

ASPI System – version as of Dec. 7, 2008 to parts 137/2008 Coll. and 31/2008 Coll. Int'l Agreements

Contents and text 379/2005 Coll. – latest version of the text

379/2005 Coll.

Act

dated August 19, 2005

on measures to protect against damage caused by tobacco products, alcohol and other addictive substances, and amending related laws

Amendment: 225/2006 Coll.

Amendment: 274/2008 Coll.

The Parliament passed this Act of the Czech Republic:

PART ONE

Protection against damage caused by tobacco products, alcohol and other addictive substances

TITLE I

GENERAL PROVISIONS

§ 1

This law provides

- a) measures designed to protect against damage to health caused by tobacco products 1), alcohol and other addictive substances 2),
- b) measures which limit the availability of tobacco products and alcohol,
- c) the scope of administrative agencies and territorial authorities in developing and implementing programs of protection against harm caused by tobacco use, alcohol and other addictive substances.

§ 2

For purposes of this Act:

- a) shop --> is understood as premises for sale of goods and services by final inspection under a special legal regulation 3),

- b) operator --> is understood as natural or legal person who satisfies the conditions stipulated by special legal regulations 3) 4) 5),
- c) large-scale shop --> is understood as sales areas, shopping malls and superstores with specialized departments or counters,
- d) specialized department stores and large-scale construction unseparated, clearly and conspicuously marked spaces for businesses to offer alcoholic beverages,
- e) mixed use shop --> is understood as a shop equipped to sell food and other goods,
- f) food service establishment --> is understood as an establishment that serves food in accordance with special legal regulations 4), 6),
- g) alcoholic beverage --> is understood as spirits, wine and beer; it is also understood as any drink not mentioned in the first sentence if it contains more than 0.5 percent alcohol by volume,
- h) harmful use --> is understood as a method of using tobacco, alcohol or other drugs, leading to physical or mental health damage to users,
- i) damages caused by tobacco products, alcohol and other addictive substances --> are understood as damage, including damage to health, particularly severe chronic diseases, injuries, poisoning and damage caused by traffic accidents, damage to the fetus during pregnancy, premature death, social problems, particularly unemployment and family problems including the economic damage associated with using these substances, fires and criminality,
- j) anti-drug policy --> is understood as primary prevention, secondary prevention and tertiary prevention, set of legal, organizational and other measures adopted and implemented at the level of government, administrative agencies and local authorities with the goal of reducing the availability of tobacco, alcohol and other drugs and preventing their use, risks and the damage that results from their use, and mitigating the damages,
- k) collection of biological material --> is understood in particular as sampling venous blood, urine, saliva, hair or a swab from the skin or mucous membranes,
- l) benchmark tests --> are understood as the breath test, collecting a saliva swab from the skin or mucous membranes or other similarly effective means,
- m) expert medical evaluations --> are understood as targeted clinical examinations by a doctor in his/her office and under their care carrying out a breath test, collecting a sample of biological material or other similarly effective examination.

TITLE II

Limited access to tobacco products and smoking bans

§ 3

Tobacco products 1) can only be sold in stores under special legal regulation 3), and in designated locations, as well as in shops selling daily and periodical press, in common dining establishments operated on the basis of hospitality activities 5), or in housing facilities, except those designated for the accommodation of children and youth 7). Other restrictions and prohibitions on the sale of tobacco products and tobacco goods are set forth under special legal regulation 8).

Bans and restrictions on the sale of tobacco products and the responsibilities of persons selling tobacco products

§ 4

The sale of tobacco products and tobacco goods through vending machines is prohibited where sales to persons under the age of 18 cannot be prevented. All other forms of sales, in which it is not possible to verify the buyer's age, are prohibited.

§ 5

The sale of products that imitate the shape and appearance of tobacco products in the form of food products and toys is prohibited.

§ 6

(1) The sale of tobacco products to anyone under 18 years of age is prohibited.

(2) The sale of tobacco products at cultural, social and sporting events designated for persons under 18 years of age is prohibited.

