Law of Georgia On Tobacco Control

Article 1. Scope of the Law

This Law defines and regulates legal relations in the field of tobacco control in order to reduce morbidity and mortality due to tobacco use by the population of Georgia.

Article 2. Main principles of tobacco control

The criteria, requirements, conditions and rules governing the field of tobacco control in Georgia shall be based on the following principles:

a) Acknowledge that tobacco is a harmful product to health;

b) Acknowledge the right of non-smokers to protect themselves from the harmful effects of tobacco;

c) Inform the population of Georgia about the harmful effects of tobacco and ensure transparency of information relevant to tobacco;

d) Promote quitting tobacco use and preventing starting to use tobacco;

e) Protect the rights and interests of tobacco consumers;

[f) (Deleted — 17.05.2017, №859). (effective as of May 1 2018)]

f) Control the production and sales of tobacco products;

g) Reduce demand on tobacco products and access to them;

h) Prohibit untaxed and unidentified sale of tobacco products;

i) Acknowledge non-smoking as a general rule of life;

j) Provide for participation of community members in developing, implementing and evaluating the activities for fighting against tobacco consumption;

k) Recognize the right to live in the environment free of tobacco advertising and to be protected from the effects of tobacco;

l) Protect the public safety;
[m) Protect the development and implementation process of state health care policy on tobacco control from interference of tobacco business entities as well as ensure publicity and transparency of the relations of the state with tobacco business entities;

o) Control the tobacco product ingredients, emitted substances from tobacco product, and tobacco packaging;

p) Notwithstanding the compliance of tobacco business entities with the applicable tobacco control norms in Georgia, the impossibility for the tobacco business entities to be released from criminal or civil liabilities provided that relevant legal grounds exist for such a liability;

q) Implement other measures as allowed by Law in order to fulfil the goal of this Law on Tobacco Control, and the objectives and principles defined by the Framework Convention on Tobacco Control of the World Health Organization (effective as of May 1 2018)]

Article 3. Definitions of terms used in this law

The terms used in this Law have the following meanings:

a) Tobacco product is any product containing tobacco or its elements, - except for medical means containing nicotine, - intended for smoking, chewing or sniffing, among them:

a. a) filtered and unfiltered cigarettes;

a. b) papirosa, cigars and cigarillos;

a. c) pipe tobacco;

a. d) rolling tobacco;

a .e) chewing and inhaling tobacco;

[a)A tobacco product is any product that contains tobacco or its elements (except for medical means containing nicotine), which is intended to be smoked, chewed, snoozed or inhaled, among them are:

a.a) filtered and unfiltered cigarettes;

a.b) papirosa, cigars and cigarillos;

a.c) pipe tobacco, tobacco for hookah;

a.d) rolling tobacco;
a.e) chewing, snoozing and inhaling tobacco;

a.f) electronic cigarettes or other similar nicotine-delivering devices containing materials / cartridges / capsules;

a1) tobacco accessories or/and devices for tobacco usage such as mouthpiece, pipes, hookah, devices for snoozing tobacco and services for inhaling tobacco, electronic cigarettes or a similar device, special cigarette lighters, tobacco rolling paper, tobacco rolling devices, tobacco cutting devices, ashtrays, any kind of port-cigars or other items that are mainly intended for tobacco use or/and keeping it, as well as any illustrations or images of cigarettes, cigarette packs or other objects depicting the above items. (effective as of May 1 2018)

b) a cigarette is any kind of scroll or tube-like structure containing tobacco or its elements, which is enclosed in paper or in a material as allowable by law, and which does not contain tobacco itself;

c) smokeless tobacco is a tobacco product which is not intended to be smoked but rather to be chewed, snoozed, or inhaled;

d) tobacco smoking is inhaling the smoke resulting from burning a tobacco product;

d) tobacco smoking is inhaling the first-hand smoke or steam resulting from burning or heating tobacco; (effective as of May 1 2018)

e) tobacco industry means production, import, sale, export, re-export or/and transit of tobacco products;

[e1] a cigar bar is a specialized institution which is set up according to the permit issued in compliance with the Law of Georgia on Licenses and Permits and at where it is allowed to smoke the cigar envisaged by “a.b” Subparagraph of this Article; (effective as of May 1 2018)

f) medical warning is a statement warning of the harmful effects of tobacco smoking, which may include a pictogram;

[f] medical warning is a statement warning of the harmful effects of tobacco smoking, which should include a relevant image; (effective May 1 2018)

g) rotation is alternation of medical warnings;

h) ingredient is any substance that is added to tobacco, among them, the substances that are added to tobacco leaf and other natural or processed product of tobacco, as well as a non-
tobacco material, that is added to the tobacco product during its production, and is represented in the output, even in a modified form;

