

Law of Georgia

Regarding making amendments and adds to the Law of Georgia “on Tobacco Control in Georgia”

Article No1. The following amendments and additions to be incorporated to the law of Georgia “On Tobacco Control in Georgia” (Georgian Law messenger, #19, 1.07.2003 article 121) :

1. Take out the preamble of the law;
2. 1st article to be established based on the following edition: “Article No 1. Objective of the Law

In order to reduce the tobacco-related diseases and death in Georgian population this Law defines and regulates law-related affairs in tobacco control field.”

3. Article No 2 to be established based on the following edition:

“Article No 2. Definitions

Terms used herein shall have the following meanings:

a) Tobacco product – any product that contains tobacco and its elements, except the medical means that contains nicotine, intended for smoking, smokeless tobacco (chewing) and inhalation, among them are:

- a. a) a cigarette filter and filter-free cigarette;
- a. b) cigarette, cigars and cigarillo (small cigars);
- a. c) cigarette tubes;
- a. d) cigarette paper;
- a .e) chewing and inhalation tobacco;

b) Cigarette – any kind of scroll or tube construction containing tobacco and its elements, which is muffled in paper or another material allowed by legislation, which doesn’t include tobacco;

c) Smokeless tobacco – smokeless tobacco product like chewing, inhalation and sucking tobacco;

d) Tobacco smoking – breathing the smoke coming from the burning of tobacco product;

e) Tobacco industry – production of tobacco products import, realization, export, re-exports and, transit;

f) Medical warning – warning in print about tobacco related-harm, which may cover the pictogram;

g) Rotation – shifting of medical warnings;

h) Ingredient – all substances added to tobacco, among them are substances that is added to tobacco leaves and to other natural and non processed tobacco product, also non- tobacco materials which is added to tobacco products when producing and is finally presented by an altered form as well.

i) Ministry - Ministry of Labor, Health and Social defense of Georgia;

j) Ingredients of tobacco products - nicotine, tar and asphyxiating gas included in tobacco smoking products”;

4. Article No 3 to be established based on the following edition:

“Article No 3. Fundamental Principles of Tobacco Control

Criteria, requirements, provisions and rules that are in progress of Georgian Tobacco Control field should be based on the following principles:

- a) Recognition of tobacco product as a harmful product for health;
- b) Recognition Non-smoking habit as a normal way of life;
- c) Recognition the rights of non-smokers from harm of its influence;
- d) Informing the population about the harmful influence of tobacco product;
- e) Supporting the prevention of starting and quitting of tobacco use;
- f) Protection of social security;
- g) Protection the rights and interests of consumers;
- h) Transparency of information about tobacco production;
- i) Control on distribution and production of tobacco control;
- j) Reducing the requirements and availability on tobacco production;
- k) Prohibition of sale of untaxed and non personified tobacco product;
- l) Community participation in elaboration of struggle activities against the tobacco consumption, its implementation and evaluation;
- m) Recognition of the rights regarding living in the environment that is free from tobacco ads and security from its impact”;

5. of Article No 4:

a) Item No 1 to be established based on the following edition:

“1. Tobacco smoking is prohibited:

- a) In the tutoring, educational, educational-tutoring institutions and closed sport buildings;
- b) In medical and pharmaceutical institution buildings;
- c) At petrol stations, gas stations and on the whole territory of gas distribution stations;
- d) At all institution-buildings where there are kept an inflammable substances;
- e) In public transport, i.e. a bus, mini bus, aircraft, underground station, tram and trolley bus”.

b) 2nd-3rd items to be formed based on the following edition:

„2. Smoking is prohibited in closed building-constructions of other public and private institutions apart from the institutions indicated in the first item of this article; in closed places of work and massive get together, also in a train and ship among them besides the special smoking place (places).

3. Supervisors of the institutions considered by 2nd item of this article are obliged to allocate a special smoking place (places)

c) 4th-6th terms to be formed based on the following edition:

„4. The special smoking place should be foreseen only for tobacco smoking and should be separated from all kinds of rooms of working, eating and/or resting purpose and the blocks, facilities and substances of other purpose; should be easy to be aired or with an open window that goes into the open space (it’s permitted to arrange the place only with the artificial ventilation) to ensure the tobacco smoke is fully separate from other parts of the institution.