§ 7

(1) Wherever tobacco products are sold, the operator is obliged to post text that is clearly visible to the buyer that notifies that the sale of tobacco products to persons under 18 years of age is prohibited. The text must be in the Czech language in black block letters on a white background, with a font size of at least 5 cm.

(2) Any person selling tobacco products must over 18 years of age, unless they are students preparing for a future career in the hotel or tourism industry, or as a chef, waiter or shop assistant.

Smoking ban

§ 8

(1) Smoking is prohibited

a) in public areas that are enclosed spaces accessible to the public, public transportation, publicly accessible areas of buildings associated with public transport, platforms, shelters and waiting areas on public roads and rail transport, and urban public transport, except for separate rooms reserved for smoking and in permanently ventilated areas outside the building,

b) in the external and internal spaces of all types of schools and school facilities 7),

c) in food service establishments 5), if these establishments do not have special places reserved for smokers and a sign with a clearly visible inscription "reserved for smokers" or other similar text, and if these establishments do not have adequate ventilation in accordance with the requirements laid down by special regulation 4),

d) in a closed entertainment venues such as cinemas, exhibition and gallery spaces, as well as in sports arenas and spaces where there are working sessions with the exception of specific, separate buildings reserved for smoking that have adequate ventilation in accordance with special legal regulation 4),

e) indoor medical facilities of all types, except for closed psychiatric wards and other facilities for the treatment of addictions, but in this case in separate premises that can be ventilated while occupied, and areas outside of buildings.

(2) Individuals who manage buildings of public authorities, local government units, facilities established by the state or a local authority providing public services, and financial institutions, including their food service facilities, are required to ensure that the occupants of these buildings are protected from the risks of smoking. Paragraph 1 shall not be affected by this.

(3) The area reserved for smokers must be identified by the operator of the area with a visible sign "reserved for smokers" or other similar means.

(4) In public rail transport, each train must have at least half of its cars categorized as non-smoking.

§ 9

(1) In areas where, as per § 8, smoking is prohibited, the operator is required to place a clearly visible sign at the entrance with text that indicates smoking is banned. The sign must be posted in the Czech language with black block letters on a white background, with a font size not less than 5 cm, and must include a graphic sign indicating that smoking is prohibited, whose appearance is determined by special legal regulation 9).

(2) If individuals fail to comply with the ban on smoking in places mentioned in § 8, paragraphs 1 and 2, even after being requested by the operator to comply or to leave the premises, the operator may ask the local police or the Police of the Czech Republic to intervene in order to achieve compliance.

TITLE III

Limited access to alcoholic beverages

§ 10

Conditions for selling and serving alcoholic beverages

(1) Alcoholic beverages may be sold only

a) in specialized stores selling alcoholic beverages,

b) in specialized departments of large outlets for sale of alcoholic beverages, in grocery stores and mixed-use stores, or

c) in a common dining establishment, in accommodation and cultural facilities, except in facilities designated for persons under 18 years of age.

(2) Paragraph 1 shall not apply to the occasional sale of poured alcoholic beverages served at festivals, traditional events, annual markets and similar events.

§ 11

Restrictions on sales and imports

(1) The sale and importation of toys imitating the shape and appearance of alcoholic beverages.

(2) A person selling or serving alcohol must be over 18 years, unless they are a student preparing for a future career in the hotel and tourism industry, or as a chef, waiter and shop assistant.

Ban on the sale or serving of alcoholic beverages and responsibilities of persons selling alcoholic beverages

§ 12

(1) It is prohibited to sell or serve alcoholic beverages to

a) persons under 18 years of age,

b) at all events designated for persons under 18 years of age,

c) persons who are obviously under the influence of alcoholic beverages or other addictive substances,

d) in health care facilities,

e) in environments exclusively designated for domestic mass transit, with the exception of railway dining cars, on board aircraft and in certain shipboard areas on ships designated for public water transport,

f) at sporting events, with the exception of draft beers with an alcohol content of up to 10%,

g) in all types of schools and school facilities 7).

(2) The sale of alcoholic beverages through vending machines is prohibited where sales to persons under the age of 18 cannot be restricted, or which are located in areas that can be accessed by persons under the age 18. All other types of sales where it is not possible to verify the age of the purchaser are prohibited.