[h) Ingredients of tobacco product are nicotine, additive, any substance or element contained in tobacco products, among them, paper, filter, capsules, ink and glue;

h') additive is substance or material (except a tobacco leaf) which is added to tobacco products; (effective May 1 2018)]

i) the Minister is the Minister of Labour, Health and Social Affairs of Georgia;

j) Ingredients of tobacco product are nicotine, tar and asphyxiating gas contained in the smoke of tobacco products;

[i) Ministry – the Ministry of Labor, Health and Social Affairs of Georgia;

j) emissions of tobacco products are substances that are released when the tobacco product is used as intended. Namely, in the case of cigarettes and other combusted products, emissions are the substances found in the smoke which are released when the combusted tobacco is used, as well as the substances released from using chewing tobacco, sucking tobacco, and inhaling tobacco; (effective May 1 2018)]

k) quality is the unity of those features of harmless tobacco, which are related to the economic interest of the end-user;

[k) (deleted on 17.05.2017, №859); (effective May 1 2018)]

l) additional materials and items are cover, pack and other packaging materials that come into contact with tobacco products;

m) sale is transfer of finished tobacco product through selling it or other way of realization, in order to get commercial benefit;

n) manipulation means weighing, measuring, branding, sealing, packaging, stacking, relocating;

o) falsification means incompliance of the components, characteristics, assortment and origin of tobacco products with the requirements defined or with the data indicated in the documents enclosed and the data marked on the label;

p) harmful substances are substances, their compounds or mix of compounds, which at specified amounts, can have harmful impact on the human health and environment through their physical, chemical and biological features;
q) Producing entity is an enterprise, shop or their units and other producing subdivisions and territories, also the appliances used in the tobacco production process;

r) control means inspecting, testing or evaluating one or several characteristics of tobacco and its raw materials, as well as tobacco producers and sellers, and assessing the results in accordance with the established requirements;

s) finished product is a product that emerges from joining the resources and activities (industrial processing);

t) tobacco producer is a natural or legal entity, which produces tobacco and will be held liable for failing to fulfil the requirements of the Law at every stage of carrying out its activities; also, it means an acting representative or a product importer in the territory of Georgia, when a foreign producer does not have a representative;

u) buildings and other structures are any structures (except the means of transportation) which has a floor, any kind of roof or ceiling and surface (except roofs, ceilings, floors) with at least ½ any kind or/and material moving or static walls (including open or closed windows and doors;

v) public transportation is any means transportation, including, buses, trams, trolley busses, mini-buses, trains, air vessels, subway, ships or other sea vessels which are used to transfer people for fees or/and to receive financial gains. (effective May 1 2018)

Article 4. Activities carried to protect health

1. The rules for regulating tobacco manipulation and trade methods are defined by the Georgina legislation.

2. A normative act of the Minister shall define:

a) admissible limits for tobacco product ingredients to be sold in Georgia, and measuring and regulating rules in compliance with the effective international requirements;

b) rules to display warning statements on tobacco products.
3. Application of certain methods in producing or manipulating tobacco products shall be limited by a normative act to be issued by the Minister.

4. Measurement of tobacco product ingredients shall be conducted by a tobacco producer or/and an importer at their own expenses. A tobacco producer or/and an importer shall prove that measurements are carried out in compliance with the measurement standards and shall provide the Ministry of Labor, Health and Social Affairs of Georgia with the information on the laboratory which has a relevant permit and at where these measurements are carried out.

4. The measurement of ingredients of tobacco products shall be conducted by the manufacturer and/or importer of tobacco products at their own expense. A manufacturer and/or importer of tobacco products shall confirm that the measurements have been carried out in accordance with applicable standards and shall submit to the Ministry of Labor, Health and Social Affairs of Georgia relevant information about the appropriately licensed laboratory where the measurement was carried out.

[Article 4. Tobacco Control Activities and Sub-legislative Normative Acts Governing Tobacco Control]

1. The Government of Georgia shall implement a long-term state strategy and an annual state program.

2. A normative act of the Government of Georgia shall define:

   a) The permissible limits of emissions (nicotine, tar, and asphyxiating gas) from filtered and unfiltered cigarettes intended for sale in Georgia, and the measuring and regulating rules taking into account the effective international requirements for tobacco control;

   b) The rules of displaying medical warnings and pictograms on the tobacco product (on a pack/carton, package).

   c) The standardization rules for tobacco products intended for sale in Georgia and for their packaging.

