



## VELFERÐARRÁÐUNEYTIÐ

*Ministry of Welfare*

### **Tobacco Control Act No. 6/2002.**

**Originally Act No. 74/1984.**

**Amended by Act No. 7/1996, Act No. 101/1996, Act No. 82/1998 and Act No. 95/2001.**

**Reissued as Act No. 6/2002.**

**Amended by Act No. 164/2002, Act No. 18/2003, Act No. 24/2003, Act No. 83/2006,  
Act No. 88/2008, Act No. 33/2009, Act No. 162/2010, Act No. 28/2011, Act No. 126/2011,  
Act No. 131/2011, Act No. 59/2013 and Act No. 47/2018.**

#### **SECTION I.**

##### **Objectives, scope and administration.**

###### Article 1

The objective of this Act is to reduce damage to health and fatalities caused by tobacco, by reducing tobacco consumption and protecting people from the effects of tobacco smoke.

Every person's right not to have to inhale air polluted by tobacco smoke from others shall be respected.

Those who have care of a child shall seek to ensure that the child's rights under the second paragraph are observed, including in places where smoking is not prohibited under Section III of this Act.

###### Article 2

Tobacco within the meaning of this Act shall refer to tobacco plants (*nicotiana*) and all products made entirely or in part from them, for consumption, such as cigarettes, cigars, smoking tobacco, snuff and oral tobacco.

Smoking accessories within the meaning of this Act shall refer to tools and equipment relating to smoking of tobacco, such as cigarette papers, pipes, equipment for rolling cigarettes, and all similar goods.

Oral tobacco within the meaning of this Act shall refer to all products made entirely or partly from tobacco, for oral use, except those intended for smoking.

Chewing tobacco within the meaning of this Act shall refer to oral tobacco in pieces or strips, mainly intended for chewing.

Snuff within the meaning of this Act shall refer to powder or grains, made entirely or partly from tobacco, for nasal use.

[Tar within the meaning of this Act shall refer to raw anhydrous nicotine-free condensate of smoke.

Nicotine within the meaning of this Act shall refer to nicotinic alkaloids.

Carbon monoxide within the meaning of this Act shall refer to CO.

Ingredients within the meaning of this Act shall refer to all substances or constituents, except for tobacco leaf and other natural or unprocessed tobacco plant parts, which are used in the manufacture or preparation of tobacco products, and are still present in the finished product, even if in altered form, including paper, filters, inks and adhesives.]<sup>1)</sup>

[A service area within the meaning of this Act shall refer 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.]<sup>2)</sup>

<sup>1)</sup> Act No. 24/2003, Article 1. <sup>2)</sup> Act No. 83/2006, Article 1.

#### Article 3

This Act does not apply to tobacco used as a medication under the Pharmaceuticals Act, nor as a toxic substance under the Toxic and Hazardous Substances Act.

#### Article 4

The highest authority in this field under this Act shall lie with [the Minister in charge of issues regarding public health and preventive care].<sup>1)</sup>

<sup>1)</sup> Act No. 126/2011, Article 338.

#### Article 5

...<sup>1)</sup>

<sup>1)</sup> Act No. 18/2003, Article 10.

### SECTION II.

#### Sales and advertising.

#### Article 6.

Tobacco may only be made available for sale or distribution if a warning appears on the packaging regarding the harmfulness of the product.

A cigarette packet shall be specifically labelled with information on [tar, nicotine and carbon monoxide content].<sup>1)</sup>

[The Minister shall state in regulations<sup>2)</sup> more detailed provisions on labelling as provided in the first and second paragraphs, including on warning texts and warning images, their size and their type of lettering, and other factors which may be significant, in accord with the current Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, and with decisions of the European Commission taken on the basis of that Directive.]<sup>3)</sup>

...<sup>3)</sup> [It is entirely prohibited to place on tobacco packaging texts, names, trademarks and figurative or other signs suggesting that the product is less harmful than other tobacco.]<sup>1)</sup>

Tobacco manufacturers shall meet the costs of labelling under this Article.

<sup>1)</sup> Act No. 24/2003, Article 2. <sup>2)</sup> Regulation No. 790/2011. <sup>3)</sup> Act No. 33/2009, Article 1.