(3) Additional restrictions and prohibitions on the sale of spirits are set by special legal regulation 8).

§ 13

During cultural, social or sporting events open to the public, if a municipality has a reason to believe the event may pose a risk of problems or other negative social phenomena caused by the behaviour of individuals under the influence of alcohol, may via generally binding decree independently limit or prohibit the serving and consumption of alcoholic beverages during certain days or hours or sales at certain places.

§ 14

In places where alcohol is sold, the operator is required to post text indicating that sales are banned to persons under 18 years of age. The text must be in the Czech language in black block letters on a white background with a font size of at least 5 cm.

TITLE IV

Measures for preventing and mitigating damage caused by tobacco products, alcohol and other addictive substances

§ 15

Refusing entry to individuals visibly under the influence of alcohol or other drugs

Individuals visibly under the influence of alcohol or other addictive substances, 2) and who are in a condition in which they pose a danger to themselves or others, to the maintenance of public order, or to property, shall be prohibited from entering:

a) all public areas where they might cause damage, raise public outrage, or cause harm to themselves or another person,

- b) all means of public transport,
- c) publicly accessible areas of buildings associated with public transport,
- d) station stop shelters and platforms on public roads and rail transport and urban public transport,
- e) premises where sports events take place; the organizer of the sporting event is required to bar entry to such persons.

§ 16

Investigating the presence of alcohol or other addictive substances

(1) A person engaged in an activity that could damage property or jeopardize their own life or health or the life or health of others, cannot consume alcoholic beverages or use other addictive substances while carrying out this activity.

(2) Individuals about whom there is a reasonable suspicion that they are under the influence of alcohol while carrying out activities pursuant to paragraph 1, as well as individuals about whom there is a reasonable suspicion that they have caused injury to the health of someone else in connection with the consumption of alcoholic beverages, are required to submit to an orientational and medical examination to determine their alcohol level. If the examination of an individual's alcohol level is carried out using a breathalyzer test, as per the conditions in legal regulation 9a), a professional medical examination shall not be given. In the case that the individual refuses this type of testing method, a professional medical examination shall be performed.

(3) Individuals about whom there is a reasonable suspicion that they are under the influence of an addictive substance other than alcohol while carrying out activities pursuant to paragraph 1, as well as individuals about whom there is a reasonable suspicion that they have caused injury to the health of someone else in connection with the consumption of some other addictive substance, are required to submit to an orientational and expert medical examination.

(4) Persons authorized to require an individual to submit to an examination in accordance with paragraphs 1 to 3, include the Czech Republic Police, the Military Police, the Prison Service of the Czech Republic, the individual's employer, attending physician, municipal police officer or persons responsible for the individual who is engaged in activity that could damage property and endanger their own life or health or that of others.

(5) Orientational exams are performed by units of the Czech Police, Military Police, the Prison Service of the Czech Republic, persons responsible for the supervision of individual engaged in activity that could damage property and endanger their own life or health or that of others, employer, attending physician or municipal police. Specialized medical examinations are performed with specialized medical equipment. If an individual under paragraphs 1 to 3 refuses

to consent to an examination pursuant to paragraphs 2 and 3 they are considered to be under the influence of alcohol or other addictive substances.

(6) Specialized healthcare equipment must be provided to individuals mentioned in paragraph 4 to assist in carrying out the collection of biological material.

(7) The medical facility shall disclose the results of the examination to subjects listed under paragraph 4 at their request. This does not apply if the patient is examined for the presence of alcohol or other addictive substances in the body solely in the context of health care provided for the purposes of a differential diagnosis.

(8) An examination of biological materials and transportation to a medical facility to perform specialized medical examination shall be made in the event that the presence of alcohol or other addictive substances other than alcohol is demonstrated in the person examined. If there is no evidence that alcohol or other addictive substances are present, the costs incurred in accordance with the first sentence of this paragraph are to be borne by the person referred to in paragraph 4 who requested the examination, except in cases of differential diagnosis covered by public health insurance under special legal regulation 10).

