



STATE OF ISRAEL

PREVENTION OF SMOKING AND EXPOSURE TO SMOKING IN PUBLIC PLACES LAW, 1983*

- Prohibition of Smoking** 1. (A) No person shall smoke in a place specified in the Addendum (hereafter — a public place).
 (B) No person shall hold any lit tobacco product or smoking implement in a public place; in this Law, “tobacco product” – within the definition thereof in the Restriction of Advertising and Marketing of Tobacco Products Law, 5743-1983².
 (C) The Minister of Health may modify the Addendum by order, with the approval of the Knesset Labor and Welfare Committee.
- Object** 1A. The object of this Law is to prevent smoking in public places and the exposure of the public to smoking, which causes death, disease and disability.
- Affixation of Signboards** 2. (A) One who is in actual possession of a public place, as owner, lessee or otherwise (hereafter - the occupant), other than a passenger elevator in a residential building, shall affix therein signboards indicating a prohibition on smoking and shall maintain them in good order and condition.
 (B) The manufacturer or importer of an elevator designed for the carriage of persons in a residential building shall, before the elevator goes into commission, affix a signboard declaring the prohibition of smoking therein.
 (C) The Minister of Health may establish provisions in regulations, concerning the form, number, size and contents of the signboards, the modes of affixation thereof, where they are to be installed and the duty of illuminating them.
- Duties of the Occupant of a Public Place** 2A (A) The occupant of a public place is obliged to exercise oversight and do all in his power to prevent offenses under Articles 1(A) and 1(B) within the bounds of the public place occupied by him.

²Principal Legislation 5743, p. 38



STATE OF ISRAEL

- (B) The occupant of a public place shall be deemed to have satisfied the provisions of sub-section (A) above if he can prove that he did all the following:
- (1) Personally or by means of another on his behalf, approached a person smoking or holding a lit cigarette, cigarillo, hookah, cigar or pipe in a public place requesting that he desist from the prohibited act, or took all reasonable steps to ensure the prevention of offenses under sub-sections 1(A) and 1(B).
 - (2) Personally or by means of another on his behalf, complained to an Inspector within the meaning thereof in Article 7, of violations of the provisions of sub-sections 1(A) and 1(A), or made a reasonable effort to do so, if, despite his actions as described in subparagraph (1) above, the violations of any of the said provisions continued.
- (C) Every Local Authority shall publish on its Internet site or otherwise the number of a telephone line open 24 hours a day for the purpose of filing a complaint with the Inspector under sub-section (B)(2) above.

Prohibition on Emplacing an Ashtray in a Public Place

- 2B.** The occupant of a public place shall not emplace an ashtray in the public place occupied by him; in this Article “ashtray” - any vessel intended as a receptacle for discarded ash and the remnants of any tobacco product.

Smoking in cinema permit

Article 3 – cancelled

Penalties

- 4.** (A) A person who contravenes the provisions of Articles 1 and 2B shall be liable to a fine as set forth in Section 61(A) (1) of the Penal Code, 1977³ (in this Law - the Penal Code).
- (B) A person who contravenes the provisions of Articles 2 and 2A shall be liable to a fine as set forth in Clause 61(A) (3) of the Penal Code.

³ Principal Legislation 5737, p. 226



STATE OF ISRAEL

Responsibility of a Corporate Office-holder

5. A) An office-holder in a corporation which occupies a public place (hereafter in this Article - a corporation) is obliged to exercise oversight and do all in his power to prevent offenses under Articles 2, 2A and 2B by the corporation or any of its employees; anyone violating this provision shall be liable to a fine as set forth in Clause 61(A)(1) of the Penal Code; in this article an “office-holder” is a manager being active in a corporation, a partner (other than a limited partner) or the corporate officer in charge of personnel management in the corporation.
- (C) If an offence was committed under Articles 2, 2A or 2B by a corporation or by any of its employees, an office-holder shall be presumed to have violated his obligation under sub-section (A) unless he can prove that he did all in his power to meet his obligations

Amounts of Fines

- 5A Notwithstanding the provisions of Article 221(B) of the Criminal Procedure Law [Combined Wording], 5742-1982⁴, the Minister of Justice, with the consent of the Minister of Health, may determine the amount of a fine exceeding that which is provided in the said Article for an offense under this Law which has been determined to be a offense punishable by fine, provided that the amount of the fine be not more than ten percent greater than the maximum fine amount provided for such offense.

