

ISRAEL

PREVENTION OF SMOKING AND EXPOSURE TO SMOKING IN PUBLIC PLACES ACT, 1983*

1. Prohibition of Smoking

- (a) No person shall smoke in a place specified in the Annex (hereafter — a public place”).
- (b) No person shall hold a lit tobacco product or smoking implement in a public place — as defined in the Restriction of Advertising and Marketing of Tobacco Products Act, 1983.
- (c) The Minister of Health may vary the Annex by order, with the approval of the Knesset Labor and Social Affairs Committee.

1A. Purpose

The purpose of this Act is to prevent smoking in public places and the exposure of the public to smoking, which causes death, disability and disease.

2. Affixing Signs

- (a) The actual occupier of a public place, other than a passenger lift in a residential building, whether owner, renter or any other form of occupier (hereafter — the occupier), shall affix signs therein notifying that smoking is prohibited and shall keep the signs in proper condition.
- (b) The manufacturer or importer of a passenger lift in a residential building shall, before it is put into use, affix a sign in it declaring the prohibition of smoking in it.
- (c) The Minister of Health may, by regulations, issue provisions as to the form, number, size and contents of the signs, the modes of affixing them, the places where they shall be installed and the obligation to illuminate them.

* as amended February 2008

2A. Duties of the Occupier of a Public Place

- (a) The occupier of a public place is obliged to exercise oversight and do all in his power to prevent offenses under Articles 1(a) and 1(b) on the premises of the public place he occupies.
- (b) The occupier of a public place shall be seen as having satisfied the provisions of Clause (a) above if he can prove that he did all the following:
 - (1) Requested himself, or via his representative, a person smoking or holding a lit cigarette, cigarrillo, narghila, cigar or pipe in a public place to desist from the prohibited act, or took all reasonable steps to ensure the prevention of offenses under Articles 1(a) and 1(b).
 - (2) Complained himself, or via his representative, to an inspector within the meaning of Article 7, of violations of Articles 1(a) and 1(b), or made a reasonable effort to do so, if, despite his actions as described in Clause (1) above, the violations of one of the said provisions continued.
- (c) Every Local Authority shall publish on its Internet site or in some other way the number of a telephone line open 24-hours-a-day for the purpose of submitting a complaint to the inspector under Clause (b)(2) above.

2B. Prohibition against Placing an Ashtray in a Public Place

The occupier of a public place, as set out in the Supplement to the Act, shall not place an ashtray in the public place he occupies; in this Article “ashtray” is defined as any vessel intended for receipt of discarded ash and the remnants of any tobacco product.

3. (cancelled)

4. Penalties

- (a) A person who contravenes the provisions of Articles 1 and 2B shall be liable to a fine as set out in Clause 61(a)(1) of the Penal Act, 1977 (in this Act — the Penal Act).
- (b) A person who contravenes the provisions of Articles 2 and 2A shall be liable to a fine as set out in Clause 61(a)(3) of the Penal Act.

5. Duties of a Corporation Office-holder

- (a) An office-holder in a corporation which occupies a public place (hereafter in this article — a corporation) is obliged to exercise oversight and do all in his power to prevent offenses under Articles 2, 2A and 2B by the corporation or any of its employees; anyone violating this provision shall be liable to a fine as set out in Clause 61(a)(1) of the Penal Act; in this article an “office-holder” is one of a corporation’s managers, partners (other than a limited partner) or the officer-holder in charge of personnel management.
- (b) In the event of an offense under Articles 2, 2A or 2B by a corporation or any of its employees an office-holder shall be presumed to have violated his obligations under Clause (a) unless he can prove that he did all in his power to meet his obligations.

5A. Amount of Fines

The provisions of Article 221(b) of the Criminal Procedure Act [New Version], 1982, notwithstanding, the Minister of Justice, with the consent of the Minister of Health, may determine the amount of a fine exceeding that set down in the said Article 221 for an offense under this Act which has been determined to be a finable offense, provided only that the fine is not more than 10% larger than the maximum fine for such an offense.

6. Money from Fines to Go to Local Authority

Fines paid, upon the exercise of Local Authority powers, for an offense under this Act committed within the Authority’s area, shall be transferred to the funds of that Authority.

6A. Local Authority Inspectors

- (1) Local Authority mayors shall appoint employees of the Authority as inspectors for the purposes of this Act.
- 2) For the purpose of reporting to the Minister of Health under Article 2 of the Compulsory Notification of Damage to Health from Smoking Act, 2000,. in January of each year Local Authorities shall report to the Minister of Health on all oversight measures taken the previous year, to include the number of Authority employees appointed as inspectors under Clause (1)

7. Right of Entry

A police officer, and a Local Authority employee authorized by the Authority's mayor for the purpose of this Act (hereafter — “an inspector”) may at any reasonable time enter any place to ascertain whether the provisions of this Act and its regulations are being complied with.