(9) The person requesting the examination pursuant to paragraph 4 is responsible for transporting the individual to the medical facility.

§ 17

Treatment in a detoxification facility

(1) A sobriety and detoxification facility (hereinafter referred to as "detox centre") is a medical facility established by a regional authority, which may provide a separate scope of care provided in this facility also on a contractual basis, so that service is provided throughout its territory within a driving distance of less than 45 minutes.

(2) If the medical facility finds the patient's condition is not life threatening but that the patient is not in control of their behaviour due to the influence of alcohol or other addictive substances and is thus a direct threat to himself or others, or to public order or property, or is in a condition causing a public nuisance, that person is obliged to undergo treatment and stay in the detox facility until the acute intoxication passes.

(3) The transportation of an individual to a detox facility is the responsibility of the parties who have requested the examination pursuant to § 16 paragraph 4.

(4) transportation, examination, treatment and subsequent stay in the detox facility is payable by the person treated if the presence of alcohol or other addictive substances are found in the treated person. In the event that the presence of alcohol or other addictive substances are not detected, the cost is borne by the person pursuant to § 16 paragraph 4, who requested the examination, except in cases of differential diagnosis covered by public health insurance under a special legal regulations.

(5) The detox facility will inform the facility's registered physician of the admittance of persons taken to the detox facility. If the individual being treated is younger than 18 years of age this information will be given to their legal guardian, or to the individual responsible for their care. When admitting individuals younger than 18 years of age, social services agencies responsible for the protection of children will also be informed. In cases where the individual admitted has limited or no legal capacity, their court appointed guardian will be notified as per 11).

§ 18

Preventive measures

The implementation of preventive measures is coordinated by the government, and is financially and organizationally secured by

- a) the government,
- b) the Ministry of Health, if it is a measure of primary, secondary and tertiary prevention,
- c) the Ministry of Education, Youth and Physical Fitness, in the case of primary prevention measures implemented within the scope of basic prevention programs and educational care for persons under 18 years of age, and users of tobacco, alcohol and other drugs who are under 18 years of age,
- d) the Ministry of Interior, if it is a measure of primary, secondary and tertiary prevention for members of the Czech Republic Police and students of the police academy,
- e) the Ministry of Defence, if it is a measure of primary, secondary and tertiary prevention for members of the Army of the Czech Republic,
- f) the Ministry of Labour and Social Affairs, in the case of measures of primary, secondary and tertiary prevention to social care,
- g) The Ministry of Justice, if it is a measure of primary, secondary and tertiary prevention for persons who are in detention or incarcerated.

§ 19

Timely intervention

In the course of their work health professionals 12) are required to make a timely intervention for people using tobacco products, alcohol or addictive substances, including early diagnosis of harmful use.

Types of specialized care provided to individuals who use tobacco, alcohol or other addictive substances in a harmful manner, and to individuals addicted to these substances

(1) Persons using tobacco, alcohol or other addictive substances in a harmful manner, and persons dependent on these substances, are given specialized care, which aims to reduce the damage to health caused by tobacco, alcohol and other addictive substances. This specialized care is provided in health facilities 13), in social services facilities, or in other facilities set up for this purpose.

(2) Types of professional care for individuals dependent on tobacco products, alcohol or other addictive substances are:

a) acute care beds, which is a diagnostic and therapeutic service for patients whose abuse of alcohol or other drugs has rendered them into a state in which their health is directly threatened and they are possibly endangering themselves and others around them,

b) detoxification, whereby out-patient and in-patient medical care is given during withdrawal symptoms,

c) outreach programs, which are social services and health education programs for problem users of other drugs and those dependent on them,

d) liaison and advisory services,

e) outpatient treatment for addiction to tobacco products, alcohol and other addictive substances,

f) stationary programs that provide daily treatment for problem users and those addicted to alcohol and other addictive substances, whose condition requires regular care without having to remove them from their environment,

g) short and medium term institutional care, which provides treatment to problem users and those dependent on alcohol and other addictive substances residential health care facilities for an extended period with a typical range of 5-14 weeks,

h) residential care in therapeutic communities, which is a program of treatment and rehabilitation in medical and non-medical facilities in the typical range of 6-15 months,

i) after-care programs provided by medical and other facilities, encompassing a set of services following the completion of primary treatment and helping create conditions for maintaining abstinence,

j) replacement therapy, which is the short or long term treatment of drug addiction with the administration or prescription of substances that replace the original addictive substance; the

therapy is administered in out-patient health care facilities under the guidance of a physician; health care facilities that provide replacement therapy are required to report patients in the national registry of users of medically controlled substitution substances established under special legal regulation 14).