Fines payable to Local Authority

6. Fines paid upon the exercise of the power of a Local Authority employee for an offense under this Law committed within the Authority’s jurisdiction, shall be transferred to the funds of such Local Authority.
- 6A (A) A Mayor shall appoint employees of the Local Authority as Inspectors for the objects of this Law.
- (B) A Local Authority shall report to the Minister of Health, in the month of January every year, on oversight measures applied in the preceding year, including the number of Inspectors empowered under sub-section (A), for the object of reporting to the Minister of Health under Article 2 of the Mandatory Reporting of Health Damages Occasioned by the Smoking of Tobacco Products Law, 5761-2000⁵.”

⁴ Principal Legislation, p. 43.

⁵ Principal Legislation, p. 74.



STATE OF ISRAEL

Right of Entry

7. A police officer and also a Local Authority employee empowered by the Mayor for the object of this Law (hereafter — “Inspector”) may at any reasonable time enter into any public place to ascertain compliance with the provisions of this Law and the regulations hereunder, provided that they shall not enter into any of the places set forth in sub-sections 2, 4, 5 and 6 of the Addendum, without first notifying the occupant of the place or anyone employed there, of their intention.

Power of Inspector or Usher to Demand Identification

8. (A) Where, in a public place, a person smokes or holds a lighted cigarette, cigarillo, cigar or pipe within sight of an Inspector or an usher, the Inspector or the usher may require him to identify himself and, should he refuse, may detain him in that place until the arrival of a police officer, but for not more than one hour.
- (B) For the purposes of this Article, “usher” – whomsoever the owner or occupant of a place specified in the Addendum has appointed to be an usher in that place and who wears a conspicuous tag attesting to his office and produces a certificate of his appointment as usher.
- (C) The Minister of Health shall establish provisions in regulations imposing restrictions on the appointment of an usher, the certificate issued to him, the form of the tag and the manner in which it shall be worn.

Appointee usher in a hospital

- 8A (A) For the object of this Article, “civil servant” – any of the following:
- (1) A civil servant within the definition thereof in the State Service (Discipline) Law, 5723 - 1963⁶ in this sub-section - the State Service (Discipline) Law);
- (2) A Local Authority employee
- (3) An employee of an audited entity to which are applicable all or any of the provisions of the State Service (Discipline) Law pursuant to Article 75 of the State Service (Discipline) Law).

⁶ Principal Legislation, p. 50.



STATE OF ISRAEL

- (B) The Minister of Health is entitled to empower a civil servant to be an usher in charge in a hospital, at the request of the owner or occupant of the hospital, provided that the civil servant was appointed to be an usher pursuant to the provisions of sub-section 8 (B) (in this law – appointee usher)
- (C) The Minister of Health shall not empower an appointee usher unless all of the following are also fulfilled respecting him:
- (1) Is an Israeli resident having attained 21 years of age;
 - (2) The Israel Police has not notified the Minister of Health, within 30 days of the date of receiving details of the candidate, that it opposes his appointment as an appointee usher for reasons pertaining to the public peace and safety, including by reason of his criminal record.
 - (3) Has completed 12 years of study at a recognized educational institution within the meaning thereof in the Compulsory Education Law, 5709-1949⁷ or has produced a confirmation from the Ministry of Education as to equivalent general education;
 - (4) Is proficient in the Hebrew language;
 - (5) Has been given suitable training, including as regards the powers vesting in him under this Law, in accordance with principles established by the Minister of Health with the approval of the Minister for Homeland Security.
- (D) The Minister of Health is entitled to establish additional conditions of competency for the empowerment of an appointee usher, in consultation with the Minister of Homeland Security, within the bounds of the authority vesting in him.
- (E) If an appointee usher has grounds to believe that a certain individual has committed an offense under Article 1, within his plain view, within the precincts

⁷ Principal Legislation 5709, p. 278.



STATE OF ISRAEL

of the hospital building, he is entitled to serve him a summons in which such individual will be charged with such offense and be given the choice of paying the fine in lieu of being arraigned for the said offence, under the provisions of Chapter 7 of the Criminal Procedure Law [Combined Wording], 5742-1982⁸.

(F) The hospital CEO shall forward to the Minister an annual report concerning the fines that were imposed in the hospital in the course of the year, the number of complaints that were filed against appointee ushers in the hospital during the year, the essential elements thereof and to what extent they were justified.

Authority of Driver

9. (A) The driver of a vehicle in which smoking is prohibited under the provisions of this Law is entitled to forbid the entry of a smoking person or one who is holding a lit cigarette, cigarillo, cigar or pipe into the motor vehicle.

(B) If a person smokes, or holds a lit cigarette, cigarillo, cigar or pipe, in a vehicle as aforesaid, within sight of the driver, the driver may require him to identify himself and, should he refuse to do so, may detain him in the vehicle until the arrival of a police officer, but not for more than one hour, or he may drive him in the vehicle to the nearest police-station.

