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No. 2071.

Act amending the Act on the Prohibition of Tobacco Advertising, etc., the Tobacco Products Act, etc., the Electronic Cigarettes Act, etc. and various other acts¹⁾

(Implementation of a national action plan against smoking among children and adolescents)

WE, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, hereby proclaim:

The Danish Parliament has passed and We, by Our consent, have ratified the following act:

§ 1

In the Act on the Prohibition of Tobacco Advertising, etc. cf. Consolidation Act No. 1021 of 21 October 2008, as amended through § 2 of Act No. 327 of 23 March 2013, the following amendments are enacted:

1. In § 1, § 2, *subsection 2, nos. 1-4* § 3, *subsection 1* and *subsection 2*, no. 6, and § 4, the following is inserted after "tobacco products":
", tobacco substitutes and herb-based smoking products".

2. In § 1, no. 1, "or chewed" is changed to: ", is chewed or otherwise ingested".

3. § 1, no. 2, is worded as follows:

"2) Goods intended for use together with goods covered by no. 1."

4. In § 1 the following is inserted as *nos. 3* and *4*:

"3) Products containing nicotine that are not tobacco products, cf. § 2, no. 2, of the Tobacco Products Act, etc. or the Electronic Cigarettes Act, cf. § 2, no. 1, of the Electronic Cigarettes Act, etc. and that have not been approved through a marketing authorization in accordance with the Danish Medicines Act or rules of EU law on the establishment of community procedures for approval of human medical products and equipment intended to be used together with these products.

4) Smoking products based on plants, herbs, or fruits that do not contain tobacco and that can be consumed through a combustion process."

5. § 2 *subsection 1*, is worded as follows:

"The term "advertising" as used in this act is understood to refer to any action for commercial purposes intended to promote the sale

of tobacco products, tobacco substitutes, and herb-based smoking products, or that have this as a direct or indirect effect."

6. § 2 *subsection 3*, is worded as follows:

"*Subsection 3*. The term "sponsorship" is understood in this Act to refer to any form of public or private contribution to an event, an activity, or an individual for the purpose of promoting the sale of tobacco products, tobacco substitutes, or herb-based smoking products or with this as a direct or indirect effect."

7. In § 2 *subsection 4*, "tobacco point of sale" is changed to: "point of sale", and after "tobacco products" the following is inserted:
", tobacco substitutes and herb-based smoking products".

8. § 3, *subsection 2, no. 1*, is worded as follows:

"1) Advertising in the press and other printed publications that are intended exclusively for trade professionals in the industry for tobacco, tobacco substitutes, and herb-based smoking products, and publications printed and published in third countries if they are not intended primarily for the EU market."

9. § 3 *subsection 2, nos. 2-4* are repealed.

Nos. 5 and 6 subsequently become nos. 2 and 3.

10. § 3 *subsections 3* and *4*, are repealed.

11. In § 5 the following is inserted after "tobacco products;":
"tobacco substitutes and herb-based smoking products, or that have this as a direct or indirect effect;".

12. After § 5 the following is inserted in *chapter 2*:

"§ 5 a. Visible placement and presentation of tobacco products, tobacco substitutes and herb-based smoking products at points of sale, including on the internet, is prohibited.

1) This Act has been announced as a draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council regarding an information procedure with regard to technical regulations, as well as regulations for information society services (codification).

Subsection 2. This prohibition does not apply to sales of pipes online and the sale of pipes, pipe tobacco, and cigars at physical points of sale that are specialized in the sale of these products.

Subsection 3. Points of sale, including the internet, may, upon request from the buyer provide the buyer a list of neutral information on what tobacco products, tobacco substitutes, and herb-based smoking products are sold at the point of sale, along with the price of the goods. At physical points of sale the list of neutral information can be set up at a sales counter staffed by a salesclerk.

Subsection 4. The Danish Ministry of Health may establish rules on the prohibition according to subsection 1, on what products and points of sale are encompassed by subsection 2, on advertising at these points of sale and on presentation of neutral information in these points of sale in accordance with subsection 3."

13. In § 7 subsection 1, "and 5" is changed to: ", 5 and 5a".

14. In § 7 a, the following is inserted after subsection 1 as a new subsection:

"*Subsection 2.* In rules established in accordance with § 5 a, subsection 4, penalty fines may be established for violation of the provisions in these rules."