3. Measurement of emitted substances (nicotine, tar and asphyxiating gas) from filtered and unfiltered cigarettes shall be conducted by a tobacco producer or/and an importer at their own expenses. A tobacco producer or/and an importer shall prove that measurements are carried out in compliance with the measurement standards and shall provide the Ministry with documents evidencing the above until May 31 of every year. The list of the documents to be...
provided shall be defined by an order issued by the Ministry of Labor, Health and Social Affairs of Georgia. A tobacco producer or/and an importer shall ensure compliance of the given tobacco product with the data included in the documents. In addition, a tobacco producer or/and an importer shall provide the Ministry with the information on the tobacco product ingredients (namely, the list of ingredients, their quantity and weights) within the time frame indicated in this Paragraph.

4. The prohibition/restriction rules, defined by this Law, for tobacco production, import and sales shall be reflected in the license/permission/authorization conditions of the entities carrying out the activities defined by the license/permission/authorization.

5. Checking compliance with the tobacco control requirements as defined in this Law is not considered to be monitoring of entrepreneurial activities and thus the Law of Entrepreneurs of Georgia does not apply to it. (effective May 1 2018)

[6. In course of preparing, adopting and implementing the decision in regard of tobacco control concerning protection of health, the Government institutions, the Government employees and public servants shall have relations with the tobacco industry players only when it is necessary for them to ensure effective regulation of tobacco production and tobacco products. If the relations with industry players are necessary, the above entities shall conduct the relations of the state with them in a transparent manner holding public discussions, and informing the community about such relations through a public notice and disclosure of other documents prepared. (effective as of September 1 2018)]

Article 5. Sale of tobacco products

1. It is prohibited to engage persons under 18 years in the tobacco industry.

2. It is prohibited to sell tobacco products:

a) Within a 50-metre radius from child care, educational and educational-care institutions and in the territories adjacent to them;

b) at all types of medical, educational, state, sports and cultural institutions;

c) in sections of retail stores at where children’s clothes and toys are sold;

d) in single cigarettes, single packaging (a pack) if they contain fewer or more than 20 cigarettes.
e) without packaging;

f) to persons under 18 years;

g) from electronic or mechanical vending machines;

h) if tobacco products intended for sale in Georgia are produced in violation of the legislation of Georgia;

i) for free or cheaper than its cost, among them by including it in the daily ration of military officers.

3. It is prohibited to give away tobacco products through a draw, a lottery, a lotto, or other gambling or other types of games of chance or/and to participate in such events by using tobacco products, through distributing them.

4. The medical warning and the telephone number for smoking cessation consultations, approved by the Ministry, which are intended for persons who want to quit smoking shall be displayed in the places where tobacco products are sold along with the information that selling tobacco products to minors is prohibited. Such a medical warning must be placed on not smaller than A4 size paper.

5. If a seller of tobacco products has a doubt that a buyer of a tobacco product is a minor, the seller may demand a document proving the buyer’s age of majority.

[Article 5. Sale or/and display of tobacco products, tobacco accessories or/and tobacco use devices]

1. It is prohibited to engage persons under the age 18 in tobacco industry;

2. It is prohibited to sell or/and display of tobacco products, tobacco accessories or/and tobacco use devices:

   a) at educational (secondary, higher education, and professional), child care, educational-care institutions and in the territories adjacent to them within the 50-meter radius (of the closest point of a relevant compound of an institution);

   b) in a public institution; in any type of medical, sports and cultural facilities and in the territories owned by these entities;

   c) in in the sections of retail stores selling children’s clothes, food or/and toys;
d) in single cigarettes, single packaging (a pack) if they contain fewer or more than 20 cigarettes.

e) without packaging (except tobacco accessories or/and tobacco use devices);

f) to persons under 18 years;

g) from electronic or mechanical vending machines;

h) if tobacco products intended for sale in Georgia are produced in violation of the legislation of Georgia;

i) for free or cheaper than its cost, among them by including it in the daily ration of military officers;

j) via the Internet or mail (retail trade) except tobacco accessories or/and tobacco use devices, to which trademarks or/and names of the products (commodities) of tobacco business entities are not applied);

k) at earlier and pre-school care and educational institutions and in the territories adjacent to them within the radius of 50 meters (effective May 1 2018)

[l] in shop windows, glass cases, on counters, and on shelves or displayed otherwise in a manner that it is visible from outside of a relevant facility (except a special lighter for a cigarette, an ashtray and cigar cases to which trademarks or/and names of the products (commodities) of tobacco business entities are not applied, also except for the cases of selling them in the free zone of the customs territory and displaying them at airports); (effective September 1 2018)

