On Tobacco Control

Article 1. Goal of the Law

This law determines and regulates legal relationships in the field of tobacco control with the purpose of decreasing morbidity and mortality caused by tobacco consumption by the population of Georgia.

Article 2. Main principles of tobacco control

Effective criteria, requirements, conditions and rules in the field of tobacco control in Georgia should be based on the following principles:

a) to declare tobacco as a product that harms health;

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

c) to inform the population of Georgia about the harmful effects of tobacco, and to ensure transparency of information on tobacco products;

d) to support the cessation of tobacco consumption and the prevention of starting its consumption;

e) to protect the rights and interests of tobacco consumers;

f) to control the production and sale of tobacco products;

g) to reduce the demand on and access to tobacco products;

h) to prohibit the untaxed and dispersonalized sale of tobacco products;

i) to declare non-smoking as being a norm of life;

j) to have the public participate in the development, implementation and evaluation of activities for fighting against tobacco consumption;

k) to declare the right to live in the environment free of tobacco advertisement and to be protected from its effect;

l) to protect the public safety.
Article 3. Definition of terms used in this law

The terms used in this law shall have the following meanings:

a) tobacco products – any product, except for nicotine-containing medication, containing tobacco or its components, which are used for smoking, chewing or sniffing, including:
   a.a.) cigarettes with and without filters;
   a.b.) papirosa, cigars and cigarillos;
   a.c.) pipe tobacco;
   a.d.) rolled tobacco;
   a.e.) chewed and inhaled tobacco;

b) cigarettes - any type of rolled or pipe-like structure, containing tobacco or its components, which is wrapped in paper or any other tobacco-free material admitted by law;

c) smokeless tobacco – a tobacco product, which is not intended for smoking, namely, chewing, dipping or sniffing tobacco;

d) tobacco smoking – inhaling smoke resulting from the combustion of tobacco product;

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

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

 g) rotation – alternation of medical warnings;

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

 i) minister – Minister of Labor, Health and Social Affairs of Georgia;

 j) ingredients of tobacco product – nicotine, tar and asphyxiating gas;

 k) quality – unity of those features of harmless tobacco, which is related to the economic interest of end-user;
l) additional materials and items – cover, pack and other packaging materials exposed to tobacco products;

m) sale – transfer of finished tobacco product to another person through sale or other way of realization, for getting commercial benefit;

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

o) falsification – incompliance of the components, characteristics, assortment and origin of tobacco products with the established requirements or attached documents and the data marked on the label;

p) harmful substance – substances, their compounds or mix of compounds at specified amounts, which can have harmful impact on the human health and environment with their physical, chemical and biological features;

q) producing entity – enterprise, shop or their units and other producing subdivisions and territories, also appliances used in the tobacco production process;

r) control – inspecting, testing and assessing one or several features of tobacco and its raw materials, also those of tobacco producers and sellers, also comparing the findings with the established requirements;

s) finished output – output received as the result of joining the resources and activity (industrial processing);

t) tobacco producer – an individual or legal entity, which produce tobacco and is held liable for the performance of requirements of this law at every stage of the implemented activity; besides, an acting representative or a product importer in the territory of Georgia, when the foreign producer does not have a representative.

**Article 4. Activities carried out for healthcare**

1. Rules that admit the tobacco manipulation and sales methods are established by the legislation of Georgia.

2. The normative act of the minister shall determine:

a) the marginal admissible norms of the components of tobacco products intended for sale in Georgia, the measuring and regulating rules, taking into account the effective international requirements in the field of tobacco control;
b) the rule of putting the warning inscription on the tobacco product.

3. The minister’s normative act limits or forbids admissibility of the use of certain methods while producing tobacco products or during manipulation.

4. The ingredients of tobacco products shall be measured by the producer of tobacco product and/or importer with its own expenses. The producer of tobacco product and/or importer should prove that the measurement was performed in accordance with the standards, and should submit information to the Ministry of Labor, Health and Social Affairs of Georgia concerning the laboratory having the right to perform respective activity, where the measuring was performed.