Subsection 2 consequently becomes subsection 3.

§ 2

In the Tobacco Products Act, cf. Consolidation Act No. 965 of 26 August 2019, the following amendments are enacted:

1. In § 1 the following is inserted after "tobacco products": "tobacco substitutes".

2. In § 2, no. 11, the following is inserted after the "tobacco product": "or the herbal product for smoking".

3. In § 2 the following is inserted as nos. 25-30:

"25) Tobacco substitute: Product containing nicotine that is not a tobacco product, cf. no. 2, or an electronic cigarette, cf. § 2, no. 1, of the Electronic Cigarettes Act, etc. and that is not approved through a marketing authorization in accordance with the Danish Medicines Act or rules of EU law on the establishment of community procedures for the approval of human medical products, and equipment intended to be used together with the product.

26) Pipe tobacco: Tobacco that can be consumed through a combustion process and that is exclusively intended for use in a pipe.

27) Tobacco ingested nasally: A smokeless tobacco product that can be consumed through the nose.

28) Cigar: A tobacco roll that can be consumed through a combustion process and is more specifically defined in article 4, subsection 1, of Directive 2011/64/EU.

29) Cigarillo: A small type of cigar, more closely defined in article 8, subsection 1, of Council Directive 2007/74/EC.

30) Water pipe tobacco: A tobacco product that can be used in a water pipe. In this act, water pipe tobacco is considered to be smoking tobacco. If a product can be used through water pipes and as rolling tobacco, it is considered rolling tobacco."

4. The heading of chapter 2 is worded as follows:

"Chapter 2

Reporting of information on tobacco products and tobacco substitutes to the Danish Safety Technology Authority and the European Commission".

5. The following is inserted after § 3:

"§ 3 a. Manufacturers and importers of tobacco substitutes marketed in Denmark must submit product information for each tobacco substitute, broken down by trade name, including ingredients.

Subsection 2. The Danish Ministry of Industry, Business and Financial Affairs sets more specific rules on reporting in accordance with subsection 1, including the information that must be reported, and when and in what form reporting must take place, and on information in the event of changes to the composition and content of tobacco substitutes."

6. In § 14 the following is inserted as subsections 3 and 4:

"*Subsection 3.* Tobacco products that are not covered by subsection 1, and herb-based smoking products with a distinctive flavor other than tobacco and menthol may not be marketed in Denmark. This does not, however, apply to pipe tobacco or cigars.

Subsection 4. The Danish Health Authority may set more specific rules on the prohibition in subsection 3, including rules on whether a given tobacco product or given herbal product for smoking is covered by the prohibition, and on limit values for the content in tobacco products or herb-based smoking products of additives or combinations of additives that give a distinctive flavor."

7. The following is inserted after § 15:

"§ 15 a. Equipment used in conjunction with tobacco products and herb-based smoking products, and that makes it possible to change the aroma or taste of the tobacco products and herb-based smoking products in question or their intensity of smoke development, may not be marketed in Denmark."

8. The heading of chapter 5 is worded as follows:

"Chapter 5

Health warnings on tobacco products, tobacco substitutes, etc."

9. After § 19 the following is inserted in chapter 5:

"§ 19 a. Manufacturers and importers of tobacco substitutes must ensure that tobacco substitutes that they market feature a health warning, cf. subsection 2.

Subsection 2. The Danish Ministry of Health sets rules on the wording, form, and placement of the health warnings."

10. The heading of chapter 6 is worded as follows:

"Chapter 6

Labelling and packaging of tobacco products, tobacco substitutes, etc."

11. The following is inserted after § 21:

“§ 21 a. Any party marketing tobacco products in Denmark must ensure that each unit pack and any outer packaging has a standardized design. This does not, however, apply to cigars and pipe tobacco.

Subsection 2. The Danish Ministry of Health establishes more specific rules on the standardization of the design.”

12. After § 22 b the following is inserted in *chapter 6*:

“§ 22 c. The Danish Ministry of Health sets rules on the labelling and packaging of tobacco substitutes, including rules on prohibition against using elements or traits in the labelling that can give a false picture of the products' purpose, use, or effects.”