(3) technical, organizational and personnel conditions for the provision of specialized types of care referred to in paragraph 2, letters a), b), e), f), g), h), i), and j), are set by decree by the Ministry of Health, which monitors their compliance.

TITLE V

Organization and implementation of anti-drug policies

§ 21

State authorities

(1) Anti-drug policy is implemented and coordinated by the government ministries and other central government bodies, as stated in their individual purviews on the basis of special legal regulation 15). Comprehensive preventive measures in the field of anti-drug policy, are implemented in particular by:

- a) the Ministry of Health, if it is a measure of primary, secondary and tertiary prevention of health damages caused by the use of tobacco, alcohol and other addictive substances,
- b) the Ministry of Labour and Social Affairs in the field of social services, if it is a measure of primary, secondary and tertiary prevention of social harms caused by the use of tobacco, alcohol and other addictive substances,
- c) the Ministry of Education, Youth and Physical Fitness in the area of primary prevention in schools and educational facilities, in medical education of children and adolescents under 18 years of age and drug users under 18 years of age,

(2) In order to coordinate anti-drug policy the government may establish a special advisory body and authorize it to carry out certain activities.

(3) The authorities referred to in paragraphs 1 and 2 are involved in the financing of anti-drug policies and monitor the effective use of funds from the state budget. In its activities they are governed by the National Anti-Drug Policy Strategy, which is approved by the government. The National Anti-Drug Policy Strategy is presented for ratification by the members of Parliament.

§ 22

Municipal authorities

(1) The district independently:

a) coordinates and participates in the implementation of drug policy in its territory, and for that purpose cooperates with state and municipal authorities, and with service providers in the area of anti-drug policy,

b) prepares the regional strategy for anti-drug policy in cooperation with state and municipal authorities,

c) participates in the financing of anti-drug policies and oversees the efficient use of these funds,

d) sets up to coordinate anti-drug policies in its territory office of the regional anti-drug coordinator,

e) establishes its own initiatives or advisory body on anti-drug policies in accordance with special legal regulation 16),

f) establishing detox facilities in the scope determined by the Ministry of Health decree,

g) coordinates the establishment and operation of detox facilities independently operated by local authorities,

h) annually collects and evaluates data on the damages caused by tobacco, alcohol and other addictive substances in its territory.

(2) The municipality independently:

a) participates in the implementation of anti-drug policy in its territory, and cooperates with state authorities, regional authorities and service providers in the area of anti-drug policy,

b) if necessary, and in cooperation with regional authorities, prepares and passes a local anti-drug policy plan, which is approved by the local authorities,

c) if necessary, participates in the financing of anti-drug policy and monitors the efficient use of these funds,

d) if necessary, appoints a municipal anti-drug coordinator for the purposes of coordinating anti-drug policies in its territory, or a specific initiative or an advisory body 17),

e) is authorized to establish detox facilities, or to participate in the financing of such stations.

(3) Municipalities may enter into an agreement for the joint exercise of certain activities under paragraph 2, 18).

(4) The municipality by its vested authority monitors compliance with the provisions of this Act and other legislation relating to protection against harm caused by tobacco, alcohol and other addictive substances, and shall take measures to correct shortcomings, and carries out

enforcement in particular, imposes sanctions.

§ 23

Regional and local anti-drug coordinator

(1) The regional anti-drug coordinator

- a) assists in the implementation of all regional activities pertaining to anti-drug policy,
- b) coordinates, monitors and continuously evaluates the performance of tasks arising from the regional anti-drug policy strategies,
- c) cooperates with municipalities to create local anti-drug policy plans,
- d) cooperates with state and non-state bodies dealing with drug addiction prevention and treatment programs,
- e) manages tasks in the area of state anti-drug policy at the regional level, and provides assistance to state authorities in the area of anti-drug policy.