Upholding of Provisions

10. The provisions of this Law shall add to, and not derogate from, any statutory provision as to the prohibition of smoking.

Status of the State

11. The provisions of Articles 2(A), 2A and 2B shall also apply to the State except for the security forces, as set forth below; however, the provisions of the said Articles shall be reworded *mutatis mutandis* with respect to -

(1) The Israel Defense Forces — in GHQ

⁸ Principal Legislation 5742, p. 43.



STATE OF ISRAEL

Regulations, within the meaning thereof in the Military Justice Law, 5715 - 1955⁹;

- (2) The Israel Police – in the Israel Police Orders within the definition thereof in the Police Ordinance [New Wording], 5731 - 1971¹⁰.
- (3) The Prisons Service – in the Service Orders, within the definition thereof in the Prisons Ordinance [New Wording], 5742 - 1971¹¹.
- (4) Units and auxiliary units of the Prime Minister's Office or the Ministry of Defense, the bulk of whose activity is in the domain of State security – in internal provisions;
- (5) Enterprises included in an order issued by the Minister of Defense in accordance with Item 3 of the First Addendum to the Regulation of Security in Public Entities Law 5758 - 1998¹² - in Internal Provisions.”

Public places the occupant of which is the security forces

11A In respect of a public place the occupant of which is the security forces as enumerated in sub-section (1) to (5) of section 11, the provisions of sections 7, 8 and 9 shall not apply, but provisions governing the enforcement of the prohibition in Article 1 in such public place, shall be established for the purpose of the security forces as stated in the manner set forth respectively in those sub-sections.

Amendment of Courts Law

12. In the Courts Law, 5717 – 1957, at the end of the Second Addendum, insert:
18. Restriction on Smoking in Public Places Law, 5743 – 1983.

⁹ Principal Legislation 5715, p. 171.

¹⁰ Laws of the State of Israel, New Wording 17, p. 390.

¹¹ Laws of the State of Israel, New Wording 21, p. 459.

¹² Principal Legislation 5755, p. 348.



STATE OF ISRAEL

Execution and Regulations

13. The Minister of Health is in charge of the execution of this Law and he is entitled, with the approval of the Knesset Labor & Welfare Committee, to enact regulations including regulations for the execution thereof, including regulations governing modes of supervision of the execution thereof.

Coming into force

14. This Law comes into force on 28 Shevat, 5744 – (1 February, 1984).

Addendum

(Article 1)

1. A hall usually serving as a cinema or theater or for shows, or for concerts, opera or dance performances; also a room or hall used for conferences, lectures or other gatherings, including its corridors and lobby space, with the exception of an entirely separate room allocated by the management for smoking during performance intermissions, if one has been so allocated, and whose area shall not exceed one fourth of the space as a public waiting area during such intermissions, and with the provision that it be fitted with ventilation facilities in good working order, and that smoking in it not constitute a nuisance elsewhere in the locus. Nothing in the provisions of this section, or in the provision of any other section of this Addendum, is such as to derogate from a prohibition on smoking by virtue of any existing law or such as to prevent the owner or occupant of the locus from prohibiting smoking therein.
2. Any place in a hospital or clinic building including in the area of the entrance or an exit of the building in a range of 10 meters from the door.
3. That part of a pharmacy that is open to the public.
4. A reading hall or reading room in a public library, other than the places allocated by the management of the locus, if any, in which smoking will be permitted, provided that they are fitted with ventilation arrangements in good working order and provided that smoking therein does not cause a nuisance in other parts of the locus.
5. Any place in a building serving as an educational institution or an institution of higher learning - including the residential facilities of the students and excepting a completely separate room that has been allocated for smoking by the



STATE OF ISRAEL

management of the institution in which post-secondary education takes place, whose students are more than 18 years of age (hereafter – post secondary institution), if any, and a living room in a post secondary institution in which only a smoker resides, provided that they are fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the locus, and also excepting management and staff rooms rooms, to which Section 15 applies.