They may only enter the places specified in Paragraphs 2, 4, 5 and 6 of the Annex after notifying their intention to do so to the occupier of the place or to a person employed in it.

8. Power of Inspector or Usher to Demand Identification

- (a) Where a person smokes or holds a lighted cigarette, cigarillo, narghila, cigar or pipe in a public place within sight of an inspector or usher, the usher or inspector may require him to identify himself and, should he refuse, may detain him in that place until a police officer arrives, but not for more than one hour.
- (b) For the purposes of this section, “usher” means a person whom the owner or actual occupier of a place specified in the Annex has appointed to be an usher in that place and who wears a conspicuous badge attesting to his function and can produce a certificate of his appointment as an usher.
- (c) The Minister of Health shall, by regulations, lay down provisions imposing limitations on the appointment of an usher, the certificate issued to him, the form of the badge and the manner in which it shall be worn.

9. Authority of Driver

- (a) The driver of a vehicle in which smoking is prohibited by the provisions of this Act may prohibit a person smoking or holding a lighted cigarette, cigarillo, narghila, cigar or pipe from entering the vehicle.
- (b) Where a person smokes, or holds a lighted cigarette, cigarillo, narghila, cigar or pipe, in a vehicle, as aforesaid, within sight of the driver, the driver may require him to identify himself and, should he refuse to do so, may detain him in the vehicle until a police officer arrives, but not for more than one hour, or he may take him in the vehicle to the nearest police-station.

10. Saving of Provisions

The provisions of this Act shall add to, and not derogate from, any provision as to the prohibition of smoking laid down by any other law.

11. Status of the State

The provisions of Articles 2(a), 2A and 2B shall also apply to the State except for the security forces, as set out below, however, the provisions of the said articles shall be reworded *mutatis mutandis* with respect to –

- (1) The Israel Defense Forces – in military orders, within the meaning of the Military Justice Act, 1955;
- (2) The Israel Police – in police orders within the meaning of the Police Ordinance [New Version], 1971;
- (3) Israel Prisons Service – in prison service orders within the meaning of the Prisons Ordinance [New Version], 1971;
- (4) Internal and external units of the Prime Minister's Office or the Ministry of Defense whose main activities are in the field of state security – in internal directives.
- (5) Institutes and institutions covered by the Minister of Defense's directive issued under Item 3 of the First Annex to the Maintaining Security in Public Bodies Act, 1998— in internal directives.

11A. Public Places within the Security Forces

The provisions of Articles 7, 8 and 9 shall not apply to public places within the security forces listed in clauses (1) – (5) of Article 11; however requirements regarding enforcement of prohibitions on smoking according to Article 1 in such public places shall be determined in the said security forces in the manner specified in the aforementioned clauses .

12. Implementation and Regulations

The Minister of Health is charged with the implementation of this Act and may, with the approval of the Knesset Labor and Social Affairs Committee, issue regulations for its implementation, including regulations as to the way such implementation shall be monitored.

13. Coming into Force

This Act shall come into force three months from the date of its publication.

Annex

PUBLIC PLACES WITHIN THE MEANING OF THE ACT

1. A hall generally used as a cinema or theater or for shows, or for concerts, opera or dance performances; also a room or hall used for conferences, lectures or other gatherings, including its corridors and lobby space, with the exception of an entirely separate room set aside by the management for smoking during performance intervals, if one has been so set aside, and whose area shall not exceed a quarter of the space allocated for the public to occupy during these intervals, and with the provision that it have properly working ventilation facilities and that smoking in it not constitute a nuisance in other parts of the place. Nothing in the provisions of this section, or in the provision of any other section of this Supplement, shall derogate from a prohibition of smoking by virtue of any existing law or prevent the owner or occupier of a public place from prohibiting smoking in it.
2. Any place in a hospital or clinic building including in a 10 meters area out of the door of an entrance or an exit of a building.
3. The part of a pharmacy opens to the public.
4. A reading hall or reading room in a public library, other than a place (if any) set aside by the management for smoking.
5. Any place in a building used as an educational institution or an institute of higher education, including student living quarters, with the exception of an entirely separate room (if any) set aside for smoking by the management of an institution having students over 18 years of age (hereafter — an institute of higher education) and a room in an institute of higher education's living quarters in which only smokers live, with the provision that it have properly working ventilation facilities and that smoking in it not constitute a nuisance in other parts of the place, and with the

exception of rooms for management and staff, to which section 15 of this Annex applies.

