

REGULATIONS

on smoking restrictions

Art. 1

Objective and scope

The provisions of these Regulations apply to restrictions on tobacco smoking in accord with the provisions of the Tobacco Control Act. The objective of the Regulations is to ensure that non-smokers are not caused harm or discomfort by tobacco smoke.

Art. 2

Schools and other places intended for children and adolescents

Tobacco smoking is entirely prohibited in primary/lower-secondary schools, local authority youth work-training programmes, preschools, and children's daycare facilities of all kinds. The prohibition applies to buildings and their grounds. The same applies to premises intended for instructional, sports and leisure activities for children and adolescents, and to indoor public gatherings primarily intended for children and adolescents. All other use of tobacco is also prohibited in the places specified above. Tobacco smoking is also prohibited in upper-secondary schools and specialised vocational schools; the terms *secondary school* and *specialised vocational school* are here used as defined by law or by the Ministry of Education. The prohibition applies to the school's entire premises and grounds. No space of any kind may be allocated for smokers in such schools.

Art. 3

Healthcare facilities

Tobacco smoking is entirely prohibited at primary healthcare centres. The prohibition applies to the entire healthcare centre premises, and smoking is prohibited on balconies and at/adjacent to entrances. Primary healthcare centres must not provide a smokers' space of any kind. The same applies to the premises of healthcare practitioners, and other places where healthcare services are provided.

Tobacco smoking is prohibited in nursing homes and old people's homes. The prohibition applies to the entire premises, and smoking is prohibited on balconies and at/adjacent to entrances. This does not apply, however, to the rooms of residents at nursing homes/old people's homes. Non-smokers must be offered a non-smoking room.

Tobacco smoking is prohibited in hospitals. The prohibition applies to the entire premises, and smoking is prohibited on balconies and at/adjacent to entrances. No smokers' space of any kind may be provided for staff, but patients may in certain cases be permitted to smoke, in a special smokers' space. Should a hospital provide a smokers' space for patients, staff may not smoke there.

Art. 4

Prisons

Tobacco smoking is prohibited in prisons. The prohibition applies to the entire premises, and smoking is prohibited on balconies and at/adjacent to entrances. Prisoners may, however, be permitted to smoke in their cells. Non-smokers must be offered a non-smoking cell.

Art. 5

Other national and local government facilities

At facilities of national or local government, other than those specified in arts. 2 to 4, smoking is prohibited, except in a special smokers' space, if present.

Art. 6

Public places

Tobacco smoking is entirely prohibited in the service areas of institutions, companies and organisations, and also at restaurants and places of entertainment, and at places where cultural and social events take place, including sports and leisure activities.

Service area refers to all premises under a roof, fixed or movable, and also all marquees and exhibition tents to which the public have access for commerce or provision of service and participation in cultural and social events, including spectator areas, waiting rooms, guest reception areas, halls, corridors, lavatories, etc.

Notwithstanding the provisions of para. 1, smoking may be permitted in specified guest rooms of hotels and guesthouses. Such rooms shall be indicated as such by a sign. Guest rooms where smoking is permitted shall as far as possible be adjoining. All other guest rooms shall have clear no-smoking signs.

In so far as not otherwise provided in arts. 2 to 4, smoking may be permitted in outdoor areas of institutions, companies and organisations under para. 1, if they are unroofed. If an outdoor area is under a fixed or movable roof, smoking may only be permitted if walls or other barriers constitute not more than $\frac{3}{4}$ enclosure of the space, and if sufficient ventilation is ensured through the roof or under its edge. Where smoking is permitted outdoors, it shall be ensured that smoke does not spread into the premises of the relevant facility, or any other premises, whether through doors, windows or air-conditioning vents.

The part of the premises of institutions, companies and organisations under para. 1 which is reserved for staff is subject to the provisions of art. 8. But it shall be ensured that smoke does not spread into service areas.

Management of outdoor sports facilities may restrict or entirely prohibit smoking there.

