

of a Public Place

exercise oversight and do all in his power to prevent offenses under Sections 1(A) and 1(B) within the bounds of the Public Place occupied by him.

(B) The Occupant of a Public Place will be deemed to have satisfied the provisions of subsection (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 subsections 1(A) and 1(B).

(2) Personally or by means of another on his behalf, complained to an Inspector within the meaning thereof in Section 7, of violations of the provisions of subsections 1(A) or 1(B), 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 will publish on its internet site or in another manner the number of a telephone line operating 24 hours a day for the purpose of filing a complaint with the Inspector under subsection (B)(2) above.

Prohibition on Placing an Ashtray in a Public Place

2B. The Occupant of a Public Place will not place an ashtray in the Public Place occupied by him; in this Section “ashtray” refers to any vessel intended as a receptacle for discarded ash and the remnants of any Tobacco Product.

Smoking in Cinema Permit

Section 3 – cancelled.

Penalties

4. (A) A person who violates the provisions of Sections 1 and 2B will be liable to a fine as set forth in Section 61(A) (1) of the Penal Code, 5737 – 1977³ (in this Law – the Penal Code).

(B) A person who contravenes the provisions of Sections 2 and 2A shall be liable to a fine as set forth in Section 61(A)(3) of the Penal code.

³ Principal Legislation 5737, p. 226.

Responsibility of a Corporate Office-Holder

5. (A) An office-holder in a corporation which occupies a Public Place (hereinafter in this Section – a "Corporation") is obliged to exercise oversight and do all in his power to prevent offenses under Sections 2, 2A and 2B by the Corporation or any of its employees; anyone violating this provision will be liable to a fine as set forth in Section 61(A)(1) of the Penal Code; in this article an "office-holder" is a manager who is 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 Sections 2, 2A or 2B by a Corporation or by any of its employees, an office-holder will be presumed to have violated his obligation under subsection (A) unless he can prove that he did all in his power to meet his obligations.

Amounts of Fines

- 5A. Notwithstanding the provisions of Section 221(B) of the Criminal Procedure Law [Consolidated Version], 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 Section for an offense under this Law which has been determined to be an offense punishable by fine, provided that the amount of the fine is not more than ten percent greater than the maximum fine amount provided for such offense.

Fines Payable to Local Authority

6. Fines paid under the exercise of the power of a Local Authority employee for an offense under this Law committed within the Authority's jurisdiction, will be transferred to the funds of such Local Authority.
- 6A. (A) A Head of a Local Authority will appoint employees of the Local Authority as Inspectors for the purposes of this Law.
- (B) A Local Authority will 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 subsection (A), for the purpose of reporting to the Minister of Health under Section 2 of the Mandatory

⁴ Principal Legislation, p. 43.

Reporting of Health Damage Occasioned by the
Smoking of Tobacco Products Law, 5761 – 2000.⁵

Right of Entry

7. A police officer and a Local Authority employee empowered by the Head of the Local Authority for the purposes of this Law (hereinafter — “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 will not enter into any of the places set forth in subsections 2, 4, 5 and 6 of the Addendum, without first notifying the Occupant of the place or anyone employed there, of their intention.

Authority of Inspector or Usher to Demand Identification

8. (A) Should a person smoke or hold a lighted cigarette, cigarillo, cigar or pipe in a Public Place, within sight of an Inspector or an usher, the Inspector or the Usher is authorized to 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 Section, “Usher” – whomever 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 will 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 will be worn.

Appointed Usher in a Hospital

- 8A. (A) For the purposes of this Section, “Civil Servant” – any of the following:
- (1) A Civil Servant as defined in the State Service (Discipline) Law, 5723 - 1963⁶ (in this Section – the State Service (Discipline) Law);
- (2) A Local Authority employee;
- (3) An employee of an audited entity to which all or any of the provisions of the State Service (Discipline) Law) apply, pursuant to Section 75 of the State Service (Discipline) Law.

⁵ Principal Legislation, p. 74.

⁶ Principal Legislation, p. 50.

- (B) The Minister of Health is entitled to appoint a Civil Servant to be an Usher in charge in a hospital, at the request of the owner or operator of the hospital, provided that the Civil Servant was appointed to be an Usher pursuant to the provisions of Section 8 (B) (in this Law – Appointed Usher).
- (C) The Minister of Health will not appoint an Appointed Usher unless all of the following are also fulfilled with respect to him/her:
 - (1) He 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 Appointed Usher for reasons pertaining to the public peace and safety, including by reason of his/her criminal record;
 - (3) He 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 certification from the Ministry of Education as to equivalent general education;
 - (4) He is proficient in the Hebrew language;
 - (5) He has been given suitable training, including as regards the authorities vested in him under this Law, in accordance with principles established by the Minister of Health with the approval of the Minister for Public Security.
- (D) The Minister of Health is entitled to establish additional conditions of competency for the empowerment of an Appointed Usher, in consultation with the Minister of Public Security, within the bounds of the authority vested in him.
- (E) If an Appointed Usher has grounds to believe that a certain individual has committed an offense under Section 1, within his plain view, within the precincts of the hospital building, he is entitled to serve him/her a summons in which such individual will be charged with such offense and be given the choice of paying

⁷ Principal Legislation 5709, p. 278.

the fine in lieu of being arraigned for the said offense, under the provisions of Chapter 7 of the Criminal Procedure Law [Consolidated Version], 5742-1982.⁸

(F) The hospital CEO will 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 Appointed Ushers in the hospital during the year, the essential elements thereof and the extent to which 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 entry into the motor vehicle of a smoking person or one who is holding a lit cigarette, cigarillo, cigar or pipe.
- (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 will add to, and not derogate from, any statutory provision as to the prohibition of smoking.