[m] in shop windows, glass cases, on counters, on shelves or displayed otherwise in a manner that it is visible from outside of a relevant facility (except a special lighter for a cigarette, an ashtray and cigar cases to which trademarks or/and names of the products (commodities) of tobacco business entities are not applied, also except for the cases of selling them in the free zone of the customs territory and displaying them at airports); (effective January 1 2018)

[o] to sell tobacco products or tobacco accessories by a relevant facility using drive-through. (effective September 1 2018)

[3. It is prohibited to give away or draw, or to give away by other forms of drawing tobacco products, tobacco accessories or/and tobacco use devices or/and to participate in such events by using tobacco products or any of its components, tobacco accessories or/and tobacco use
devices or by their distribution, as well as to promote tobacco products in any form, among them:

a) to give or offer gifts, to give tobacco products, tobacco accessories or/and tobacco use devices or offer to taste tobacco products in order to sell them;

b) to reinforce an initiative or a loyalty scheme, specifically to distribute coupons along with selling tobacco products;

c) direct personal communications, network marketing, which promotes or may promote a tobacco product, a tobacco manufacturer or a wholesale trader;

d) promotional materials intended for an individual, including information materials (namely, direct messages), telemarketing, a customers' survey which promotes or may promote a tobacco product, a tobacco manufacturer or a wholesale trader;

e) make payments to a retail trader, and reward a retail trader or otherwise contribute to his activities which are intended to motivate a retail trader in order to sell more tobacco products;

f) make payments by a tobacco manufacturer, importer or a wholesale trader or persons directly or indirectly associated with them or otherwise share in an event, in activities of a natural or legal entities as a result of which they promote a tobacco product, a tobacco manufacturer, importer or a wholesale trader or their representatives;

g) sell or distribute such a toy, sweets or other products which are not tobacco products and are illustrations, simulations or imitations of tobacco products.

The A4 format medical warning and the telephone number for smoking cessation consultations on A4 size paper, approved by the Ministry and intended for persons who want to quit smoking shall be displayed in the places where tobacco products are sold along with the information that it is prohibited to sell tobacco products, tobacco accessories or/and tobacco use devices to minors. Such a medical warning must be placed on not smaller than A4 size paper.

5. If a seller of tobacco products, tobacco accessories or/and tobacco use devices has a doubt that a buyer of a tobacco product is a minor, the seller may demand a document proving the buyer’s age of majority and only after a seller is convinced that the person is of 18, he can sell a tobacco product, tobacco accessories or/and tobacco use devices to this person. (effective May 1 2018)

[Article 5]. Sale of tobacco products in standardized packaging or/and their display
1. It is prohibited to sell or/and display tobacco products (except the tobacco product envisaged by “a.f. Subparagraph” of Article 3 of this Law) without the standardized packaging.

2. The standardization rules for tobacco products and their packaging are defined by this Law and a relevant legal act of the Government of Georgia. (effective January 1 2018)

Article 6. Packaging and Design of Tobacco Products

1. Descriptions of tobacco products intended for sale in Georgia and any element of its packaging and/or labeling may not contain any false, misleading information or information creating a false impression about the characteristics of the tobacco product, its harmful effect or about harmful substances emitted. Furthermore, it is not allowed to use such a word in the state language of Georgia and/or any foreign language, trademark or image, that will directly or indirectly create a false impression that this tobacco product is less harmful compared to other products. Some of such words are: “light”, “mild”, “ultra light”, and “low tar.”

2. The medical warning, approved by the Ministry, which includes a principal warning, an additional warning and a contact telephone number shall appear on each pack and carton of a tobacco product. The medical warning may comprise a relevant pictogram of an additional warning.

[1. Descriptions of tobacco products intended for sale in Georgia and any element of its packaging and/or labeling may not contain any false, misleading information or information creating a false impression about the characteristics of the tobacco product, its harmful effect or about harmful substances emitted; no word, abbreviation, sign, image, chart or a number may be used in Georgian or in any foreign language, which will create directly or indirectly a false impression that the given product is less harmful compared with the other products, including, they may not be used in brand or trade names. Some of such words are: “light”, “mild”, “less intensive”, “ultra light”, “low tar”, “extra”, “ultra”, “menthol,” etc.

2. The medical warning, approved by the Ministry, which includes a principal warning, an additional warning (along with a relevant pictogram approved by the Georgian legislation, and in the case envisaged by Subparagraph ”a.e” of Article 3 of this Law, along with a relevant written inscription) and a contact telephone number shall appear on each pack and carton of tobacco product (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law). (effective September 1 2018)]
3. The Minister approves 3 samples of a key medical warning, 9 samples of an additional medical warning and 9 samples of a respective pictogram, a contact telephone number as well as the computer font and font size for medical warnings and description of tobacco product ingredients, and relevant parameters for quality of an image.