13. *The heading* of chapter 7 is worded as follows:

“Chapter 7
Distance sales.”

14. In § 24, *subsection 1*, the following is inserted after the “tobacco products”: “, tobacco substitutes and herb-based smoking products”, and “that are registered in accordance with § 23, subsection 1,” is omitted.

15. The following is inserted after § 30:

“§ 30 a. Any party marketing herb-based smoking products in Denmark must ensure that each unit pack and any outer packaging has a standardized design.

Subsection 2. The Danish Ministry of Health establishes more specific rules on the standardization of the design.”

16. In § 36 *no. 1*, “or § 20, subsections 1 and 2, § 22 a,” is changed to: “§ 20 subsections 1 and 2, § 21 a, subsection 1, or § 22 a”, and “or § 21” is changed to: “§ 21 or § 21 a, subsection 2”.

17. In § 36 the following is inserted as *subsection 2*:

“*Subsection 2.* The Danish Safety Technology Authority may prohibit the marketing of tobacco substitutes if

- 1) the product does not meet the requirements in § 19 a, subsection 1, or in rules established in accordance with § 19 a, subsection 2, or
- 2) if reporting has not been made in accordance with § 3 subsection 1.”

18. In § 37 the following is inserted after “§ 30 subsection 1,”: “§ 30 a, subsection 1,”, and after “§ 30 subsection 2,” the following is inserted: “§ 30 a, subsection 2,”.

19. In § 38, “§ 36, nos. 1-3 and 5,” is changed to “§ 36, subsection 1, nos. 1-3 and 5, or subsection 2,”, and after “tobacco products” the following is inserted: “, tobacco substitutes”.

20. In § 39 *subsection 1*, the following is inserted after “tobacco products”: “, tobacco substitutes”.

21. In § 45 *subsection 1, no. 1*, “§ 14 *subsection 1*,” is changed to: “§ 14 *subsections 1 and 3*,”.

22. In § 45 *subsection 1, no. 1*, the following is inserted after “§ 19 *subsection 1*,”: “§ 19 a, *subsection 1*,”, after “§ 20, *subsections 1 and 2*,” the following is inserted: “§ 21 a, *subsection 1*,” the following is inserted after “§ 22 a,”: “§ 24, *subsection 1*,”, and “or § 30, *subsection 1*” is changed to: “§ 30, *subsection 1*, or § 30 a, *subsection 1*”.

23. In § 45 *subsection 2*, the following is inserted after “§ 9, *subsection 2*,”: “§ 19 a, *subsection 2*,”, the following is inserted after “§ 21”: “, § 21 a, *subsection 2*, § 22 c, § 24, *subsection 2*,”, and “or § 30, *subsection 2*” is changed to: “§ 30, *subsection 2*, or § 30 a, *subsection 2*”.

§ 3

In the Electronic Cigarettes Act, etc. (No. 426 of 18 May 2016), as amended by § 2 of Act No. 1558 of 18 December 2018, the following amendments are enacted:

1. In § 2 the following is inserted after no. 4 as a new number:

“5) Distinctive flavor: A prominent fragrance or taste of other than tobacco that is the result of an additive or combination of additives, including fruits, spices, herbs, alcohol, sweets, menthol, or vanilla, and that is perceived as fragrance or tasted before or during consumption of an electronic cigarette with or without nicotine.”

Nos. 5-10 subsequently become nos. 6-11.

2. In § 3, *subsection 1, no. 1*, the term “3-year upper secondary education” is omitted.

3. In § 3 the following is inserted as *subsection 7*:

“*Subsection 7.* The Danish Ministry of Health may set more specific rules on what schools, boarding schools, continuation schools and educational programs for young people are covered by subsection 1, no. 1.”

4. The following is inserted after § 3:

“§ 3 a. In schools, boarding schools, and continuation schools where children and adolescents under 18 years of age are enrolled, students may not use electronic cigarettes with or without nicotine during school hours.

Subsection 2. The director of a school, boarding school or continuation school covered by subsection 1 must disclose the prohibition per subsection 1 on school property, including the consequences of violation of these.