#### Article 7

All forms of advertising of tobacco and smoking accessories are prohibited in Iceland. [This does not apply, however, to information on tobacco products distributed to parties selling tobacco, wholesale or retail, provided that it is ensured that the information is not accessible to consumers or others. The same applies to advertisements in publications printed and published outside the European Economic Area, provided that they are primarily intended for distribution outside the area, and that their primary purpose is not the advertising of such products. The State Alcohol and Tobacco Company of Iceland is, notwithstanding the provisions of the first sentence, authorised to publish and promulgate a register of harmful substances in tobacco products.]<sup>1)</sup>

It is also prohibited to show consumption or any form of handling of tobacco or smoking accessories in advertisements or information on goods or services of other kinds and in illustrations on goods. [In addition it is prohibited to import, manufacture or sell toys or confectionery which is made to resemble cigarettes, cigars or pipes.]<sup>1)</sup>

Advertising within the meaning of this Act shall refer to, among other things:

1. any form of information addressed to the public or to a specified target group, including product promotions, window displays in shops, signs of any kind and comparable items,
2. all use of traditional tobacco trademarks (name and logo) or parts of them; products manufactured under such trademarks are, however, exempted, but the advertising-limitation provisions of the Act otherwise apply to them,
3. any form of media coverage of individual products for other purposes than to warn of their harmful effects,
4. distribution of samples of goods to consumers.

It is prohibited to place tobacco on the Icelandic market under trademarks which are known or used as trademarks for other goods or services.

Any form of contribution to an event or activity whose objective, or direct or indirect effect, is to promote tobacco, is prohibited.

Tobacco and tobacco trademarks shall be so placed at points of sale that they are not visible to the customer. [Specialist tobacco shops, e.g. shops which primarily offer tobacco and smokers' supplies, may, however, place tobacco and tobacco trademarks in such a way inside the shop that they are visible to customers when they have entered the shop.]<sup>2)</sup>

<sup>1)</sup> Act No. 33/2009, Article 2. <sup>2)</sup> Act No. 83/2006, Article 2.

#### Article 8

Tobacco may neither be sold nor delivered to individuals under the age of 18 years. A statement of this prohibition shall be displayed prominently where tobacco is for sale. In cases where the purchaser's age is in doubt, the sale can only be made if the customer shows by identification that he/she is at least 18 years old.

...<sup>1)</sup>

Sale of tobacco from self-service machines is prohibited.

Sale of cigarettes in units of less than whole packets of 20 cigarettes is prohibited.

The importation, manufacture and sale of fine-grained snuff and all oral tobacco is prohibited, with the exception of chewing tobacco.

Tobacco may not be sold in schools, institutions for children and teenagers, or at health institutions.

Only persons who are at least 18 years of age may sell tobacco. The board of health of the relevant region may grant a temporary exemption from this provision regarding the age limit. [The Minister]<sup>2)</sup> issues regulations,<sup>3)</sup> on receipt of recommendations from the Occupational Safety and Health Administration, containing further provisions on exemptions from the age requirement.

[Health authorities can require manufacturers or importers of tobacco to provide information on the ingredients of the product. The Minister issues regulations<sup>4)</sup> providing in more detail for the procedure.

Health authorities can require manufacturers or importers of tobacco to submit samples of the product or carry out tests which are necessary in order to assess the qualities and effects of the product. The Minister issues regulations providing in more detail for the procedure.]<sup>5)</sup>

[The Minister]<sup>2)</sup> issues regulations, ...<sup>6)</sup> in accordance with current European Union directives, stating the maximum permissible levels of harmful substances in tobacco and tobacco smoke, and how measurements and monitoring of the observation of these limits shall be carried out. [Tobacco manufacturers shall meet the costs of measurements and tests under this paragraph, and also of information and testing under the eighth and ninth paragraphs.]<sup>5)</sup>

[For retail sale of tobacco, a special permit is required from the board of health of the relevant region. For operation of a specialist tobacco shop, a special permit is also required from the board of health of the relevant region. A specialist tobacco shop shall be especially distinguished. A permit under this article shall be granted for a term of four years, and will only be granted to individuals or businesses who/which fulfil the general requirements of legislation on commercial employment. Local authorities are permitted to collect a fee for permits and for monitoring the activities of permit-holders, on receipt of recommendations from boards of health. Such fees shall be in accord with the Health and Pollution

Control Act. The Minister may, in consultation with [the Minister in charge of matters concerning pollution control],<sup>7)</sup> issue regulations<sup>8)</sup> stating further provisions on the granting of permits under this article, inter alia the fittings of specialist tobacco shops, how such shops are to be distinguished, and how tobacco and tobacco trademarks may be placed at retail outlets and in specialist shops.]<sup>9)</sup>

Wholesalers of tobacco may not sell or deliver tobacco to others than those who have been granted a permit for retail sale of tobacco under this Act.

