

## Law of Georgia

### on Making Amendments to the Law of Georgia on Tobacco Control

**Article 1.** The following change shall be made to the Law of Georgia on Tobacco Control (Georgian Legislative Herald №76, 29.12.2010, Article 500):

1) Paragraph 3 of Article 4 shall be provided as follows:

“3. The substances (nicotine, tar, choking gas) emitted from filtered or unfiltered cigarettes shall be measured by the manufacturer and/or importer of the given tobacco product at their own cost. Manufacturer and/or importer of the given tobacco products must be able to prove that the measurements have been made according to the standards and within at least 3 months prior to placing filtered or unfiltered cigarettes on the Georgian market and submit documentation confirming the measurement of substances emitted from filtered or unfiltered cigarettes according to standards. The list of these documents shall be established by the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia. Tobacco manufacturer and/or importer shall ensure compliance of tobacco products with the criteria indicated in these documents. Manufacturer and/or importer of filtered and unfiltered cigarettes must re-submit updated documentation in case the quantity of emitted substances or any other parameters have changed. In case of such changes, the updated documentation shall be submitted no later than within 3 months prior to placing filtered and unfiltered cigarettes in the Georgian market. Additionally, manufacturer and/or importer of tobacco products, no later than 3 months prior to placing tobacco products in the Georgian market, must submit the information about tobacco product ingredients (in particular, list of ingredients, quantity and weight) to the Ministry. Manufacturer and/or importer of tobacco products must re-submit updated information in case the ingredients or any other parameters have changed. In case of such changes, the updated information shall be submitted no later than 3 months prior to placing the tobacco products on the Georgian market”.

2. Sub-paragraph "c" of paragraph 2 of Article 5 shall be provided as follows:

“c) If, in a retail store, tobacco products, tobacco accessories and/or devices for tobacco use are not located separately from food products and/or other goods. Tobacco products, tobacco accessories and/or devices for tobacco use will be considered separated from food products and other goods if separated with a transparent shelf/device/partition or located independently in an area separated from the retail departments and/or sections designated for selling food and other goods. Retail department/section is a part of the retail store where specific type/types of food products or other goods are sold.”.

3. Paragraph 5<sup>1</sup> shall be added to Article 6 with the following text:

“5<sup>1</sup>. The manufacturer of tobacco products, when taking tobacco products to Georgia to sell and/or the importer of tobacco products, when importing tobacco products, must provide an applicable agency with the information about the type and samples of medical warning rotations (main medical warning, additional medical warning) applied to a specific quantity or batch of tobacco products;”.

4. In Article 10:

a) Sub-paragraphs "c" and "d" shall read as follows:

“c) In buildings designated for educational (secondary schools, higher educational institutions, vocational schools), training and educational and instructional facilities, other educational institutions, libraries, student camps, children's entertainment centers and facilities designated for individuals under the age of 18 or owned by such agencies (except for cases provided for in paragraph 1<sup>5</sup> of this Article) as well as the places of community gatherings involving individuals under the age of 18;

d) In medical and pharmaceutical facilities and their territories, except for facilities provided for in paragraph 1<sup>2</sup> of this Article and cases provided for in paragraph 1<sup>5</sup> of this article;”;

b) The following text shall be added to paragraph 1<sup>1</sup> :

b.a) Sub-paragraph "e<sup>1</sup>":

"e<sup>1</sup>) In slot machine saloons for which the license fee base does not exceed GEL 200 000 and where at least 20 slot machines are arranged;”;

b.b) Sub-paragraph "i":

“i) In facilities permanently housing a professional theater, during the play and/or performance by one actor and/or performer, in order to carry out the director's creative idea. Additionally, prior to the commencement of the play and/or theatrical performance, the audience must be provided with the information about the harmful effects of tobacco products.”;

c) Paragraph 1<sup>5</sup> shall be added after paragraph 1<sup>4</sup> with the following text in it:

"1<sup>5</sup>. On the territories of higher educational or vocational facilities as well as medical and pharmaceutical facilities, smoking tobacco is permitted in the area (areas) specifically designated for smoking by the administrator of that facility. The number of such areas on the facility

grounds must not exceed 3 and the area of each space must not exceed 20 square meters.”;

d) Paragraph 7 shall be provided as follows:

"7. Demonstrating smoking tobacco or the other forms of its use via mass media is prohibited as well as via printed or electronic media, by mass broadcasting or theatrical performance, except when broadcasting live and a smoker is captured by a camera accidentally, when the circumstances described in sub-paragraph "i" of paragraph 1<sup>1</sup> of this Article are present or when a TV or radio commercial is broadcasted about the harmful effects of smoking tobacco in accordance with paragraph 2 of article 8<sup>2</sup> of Georgian Law on Advertisement and as approved by a regulatory order of the Minister of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia.”;

e) Sub-paragraph "b" of paragraph 8 shall be provided as follows:

"b) Not allow the existence of smoke, ashes or burned leftovers resulting from tobacco use in the facilities and/or the grounds described in paragraph 1 of this Article, including placing chillums or ash trays;"

5. In Article 10<sup>1</sup> :

a) Paragraph 1 shall be provided as follows:

“1. Issuing operating licenses to cigar bars, revocation, amendment, registering in an applicable license registry and other activities related to this license is carried out by the Legal Entity of Public Law Revenue Service of the Ministry of Finance of Georgia (hereafter "Revenue Service") in accordance with Georgian Law on Licenses and Permits.”;

b) Paragraph 7 shall read as follows:

“7. A cigar bar license applicant, in addition to the documentation to be submitted to the Revenue Service as per Article 25 of Georgian Law on Licenses and Permits, must also submit the following additional documentation as well as information:

a) Document confirming the ownership of a respective facility (of a manufacturer);

b) Documentation confirming that the cigar bar will be located in an isolated part of the building, will be connected with the other parts of the building with a closed wall, will have a separate entrance, ventilation system and cigar smoke will not be able to seep through the other parts of the building or other buildings and structures;

c) Document issued by an applicable agency about the proper operation of ventilation systems;

d) Document confirming the availability of an electrical moisturizing device.

e) Training information for the applicable agency staff (for employees) about selling and using tobacco products.”.

6. Paragraph 5 of Article 10<sup>2</sup> shall be provided as follows:

“5. A specifically authorized staff member of the Revenue Service is entitled to give a citation and review the case of violations under this article.”.

7. Paragraph 4 shall be added to Article 12<sup>1</sup> with the following text:

“4. Until the 31st of December 2022, for the tobacco products designated to be sold and/or placed in the free trade points of boarder zones, the packaging can bear a medical warning in English and must be in full compliance with the EU requirements for these particular products and must not violate intellectual property rights.”.

## **Article 2**

1. This law, except for paragraphs 1 and 3 of Article 1 of this law, shall become effective on the 15<sup>th</sup> day from the date it was published.

2. Paragraph 1 of Article 1 of this law, shall become effective from the 31st of May, 2019.

3. Paragraph 3 of Article 1 of this law, shall become effective from the 1st of December, 2019.

President of Georgia

Salome Zurabishvili

**Kutaisi,**

**13 December 2018**

**N3956-IS**