

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

2013-amendments in italics:

Chapter 1. Introductory provisions

Section 1 Purpose

The purpose of this Act is to limit the damage to health caused by the use of tobacco products by *reducing consumption with a view to eventually achieving a tobacco-free society. Furthermore, the Act regulates measures aimed at preventing children and young people from starting to use tobacco products, encouraging people who already use tobacco products to stop, and protecting the public from exposure to tobacco smoke.*

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 tobacco substitutes as used in this Act means products that are equivalent to tobacco products in use, but which do not contain tobacco.

The term imitation tobacco products as used in this Act means products that bear a close resemblance to tobacco products or smoking accessories in form, but which do not contain tobacco or a tobacco substitute.

The term sale as used in this Act means the transfer of tobacco products to a consumer in exchange for payment.

The term wholesale as used in this Act means the transfer of tobacco products in exchange for payment that is not covered by paragraph 6.

The term tobacconist shop as used in this Act means a retail outlet that primarily sells tobacco products or smoking accessories.

The Ministry may issue regulations prescribing which products are to be considered tobacco products, tobacco substitutes, imitation tobacco products and smoking accessories, and more detailed criteria regarding what is meant by tobacconist shop. In cases of doubt, the Ministry may settle such matters with binding effect.

Section 3 Scope

This Act shall apply to the import, export, sale, design and use of tobacco products, smoking accessories, tobacco substitutes and imitation tobacco products.

This Act applies to Norway, including Svalbard and Jan Mayen. *The King may by regulations decide that parts of this Act shall not apply to Svalbard and Jan Mayen, and may stipulate special rules in consideration of local conditions.*

This Act is applicable to offshore petroleum activities to the extent that such activities are encompassed by section 1-3 of the *Working Environment Act*.

Chapter 2. Licensing scheme for the sale of tobacco products

Section 4 Licence requirement

The sale of tobacco products may only be carried out on the basis of a licence issued by the municipality.

The licence shall apply to a specific premises and a specific type of establishment.

A licence shall be granted to the party for whose account the business is run.

Section 5 Licensing period

A licence to sell tobacco products is granted until further notice. Such licences may also be granted for a specific part of the year, but not for a single occasion. When processing an application for a

licence for a single occasion, the municipality may attach importance to tobacco control considerations. The Ministry may issue more detailed criteria for licences for a single occasion.

Section 6 Requirements regarding applications

Applications for a licence must be made in writing and be accompanied by a receipt of payment of the application fee, cf. section 15.

The applicant must provide a police certificate of good conduct for the persons mentioned in section 8 first paragraph. This certificate is limited to violations of the Tobacco Control Act, the Alcohol Act, the Customs Act, the Act concerning sales tax, the Trademarks Act and the Designs Act. Violations shall be indicated as prescribed in the Act relating to police records, section 41 nos. 1 and 2.

The applicant shall, on his/her own initiative, present the information needed to decide whether the statutory requirements for allocating a licence are met.

The Ministry may issue regulations concerning application requirements.

Section 7 Administrative rules

Licences to sell tobacco products shall be granted by the municipality.

The municipality shall process concerning an application for a tobacco licence as quickly as possible and at the latest within three months. This time limit may be extended once if the complexity of the case renders this necessary. The reason for the extension of the time limit must be justified and must be communicated to the applicant before expiry of the original time limit.

A licence shall not be regarded as granted even if the procedural time limit has expired.

The municipality may require the applicant to provide documentary proof of the information needed to decide whether the requirements of sections 8 and 9 are met.

Notification of granted licences shall be sent to the police.

The Ministry may issue regulations concerning administrative rules to supplement the rules in the Services Act for licences under the present Act. The administrative rules may depart from the rules of the Norwegian Public Administration Act. The Ministry may lay down more detailed rules in regulations regarding the documentation requirements in the fourth paragraph.

Section 8 Requirements regarding conduct

The licensee, manager, deputy and anyone exerting material influence on the establishment must have a spotless reputation in relation to the Tobacco Control Act and the provisions of the Alcohol Act, the Customs Act, the Act concerning sales tax, the Trademarks Act and the Designs Act that are relevant to the purpose of the Tobacco Control Act.