4. The sample of a pictogram shall be in line with the additional medical warning text and shall not cover less than 50% of the entire medical warning.

5. Medical warnings are subject to rotation in the following manner:

a) A tobacco product producer or/and importer shall use all the principal medical warnings during a year in a way that they are equally distributed on the packs and blocks of each type of tobacco products intended for sale;

b) A producer and/or importer of tobacco products should select 3 additional medical warnings during a year, along with respective pictograms, so that they are evenly distributed on the packs and blocks of each type of tobacco product that is for sale”.

[3. The Government of Georgia approves 3 samples of principal medical warning, 9 samples of additional medical warnings and 9 samples of relevant pictograms, and 1 sample of textual inscription, forms of relevant inserts, a contact telephone number, as well as the computer font and size of medical warning and relevant parameters for quality of an image.

4. The pictogram sample shall in line with the text of additional medical warning and shall cover the area of the medical warning in compliance of the rules defined by the Government of Georgia.

5. Medical warnings shall be rotating as follows:

a) A tobacco product producer or/and an importer shall use all the principal medial warnings during a year in a way that they are equally displayed on each type of a pack/carton of tobacco product intended for sale and on their packaging;

b) A tobacco product producer or/and an importer shall choose 3 additional medical warnings during a year with relevant pictograms in a way that they are equally displayed on each type of a pack/carton of tobacco product intended for sale and on their packaging. (effective May 1 2018)]
6. A medical warning shall be placed on every packaging of tobacco product in the state language of Georgia (and also in Abkhazian in the Autonomous Republic of Abkhazia) in compliance with Paragraph 2 of this Article and shall be:

a) clear and legible;

b) printed on the packaging except the external transparent packaging, and shall not be concealed and it shall not be damaged or detached from it by opening the tobacco product package;

[c) printed in a computer font, bolded, in black letters on a white background or in white letters on a black background; the white background shall be surrounded by a black border line and in case of a black background – by a white border line, which does not interfere with the letters; the thickness of border line shall be not less than 3 mm and more than 4 mm.

d) placed on the front and back sides of the packaging, parallel to the upper and lower edges, and shall not cover less than 30% of the entire area of the side, which includes the bordering lines.

[e) placed: an additional medical warning on the front side of the box and the principal warning on its back side. (effective September 1 2018)]

7. The inscription of the tobacco product ingredients shall be placed on each packaging of tobacco product and it shall be:
a) clear and legible;

b) printed on the packaging except the external transparent packaging, and shall not be concealed and it shall not be damaged or detached from it by opening the tobacco product package;

c) printed in a computer font, bolded, in black letters on a white background or in white letters on a black background; the white background shall be surrounded by a black frame and in case of a black background – by a white frame, which does not interfere with the letters; the thickness of frame line shall not be less than 1 mm and more than 2 mm.

d) placed on a smaller side of the packaging, except the upper and lower sides, and shall not cover less than 30% of the entire area of that side which includes the bordering lines.

[7. Deleted on 17.05.2017, №859). (effective May 1 2018)]

8. A medical warning or/and information on the tobacco product ingredients shall not be covered by other printed information or by any image.

[8. A medical warning shall not be covered by other printed information or by an image. (effective May 1 2018)]

[9. The standardization rules for tobacco products (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) and their packaging are defined by this Law and a relevant legal act of the Government of Georgia. The goal of the standardization rules is to:

a) reduce attractiveness of tobacco products;

b) increase effectiveness and visibility of the medical warning;

c) reduce likelihood to mislead a consumer about the tobacco product or its consumption by means of tobacco product packaging.

10. It is prohibited to display a brand, a logo, a trademark or another element depicting it on the packaging (a pack, a cartoon, a container, etc.) and on each cigarette (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law). Any inscription on the packaging (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) of tobacco product (a pack, a cartoon, a container, etc.) shall be made in a single unified font in the state language of Georgia and the country where it was made. Furthermore, it is prohibited to make any inscription on filtered and unfiltered cigarettes, papirosa, cigars and cigarillos.
11. The Government of Georgia shall issue a normative act to make a decision on allowing (using) and banning the following specifications or/and elements (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) or defining some requirements in respect of them:

a) the color, size and shape of a tobacco product or its packaging;

b) the packaging material and its texture;

c) the type of opening of the tobacco product packaging;

d) cover and contents of tobacco product;

e) certain words or marks on tobacco product and its packaging (including a certain type of brand, logo or a trademark);

f) words or marks, which may not be placed on tobacco product and its packaging;

g) distinguishing features of tobacco product and its packaging, including the features aiming at changing the appearance or contents of tobacco product, and to make a sound or emit scent after the tobacco product is sold;

h) an article or material used in the tobacco product packaging which may not be an integral or mandatory part of the packaging;

i) an article attached to a tobacco product or to its packaging except the mandatory excise stamp and the medical warning envisaged by this Article;

j) the weight determiner of tobacco product, which may be placed in a tobacco product packaging;

k) such a feature or element of a tobacco product which will lead to giving a characteristic flavor to the product;

