with at establishments that serve food and/or drink, such establishments shall maintain internal controls and shall establish an internal control system. The internal control shall be documentable to the supervisory authorities.

Any person who in spite of a warning by the owner or the person having the premises or the means of transportation at his disposal, or by his representative, violates the provisions laid down in or in pursuance of this section may be expelled from the premises or the means of transport.

The King may issue further rules to implement and supplement these provisions and may make exception from them.

Section 13. *Monitoring compliance with the smoking ban*

The municipal council shall supervise compliance with the rules in and pursuant to section 12. The municipal council's powers under this section may be delegated to a municipal body or a body common to two or more municipalities. In the case of work premises, supervision shall be carried out by the Labour Inspection Authority.

The rules concerning the activities of the municipal council and of the Labour Inspection Authority as a supervisory agency pursuant to, respectively, sections 4a-7 to 4a-9 and 4a-12 of Act no. 66 of 19 November 1982 relating to Municipal Health Services and sections 77 to 82 of Act no. 62 of 17 June 2005 relating to working environment, working hours and employment protection, etc. (Working Environment Act) apply correspondingly to supervisory activities pursuant to this section.

The Norwegian Petroleum Directorate supervises compliance with the rules in and pursuant to section 12 within the area of responsibility for petroleum activities that is allotted to the Directorate by Act no. 62 of 17 June 2005 relating to working environment, working hours and employment protection, etc. (Working Environment Act). The maritime authorities supervise compliance with the rules in and pursuant to section 12 on ships as well as vessels and other offshore units. Within their supervisory authority the said authorities may employ instruments corresponding to those available to them under current regulations on health conditions and working environment on ships and offshore units in the petroleum activities.

Defence Staff Norway supervises compliance with the rules in and pursuant to section 12 onboard Norwegian Armed Forces' vessels.

The governor (Sysselmannen) of Svalbard supervises compliance with the rules in and pursuant to section 12 on Svalbard. The governor of Svalbard may hand over supervision in respect of Longyearbyen and Svea to the Svalbard Council (Svalbardsrådet).

The supervisory authority may in special cases give dispensation from rules in and pursuant to section 12 and set terms for any dispensation. At work places with a working environment committee, a statement from the committee shall be enclosed with the application. At work

places without a working environment committee, a statement from the safety delegate shall be enclosed.

The King may issue further rules to implement and supplement these provisions and may make exception from them.

Section 14. *The Directorate's supervision responsibility*

The Directorate supervises compliance with the provisions in sections 4, 5, 6, 7, 8 and 9, and with provisions issued in pursuance thereof. The Directorate may undertake such investigation and inspection as it finds necessary to carry out its duties according to this Act.

Section 15. *Duty of disclosure etc.*

All persons shall, when ordered to do so by the Directorate, provide such information as is necessary to prevent damage to health entailed by the use of tobacco or to carry out tasks under this Act.

The Directorate may require a manufacturer or importer of tobacco products to provide information about the content of the products. The Ministry may lay down regulations detailing the information requirement in the first sentence.

The Directorate may require a manufacturer or importer of tobacco products to produce a representative sample of a product or to perform such tests as are necessary to assess the product's characteristics or effects. The costs of such tests shall be borne by the manufacturer or importer in question. The Directorate may decide that the costs shall entirely or in part be covered by the government.

The Directorate may initiate such tests itself, and may order the manufacturer or importer to cover the costs of the tests. The costs are a basis for enforcement of distraint.

Section 16. *Correction and coercive fines*

If the Directorate finds that any of the provisions mentioned in section 14 have been violated, it may order that the matter be rectified. A time limit for rectification will be set at the same time. The Directorate may demand a written confirmation from the offender that the situation will cease.

A coercive fine may be set at the same time as the rectification order is made. The fine shall run from the expiry of the time limit for rectification and may be in the form of a one-time fine or a daily fine. The fine shall devolve to the state.

If, when a violation of section 4 or provisions laid down in pursuance thereof is brought to light, the Directorate find special reason to expect renewed breaches of the advertising provisions which cannot be halted under the first or second paragraph, it may decide in advance that a

coercive fine shall run as from the date that a new violation starts. Such fine may be imposed for a period of up to one year.

Where special reasons so indicate, the Directorate may entirely or partially waive an imposed coercive fine.

The governor of Svalbard may render decisions under this section in respect of Svalbard.

The Ministry may issue regulations on the imposition, calculation and collection of coercive fines.

Section 17. *Appealing decisions concerning correction and coercive fines*

Decisions pursuant to section 16 may be appealed to the Market Council. Such appeals shall be handled by the Market Council under the rules of administrative procedure laid down in or pursuant to Act no. 47 of 16 June 1972 relating to Control of Marketing and Contract Terms and Conditions (Marketing Control Act) insofar as the said rules are appropriate.

Section 18. *Prohibition against exporting smokeless tobacco*

It is prohibited to export snus to countries which are members of the European Economic Area and which prohibit the import and sale of snus.

The prohibition of exports does not apply to snus brought with travellers for their personal use or as a gift for the personal use of others.

According to this provision, the term snus denotes tobacco products intended for oral use, entirely or partly made of tobacco, with the exception of tobacco products intended for smoking or chewing.

Section 19. *Penalties*

Whoever wilfully or negligently violates provisions laid down in or pursuant to this Act is punishable by fines. Complicity is punishable in the same manner. An attempt is punishable as a completed offence.

The Ministry may in regulations decide that the penalty for negligent violation shall be imposed only after a warning has been issued by the police.

Section 20. *Authorisation to issue regulations*

The Ministry may issue transitional rules and other regulations to implement and supplement the provisions of this Act.

Section 21. *Entry into force*

This Act shall come into force from such time as the King decides.