Subsection 3. The Danish Ministry of Health may establish more specific rules on what schools, boarding schools, and continuation schools are covered by subsection 1.

§ 3 b. In educational programs for young people students may not use electronic cigarettes with or without nicotine during school hours.

Subsection 2. The director of an educational institution offering educational programs for young people shall provide in the educational facility information on the prohibition in accordance with subsection 1, including on consequences of violation of these.

Subsection 3. The Danish Ministry of Health may establish more specific rules on what educational programs for young people are covered by subsection 1.

§ 3 c. It is not permitted to sell electronic cigarettes or refill containers with or without nicotine in schools, boarding schools, or continuing schools covered by § 3 a, subsection 1, and in educational settings covered by § 3 b, subsection 1.”

5. *The heading* of chapter 3 is worded as follows:

“Chapter 3

Marketing of electronic cigarettes and refill containers with and without nicotine”.

6. The following is inserted after § 5:

“§ 5 a. Any party wishing to manufacture, store, or market electronic cigarettes or refill containers with or without nicotine in Denmark must register with the Danish Safety Technology Authority. Upon registration the identification number, name, or company name, address, any website address and all sites where the party in question manufactures, stores, or markets electronic cigarettes or refill containers with or without nicotine. In cases of changes to the registered conditions, the registrations must be updated within 14 days from the time when a change has occurred.

Subsection 2. It is not permitted to manufacture, store, or market electronic cigarettes and refill containers with or without nicotine in Denmark from a site not registered with the Danish Safety Technology Authority. Manufacture, storage, and marketing may only be started once the Danish Safety Technology Authority has confirmed that registration has taken place.

Subsection 3. The Danish Safety Technology Authority establishes a registry that contains information on persons, companies, and sites registered in accordance with subsection 1.

Subsection 4. The Danish Safety Technology Authority publishes information from the register on sites from which electronic cigarettes and refill containers with or without nicotine are marketed to consumers.

Subsection 5. The Danish Safety Technology Authority may deregister any party that does not adequately disclose or update the required information in accordance with subsection 1 and exceeds the deadline mentioned herein.

Subsection 6. The Danish Ministry of Industry, Business and Financial Affairs sets more specific rules on the registration scheme, including rules on the manufacture, storage, and marketing of electronic cigarettes and refilling containers with or without nicotine from a non-fixed or temporary site.

§ 5 b. The refill containers without nicotine may only be marketed in Denmark if they have been reported to the Danish Safety Technology Authority.

Subsection 2. The notification must be submitted by manufacturers and importers wishing to market refill containers without nicotine, by no later than 6 months prior to the intended marketing. Marketing may only be started once the Danish Safety Technology Authority has confirmed that correct registration has taken place.

Subsection 3. The Ministry of Industry, Business and Financial Affairs establishes rules on the information and declarations that must accompany a registration in accordance with subsection 2, the Danish Safety Technology Authority's processing of the registration, and what product changes require submission of a new registration.”

7. After § 9 the following is inserted in *chapter 3*:

“§ 9a. Any party marketing electronic cigarettes and refill containers with or without nicotine in Denmark,

must ensure that each unit pack and any outer packaging has a standardized design.

Subsection 2. Any party marketing electronic cigarettes or refill containers with or without nicotine in Denmark must ensure that each unit pack and any outer packaging has a product ID affixed.

Subsection 3. The Danish Ministry of Health sets more specific rules on the form of standardization in accordance with subsection 1 and on the application of product ID in accordance with subsection 2.”

8. In § 15 *subsection 2*, the following is inserted after “after”: “§ 5 a, subsection 1, or”.

9. In § 17 the term “radio programs” is changed to “media production”.

10. After § 18 the following is inserted in *chapter 7*:

“§ 18 a. Visible placement and presentation of electronic cigarettes and refill containers with and without nicotine at points of sales, including on the internet, is prohibited. The same applies to goods intended to be used together with these products.

Subsection 2. This prohibition does not apply to sales of electronic cigarettes and refill containers with or without nicotine and goods intended to be used together with these products, at physical points of sale specializing in the sale of these products.