6. An elevator for carrying people.
7. An omnibus and a minibus; in this Section, “omnibus” and “minibus” – within the definition thereof in the Transportation Regulations, 5721 – 1961 (hereafter – “the Transportation Regulations”).
8. A taxicab, when carrying passengers; in this section, “taxicab” - within the meaning thereof in the Transportation Regulations.
9. A railway train, including a local railway train; for the objects of this section and section 9B – “railway train” and “local railway train” – within the definition thereof in Sections 1 and 46 of the Railroads Ordinance [New Version], 5732 – 1972.
 - 9A. A covered bus stop, including covered by an awning and so forth, and a central bus stated within the definition thereof in the Transportation Regulations, excepting a completely separate room allocated for smoking by the management of the locus, if any, provided that it be fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the locus.
 - 9B. A railway station, including a platform, excepting an area that has been allocated for smoking, if any, by management, provided that it be fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the locus and also a local railway station.
 - 9C. A vehicle serving for the teaching of driving within the meaning thereof in the Transportation Regulations, at a time when a learner driver is inside the vehicle.
10. A retail outlet.
11. A restaurant, cafeteria, coffee shop, including any eating place, drinking place, club, discotheque or other place which among its other occupations serves food or beverages (all jointly – eating places), with the exception of an entirely separate room (if any) that has been expressly allocated for smoking by the management of the eating place, with the provision that the said room have ventilation facilities in good working order, that smoking therein does not



STATE OF ISRAEL

constitute a nuisance in other parts of the eating place, and that its area shall not exceed one fourth of the area open to the public. The provisions of this section shall also apply to an area situate outside the eating place structure, and which serves it (hereafter – area), excepting a portion of the area that was allocated by the management of the eating place, if any, provided that that portion of the area that was allocated for smoking is in no wise covered, and one of the following is fulfilled in respect thereof:

- (1) The area thereof does not exceeds 15 sq.m.; or
 - (2) The area thereof is a continuum and does not exceed one fourth of the sitting area outside the building and the remainder of the area is reserved for non smokers and it is clearly marked that smoking therein is prohibited.
12. A room or a hall being open to the public and serving for physical activity or sport, including a swimming pool.
 - 12A. A swimming pool not being within a building, including the yard thereof.
 13. A kindergarten, a children's home or a children's house.
 14. A room or hall that are open to the public in a bank, a post office or a postal agency or in any other place serving the public, including the stairwell and passage, or a room, a hall or a corridor serving for waiting, excepting a completely separate room allocated for smoking by the management of the locus, if any, provided that it be fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the locus.
 15. A place of work, excepting a completely separate room allocated for smoking by the management of the locus, if any, provided that it be fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the building and no one works in it, or no persons are present therein who, or any of whom, are non-smokers; for the purpose of this Law, "place of work" – any place in a building in which people work and which does not serve for residential purposes and including such a place whoever performs work wherein does so within the framework of service in the security forces as enumerated in sub-section (1) to (5) in Article 11.
 - 15A. Any place in a Government ministry.
 16. The area that is open to the public in a shopping mall, excepting a house of business detailed elsewhere in this Addendum and excepting a completely separate smoking room that was allocated for smoking, if any, provided that it be



STATE OF ISRAEL

fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the locus.

17. A banqueting hall excepting a completely separate room, if any, that has been allocated for smoking by the management of the banqueting hall, provided that it be fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the banqueting hall and the area thereof does not exceed one fourth of the area open to the public; the provisions of this section shall also apply to an area situate outside the banqueting hall building (hereafter – area), excepting a portion of the area, if any, that has been allocated for smoking by the management of the locus, provided that that portion of the area that was allocated for smoking is in no wise covered, including an awning and so forth, and that its area is a continuum and does not exceed one fourth of the seating places in the area, and the rest of the area is reserved to non smokers and clearly marked to the effect that smoking therein is prohibited.
18. An events park and also an area located outside a building and serving the events park (hereafter – area), excepting a portion of the area, if any, that has been allocated for smoking by the management of the locus, provided that that portion of the area that was allocated for smoking is in no wise covered, including an awning and so forth, and that its area is a continuum and does not exceed one fourth of the seating places in the area, and the rest of the area is reserved to non smokers and clearly marked to the effect that smoking therein is prohibited.
19. A public bomb shelter and a public shelter within the definition thereof in Article 11 of the Civil Defense Law, 5711 – 1951.
20. Any place in the building of a synagogue, a church, a Muslim prayer hall or a mosque and in the courtyard thereof, excepting a separate area in the courtyard that has been designated for smoking, if any, by the management of the locus, provided that such area designated for smoking is in no wise covered, including an awning and so forth, and that its area is a continuum and does not exceed one fourth of courtyard, and the rest of the area is reserved to non smokers and clearly marked to the effect that smoking therein is prohibited.
21. Any place in a building of a culture, youth and sport center or of a youth movement.
22. Any place in an old age home or a protected living house, excepting a living room, provided that is not inhabited by a non smoker, and excepting a completely separate room that has been allocated for smoking by the management of the locus, if any, provided that it is fitted with ventilation



STATE OF ISRAEL

arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the locus.

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