(2) Local anti-drug coordinator

- a) assists in the implementation of all activities of municipalities in the area of anti-drug policy,
- b) coordinates, monitors and continuously evaluates the performance of tasks arising from the local anti-drug policy plan,
- c) cooperates with state and non-state bodies dealing with drug addiction prevention and treatment programs.

(3) The regional anti-drug coordinator's scope of employment cannot be augmented by any work other than the tasks of the regional anti-drug coordinator. Auxiliary activities of the regional anti-drug coordinator for the same employer are excluded. The local anti-drug coordinator's employment can be augmented by a different type of work so long as it does not interfere with the tasks of the local anti-drug coordinator, 19).

TITLE VI

CONTROL, ADMINISTRATIVE PENALTIES AND SANCTIONS

§ 24

(1) Compliance with the obligations laid down in this Act shall be enforced by:

- a) the municipal police,

- b) Police of the Czech Republic,
- c) the municipality within its delegated powers,
- d) the Czech Commercial Inspection Authority, in the case of alcohol,
- e) the state Agriculture and Food Inspection Authority, in the case of tobacco products,
- f) public health authorities in the case of food service establishments.

(2) Penalties for administrative violations are imposed by the authorities referred to in paragraph 1, letters c) to f).

(3) While conducting inspections and imposing sanctions, authorities proceed in accordance with special regulation 20).

(4) An operator commits an administrative offense if they:

- a) violate the prohibition on the sale of tobacco or tobacco goods or selling and serving alcoholic beverages provided for by this Act or the general ruling of the municipality,
- b) permits smoking in areas where smoking is prohibited by this Act, or
- c) violates any other obligation imposed by this Act.

(5) For an administrative offense pursuant to paragraph 4, an operator who is a natural person may receive a fine of up to 50,000 CZK or may be forced to cease operations for up to 2 years; an operator who is a legal person may be fined up to 500,000 CZK and ordered to cease operations for up to 2 years. In determining the severity of the penalty, the length of time during which violation occurred, as well as the circumstances of the violation and the consequences of the infringement, will be taken into consideration.

(6) Deliberations on the imposition of sanctions may commence up to one year from the date when the infringement was detected by supervisory authorities, and up to three years from the date when the violation occurred.

(7) A fine cannot be imposed if it has been for the same acts penalized under different laws.

(8) Proceedings concerning administrative offenses are subject to administrative procedures.

(9) The authority that imposes the fine, determines the amount of the fine. The fine is considered state budget revenue, with the exception of fines imposed on municipalities, which are considered revenue for the municipality's budget. The collection and enforcement of fines shall be carried out in accordance with special legal regulation 21).

(10) If multiple administrative proceedings ensue for the same offense, the proceeding that first commenced shall continue and be completed.

TITLE VII

§ 25

Transitional provisions

The region create its first strategy for anti-drug policy in accordance with § 22 paragraph 1, letter b) in the year 2006.

§ 26

Authorizing provisions

The Ministry establishes the organizational details and activities of detox facilities by decree.

TITLE VIII

Repeals

§ 27

The following Acts are hereby repealed:

1. Act No. 37/1989 Coll. on Protection against alcoholism and other addictions.
2. Act No 190/1999 Coll. Amending Act No. 37/1989 Coll. on Protection against alcoholism and other drug abuse, as amended.
3. Act No. 187/1989 Coll., Implementing the Law on Protection against Alcoholism and other Addictions.

PART TWO

Amendment to Act No. 132/2000 Coll.

§ 28

Part 33 is deleted in Act No. 132/2000 Coll., amending and repealing certain acts related to the Act on Regions, the Act on Municipalities, the Act on District Offices and the Act on the Capital City of Prague, as amended by Act No. 217/2000 Coll., Act No . 143/2001 Coll., Act No. 86/2002 Coll., Act No. 356/2003 Coll., Act No. 22/2004 Coll., Act No 93/2004 Coll., Act No 99/2004 Coll ., Act No. 562/2004 Coll. and Act No. 587/2004 Coll.