<sup>1)</sup> Act No. 33/2009, Article 3. <sup>2)</sup> Act No. 162/2010, Article 72. <sup>3)</sup> Regulation No. 326/2007. <sup>4)</sup> Regulation No. 790/2011. <sup>5)</sup> Act No. 24/2003, Article 3. <sup>6)</sup> Act No. 28/2011, Article 15. <sup>7)</sup> Act No. 126/2011, Article 338. <sup>8)</sup> Regulation No. 325/2007, <sup>9)</sup> Act No. 83/2006, Article 3.

### SECTION III.

#### Restrictions on smoking.

##### Article 9

[Smoking is prohibited in the service areas of institutions, business and voluntary organisations, for instance at restaurants and places of entertainment, and where cultural and social activities take place, including sports and leisure activity. The same applies to equivalent outdoor areas, if they are not sufficiently open to ensure adequate ventilation.]<sup>1)</sup>

...<sup>1)</sup>

Notwithstanding the provisions of the first paragraph, smoking may be permitted in specified guest rooms of hotels and guesthouses. In hostels, smoking may not be permitted in rooms or dormitories.

Where smoking is permitted under this article, ventilation shall be ensured, meeting the requirements of the health inspectorate, and it shall be ensured that smoke does not pollute the atmosphere of non-smoking areas.

...<sup>1)</sup>

[The Minister may make further provisions in regulations,<sup>2)</sup> in consultation with [the Minister in charge of implementation of the legislation on restaurants, lodging and entertainment]<sup>3)</sup> and [the Minister in charge of matters concerning pollution control],<sup>3)</sup> on smoking in places of accommodation and on the implementation of the prohibition of smoking in restaurants and at places of entertainment, inter alia with respect to smoking in outdoor areas (*cf.* the first paragraph).]<sup>1)</sup>

Smoking is prohibited in every space of a common part of a multi-owner buildings.

The Minister shall, in consultation with [the Minister in charge of sports affairs]<sup>3)</sup> and the Icelandic Sports and Olympic Federation, issue rules<sup>2)</sup> regarding restrictions on tobacco consumption out-of-doors at sports facilities.

<sup>1)</sup> Act No. 83/2006, Article 4. <sup>2)</sup> Regulation No. 326/2007. <sup>3)</sup> Act No. 126/2011, Article 338.

##### Article 10

Smoking is entirely prohibited:

1. In primary/lower secondary schools, local authority summer work-training programmes for children, pre-schools, all day-care facilities for children, and on premises primarily intended for children's and teenagers' social, sports and leisure activities.
2. At public gatherings indoors which are primarily intended for children or teenagers.
3. In upper-secondary schools and other secondary-level schools.
4. At health-care centres, doctors' surgeries and other places providing health services. This does not apply, however, to the rooms where residents of nursing homes and old people's homes live; but non-smokers must be offered non-smoking rooms.
5. In hospitals. Smoking by patients may, however, be permitted under special circumstances. The Minister shall issue regulations<sup>1)</sup> containing further provisions on the implementation of the exemption.
6. In prison. Smoking may, however, be permitted in cells. Non-smokers must be offered non-smoking cells.

All other consumption of tobacco is also prohibited in primary/lower secondary schools, local authority summer work-training programmes for children, pre-schools, all day-care facilities for children, and on premises primarily intended for children's and teenagers' social, sports and leisure activities. The same applies to all gatherings primarily intended for teenagers.

Directors of all public institutions other than those specified in the first paragraph shall, in consultation with staff, draw up a plan regarding prohibition of smoking within the relevant institution, which shall be implemented no later than the end of the year 2000. Within each institution, however, it is permissible to allocate a space where smoking is allowed.

<sup>1)</sup> Regulation No. 326/2007.

#### Article 11

Management of premises to which the public have access, but which do not fall under the provisions of arts. 9 and 10 of this Act, may themselves decide to restrict smoking on the premises. This shall be clearly indicated on the premises, and the local authority board of health or the Occupational Safety and Health Administration shall be notified, as applicable under the first paragraph Article 18, and the provisions of this Act shall then apply as relevant.

#### Article 12

[With the exception that may be entailed by the third paragraph of Article 9, every person shall have a right to a smoke-free atmosphere indoors in his/her workplace, and the employer shall ensure that his/her right is observed.]<sup>1)</sup>

[The Minister]<sup>2)</sup> shall issue rules<sup>3)</sup> in consultation with ...<sup>2)</sup> [the Minister in charge of implementation of the legislation on restaurants, lodging and entertainment]<sup>4)</sup> regarding restrictions on smoking in the workplace, including aboard ship, in accord with the first paragraph and taking account of Article 1 of this Act.

