



Danish Law Gazette A

2019

Issued 20 September 2019

26 August 2019.

No. 964.

Consolidation Act on the Prohibition of the Sale of Tobacco and Alcohol to Persons Under 18 Years of Age

The Act on the Prohibition of the Sale of Tobacco and Alcohol to Persons Under 18 Years of Age, cf. Consolidation Act No. 1020 of 21 October 2008, as amended by Act No. 707 of 25 June 2010, § 1 of Act No. 327 of 23 March 2013, § 3 of Act No. 236 of 15 March 2017, § 1 of Act No. 1558 of 18 December 2018 and § 2 of Act No. 86 of 30 January 2019, is hereby promulgated.

§ 1. Tobacco products may not be sold to persons under 18 years of age.

Subsection 2. The term "tobacco products" is understood to mean:

- 1) Goods intended to be smoked, inhaled, sucked, or chewed, if they are entirely or partly made of tobacco.
- 2) Goods that are predominantly used in conjunction with tobacco smoking.

§ 2. Alcoholic beverages with an alcohol level by volume of 1.2% or greater may not be sold to persons under 16 years of age from shops conducting retail sales.

Subsection 2. Alcoholic beverages with an alcohol level by volume of 16.5% or greater may not be sold to persons under 18 years of age from shops conducting retail sales.

§ 2 a. Any party commercially selling tobacco products must require presentation of a valid picture ID if the seller is in doubt that the customer is 18 years of age or older.

Subsection 2. Any party commercially selling alcoholic beverages with an alcohol level by volume of 1.2% or greater must require presentation of a valid picture ID if the seller is in doubt that the customer is 16 years of age or older.

Subsection 3. Any party commercially selling alcoholic beverages with an alcohol level by volume of 16.5% or greater must require presentation of a valid picture ID if the seller is in doubt that the customer is 18 years of age or older.

Subsection 4. Shops conducting retail sales of tobacco products and alcoholic beverages must, through visible signage produced by the Danish Health Authority, present information that the sale of tobacco products and alcoholic beverages can only take place upon the customer's presentation of valid picture ID if the seller is in doubt as to whether the customer meets the minimum age limits for sale of tobacco products and alcoholic beverages, cf. subsections 1-3.

Subsection 5. The Danish Ministry of Health establishes more specific rules on the design, configuration, etc. of signs, cf. subsection 4.

§ 2 b. The Danish Safety Technology Authority conducts inspections to verify that the requirements in §§ 1-2a and rules issued pursuant to § 2a, subsection 5, are upheld.

Subsection 2. The Danish Safety Technology Authority's representatives shall, at any time upon presentation of identification, have access to the distributor's shop premises to check for compliance with §§ 1-2a and rules issued pursuant to § 2a, subsection 5.

Subsection 3. The Danish Safety Technology Authority's representatives may, upon presentation of authorized identification and without a court order, require all information from retailers and buyers of alcohol, tobacco products and plant-based smoking products necessary for the inspection in accordance with subsection 1.

§ 3. Tobacco products may not be introduced from other EU countries by persons under 18 years of age.

Subsection 2. Alcoholic beverages with an alcohol level by volume of between 1.2 and 16.4% may not be introduced from other EU countries by persons under 16 years of age.

Subsection 3. Alcoholic beverages with an alcohol level by volume of 16.5% and above may not be introduced from other EU countries by persons under 18 years of age.

§ 4. (Repealed)

§ 5. For violation of §§ 1-2a and rules issued pursuant to § 2a, subsection 5, the shop owner, restaurateur, hotel owner/operator, cafe owner, etc. shall be subject to fines. When sentencing, it shall be considered a particularly aggravating circumstance if the violation of §§ 1-2a and rules issued pursuant to § 2a, subsection 5, is of a gross or recurrent nature. The provision in § 23 of the Penal Code does not apply.

Subsection 2. Upon particularly gross or repeat violation of §§ 1 and 2a, the right to market tobacco may be temporarily revoked.

Subsection 3. Companies etc. (legal entities) may be subject to criminal liability according to the rules in chapter 5 of the Penal Code.

§ 6. This act enters into force on 01 July 2004.

Subsection 2. At the same time, Act No. 97 of 09 February 1994 on measures against alcohol abuse is repealed.

§ 7. This act does not apply to the Faroe Islands or Greenland.

Act No. 536 of 17 June 2008 (Aromatics, age limits for sale of tobacco and display of tobacco products at points of sale for tobacco) contains the following provision on entry into force:

§ 4

This act enters into force on 01 September 2008.

Act No. 707 of 25 June 2010 (Amendment of the age limit for sales of alcohol, etc.) contains the following provision on entry into force:

§ 2

The Ministry of the Interior and Health establishes the date of entry into force of the act.¹⁾

Act No. 327 of 23 March 2013 (Requirements for picture ID and signage communicating this and ban on online advertising of tobacco products for specialty shops) includes the following provision on entry into force:

§ 3

This act enters into force on 01 September 2013.

Act No. 236 of 15 March 2017 on issue of ID cards contains the following provision on entry into force and transitional provisions:

§ 4 This act enters into force on 01 July 2017.

§ 5 ID cards that upon entry into force of this act were issued in accordance with § 4, subsection 1, of the Act on the Prohibition of the Sale of Tobacco and Alcohol to Persons Under 18 Years of Age, cf. Consolidation Act No. 1020 of 21 October 2008, as amended by Act No. 707 of 25 June 2010 and § 1 of Act No. 327 of 23 March 2013, remain valid until the expiry of the validity period of these cards.

Act No. 1558 of 18 December 2018 (Assignment of inspection tasks to the Danish Safety Technology Authority) contains the following provision on entry into force:

§ 3

This act enters into force on 01 January 2019.

Act No. 86 of 30 January 2019 (Selection of ID issuers and issue of secure tax stamps and more stringent sanctions in the sale of tobacco to persons under 18 years of age) contains the following provision on entry into force:

§ 3

Subsection 1. (Omitted)

Subsection 2. Section 2 of the act enters into force on 20 May 2019.

Subsections 3-4. (Omitted)

Danish Ministry of Health, 26 August 2019

MAGNUS HEUNICKE

/ Anja Gade Andersen

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- 1) In Consolidation Act No. 92 of 04 February 2011 on the entry into force of the Act amending the Act on the Prohibition of the Sale of Tobacco to Persons Under 18 Years of Age and the Sales of Alcohol to Persons Under 16 Years of Age (Amendment of the age limit for sales of alcohol, etc.) it is established in accordance with § 2 of Act No. 707 of 25 June 2010 amending the Act on the Prohibition of the Sales of Tobacco to Persons Under 18 Years of Age and the Sale of Alcohol to Persons Under 16 Years of Age, that the act enters into force on 07 March 2011.