Anyone who owns a significant part of the establishment or a company that operates the establishment, or who receives a significant portion of its revenues, or who by virtue of his position in the management exercises significant influence on it, will invariably be deemed to exercise significant influence on the establishment.

The assessment of whether a person exerts significant influence on the establishment may also take into account the influence on the establishment of close associates of that person. "Close associate" means

- 1) the spouse or a person with whom the individual concerned cohabits in a marriage-like relationship,*
- 2) relatives in direct line of ascent or descent, as well as siblings, and*
- 3) the spouse of or a person cohabiting with a person as mentioned in 2) in a marriage-like relationship.*

The municipality decides whether the conduct requirements are met and which persons must have their conduct assessed. The Ministry may issue regulations concerning the content of, and documentary proof of compliance with, the requirements regarding conduct.

Section 9 Manager and deputy

A manager and a deputy shall be designated for each licence and must be approved by the licensing authority. Exceptions to the requirement for a deputy may be allowed if it appears unreasonable in light of, for example, the size of the point of sale.

The manager and the deputy must be employed at the licensed point of sale or work in the establishment by virtue of their position as owner. Only the person entitled to control sales, including the responsibility for overseeing the exercise of the licence, may be appointed as manager. In the manager's absence the manager's duties shall rest with the deputy. If the manager leaves his / her position, the licensee must immediately apply for approval of a new manager.

The manager and the deputy must be over 20 years of age and have documented knowledge of the Tobacco Control Act and provisions laid down pursuant thereto.

The manager and the deputy are obliged to prove their identity if requested to do so by the licensing authority.

The Ministry may issue regulations concerning the content and documentation of compliance with the qualification requirements, including payment for taking a test. The Ministry may issue regulations concerning the further content of the manager's and deputy's obligation to ensure that the licence is exercised in accordance with provisions laid down pursuant to this Act.

Section 10 Control of sales licences

The municipality shall control the exercise of sales licences.

The licensing authority may at any time demand access to the premises of the point of sale and accounts and may demand relevant information on accounts and operations from the licensee. The licensee is obliged to hand over requisite trade samples to the licensing authority, without compensation or payment

The Ministry may issue regulations concerning control and the exercise of such control.

The Ministry may issue regulations concerning internal control to ensure compliance with requirements set in or pursuant to this Act.

Section 11 Withdrawal of sales licences

The municipality may during the licensing period withdraw a licence for a shorter or longer period if the conditions of section 8 are no longer met, or if the licensee fails to meet his/her obligations under this Act or provisions laid down pursuant thereto.

A licence may be withdrawn if it has not been utilised in the past 12 months.

The Ministry may issue regulations to delimit and supplement the right to withdraw licences under this paragraph, including the length of the withdrawal period.

Section 12 Transfer, death and bankruptcy

A licence shall terminate upon transfer of the establishment. The same shall apply upon transfer of all or a dominant portion of the shares or interests in a business enterprise that owns such an establishment. The establishment may nonetheless continue on the basis of the earlier licence for a period of up to three months, provided the licensing authority is notified to this effect and a new licence is applied for without undue delay, and not later than 30 days after the transfer has taken place. If the application for a new licence has not been finally decided by the municipality within three months, the municipality may authorise continued operation on the basis of the previous licence for a further period of up to one month.

A licence shall terminate upon the death of the licensee. The estate may nonetheless continue the business on the basis of the earlier licence for a period of three months after the licensee's death provided the licensing authority is notified to this effect, or within the same period transfer the tobacco products to licensees in accordance with this Act.

A licence shall terminate upon the licensee's bankruptcy.

Section 13 The right of the police to close an establishment

The police may close an establishment that sells tobacco products without holding a licence.

Section 14 Duty of the police to inform

If the police reveal circumstances which may be assumed to be of material significance for the granting of a licence they shall be required, on their own initiative and notwithstanding the duty of confidentiality, to inform the licensing authority accordingly.

Section 15 *Application and licence fees*

An application fee shall be paid in advance for applications for a licence.

An annual licence fee shall be paid for a licence.

These fees shall devolve to the municipality.

The Ministry shall issue regulations concerning the rates and payment of the fees.

Section 16 *Appeals*

The municipality's decisions under this Act can be appealed to the county governor.