12. Placing a brand or its name is allowable on the tobacco product packaging (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) only in compliance with a normative act of the Government of Georgia. This normative act of the Government of Georgia may determine the following:

a) the limit of the length of the brand or its name;

b) prohibition to use such words and colors in the brand or its name which may mislead the consumer about the product characteristics, its impact on health, its risk or substances emitted,
or may mislead the consumer as if the given tobacco product is less harmful compared with the other products or is better than the others since it is natural or organic, or is beneficial for the healthy way of life;

c) use of such words or phrases which are intended for economic stimulation of the consumer;

d) the requirements for depicting words or marks including, the manner, and circumstances in which these words or marks are depicted in a relevant font, size and type as well as the orientation and location of the words on the packaging.

13. The normative acts adopted in accordance of Paragraph 9 and 12 of this Article shall not impact the intellectual rights of the person to register, own and dispose the trade mark and copyrights. (effective as of January 1 2018)

Article 7. Consumer protection from falsified product

1. In order to protect the consumers from falsified products, the Government of Georgia shall determine the list of markings (concerning the tobacco producers) on the packaging.

2. It is prohibited to produce, store, transport and sell falsified tobacco.

3. A tobacco producer is obliged to take measures to ensure that internal control of tobacco quality is in place.

[3. (deleted on - 17.05.2017, №859). (effective May 1 2018)]

Article 8. Use of additional items

Use, manipulation, transportation or sale of additional items are prohibited in accordance with the legislation of Georgia, if there is a threat that harmful substances may be transmitted from these items in tobacco or their surface.

It is prohibited by the Georgian legislation to use, manipulate, transport or sell additional items if there is a threat of a harmful substance being transmitted from these items to tobacco or their surface.

[Article 8. (deleted) (effective May 1 2018)]
Article 9. Export and Import of Tobacco

1. Exporting and importing of tobacco is carried out in accordance with the legislation of Georgia.

2. The requirements set out in this Law do not apply to the quality of tobacco intended for a scientific purpose and for exhibitions, and to the tobacco intended for the personal consumption of the owner.

[Article 9. Export and Import of Tobacco]

1. Exporting and importing of tobacco is carried out in accordance with the legislation of Georgia.

2. The norms defined by this Law (except those set out in Article 10 of this Law) do not apply to importing tobacco products, by air transportation, on the quantity of the tobacco products established by the Georgian Tax Code during 1 calendar day and in other cases – 30 calendar days. (effective May 1 2018)]

Article 10. Limiting the Tobacco Consumption

1. It is prohibited to smoke in:

a) child care, educational and educational-care institutions, and in indoor sports facilities;

b) in the buildings of medical pharmaceutical facilities;

c) in the entire territory of petrol, gas and gas-distribution stations;

d) in the buildings and facilities where the flammable substances are kept;

e) in public transportation, including a bus, taxi, air vessel, metro, tram and trolley-bus.

[1. It is prohibited to smoke in:

a) In any buildings and other structures, except the buildings and other structures envisaged by Paragraph 11 of this Law;

b) In the public transport, except a taxi and a boat;

c) in educational (secondary, higher education, and professional), child care, educational-care institutions, and other educational institutions, libraries, the youth camps, the children’s]
entertainment centers and in other buildings intended for the persons under 18 and on the territories owned by them, as well as at public gatherings intended for the persons under 18;

d) in the buildings of medical and pharmaceutical facilities and on the territories owned by them, except the facilities envisaged by Paragraph 12 of this Article;

e) in the entire territory of petrol, gas and gas-distribution stations and in the buildings and structures of the facilities where flammable substances are stored as well as in the territories owned by them;

f) at stadiums with the administrations.

11. Smoking is allowed in the following buildings and other structures:

a) at the place of residence of a person (if a physical entity/a family of the physical entity actually lives in this place and this place of residence is not a place of entrepreneur activities concurrently);

b) in a specialized laboratory equipment to examine tobacco smoke;

c) in a penitentiary institution;

d) in cigar bars established according to the permits issued by the Law of Georgia on Licenses and Permits (only in case of the cigar envisaged by Subparagraph “a.b” of Article 3 of this Law);

e) in a casino;

f) in the transit zone of the airport, according to the Paragraph 13 of this Article;

g) in pre-trial detention cells.