PART THREE

Amendment to Act No. 320/2002 Coll.

§ 29

Part 32 is deleted in Act No. 320/2002 Coll., amending and repealing certain acts in connection with the closure of district offices, as amended by Act No 426/2002 Coll., Act No. 518/2002 Coll., Act No. 354/2003 Coll., Act No. 356/2003 Coll., Act No. 22/2004 Coll., Act No 41/2004 Coll., Act No 99/2004 Coll., Act No. 237/2004 Coll., Act No . 326/2004 Coll., Act No. 436/2004 Coll., Act No. 499/2004 Coll., Act No. 586/2004 Coll., Act No. 587/2004 Coll. and Act No 179/2005 Coll.

PART FOUR

Amendment to Act No. 200/1990 Coll.

§ 30

Act No. 200/1990 Coll. Offences Act, as amended by Act No. 337/1992 Coll., Act No. 344/1992 Coll., Act No. 359/1992 Coll., Act No 67/1993 Coll. Act No. 290/1993 Coll., Act No. 134/1994 Coll., Act No. 82/1995 Coll., Act No. 237/1995 Coll., Act No. 279/1995 Coll., Act No. 289/1995 Coll., Act No. 112/1998 Coll., Act No. 168/1999 Coll., Act No. 360/1999 Coll., Act No. 29/2000 Coll., Act No. 121/2000 Coll., Act No. 132/2000 Coll., Act No. 151/2000 Coll., Act No. 258/2000 Coll., Act No. 361/2000 Coll., Act No. 370/2000 Coll. Constitutional Court published under No. 52/2001 Coll., Act No. 164/2001 Coll., Act No. 254/2001 Coll., Act No. 265/2001 Coll., Act No. 273/2001 Coll., Act No. 274/2001 Coll. , Act No 312/2001 Coll., Act No. 6 / 2002 Coll., Act No 62/2002 Coll., Act No 78/2002 Coll., Act No. 216/2002 Coll., Act No 259 / 2002 Coll., Act No. 285/2002 Coll., Act No 311/2002 Coll., Act No. 320/2002 Coll., Act No. 218/2003 Coll., Act No. 274/2003 Coll. Act No. 362/2003 Coll., Act No 47/2004 Coll., Act No. 436/2004 Coll., Act No 501/2004 Coll., Act No. 559/2004 Coll. Law No. 586 / 2004 Coll. and Law No. 95/2005., will be amended as follows:

1. In § 30, paragraph 1, letter a) after the word "years" insert the words "individual about whom there are doubts whether they meet the age requirement."
2. In § 30 paragraph 1 letter i), including footnote number 3o reads:
"i) refuses to undergo testing, whether they are not affected by alcohol or other addictive substance, under special legal regulation 3o)
3o) § 16 paragraph 3 of Act No. 379/2005 Coll. on measures to protect against damage caused by tobacco products, alcohol and other addictive substances, and amending related laws. "
3. In § 30, paragraph 1, the period is replaced by a comma and the letters k) to o) are added:
"k) sells individual cigarettes,

l), smokes in areas prohibited by law,

m) sells a product similar to tobacco products, tobacco merchandise in the form of a food product or toy, or similar to alcoholic beverages in the form of toys,

n) sells a tobacco product, tobacco merchandise or alcoholic in facilities or at events designated for persons under 18 years of age,

o) sells, gives or otherwise permits the use of tobacco products by a person under 18 years of age, or fails to deny the sale to an individual who does not appear to meet the age requirement." .

4. In § 30, at the end of paragraph 2, the sentence should be completed with the following text: "For an offense under subsection 1, letter l) and m) can be fined up to 1,000 CZK, for an offense under paragraph 1, letter k) can be fined up to 10,000 CZK, for an offense under paragraph 1, letter n) can be fined up to 20,000 CZK, and for an offense under paragraph 1, letter o) can be fined up to 30,000 CZK."

5. In § 86, letter a) the words "§ 30, paragraph, letters a) to j)" replaces the words "§ 30, paragraph, letters a) to o)."

