

## **Law amending the Protection of Health (Control of Smoking) Law**

The House of Representatives enacts as follows

### **1. Short title**

(as amended by 72(I) of 2002; 40(I) of 2003; 37(I) of 2004; 14(I) of 2008)

The present law may be cited as the Protection of Health (Control of Smoking) (Amending) Law of 2009 and shall be read together with the Protection of Health (Control of Smoking) Laws of 2002 until 2008 (hereinafter be called “the basic law”) and the basic law and the present Law shall be referred together as the Protection of Health (control of Smoking) Laws of 2002 to 2009.

### **2. Amendment of section 2 of the basic law**

Article 2 of the basic law is amended by substituting the definition of the term “no-smoking area” by the following definition:

“no-smoking area” means a public building, a building of government or semi-state services, a financial institution, university, school, or other educational institution, or educational establishment, airport, port, hospital, including rural health centre and out-patient department, public or private home for the elderly and disabled persons, private clinic, private consulting room, private pharmacy, cinema, theatre, projection room for videos, or digital disks, museum, gallery, concert hall, cultural centre, public library, closed sports area, hotel, factory or other premises for the preparation or packaging and or sale of foodstuffs, room for the preparation of food, lift, mall, clubhouse, club, irrespective if entrance is free or for members only, kiosk, betting shop, pin-ball shop, billiard room, events centre for minors, internet café and entertainment centre, including inter alia restaurants, cafeterias, bars, cabarets, reception halls, discotheques, dance halls or any other amusement centres.

### **3. Amendment of article 10 of the basic law**

Article 10 is amended as follows:

(a) By substituting sub-section (1) of this section, by the following new sub-section.

“Smoking by any person is prohibited in a no-smoking area, excluding open outdoor areas, or interior areas” and

(b) By substituting sub-section (3) of this section, by the following new sub-section.

“(3) A person who contravenes the provisions of sub-section (1) and (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand Euros.”

### **4. Amendment of article 13 of the basic Law**

Article 13 of the basic law is substituted by the following new article:

13 (1) A person having under his control or possession any area where smoking is banned shall put in a conspicuous place a sign in this area, bearing the inscription in easy to read letters that smoking is prohibited.

(2) Anyone who contravenes the provisions of the above sub-section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand Euros.”

### **5. Amendment of section 14 of the basic law**

Section 14 of the basic law is amended as follows:

(a) By substituting in sub-section (1) the words “an employer” (first line) with the phrase “Without prejudice to the provisions of section 10, an employer” and

(b) By substituting in sub-section (3) the words “The provisions” (first line) with the phrase “without prejudice to the provisions of section 10, the provisions”

### **6. Date of commencement**

The present law shall come into operation on 1<sup>st</sup> January 2010