5. If supervisors of the institutions considered by 2nd item of this article will not manage to provide the special smoking place at the institution territories, at least with the parameters established based on the 4th item of this article, it’s prohibited to smoke tobacco on these territories.

6. It’s allowed to allocate a special smoking place (places) established by 3rd item of this article in cafes-bars and public food places out of massive get together venues and also allocation

of the zones from customers where smoking is allowed. Total area of such zones shouldn't exceed 50% of the total area that is intended for customers.

d) 7th item of the following contents to be added after 6th item:

„7. Institution supervisors are obliged to:

a) To elaborate and approve the acting rules regarding tobacco smoking in relevant institutions according to the law requirements and to provide proper measures of responsibility within own competence frame.

b) To place the materials about the rules acting in relevant institution regarding tobacco smoking in an institution, places easy to see”.

e) 8th-9th items of the following contents to be added after 7th item:

„8. It's prohibited to demonstrate tobacco smoking through mass information sources, through any other printed or electronic means, through mass shows and drama presentations, if that isn't accidental recording and/or part of creativity intention.

9. The rules limiting tobacco usage should be considered in the license conditions and requirements of the relevant licensed institutions”.

6. of 5th article:

a) Title to be formed based on the following edition:

“Distribution of tobacco products”.

b) 2nd item to be formed based on the following edition:

„2. Distribution of tobacco production is prohibited”.

a) In tutoring, educational and educational-tutoring institutions and the nearby territories in 50 meters radius.

b) At all kinds of medial, learning, state, sports and cultural institutions;

c) At sections of trading places with kids' clothes and toys for sale

d) Separate units, unit wrapping (a pack) if it contains less or more than 20 cigarette fags

e) Without packaging

f) For people under 18

g) Sub items “g”, “h” and “T” of the following contents to be added after sub item “f” of 2nd item:

„h) Through electronic or mechanic machines

i) Free of charge or in the price that's less than it actually costs, or including it in the day and night ration of military servants;

j) If the tobacco product intended to be distributed throughout Georgia is made by breaking the legislation of Georgia”.

k) 3rd item to be formed based on the following edition:

„3. It's prohibited to distribute tobacco product through games, lottery, lotto, winning or other kinds of reckless games or/and to participate in such events with tobacco product, its distribution

e) 4th item to be formed based on the following edition:

„4. There should be placed a medical warning approved by Ministry at the places where tobacco product is distributed and also a contact phone number for getting the consultation for those wishing to give up smoking, also the information about the fact that it's prohibited to sell tobacco to people who haven't come to an age yet. Such medical warning should be placed on the format not less than A4.

f) 5th item to be formed based on the following edition:

„5. “Tobacco’s distributor is entitled to request the document confirming the age in case he suspects the tobacco product customer isn’t of age yet”.

7. Of No.6 article:

a) Title to be formed based on the following edition:

“Coverage and design of tobacco product”

b) First- 2nd items to be formed based on the following edition:

„1. It is prohibited for any unit, coverage or/and label element of the tobacco product intended to be sold in Georgia to include any information that is false, leading to mistake or creating wrong imagination about the characteristics, harmful impact or harmful substances spitting out from the tobacco product, it’s not also allowed to use any word, trade mark or icon in native Georgian or/and in any other foreign language that will directly or indirectly create wrong imagination about less harm of any of tobacco products as compared to other products. Some of the words are: “light”, “soft”, “ultra light”, “low consistency”.

2. “There should be placed the medical warning approved by the Ministry on each pack and box of tobacco product, that should include the main warning, additional warning, contact phone No. The medical warning may include the pictogram corresponding to the additional warning.”

c) 3rd Item to be formed based on the following edition:

„3. The Ministry approves 3 patterns of basic medical warning, 9 patterns of additional medical warning and 9 patterns of corresponding pictograms, contact phone number, also computer print and size of titles about medical warnings and tobacco product ingredients, parameters relevant to the image quality”.

d) 4th – 7th items of the following contents to be added after 3rd item:

„4. Pictogram pattern should be corresponding to the text of additional medical warning and shouldn’t be occupying less than 50% of total size of the medical warning.