<sup>1)</sup> Act No. 83/2006, Article 5. <sup>2)</sup> Act No. 162/2010, Article 72. <sup>3)</sup> Regulation No. 326/2007. <sup>4)</sup> Act No. 126/2011, Article 338.

#### Article 13

Smoking is prohibited in public transport facilities for which a fare is charged.

Aircraft operators may permit smoking in a part of the passenger cabin on international commercial flights which do not land in Iceland. It shall always be ensured, however, that this does not cause discomfort to non-smokers.

### SECTION IV.

#### Educational activities.

#### Article 14

[The Ministry in charge of Education]<sup>1)</sup> shall, in consultation with [the Ministry]<sup>2)</sup> and [the Medical Director of Health],<sup>3)</sup> ensure that regular educational activity takes place with the objective of reducing tobacco consumption:

1. In Icelandic schools. Special emphasis shall be placed upon such education in primary/lower-secondary schools, and in colleges which train people for work in the child-care, education and health sectors.
2. In the media.

Education on the effects of tobacco consumption and means of reducing consumption shall be provided at health-care centres and hospitals.

<sup>1)</sup> Act No. 126/2011, Article 338. <sup>2)</sup> Act No. 162/2010, Article 72. <sup>3)</sup> Act No. 28/2011, Article 15.

**SECTION V.**  
**General provisions.**  
Article 15

...<sup>1)</sup>  
<sup>1)</sup> *Act No. 47/2018, Article 13.*

Article 16

The Minister may issue regulations<sup>1)</sup> stating further provisions regarding the implementation of the Act.

<sup>1)</sup> *Regulation No. 325/2007. Regulation No. 326/2007.*

**SECTION VI.**  
**Monitoring and penalties.**  
Article 17

Local authority boards of health, under the supervision of [the Environmental Agency of Iceland]<sup>1)</sup>, shall monitor places where tobacco is sold, and monitor the observation in their district of the provisions of Section II of this Act, regarding labelling, advertising and sale of tobacco.

In the case of a violation of the provisions of Section II, if the local authority board of health's instructions are not complied with, the board may apply the same measures as are stated in Article 27 of the Health and Pollution Control Act, No. 7/1998, with subsequent amendments.

Should a permit-holder under Article 8 violate the terms of that article, the board of health in the relevant district may, after issuing a reprimand, revoke the permit. In the case of repeated violations, or gross violation, the board of health must revoke the permit.

In the case of a dispute regarding rulings of a local authority board of health, the case may be referred to an appeals board which operates under Article 31 of the Health and Pollution Control Act, No. 7/1998, with subsequent amendments.

<sup>1)</sup> *Act No. 164/2002, Article 27.*

Article 18

Local authority boards of health, the Occupational Safety and Health Administration, [The Icelandic Transport Authority]<sup>1)</sup> shall monitor, as applicable, observation of the provisions of Section III of this Act, in accord with the legislation applying to these agencies.

The Minister issues regulations<sup>2)</sup> stating further provisions regarding implementation of monitoring.

<sup>1)</sup> *Act No. 59/2013, Article 20.* <sup>2)</sup> *Regulation No. 326/2007.*

Article 19

A violation of the provisions of Articles 6 and 7, or regulations issued on the basis of this Act, relating to those articles, shall entail a fine or, in the case of gross or repeated violations, imprisonment for up to two years.

A violation of the provisions of Article 8, or rules issued on the basis of this Act, relating to this Article, shall entail, in addition to revocation of permit under Article 17, fines.

With regard to an attempted violation or complicity in a violation, the provisions of the General Penal Code, No. 19/1940, shall apply.

Article 20

A person who continues to smoke on premises or in a vehicle where smoking is prohibited under Articles 9, 10 and 13 (*cf.* also Article 11) shall be liable to a fine, provided that the person responsible for the premises or the driver of the vehicle or their representative has given a prior reprimand.

The same parties may expel the offender from the premises or vehicle, should he/she refuse to comply.

Article 21

...<sup>1)</sup>  
<sup>1)</sup> Act No. 88/2008, Article 233.

*[This translation is published for information only.  
The original Icelandic text is published in the Law Gazette.  
In case of a possible discrepancy, the original Icelandic text applies.]*