12. It is allowed to smoke in in-patient psychiatric and palliative care facilities according to the rules established by a special order issued by the head of a relevant facility at a special place for some beneficiaries or patients with serious diseases. The place shall be enclosed fully (with walls) and shall be separated from the other sections/territory of the facility and shall be equipped with ventilation system or a window that opens out into outside area. By a special order of the head of the facility smoking is allowed for such patients in a room if it is isolated from the other patients.

13. It is allowed to smoke in the transit zones of the airport only in a special smoking room which shall have a separate ventilation system from where the smoke should not travel to another area and it shall be prohibited to take food and water and consume them in the room.
The rules for allocating a special smoking room in the transit zone of the airport shall be determined by a normative act of the Government of Georgia.

14. The rules and conditions for using tobacco in the penitentiary institutions shall be determined by an order of the Minister of Corrections of Georgia. (effective May 1 2018)

2. Except the facilities indicated in Paragraph 1 of this Article it is prohibited to smoke in public and private closed buildings and other structures, including in workplaces and large gathering closed places, as well as on trains and ships except in a special smoking place (places).

3. The heads of the institutions envisaged by Paragraph 2 of this Article are obliged to ensure allocation of a special smoking place (places) on the territories of their institutions.

4. A special smoking place shall be assigned only for smoking and shall be separated from any type of workplaces, food or/and recreational rooms and other sections intended for other purposes, from the equipment and substances and it shall be aerated easily either by a window that opens out into outside area (it is allowable to arrange a smoking place only by using an artificial ventilation) in order to ensure complete separation of tobacco smoke from the other sections of the institution.

5. If the heads of the institutions referred to Paragraph 2 of this Article fail to designate a special smoking place (places) on the territory of the facilities in compliance with at least those parameters defined in Paragraph 4 of this Article then smoking is prohibited on such a territory.

6. Out of the large gathering places, in restaurants, cafés and bars and food places it is allowed to designate a special smoking place (places) envisaged by Paragraph 3 of this Article, as well as to designate zones for consumers where smoking is allowed. The total area of such zones shall not exceed 50 percent of the entire space intended for customers.

[2. (Deleted on- 17.05.2017, №859).]
[3. (Deleted on- 17.05.2017, №859).]
[4. (Deleted on- 17.05.2017, №859).]
[5. (Deleted on- 17.05.2017, №859).]
[6. (Deleted on- 17.05.2017, №859). (effective May 1 2018)
7. It is prohibited to demonstrate tobacco smoking through mass media, and other printed media or electronic media, and mass shows and theatre performances, if it is not a random recording or/and a part of creative intention.

8. The heads of the institutions shall be obliged to:

a) develop and approve rules on tobacco smoking in their relevant institutions in compliance with the requirements of this Law and take appropriate measures within their competencies.

b) display visibly the effective rules which apply to tobacco smoking in a relevant institution.

7. It is prohibited to demonstrate tobacco smoking or other forms of its use through mass media, and other printed media or electronic media, and public shows and theatre performances, except when during a live broadcast in the open air, when a random smoker may appear in a frame.

8. An institution (a legal entity, an organizational entity, an amalgamation of persons without establishing a legal entity, an entrepreneur, a public entity, including a national and local self-government bodies) shall be obliged to:

a) ensure that smoking is banned/restricted, as it is defined by this Law, in the buildings, structures or/and territories, envisaged by Paragraph 1 of this Article, where they operate;

b) exclude appearance of tobacco smoke, ashes or stubs, as well as placement of hookah in the buildings and structures or/and in the territory, envisaged by Paragraph 1 of this Article, where it operates;

c) develop and adopt rules related to tobacco smoking restrictions for the buildings and structures or/and territory, envisaged by Paragraph 1 of this Article, where it operates;

d) in the buildings and structures or/and in the territory, envisaged by Paragraph 1 of this Article, where it operates, it shall display the current rules related to prohibiting/restricting smoking, a relevant note and sign on prohibiting/restricting smoking as well as the contact telephone number and other information of the physical entity/organization to be contacted in case of violation of the rules related to prohibiting/restricting smoking;

e) disallow smoking and in case of detecting such a fact, within its competence immediately prevent it in the buildings and structures or/and territory where it operates and which are envisaged by Paragraph 1 of this Article.
9. A driver of a public transportation, and its owner/possessor shall be obliged to observe the rules related to prohibiting/restricting smoking in the public transportation and prevent facts of violations of these rules. (effective May 1 2018)

[Article 10]. A permit for setting up a cigar bar and the permit conditions

1. Issuance of a permit for setting up a cigar bar, its revocation, making changes to it, and registering them in the internal permit registry as well as other measures related to this permit shall be implemented by the Ministry of Finance of Georgia in accordance with the Law of Georgia on Licenses and Permits.