6. In § 86, letter d), in the introductory provisions, the word "police" should be replaced with the words "offenses in the field of protection against alcoholism and other addictions pursuant to § 30, paragraph 1, letters a), c), g) to i), k) to o)."

7. In § 86, letter d), paragraphs 2 and 3 are to be deleted.

The former point 4 becomes point 2.

PART FIVE

Amendment to Act No. 353/2003 Coll.

§ 31

In § 107 of Act No. 353/2003 Coll. on the excise tax, as amended by Act No. 217/2005 Coll., the following sentence should be inserted at the beginning of paragraph 5: "Individual packages of cigarettes must contain at least 20 cigarettes."

PART SIX

Amendment to Act No. 20/1966 Coll.

§ 32

In point 13 of the appendix to Act No. 20/1966 Coll. on health care, as amended by Act No

156/2004 Coll., the second sentence should be deleted.

PART SEVEN

EFFECTIVE DATES

§ 33

This Act shall take effect on 1 January 2006, with the exception of Part One § 4, 5, § 11, paragraph 1, and § 12, paragraph 2, which will take effect on 1 July 2006, with the exception of the fifth part, which take effect on 1 January 2007.

Zaoralek v. r.

Klaus v. r.

Paroubek v r.

1) § 2, letter v) Act No. 110/1997 Coll. on foodstuffs and tobacco products and amending some related Acts, as amended.

2) Act No. 167/1998 Coll. on addictive substances and amending certain other laws, as amended.

3) Act No. 50/1976 Coll., on the planning and building Code (Building Act), as amended.

4) Decree No. 137/2004 Coll. on hygienic requirements for food services and the principles of personal and operational hygiene while carrying out epidemiologically important activities.

5) Act No. 455/1991 Coll. on trades (Trade Act), as amended.

6) § 23 of Act No. 258/2000 Coll., on the protection of public health and amending certain related Acts, as amended by Act No. 274/2003 Coll.

7) Act No. 561/2004 Coll. on preschool, elementary, secondary, vocational and other education (Education Act).

8) § 132 and 133 of Act No. 353/2003 Coll. on excise taxes, as amended.

9) Government Regulation No. 11/2002 Coll. on the appearance and placement of safety signs and the introduction of signals, as amended by Government Regulation No. 405/2004 Coll.

9a) Decree of the Ministry of Industry and Trade No. 345/2002 Coll., which establishes standards for mandatory verification and measures subject to approval, as amended by Decree

No 65/2006 Coll.

10) Act No. 48/1997 Coll., on public health insurance and amending some related Acts, as amended.

11) The Civil Procedure Code.

12) § 2, letter b), Act No. 95/2004 Coll. on the conditions for acquiring and recognizing professional competence and specialized qualifications in the medical profession for doctors, dentists and pharmacists.

§ 2 letter b) Act No. 96/2004 Coll. on the conditions for acquiring and recognizing the qualifications of non-medical health professions and the pursuit of providing health care and amending some related Acts (Act concerning paramedical professions).

13) Act No. 20/1966 Coll. on health care, as amended.

14) § 67d and point 13 in the appendix to Act No. 20/1966 Coll., as amended.

15) Act No. 2 / 1969 Coll. on the establishment of ministries and other central government authorities of the Czech Republic, as amended.

16) Act No. 129/2000 Coll. on regions (Regional Government), as amended.
Act No. 131/2000 Coll. on the capital city Prague, as amended.

17) Act No. 128/2000 Coll., on municipalities (Municipal Government), as amended.
Act No. 131/2000 Coll., as amended.

18) § 46 of Act No. 128/2000 Coll., As amended by Act No. 313/2002 Coll.
§ 22 and 23 of Act No. 131/2000 Coll.

19) Act No. 65/1965 Coll. on the labour code, as amended.

20) For example Act No. 146/2002 Coll. on the National Agriculture and Food Inspection Authority and amending certain related Acts, as amended, Act No. 258/2000 Coll., as amended.

21) Act No. 337/1992 Coll. on the administration of taxes and fees, as amended.