

REGULATION on Retail Sale of Tobacco

Art. 1

A license is required from the Board of Health in the relevant administrative region for retail sale of tobacco.

To operate a tobacco specialist store, i.e. a retail store which offers especially tobacco and smoking accessories for sale, requires, in addition to a general license for retail sale of tobacco, as provided for in the first paragraph, a special license from the Board of Health of the relevant administrative region.

The licenses referred to in the first and second paragraphs shall be granted for a four-year term at a time and only to individuals or legal entities satisfying the general statutory requirements for retail operations and the provisions of this Regulation.

Local authorities may collect a fee for licenses referred to in the first and second paragraphs and for supervising the activities of licensees, after receiving the opinion of the Board of Health. The Act on Public Health and Pollution Control shall apply to fees levied.

Art. 2

Tobacco and tobacco brands must be placed in stores where tobacco is sold so that they are not visible to customers. In specialist tobacco stores, cf. the second paragraph of Art. 1, however, tobacco and tobacco brands may be placed within the store so that they are visible to customers once they have entered the store but not from outside.

In accordance with the provisions of the Tobacco Control Act, all types of advertising of tobacco and smoking accessories are prohibited in stores, including tobacco specialist stores, with the exceptions arising from the first paragraph of

Art. 3.

Tobacco specialist stores, as referred to in the second paragraph of Art. 1 must be identified by their name and the subheading "specialist tobacco store". The name of the store may not comprise a tobacco brand.

A specialist tobacco store may not be a department in or part of another type of store.

Art. 4.

Tobacco may neither be sold nor delivered to individuals younger than 18 years of age. This ban shall be advertised in a conspicuous manner where tobacco is sold. If there is doubt as to the age of the purchaser, the sale may only be concluded if the purchaser shows identification proving that he/she has reached the age of 18.

Art. 5.

Only persons 18 years of age or older may sell tobacco.

The Board of Health in the relevant administrative region may grant a temporary exemption from the provision of the first paragraph on age limits, provided the Board's assessment is that it is not possible to hire a person who has reached the age of 18 for this work.

Such an exemption may only be granted in exceptional instances and never for longer than six months at a time. An exemption may not be granted for adolescents younger than 16 years of age.

Applications for exemptions must be accompanied by information that the applicant has advertised for employees 18 years of age or older, but received no applications, or a confirmation from the local employment service of the Directorate of Labour that the employment situation in the region is such that it is difficult to obtain employees 18 years of age or older as retail clerks.

In other respects regard shall be had for the provisions of Regulation No. 426/1999, on the Work of Children and Adolescents under 18 Years of Age, No. 426/1999.

Art. 6.

Tobacco may not be sold from vending machines.

Cigarettes may not be sold in smaller quantities than entire packages of 20.

The importation, manufacture and sale of fine-grained snuff is prohibited. Fine-grained snuff shall mean snuff in which at least half of the grains are less than 0.5 mm in diameter.

The importation, manufacture and sale of oral tobacco, with the exception of chewing tobacco, is prohibited. Chewing tobacco shall mean tobacco in pieces or strips which is intended for chewing. Oral tobacco in powdered form and oral tobacco sold in gauze packets is not considered chewing tobacco.

Art. 7.

Monitoring that the provisions of this Regulation are complied with, and violations against its provisions, shall be as provided for in Chapter VI of the Tobacco Control Act No. 6/2002.

Art. 8.

This Regulation, which is adopted with reference to Articles 8 and 16 of the Tobacco Control Act No. 6/2002, shall enter into force immediately. As of that same date Regulation No. 251/1997, prohibiting the sale of oral tobacco and fine-grained snuff, and Regulation No. 543/2001, on temporary exemptions from the 18-year-old age limits for sale of tobacco, as provided for in the Tobacco Control Act, No. 74/1984, as subsequently amended, shall be repealed.

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