Subsection 3. Points of sale, including on the internet, can, upon request from the buyer, provide the buyer a list of neutral information on what electronic cigarettes and refill holders with and without nicotine are sold at the site, and the price of the goods. At physical points of sale the list of neutral information can be set up at a sales counter staffed by a salesclerk.

Subsection 4. The Danish Ministry of Health may establish rules on the prohibition according to subsection 1, on what products and points of sale are encompassed by subsection 2, on advertising at these points of sale and on presentation of neutral information in these points of sale in accordance with subsection 3.”

11. In § 25 *no. 1*, the following is inserted after “§ 5 subsection 1,”: “or § 5 b, subsection 1,”.

12. In § 25 *no. 2*, the following is inserted after “§ 9 subsection 1,”: “or § 9 a, subsections 1 and 2,” and “or § 9, subsection 2,” is changed to “, § 9, subsection 2, or § 9 a, subsection 3,”.

13. The following is inserted after § 25:

“§ 25 a. Electronic cigarettes, refill containers with and without nicotine and flavorings for use in electronic cigarettes with a characteristic flavoring may not be marketed in Denmark. This prohibition does not, however, apply for the distinctive flavor of menthol or tobacco.

Subsection 2. Equipment used in conjunction with electronic cigarettes that makes it possible to change the aroma or taste of the electronic cigarettes in question may not be marketed in Denmark.

Subsection 3. The Danish Health Authority may establish more specific rules on the prohibition in subsection 1, including rules on whether a given product is covered by the prohibition, and on the

limit values for the content in products of additives or combinations of additives that give a distinctive flavor.”

14. In § 33 *subsection 1, no. 1*, the following is inserted after “§ 9 subsection 1,”: “§ 9 a, subsections 1 and 2.”

15. In § 33 *subsection 1, no. 1*, “or § 17” is changed to “§ 17, § 18 a, subsection 1, or § 25 a, subsection 1”.

16. In § 33, *subsection 1, no. 3*, the following is inserted after “duty to register in”: “§ 5 a, subsection 1, or”.

17. In § 33 *subsection 2*, the following is inserted after “§ 9 subsection 2,”: “§ 9 a, subsection 3,”.

18. In § 33 *subsection 2*, “and § 18” is changed to: “§ 18 and § 18 a, subsection 4”.

§ 4

In the Act on the Prohibition of the Sale of Tobacco and Alcohol to Persons Under 18 Years of Age, cf. Consolidation Act No. 964 of 26 August 2019, the following amendments have been implemented:

1. In § 1, *subsection 1*, and § 3 *subsection 1*, the following is inserted after “Tobacco products”: “, tobacco substitutes and herb-based smoking products”.

2. In § 1, *subsection 2, no. 1*, “or chewed” is changed to “, is chewed or otherwise ingested”.

3. § 1, *subsection 2, no. 2*, is worded as follows:
“2) Goods intended for use together with goods covered by no. 1.”

4. In § 1 the following is inserted as *subsections 3 and 4*:
“*Subsection 3.* The term “tobacco substitute” as used in this act is understood to refer to a product containing nicotine that is not a tobacco product, cf. no. 2 in the Tobacco Products Act etc., or an electronic cigarette, cf. § 2, no. 1, of the Electronic Cigarettes Act, etc. and that is not approved through a marketing authorization in accordance with the Danish Medicines Act or rules of EU law on the establishment of community procedures for the approval of human medical products, and equipment intended to be used together with the product.
Subsection 4. The term “herb-based smoking product” as used in this act is understood to refer to a product based on plants, herbs, or fruits that does not contain tobacco, and that can be consumed through a combustion process.”

5. In § 2 a, *subsection 1*, the following is inserted after “tobacco substitutes and herb-based smoking products”.

6. At three places in § 2 a, *subsection 4*, “tobacco products and” is omitted and “subsections 1-3” is changed to “subsections 2 and 3”.

7. In § 2 a the following has been inserted after *subsection 4* as a new *subsection*:

“*Subsection 5.* Signs with information stating that sale of tobacco products, tobacco substitutes and herb-based smoking products can only take place upon the customer's presentation of

valid picture identification if the seller has any doubt as to whether the customer meets the age limits for sale of tobacco products, tobacco substitutes and herb-based smoking products, cf. *subsection 1*, cf. *subsection 1*, are prepared by the Danish Health Authority”.