**Article 5. Sale of tobacco product**

1. It is prohibited to involve individuals under 18 years of age in the industry.

2. It is prohibited to sell tobacco product:
   
a) at childcare, educational and childcare-educational institutions and in their adjacent territories within the radius of 50 meters;
   
b) at all types of medical, schooling, state, sports and cultural institutions;
   
c) in those retail stores where children’s clothes and toys are sold;
   
d) if sold as single cigarettes or single packaging (a pack) if they contain fewer or more than 20 cigarettes.
   
e) without packaging;
   
f) to individuals under 18 years of age;
   
g) by electronic or mechanical vending machines;
   
h) if the tobacco product intended for sale in Georgia has been produced in violation of the legislation of Georgia;
   
i) for free or cheaper than its cost, among them by introducing it to the daily meal of military officers.

3. It is prohibited to distribute tobacco products through drawing, lottery, lotto, other profitable or any other gambling games, and/or to participate in such events through tobacco products, by their distribution.
4. A medical warning and a telephone number for receiving a consultation for those who wish to quit smoking, approved by the Minister, must be displayed in places where tobacco products are sold, including the information that it is prohibited to sell tobacco products to minors. Such medical warning must be displayed in no less than A4 format paper.

5. If the seller of tobacco products has suspicions that the person buying a tobacco product is minor, he has the right to request a document from him to prove his full age.

**Article 6. Packaging and Design of Tobacco Products**

1. The description of tobacco products that are for sale in Georgia, or any element of its packaging and/or labeling should not contain any false, misleading or prejudicing information about the characteristics of tobacco product, about its harmful effect or emitted harmful substances; neither is it possible to use any word in the state language of Georgia and/or any other foreign language, trademark or image, which may directly or indirectly create an incorrect understanding about the less harm of tobacco product compared to other products. Some of such words are: “light”, “mild”, “ultra light”, “low tar”.

2. Every pack and block of tobacco products should contain the medical warning approved by the minister, which should include the key warning, additional warning and a contact telephone number. The medical warning may comprise a respective pictogram of an additional warning.

3. The minister approves 3 samples of key medical warning, 9 samples of additional medical warning and 9 samples of respective pictogram, contact telephone number, also the letter font and size for the inscription on the components of tobacco products, also the respective parameters of the image quality.

4. The sample pictogram should correspond to the text of additional medical warning and should not occupy less than 50 per cent of the total volume of medical warning.

5. Medical warnings are subject of rotation the following way:

   a) A producer and/or importer of tobacco products should use all the key medical warnings during a year so that they are evenly distributed on the packs and blocks of all types of tobacco products that are for sale;
b) A producer and/or importer of tobacco products should select 3 additional medical warnings during a year, and if so wishes – respective pictograms too, so that they are evenly distributed on the packs and blocks of all types of tobacco products that are for sale;

6. Medical warning should be placed on every packaging of tobacco product in the state language of Georgia (and in Abkhazian – in the Autonomous Republic of Abkhazia), in accordance with the 2nd paragraph of this Article, and should be:

a) clear and visible;

b) printed on the packaging, except the external transparent packaging, not be covered and damaged or removed while opening the package.

c) printed in print letters, bold font, with black letter on white background or white letters on black background; white background should be surrounded by the black frame, and black background – with white frame that does not cross or touch the letters; width of the border line should not be less than 3 mm and more than 4 mm.

d) placed in the big front and back sides of the packaging, parallel to the upper and lower edges, and should not occupy less than 30% of the total area of that side where the border lines are included.

7. The inscription about the composition of tobacco product should be placed on all the packaging of tobacco product and should be:

a) clear and visible;

b) printed on the packaging, except the external transparent packaging, not be covered and should not be damaged or removed while opening the package.

c) printed in print letters, bold font, with black letter on white background or white letters on black background; white background should be surrounded by the black frame, and black background – with white frame that does not cross or touch the letters; width of the border line should not be less than 1 mm and more than 2 mm.

d) placed in the little side of the packaging, except the upper and lower sides, and should not occupy less than 30% of the total area of that side where the border lines are included.