Art. 7

Public transport

Tobacco smoking is prohibited in transport, such as vehicles, ships and aircraft, to which the public have access for payment. Management of passenger vessels may permit smoking on open decks. Management of aircraft may permit smoking in part of the passenger cabin on international commercial flights which do not call in Iceland. But it shall always be ensured that no discomfort is caused to non-smokers. On passenger vessels, staff may be permitted to smoke in accord with the provisions of art. 8.

Art. 8

Business

Tobacco smoking is prohibited on premises where business is conducted. It is, however, permissible, with respect to the part of the business premises to which the public does not have access, see art. 6, to allocate a special space for tobacco smoking.

Should a member of staff have a personal workspace connected to other workspace solely via a closable door, and should his/her work responsibilities not require others to enter his/her workspace, the employer/manager of the workplace may, notwithstanding para. 1, permit him/her to smoke in the workspace. Should two or more people work in the same workspace, all of whom smoke, the smoking

ban may be waived, on the same conditions, if all agree. A member of staff may at any time revoke his/her agreement, and should he/she cease smoking it is automatically revoked. A workspace where smoking is permitted must not be used by others as smokers' space. If substances which may be carcinogenic, other than tobacco smoke, are in the atmosphere of the workspace (as steam, smoke, dust or droplets) smoking shall not be permitted there.

Smoking is prohibited in dormitories, bedrooms and sleeping compartments belonging to the workplace, shared by two or more people. The ban may be waived if all those who use the sleeping accommodation smoke, and if all are in agreement to permit smoking. A member of staff may at any time revoke his/her agreement, and should he/she cease smoking it is automatically revoked.

The provisions of arts. 1 to 3 also apply to tents and other camp accommodation belonging to a workplace.

The restrictions on tobacco smoking on business premises under paras. 1, 2 and 3 apply also to tobacco smoking in ships, aircraft, vehicles and machinery used for commercial purposes. Smoking is, however, permitted on open decks of ships. Should the public have access to a ship, aircraft or vehicle, art. 7 applies as relevant.

The provisions of paras. 1 to 3 do not apply to business carried on in a private home, nor in a private vehicle, provided that the premises or vehicle in question are/is used only by individuals in the same family or members of the same household. Should the public have access to the private home or vehicle, the provisions of arts. 6 and 7 apply.

Art. 9

Ventilation

Where tobacco smoking is permitted under these Regulations, adequate ventilation shall be provided in the judgement of monitoring bodies, so that smoke

is prevented from spreading to smokeless areas. It shall also be ensured that tobacco smoke does not spread into accommodation on adjacent premises due to ventilation arrangements, see Building Regulations and Health Regulations.

Art. 10

Disputes, monitoring and penalties

Efforts shall be made to resolve within the workplace itself disputes which may arise on the implementation of restrictions on smoking, within a safety committee or by discussion between employers or managers and the employees concerned.

The Administration of Occupational Safety and Health, local government health committees, the Icelandic Maritime Administration and the Civil Aviation Administration monitor, as applicable, compliance with the provisions of these regulations, in accord with legislation applying to those bodies.

Should a member of staff of an institution or company believe that the provisions of these regulations are being violated, he/she may make a complaint to the Administration of Occupational Safety and Health, the Icelandic Maritime Administration or the Civil Aviation Administration, in accord with legislation applying to those bodies.

Should a customer or client of an institution or company believe that the provisions of these Regulations are being violated, he/she may direct a complaint to the health committee in the relevant monitoring region, in accord with legislation applying to local government health committees.

Violations of these regulations are subject to the Tobacco Control Act no. 2002 and, as applicable, to the provisions of the Working Environment, Health and Safety in the Workplace Act and the Hygiene and Pollution Control Act.

Art. 11

Entry into force

These Regulations are issued on authority in para. 7 art. 8, paras. 6 and 8 art. 9, clause 5 para. 1 art. 10, para. 2 art. 12, art. 16 and art. 19 of the Tobacco Control Act no. 6/2002. Insofar as these regulations permit smoking in the workplace, that authority is subordinated to other rules and legislations which prohibit smoking on grounds of hygiene or safety, for instance with respect to food production, fire risk or air safety.

These Regulations take effect on 1 June 2007. On their entry into force, Rules no. 88/1999 on tobacco control in the workplace and Rules no.124/1993 on smoking on board ships cease to be valid.

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