Chapter 3. Sale of tobacco products

Section 17 *Age limits*

It is prohibited to sell or to hand over tobacco products, *smoking accessories, tobacco substitutes or imitation tobacco 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. *The same applies to the sale of imitation tobacco products, tobacco substitutes and smoking accessories.*

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 18 *Prohibition against self-service of tobacco products*

Self-service of tobacco products at consumer retail outlets is prohibited.

The prohibition in the first paragraph does not apply to tobacconist shops and duty-free points of sale at airports.

Section 19 *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 issue regulations regarding implementation and supplementation of these provisions.

Section 20 *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. *The same applies to imitation tobacco products and tobacco substitutes.*

Section 21. *Prohibition against sale at a discount*

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

Chapter 4. Prohibition against advertising etc.

Section 22 *Prohibition against tobacco advertising*

All forms of advertising of tobacco products are prohibited. The same applies to *smoking accessories, imitation tobacco products and tobacco substitutes.*

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

A brand name or trademark 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 trademarks 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 23 *Prohibition against tobacco sponsorship*

All forms of tobacco sponsorship are prohibited.

The term tobacco sponsorship as used in this Act means any form of public or private contribution to any event, activity or individual with the intent or the direct or indirect effect of promoting the sale of tobacco products.

Section 24 *Prohibition against the visible display of tobacco products and smoking accessories*

The visible display of tobacco products and smoking accessories at points of sale is prohibited. The same applies to *imitation tobacco products, tobacco substitutes* 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 to implement and supplement these provisions and may make exception from them.

Chapter 5. *Special prohibitions against tobacco use*

Section 25 *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 establishments in which food and/or drinks are served. The outdoor entrances to health institutions and public enterprises shall be smoke-free.*

Nevertheless, smoking may be permitted in the following premises:

a) Living quarters in institutions that replace the resident's home. The institution is obliged to make smoke-free rooms available to those who request it. This provision does not apply to institutions where most of the residents are under the age of 18 years.

b) In specially indicated day rooms in institutions that replace the residents' home and on installations used for offshore petroleum activities. Equivalent smoke-free rooms must be made available, and these must not be smaller or of a lower standard than the premises where smoking is permitted. Similarly, employers may permit smoking in specially indicated rooms if the nature of the business is such that the employees are unable to leave the work premises during working hours. This provision does not apply to institutions where most of the residents are under the age of 18 years.

c) In up to one half of the bedrooms in hotels and other overnight accommodations. The smoke-free bedrooms must not be smaller or of a lower standard than the rooms where smoking is permitted.

The owner, *manager* or person who has the disposal of *or is responsible for* the premises, *area* or means of transport is under obligation to ensure that the rules imposed in or pursuant to 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 against smoking is *complied with* at establishments that serve food and/or drink *and the ban on smoking in schools and kindergartens cf. sections 26 and 27, 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 who runs *or is responsible for* the premises, *area* or means of transportation, or by his representative, violates the provisions laid down in or pursuant to this section may be expelled from the premises, *area* or means of transport.

The King may by regulations issue further rules to implement and supplement these provisions, *including on what is regarded as premises in the context of the Tobacco Control Act, especially in terms of outdoor establishments in which food and/or drinks are served, on the duty to notify the*

supervisory authorities and on criteria for when the exemption provisions in the second paragraph can be applied, and may make exceptions from them. The King may by regulations issue further provisions on requirements for smoke-free buffer zones at the entrance to health institutions, public enterprises and establishments in which food and/or drinks are served.

Section 26 Tobacco ban in kindergartens

The use of tobacco is prohibited in all indoor and outdoor areas of kindergartens.

The provisions in section 25, third and fourth paragraphs, shall apply correspondingly.

The Ministry may by regulations issue further rules to implement and supplement these provisions and may make exceptions from them.

Section 27 Tobacco ban at schools and during school hours

The use of tobacco is prohibited in all indoor and outdoor areas of primary schools, lower secondary schools and upper secondary schools.

Pupils at primary schools, lower secondary schools and upper secondary schools shall not use tobacco products during school hours.

The provisions in section 25, third and fourth paragraphs, shall apply correspondingly.

The Ministry may by regulations issue further rules to implement and supplement these provisions and may make exceptions from them.