5. Medical warnings are subordinated to rotation as follows:

a) Tobacco product manufacturers or/and importers should use all basic medical warnings within a year so that they should be distributed equally for any kind of pack and box of tobacco product in sale;

b) Tobacco product manufacturer or/and importer should use three warnings from additional medical warnings within a year and corresponding pictograms if desired so that they should be equally distributed for any kind of packs and boxes of tobacco product in sale.

6. Medical warning on each tobacco product coverage should be in native Georgian (as for autonomous republic of Abkhazia – also in Abkhazian) the way it’s shown in 2nd item of this article and should be:

a) Written clearly and distinctly;

b) Printed on the coverage and shouldn’t be covered besides outer transparent coverage and it shouldn’t be damaged or taken off when unwrapping tobacco product coverage.

c) Printed in computer print, bold type, with black letters on white background or white letters on black background; white background should be framed in black, and black background – framed in white, that doesn’t cross or touch the letters and the frame line shouldn’t be less than 3 mm thick and more than 4mm.

d) Located on front and back sides of the coverage, in parallel of upper and below edges and shouldn’t occupy less than 30% of total area of the side, including the framing lines as well.

7. Information about the indicators of tobacco product ingredients should be placed on each tobacco product coverage and should be meeting the following requirements:

- a) Should be written clearly and distinctly;
- b) Should be printed on the coverage, shouldn't be covered besides the outer transparent coverage and it shouldn't be damaged or taken off when unwrapping tobacco product coverage.
- c) Printed in computer print, bold type, with black letters on white background or white letters on black background; white background should be framed in black, and black background – framed in white, that doesn't cross or touch the letters and the frame line shouldn't be less than 1 mm thick and more than 2mm.

d) Should be located on the small side of the coverage, besides upper and below sides shouldn't occupy less than 30% of total area of the side, including the framing lines as well.

e) 8th item of the following contents to be added after 7th item:

„8. Medical warning or/and information about tobacco product ingredients shouldn't be covered by other printed information or any image”.

8. 7th article to be formed based on the following edition:

Article No.7 Norms reflecting tobacco product ingredients

1. Ministry establishes the possible limited norms, measurement and regulation rules of the tobacco product ingredients intended to be sold in Georgia taking into consideration the international requirements valid for tobacco control area based on the normative act.

2. Measurement of tobacco product ingredients should be done by tobacco product manufacturer or/and importer with his own expenses. The manufacturer and/or importer should confirm the fact of doing the measurement according to the established standards and should present the information to the Ministry about the laboratory entitled to do the relevant activity where the measurement was actually done.

9. Article No8 to be taken out

10. Article No.9 to be formed based on the following edition:

„Article No.9 preventive arrangements of tobacco consumption:

In order to establish the principles noted in article No3 of the law and other requirements of Georgia legislation, state will elaborate and implement middle and long term national plan for tobacco control.

Article No.2

1. Within 3 months after passing the law, government of Georgia to design and present the bills to the parliament of Georgia about changes and additions to be made to the legislative acts.

2. Ministry of Labor, Health care and Social Defense of Georgia to approve the basic medical warnings, additional medical warnings, relevant pictogram patterns and contact phone number noted in 2nd item of 6th article considered by 7th item of the first article of the law before 1st March, 2009.

3. Ministry of Labor, Health care and Social Defense of Georgia to issue the normative act defined by first item of 7th article considered by 8th item of first article of the law before 1st March, 2009.

Article No.3

1. This law, besides “b” and “d” sub items of 5th item of the first article, “b” and “d” sub items of 7th item, and 8th item of the law, to come to the force from the moment it is issued.

2. “b” and “d” sub items of 5th item and “c” and “e” sub items of 6th item of this law, to come to the force from 1st May, 2009.

3. “d” sub item of the first article of the law to come to the force after 1st September, 2009

4. “b” and “d” sub items of 7th item of the first article of this law to come t the force from January 1st, 2010.

5. 8th item of the first article of the law to come to the force from 1st March, 2009.

President of Georgia

Mikhail Saakashvili

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N 941 – RS