Subsection 5 consequently becomes subsection 6.

8. In § 2 b, *subsections 1 and 2*, “§ 2 a, subsection 5” is changed to “§ 2 a, subsection 6”.

9. In § 2 b, *subsection 3*, the following is inserted after “tobacco products”: “, tobacco substitutes”.

10. In two places in § 5 *subsection 1*, “§§ 1-2 a” is changed to “§ 1, § 2 or § 2 a” and in two places “§ 2 a, subsection 5” is changed to “§ 2 a, subsection 6”.

11. In § 5 *subsection 2*, “removal can take place” is changed to: “are removed”.

§ 5

In the Act on Smoke-Free Environments, cf. Consolidation Act No. 966 of 26 August 2019, the following amendments are enacted:

1. In § 1, *subsection 1*, the following is inserted as *item 2*:

“The purpose of the act is also to ensure that children and adolescents are not confronted with smoking or other use of tobacco products, tobacco substitutes or plant-based products while in school.”

2. In § 1 the following is inserted as *subsections 3-5*:

“*Subsection 3.* The term “tobacco products” as used in this act is understood to refer to a product that can be used and that entirely or partly consists of tobacco, regardless of whether the tobacco is genetically modified.

“*Subsection 4.* The term “tobacco substitutes” as used in this act is understood to refer to a product containing nicotine that is not a tobacco product, cf. § 2, no. 2, in the Tobacco Products Act, etc. or an electronic cigarette, cf. § 2, no. 1, of the Electronic Cigarettes Act, etc. and that has not been approved by a marketing authorization in accordance with the Danish Medicines Act or rules under EU law on the establishment of community procedures for the approval of human medical products and equipment intended to be used together with the product.

“*Subsection 5.* The term “herb-based smoking products” as used in this act is understood to refer to a product based on plants, herbs, or fruits that does not contain tobacco, and that can be consumed through a combustion process.”

3. In § 7 *subsection 1*, “three-year upper secondary educational programs” and “predominantly” are omitted, the following is inserted after “not permitted to smoke”: “or use tobacco products, tobacco substitutes, or herb-based smoking products”, and “subsections 4-6” is changed to: “subsections 2-4”.

4. § 7 *subsections 2 and 3* are repealed.
Subsections 4-6 therefore become subsections 2-4.

5. In § 7 the following is inserted as *subsection 5*:

“*Subsection 5.* The Danish Ministry of Health can set more specific rules on what schools, boarding schools, continuation schools and educational programs for young people are covered by subsection 1.”

6. After § 7 the following is inserted before the heading before § 10:

“**§ 7 a.** In schools, boarding schools and continuation schools in which children and adolescents under 18 years of age are enrolled, it is not permitted for students to smoke or use tobacco products, tobacco substitutes, or herb-based smoking products during school hours.

Subsection 2. The director of a school, boarding school or continuation school covered by subsection 1 must disclose the prohibition per subsection 1 on school property, including the consequences of violation of these.

Subsection 3. The Danish Ministry of Health can establish more specific rules on what schools, boarding schools, and continuation schools are covered by subsection 1.

§ 7 b. In educational programs for young people it is not permitted for students to smoke or use tobacco products, tobacco substitutes, or herb-based smoking products during school hours.

Subsection 2. The director of an educational institution offering educational programs for young people shall provide in the educational facility information on the prohibition in accordance with subsection 1, including on consequences of violation of these.

Subsection 3. The Danish Ministry of Health can establish more specific rules on what educational programs for young people are covered by subsection 1.

§ 7 c. It is not permitted to sell tobacco products, tobacco substitutes, or herb-based smoking products in schools, boarding schools, or continuation schools covered by § 7 a, subsection 1, or in places of education covered by § 7 b, subsection 1.”

7. In § 22 *subsection 1*, the following is inserted after “small”:
“, traditional”.

8. In § 22 *subsection 2*, the following is inserted after “Small”:
“, traditional”.

9. In § 22 the following is inserted as *subsection 3*:

“*Subsection 3.* The Danish Ministry of Health can establish more specific rules on the limitation of small, traditional pubs and establishments.”