Section 28 Protection of children from passive smoking

Children are entitled to a smoke-free environment. The person responsible for a child shall contribute to ensuring that this right is fulfilled.

Section 29 Monitoring compliance with the tobacco bans

The municipality shall supervise compliance with the rules in and pursuant to sections 25, 26 first paragraph and section 27 first and second paragraphs. In the case of work premises, supervision shall be carried out by the Norwegian Labour Inspection Authority.

The rules concerning the activities of the municipality and the Norwegian Labour Inspection Authority as a supervisory agency pursuant to, respectively, chapter 3 of the Public Health Act and sections 18-4 to 18-8 of the Working Environment Act apply correspondingly to supervisory activities pursuant to this section.

The Petroleum Safety Authority Norway supervises compliance with the rules in and pursuant to section 25 within the area of responsibility for petroleum activities that is allotted to the Petroleum Safety Authority Norway by the Working Environment Act. The maritime authorities supervise compliance with the rules in and pursuant to section 25 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 25 onboard Norwegian Armed Forces' vessels.

The Governor (Sysselmannen) of Svalbard supervises compliance with the rules in and pursuant to sections 25, 26 and 27 on Svalbard. The Governor of Svalbard may hand over supervision in respect of Longyearbyen to the Longyearbyen Community Council.

The supervisory authority may in special cases give dispensation from rules in and pursuant to section 25 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.

Chapter 6. Labelling and design of tobacco products

Section 30 Requirements concerning labelling of tobacco products

It is prohibited to bring into Norway, sell or distribute tobacco products that are not labelled with a warning indicating the health risks of using these products. Cigarette packets shall similarly carry a declaration of their contents.

It is prohibited to bring 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 symbols or text on packaging provide their own information on the consequences of smoking for health.

The Ministry will issue more detailed regulations on labelling pursuant to this section.

Section 31 *Prohibition against products to conceal the health warnings*

It is prohibited to import, sell or distribute boxes, cases, covers and any other product that is intended to fully or partially conceal or disguise the health warnings in section 30 first paragraph.

Section 32 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 33 *Prohibition against the sale of small packages*

Consumers may only be sold packs containing at least 20 cigarettes. Cigarettes may not be sold in retail packs that contain smaller packs or that can be divided into smaller packs.

Cigars may be sold individually with a warning label on the packaging.

The Ministry may issue regulations regarding the smallest number and weight of tobacco products per package that may be sold in retail trade.

Section 34 *Consumer testing*

All forms of testing of tobacco products and tobacco product packaging involving consumers are prohibited.

Chapter 7. The Directorate of Health's supervision

Section 35 *The Directorate of Health's supervision responsibility*

The Directorate of Health supervises compliance with the provisions in sections 19, 20, 21, 22, 23, 30, 31, 33 and 34 and with provisions issued pursuant thereto. The Directorate may undertake such investigation and inspection as it finds necessary to carry out its duties according to 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 may be recovered by execution proceedings.

Section 36 Correction and coercive fines

If the Directorate finds that any of the provisions mentioned in *section 35* 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 22* 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 37 Appealing decisions concerning correction and coercive fines

Decisions pursuant to *section 36* 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 the *Marketing Control Act* insofar as the said rules are appropriate.

Chapter 8. Duties of disclosure

Section 38 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 may be recovered by execution proceedings.

Section 39 *Information for statistical purposes etc.*

The Ministry may issue regulations concerning the duty of the supervisory and licensing authority, licensees, those authorised to sell duty-free products at airports and those engaged in wholesaling to furnish information for statistical purposes.

Section 40 *Duty to disclose information about importers of tobacco products, etc.*

At the request of the Directorate of Health, the Customs and Excise Administration shall, notwithstanding the statutory duty of confidentiality, provide the information necessary to enable the Directorate to keep track of who is engaged in the import of tobacco products, imitation tobacco products and tobacco substitutes, including information about the quantity and type of products.

Chapter 9. Final provisions

Section 41 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.

The term "snus" as used in this provision means tobacco products intended for oral use, made entirely or partly of tobacco, with the exception of tobacco products intended for smoking or chewing.

Section 42 Punishment

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.

This provision shall not apply to section 28.

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 43 Authorisation to issue regulations

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