6. A passenger lift.
7. A bus and a minibus; in this section “bus” and “minibus” has the same meaning as in the Traffic Regulations, 1961.
8. Taxis while there are passengers in them; in this section, “taxi” has the same respective meanings as in the Traffic Regulations, 1961.
9. (1988) A train, including a local train. For this section and section 9B, a "train" and a "local train" have the same respective meanings as in section 1 and 46 of the railway regulation 1972.
 - 9.A. A bus stop with a roof, including with a pavilion or similar covers, and a central bus station, as in the Traffic Regulations, with the exception of an entirely separate room (if any) set aside for smoking by the management of the place, with the provision that the said room have properly working ventilation facilities, that smoking in it not constitute a nuisance in other parts of the place.
 - 9.B. Train station, including a platform, with the exception of a designated smoking area at the end of the platform or an entirely separate room (if any) set aside for smoking by the management of the place, with the provision that the said room have properly working ventilation facilities, that smoking in it not constitute a nuisance in other parts of the area and also a station of a local train.
 - 9.C. A vehicle for the purpose of driving lessons, as respective meanings as in Traffic Regulations, 1961, while a student is present.
10. (1988) A shop.
11. (1988)(2007) A restaurant, cafeteria, coffee shop, or any other eating place (hereafter — eating places), or any public place serving beverages, any club, discotheque or other place which among its other activities serves food or beverages, with the exception of an entirely separate room (if any) set aside for smoking by the management of the eating place, with the provision that the said room have properly working ventilation facilities, that smoking in it not constitute a nuisance in other parts of the eating place, and that its area shall not exceed a quarter of the space open to the public. Those orders also relevant to an outside

area of that place, with the exception of a part of that area (if any) set aside for smoking by the management of the place, with the provision that the said area has no roof in any way, and one of the following is valid:

- (1) Its area is no more than 15 m³. Or:
 - (2) Its area is consecutive and shall not exceed a quarter of the sitting area outside, and the rest of the area is kept for non smokers and marked clearly that smoking is forbidden in that area.
12. (1988) A room or hall, open to the public, used for physical activity or sport, including a swimming pool.
- 12.A. An swimming pool that is not in a building, including its yard.
13. (1988) A nursery school, kindergarten, crèche or children's home.
14. (1990) (1994) A room or space open to the public in a bank, post office, or postal agency or other public place or a room or hall or corridor used as a waiting area, including staircases and passages, with the exception of an entirely separate room (if any) set aside for smoking by the management of the place, with the provisos that the said room or hall have properly working ventilation facilities and that smoking in it not constitute a nuisance in other parts of the place.
15. (1994, 2001, 2008) A workplace, except for that part of it which is a room in which smoking has been expressly permitted by the management of that place, after consulting with the employees (hereafter — smoking area), with the provision that in the smoking area there are no nonsmokers and that smoking in the smoking area is permitted on condition that it have properly working ventilation facilities and that smoking in it does not cause a nuisance in other parts of the building. For this purpose, a workplace is any place in a building in which people are employed, including a place in which persons serve in the security forces as listed in clauses (1) – (5) of Article 11, and which is not a dwelling.
- 15.A. Any place in a government building
16. (2001) An area open to the public in a shopping mall, except for a place of business specified elsewhere in this Annex, and with the exception of an entirely separate room (if any) set aside for smoking, with the provision that it have properly working

ventilation facilities and that smoking in it not constitute a nuisance in other parts of the place.

17. (2001) A hall for celebrations and similar gatherings, with the exception of an entirely separate room (if any) set aside for smoking, with the proviso that the said room have properly working ventilation facilities and that smoking in it not constitute a nuisance in other parts of the hall and that its area not exceed a quarter of the space open to the public. Those orders also relevant to an outside area of that place, with the exception of a part of that area (if any) set aside for smoking by the management of the place, with the provision that the said area has no roof in any way, including a shade, its consecutive and shall not exceed a quarter of the sitting area outside, and the rest of the area is kept for non smokers and marked clearly that smoking is forbidden in that area.
18. A garden for events and an area outside of a building that serves that garden for events, with the exception of a part of that area (if any) set aside for smoking by the management of the place, with the provisos that the said area has no roof in any way, including a shade, its consecutive and shall not exceed a quarter of the sitting area outside, and the rest of the area is kept for non smokers and marked clearly that smoking is forbidden in that area.
19. A Public shelter as respective meanings as in civil
20. any place in a building of a synagogue, church, a mosque or a Hilwa and its yard, with the exception of a part of that area (if any) set aside for smoking by the management of the place, with the provisos that the said area has no roof in any way, including a shade, its consecutive and shall not exceed a quarter of the sitting area outside, and the rest of the area is kept for non smokers and marked clearly that smoking is forbidden in that area.
21. Any place in a building of a sport and youth culture center ("matnas") or youth movement.
22. Any place in a home or a nursing home for the elders, with the exception of a living quarters in which only smokers live, with the exception of an entirely separate room (if any) set aside for smoking by the management of that place, with the provision that it has a properly working ventilation facilities and that smoking in it not constitute a nuisance in other parts of the place.