8. Medical warning and/or information on the composition of tobacco product cannot be covered by other printed information or any image.
Article 7. Consumer protection from falsified product

1. With the purpose of protecting the consumers from falsified products, the Government of Georgia determines the list of markings (about the tobacco producers) on the packaging.

2. Production, storage, transportation and sale of falsified tobacco are prohibited.

3. A tobacco producer should take measures for ensuring the internal production control of tobacco quality.

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 risk that a harmful substances can be transmitted from these items to tobacco or their surface.

Article 9. Tobacco export and import

1. Tobacco export and import is carried out in accordance with the legislation of Georgia.

2. Requirements of this law do not cover the quality of tobacco for scientific purposes and exhibition, also the one intended for the personal consumption of the owner.

Article 10. Limiting the Tobacco Consumption

1. Smoking tobacco is prohibited:
   a) at the childcare, educational, and childcare-educational institutions and indoor sports premises;
   b) at the premises of medical and pharmaceutical facilities;
   c) at the total area of petrol, gas and gas-distribution stations;
   d) at the building and facilities where the flammable substances are kept;
   e) in public transportation, including buses, fixed-route-taxi-vans, aircrafts, metro, tram and trolley-bus.
2. Other than the facilities specified in the first paragraph of this Article, smoking tobacco is prohibited at the indoor building-construction of other public and private facilities, among them the indoor areas of work and mass gathering, also in trains and ships, except the specially designated smoking area(s).

3. The managers of facilities specified in the 2nd paragraph of this Article, must establish a specially designated area(s) for smoking in the territory of the facility.

4. A designated smoking area should be intended only for smoking tobacco and should be isolated from all kind of working, catering and/or recreation rooms and the blocks of other purposes, or facilities and substances, it should be easily ventilated or have an open window going out into the open space (it is allowed to arrange the area only with artificial ventilation), in order to ensure complete isolation of produced smoke from other parts of the facility.

5. If the managers of facilities envisaged in the 2nd paragraph of this Article fail to ensure designation of a special smoking area(s) in the territory of that facility at least with the parameters specified in the 4th paragraph of this Article, then smoking tobacco in these territories is prohibited.

6. Out of the places of mass gathering, it is allowed to allocate not only a special smoking area(s) at restaurants, café-bars and public catering sites, but also the zones for consumers, where tobacco smoking is allowed. Total area of such zones should not exceed 50 per cent of the total area designated for consumers.

7. It is prohibited to demonstrate tobacco smoking by mass media, other print or electronic media, mass shows and theater performances, if it is not an accidental recording and/or a part of creative intention.

8. Managers of facilities should:

   a) develop and approve effective rules related to tobacco smoking in the respective facility in accordance with the requirements of this law, and ensure taking relevant measures of responsibility within the frameworks of their competency;

   b) display the material on effective rules concerning tobacco smoking in the respective facility at visible places.

**Article 11. Liabilities for Violating This Law**

The liability for violating this law by individuals and legal entities is determined in accordance with the rule established by the legislation of Georgia.
Article 12. State Control over Compliance with the Law

The state control of compliance with this law is carried out in accordance with the legislation of Georgia.


1. By activating this law, the following shall be declared null and void:

   a) Law of Georgia on Tobacco Control in Georgia dated by June 6, 2003 (Legislative Messenger of Georgia, #19, 1.07.2003, Article 121);

   b) Law of Georgia on Food and Tobacco, dated by June 25, 1999 (Legislative Messenger of Georgia, #31(38), 1999, Article 165);

   c) Law of Georgia on Trade of Tobacco Products, dated by August 26, 2003 (Legislative Messenger of Georgia, #29, 18.09.2003, Article 209).

2. Sublegislative normative acts passed on the basis of the legislative acts indicated in the ‘a’ and ‘b’ subparagraphs of the first paragraph of this Article shall retain their legal force until they are made relevant to this law.

3. This law shall become effective from the date of it’s promulgation.

President of Georgia    Mikheil Saakashvili

Tbilisi,

December 15, 2010