10. In § 26 *subsection 2*, “*der*” is changed to: “*som*” [*Danish grammatical change not reflected in translation*].

§ 6

In the Danish Medicines Act, cf. Consolidation Act No. 99 of 16 January 2018, as amended, among other things, in § 2 of Act No. 1554 of 18 December 2018 and most recently through Act No. 1062 of 30 June 2020, the following amendments are enacted:

1. In § 67 *subsection 1*, the following is inserted *in item 1* after “medical products”: “, cf., however, subsections 2 and 3”, and *item 2* is repealed.

2. In § 67 the following is inserted after subsection 1 as new subsections:

“*Subsection 2.* The municipal council can dispense, at no charge, smoking cessation medicines to the public if this dispensation does not take place for advertising purposes.

Subsection 3. The Danish Medicines Agency can authorize the dispensing of medications to the public, at no charge, if this dispensation does not take place for advertising purposes.”

Subsections 2 and 3 subsequently become subsections 4 and 5.

3. In § 68 *subsection 4*, “subsections 2 and 3” is changed to “subsections 4 and 5”.

4. In § 69 *subsection 1*, “subsection 2” is changed to “subsection 4”.

5. In § 104 *subsection 1, no. 1*, “§ 67, subsection 1, item 1” is changed to “§ 67 subsection 1”.

§ 7

Subsection 1. This act enters into force on 01 January 2021, cf. however, subsections 2-7.

Subsection 2. The act's § 1, § 2, nos. 1-3 and 7, § 3, nos. 1, 9-13, 15 and 18, § 4 and § 5, nos. 1, 2 and 7-10 enter into force on 01 April 2021.

Subsection 3. The act's § 2, nos. 8-12 and 15-20, 22 and 23 enter into force on 01 July 2021.

Subsection 4. The act's § 3, nos. 2 and 3, and § 5, nos. 3-5, and §§ 3 b and 3 c in the Electronic Cigarettes Act, etc. as drafted in this act's § 3, no. 4, and § § 7 b and 7 c in the Act on Smoke-Free Environments as drafted in § 5, no. 6 of this act enter into force on 31 July 2021.

Subsection 5. § 3, nos. 7, 14 and 17 of the act enter into force on 01 October 2021.

Subsection 6. The Ministry of Industry, Business and Financial Affairs sets the date for entry into force of the act's § 2, nos. 4 and 5, and § 3, nos. 5, 6 and 16.

Subsection 7. The Danish Ministry of Health sets the date for the entry into force of the act's § 2, no. 6, 13, 14 and 21, and § 3, no. 8.

Subsection 8. For equipment used in conjunction with tobacco products and herb-based smoking products produced before 01 April 2021, § 2, no. 7 of the act is effective as of 01 April 2022.

Subsection 9. For tobacco substitutes produced before 01 July 2021, § 2, nos. 9 and 12 of the act are effective as of 01 April 2022.

Subsection 10. For tobacco products and herb-based smoking products produced before 01 July 2021, § 2, nos. 11 and 15 of the act are effective as of 01 April 2022.

Subsection 11. For electronic cigarettes, refill containers with and without nicotine and flavorings for use in electronic cigarettes with a distinctive flavor produced prior to 01 April 2021, § 3, no. 13 of the act is effective as of 01 April 2022.

Subsection 12. For electronic cigarettes and refill containers with and without nicotine produced before 01 October 2021, § 3, no. 7 of the act is effective as of 01 October 2022.

Subsection 13. The Ministry of Industry, Business and Financial Affairs can in conjunction with the entry into force of § 5 b of the Electronic Cigarettes Act, etc. as drafted in § 3, no. 6 of this act, establish a transitional order for submission of registration of the existing refill containers without nicotine on the market.

Subsection 14. The Danish Ministry of Health sets in conjunction with the entry into force of § 14 subsections 3 and 4 of the Tobacco Products Act, etc. as drafted in § 2, no. 6 of this act, a 12-month transitional arrangement for marketing of tobacco products and herb-based smoking products with distinctive flavor produced before the provision enters into force.

21 December 2020.

7

No. 2071.

Announced at Amalienborg, 21 December 2020

Our Royal Hand and Seal

MARGRETHE R.

/ Magnus Heunicke