2. A permit for setting up a cigar bar is issued for 4 years.

3. It is prohibited to transfer the permit envisaged by this Article to another person.

4. It is prohibited to offer any product to the customer in a cigar bar as a giveaway, to sell it or to taste it, except the cigar, envisaged in Subparagraph “a.b” of Article 3 of this Law, and a drink.

5. A person under the age of eighteen is not allowed to enter a cigar bar.

6. The owner of a cigar bar is obliged to place visibly the contact information for the fire and rescue office.

7. To obtain a permit for setting up a cigar bar, in addition of the documents envisaged by Article 25 of the Law of Georgia on Licensees and Permits, the entity applying for the permit shall enclose the following documents and information:

a) a document proving that the applicant is the owner of a relevant facility (an entrepreneur);

b) the documents that confirm that the cigar bar will be located in an isolated building or in an isolated section of the building and it will be connected with other sections of the building with a solid wall, and will have a separate exit, a ventilation system and that a cigar smoke will not penetrate in other parts of the building or in other buildings and structures;

c) a document issued by a relevant body to certify that the ventilation system operates smoothly;

d) a document evidencing the possession of a humidifier;
e) information on how to sell and use tobacco products for workers (employees) of a relevant institution.

8. After one year from obtaining the permit, the holder of the permit for setting up a cigar bar is obliged to provide annually the permit issuer with information evidencing that the income from selling cigars makes up at least 15 percent of his annual turnover. (effective May 1 2018)

[Article 102. Liability for failure to meet the permit conditions]

1. Liability for failure to meet the permit conditions defined for setting up a cigar bar is determined by the Georgian laws, among them by the present Law.

2. In case the holder of the permit for setting up a cigar bar fails to meet the permit conditions envisaged by this Law, the holder shall be fined with 500 GEL.

3. In case the permit holder repeatedly fails to meet the permit conditions, he will be fined according to Article 34 of the Law of Georgia on Licenses and Permits notwithstanding the fact that the fine envisaged by Paragraph 2 of this Article has been already imposed on him.

4. In case the holder of the permit for setting up a cigar bar continues to fails to meet the permit conditions though he has paid the fines imposed by Paragraph 2 and 3 of this Article, the permit issuer makes a decision on revoking his permit. Issues related to revoking the permit are governed by the Law of Georgia on Licenses and Permits.

5. A relevant body at the Ministry of Finance of Georgia is authorized to draw up a report of offense envisaged by this Article and consider the case.

6. The format of the report envisaged by this Article, and the rules to complete and submit the form are defined by an order of the Ministry of Finance of Georgia and legal proceedings are carried out in accordance of the Georgian legislation (effective May 1 2018)

Article 11.

For violating this Law physical and legal entities shall be held liable according to the rules defined by the Georgian legislation.

Article 12. State Supervision over Compliance with the Law
State supervision over compliance with the present Law is carried out in accordance with the legislation of Georgia.

[Article 12. State Supervision over Compliance with the Law

1. State supervision over compliance with the present Law shall be carried out in accordance with the legislation of Georgia.

2. In order to ensure compliance with the law and to administer the issues related to tobacco control, the competent bodies may develop and issue relevant legal acts as necessary (effective May 1 2018)]

„Article 12‘. Transitional provisions

1. It is allowed to smoke in the stadium envisaged by Subparagraph “f” of Paragraph 1 of Article 10 of this Law until January 1, 2018.

2. It is allowed to smoke in no more than 20 percent of the hotel rooms until January 1 2020. The smoking regime may not be changed in smoking and non-smoking rooms of a hotel. Smoking rooms shall be designated by a special order of the administration of the hotel which shall be displayed in a visible place in the hotel.

3. Inscription on emitted substances from tobacco products may be applied to tobacco products according to the rules defined by the Government of Georgia until January 1 2019.


1. The following shall be declared repealed upon the effective date of this Law:

a) Law of Georgia on Tobacco Control in Georgia, dated 6 June 2003 (Legislative Herald of Georgia No19, 1.07.2003, Art. 121);

b) Law of Georgia on Food and Tobacco, dated 25 June 1999 (Legislative Herald of Georgia No 31 (38), 1999, Art. 165);

Unofficial Translation

2. The sub-legislative normative acts that are issued based the legislative acts referred to in Subparagraphs “a” and “b” of Paragraph 1 of this Article shall have legal effect until they are in compliance with this Law.

3. This Law shall take effect upon its publication.

President of Georgia

M. Saakashvili Tblisi,

15 December 2010

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