

# **Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco**

## **Section 1**

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

According to this Act tobacco products are products that are to be smoked, snuffed, sucked or chewed provided they totally or partly consist of tobacco.

## **Section 2**

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

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.

All forms of free distribution of tobacco products are prohibited.

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

## **Section 3**

It is prohibited to import into Norway, sell or distribute tobacco products which are not marked with a text pointing out the risk to health inherent in the consumption of such products. 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.] <sup>1</sup>This paragraph comes into force on 30 September 2003.

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 laying down regulations on labelling pursuant to this section rests with the ministry.

## **Section 4**

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

## **Section 5**

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.

Sale of tobacco products from a vending machine is prohibited.

The ministry may lay down regulations concerning the minimum age for importing tobacco products and cigarette paper.

## **Section 6**

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 division of premise or means of transportation into a smokefree area and a smoking area is permitted only when it is impossible for the smoke to pass into the smokefree area.] <sup>2</sup>Deleted from 1 June 2004. The smoke-free premises [and areas] <sup>3</sup>Deleted from 1 June 2004. must not be smaller or of a lower standard than the premises [or areas] > <sup>4</sup>Deleted from 1 June 2004. where smoking is permitted. [There shall be a total ban on smoking in restaurants and other establishments which serve food and drink and which open on to premises used for other purposes.] > <sup>5</sup>Deleted from 1 June 2004. [Smoking is not permitted in

establishments that serve food and/or drink and that are equipped for consumption on the premises. ] <sup>6</sup>This part of the paragraph comes into force on 1 June 2004.

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 controls system. Internal control shall be documentable to the supervisory authorities.] > <sup>7</sup>This part of the paragraph comes into force on 1 June 2004.

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 municipal council shall supervise compliance with the rules laid down in and in pursuance of this section. 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. 4 of 4 February 1977 relating to Worker Protection and Working Environment apply correspondingly to supervisory activities pursuant to this section.

The Norwegian Petroleum Directorate supervises compliance with the rules contained in or issued by virtue of this section within the area of responsibility for petroleum activities that is allotted to the Directorate by the Working Environment Act. The maritime authorities supervise compliance with the rules contained in or issued by virtue of this section 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.

The Armed Forces High Command supervises compliance with the rules contained in or issued in pursuance of this section on the ships of the Armed Forces.

The governor (Sysselmannen) of Svalbard supervises compliance with the rules contained in or issued in pursuance of this section on Svalbard. The governor of Svalbard may hand over supervision in respect of Longyearbyen and Svea to the Svalbard Council (Svalbardrådet).

The supervisory authority may in special cases give dispensation from rules contained in or issued in pursuance of this section 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 lay down further rules to implement and supplement these provisions and may make exception from them.

## **Section 7**

All persons shall, when ordered to do so by the Directorate of Health and Social Affairs, 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 of Health and Social Affairs 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 of Health and Social Affairs 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 of Health and Social Affairs may decide that the costs shall entirely or in part be covered by the government.

The Directorate of Health and Social Affairs 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 8**

The Directorate of Health and Social Affairs supervises compliance with the provisions of section 2 and section 3 and with provisions issued in pursuance thereof.

Should the Directorate of Health and Social Affairs deem section 2 and/or section 3 to have been contravened, it may order the circumstance to be rectified. A time-limit for rectification will be set at the same time.

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 2 or provisions laid down in pursuance thereof is brought to light, the Directorate of Health and Social Affairs find special reason to expect renewed breaches of the advertising provisions which cannot be halted under the second or third 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 of Health and Social Affairs may entirely or partially waive an imposed coercive fine.

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

Decisions pursuant to this section 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 issued in pursuance of 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.

The ministry may lay down regulations on the imposition, calculation and collection of coercive fines.

## **Section 9**

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

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

According to this provision, the term snuff 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 10**

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

## **Section 11**

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

## **Section 12**

This Act applies with equal effect to the offshore petroleum activities as Act no. 4 of 4 February 1977 relating to Worker Protection and Working Environment.

This Act also applies to Svalbard (Spitsbergen) and Jan Mayen.

## **Section 13**

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

<sup>1</sup>This paragraph comes into force on 30 September 2003.

<sup>2</sup>Deleted from 1 June 2004.

<sup>3</sup>Deleted from 1 June 2004.

<sup>4</sup>Deleted from 1 June 2004.

<sup>5</sup>Deleted from 1 June 2004.

<sup>6</sup>This part of the paragraph comes into force on 1 June 2004.

<sup>7</sup>This part of the paragraph comes into force on 1 June 2004.