Status of the State

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

- (1) The Israel Defense Forces – in GHQ Regulations, within the meaning thereof in the Military Justice Law, 5716 - 1955⁹;
- (2) The Israel Police – in the Israel Police Orders as defined in the Police Ordinance [New Version], 5731 – 1971¹⁰;
- (3) The Prisons Service – in the Service Orders, as defined in the Prisons Ordinance [New Version], 5742 - 1971¹¹;

⁸ Principal Legislation 5742, p. 43.

⁹ Principal Legislation 5716, p.171.

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

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

- (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 for which the Occupant is the security forces as enumerated in subsection (1) to (5) of Section 11, the provisions of Sections 7, 8 and 9 will not apply, but provisions governing the enforcement of the prohibition in Section 1 in such Public Place, will be established for the purpose of the security forces as stated in the manner set forth respectively in those subsections.

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.

Execution and Regulations

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

Date of Enforcement

- 14.** This Law comes into effect on 28 Shevat 5744 (February 1, 1984).

Addendum

(Section 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 meetings, 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 will not exceed one fourth of the space as a public waiting area during such intermissions, and with the provision that it is fitted with ventilation facilities in good working order, and that smoking in it not constitute a nuisance elsewhere in the location. Nothing in

¹² Principal Legislation 5755, p. 348.

the provisions of this section, or in the provision of any other section of this Addendum, will derogate from a prohibition on smoking by virtue of any law or will prevent the owner or Occupant of the location from prohibiting smoking therein.

2. Any place in a hospital or clinic building including in the entrance or exit areas of the building within 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 location, 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 location.
5. Any location in an educational institution including the courtyard of the institution, students' dormitories and in the entry or exit areas, within a range of 10 meters from the entrance or exit.
- 5A. Any place in a building serving as an institution of higher learning or post-secondary school educational institution, whose students are over 18 years of age, including student dormitories and excepting a completely separate room that has been allocated for smoking by the management of the institution, if so designated, and a residential room 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 location, and also excepting management and staff rooms, to which Item 15 applies.
6. An elevator for carrying people.
7. An omnibus and a minibus; in this Section, "omnibus" and "minibus" – as defined in the Transportation Regulations, 5721 – 1961 (hereinafter – the "Transportation Regulations").
8. A taxicab, when carrying passengers; in this section, "taxicab" –as per the meaning in the Transportation Regulations.
9. A railway train, including a local railway train; for the purposes of this section and section 9B – "Railway Train" and "Local Railway Train" – as defined 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 station as defined in the Transportation Regulations, excepting a completely separate room allocated for smoking by the management of the location, if any, provided that it is fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the location.
- 9B. A railway station, including a platform, excepting an area that has been allocated by management for smoking, if any, provided that it is fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the location, and also a station of a Local Railway.

- 9C. A vehicle serving for the teaching of driving as per the meaning in the Transportation Regulations, at a time when a learner driver is inside the vehicle.
10. A retail store.
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 of these hereinafter – "Eating Place"), 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 constitute a nuisance in other parts of the Eating Place, and that its area will not exceed one fourth of the area open to the public. The provisions of this section will also apply to an area situated outside the Eating Place structure, and which serves it (hereinafter – "Area"), excepting a portion of the Area that was allocated by the management of the Eating Place, if any, provided that the portion of the Area that was allocated for smoking is in no way covered, and one of the following is fulfilled in respect thereof:
- (1) Its Area does not exceeds 15 m²; or
 - (2) Its Area is continuous and does not exceed one fourth of the sitting area outside the building, 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 that is open to the public and serves for physical activity or sport, including a swimming pool.
- 12A. A swimming pool that is not inside a building, including its courtyard.
- 12B. A sports stadium, except for spaces allocated by the stadium management for smoking, if any, as detailed below:
- (1) Two separate areas of seats, provided the number of seats in these does not exceed one quarter of the number of seats in the entire stadium.
 - (2) A completely separate room whose area does not exceed one quarter of the area allocated as a public waiting area during intermissions, provided that it is fitted with ventilation facilities in good working order and smoking therein does not constitute a nuisance in other parts of the stadium.
13. A kindergarten or pre-school, a children's daycare center or a children's shelter.
14. A room or hall that is 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, except for a completely separate room allocated for smoking by the management of the location, if any, provided that it is fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the location.
15. A place of work, except for a completely separate room allocated for smoking by the management of the location, if any, provided that it is 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 in which whoever performs work does so within the framework of service in the security forces as enumerated in subsections (1) to (5) in Section 11.

- 15A. Any place in a government office.
16. The area that is open to the public in a shopping mall, except a place of business detailed elsewhere in this Addendum and except a completely separate smoking room that is allocated for smoking, if any, provided that it is fitted with ventilation facilities in good working order and that smoking therein does not constitute a nuisance in other parts of the location.
17. A banquet hall except a completely separate room, if any, that has been allocated for smoking by the management of the banqueting hall, provided that it is 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 will also apply to an area situated outside the banqueting hall building (hereinafter – "Area"), except a portion of the Area, if any, that has been allocated for smoking by the management of the location, provided that the portion of the Area that was allocated for smoking is in no way covered, including by an awning and so forth, and that its Area is continuous and does not exceed one fourth of the seating places in the Area, and the rest of the Area is reserved for 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 (hereinafter – "Area"), except a portion of the Area, if any, that has been allocated for smoking by the management of the location, provided that the portion of the Area that was allocated for smoking is in no way covered, including by 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 for non-smokers and clearly marked to the effect that smoking therein is prohibited.
19. A public bomb shelter and a public shelter as defined in Section 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, except a separate area in the courtyard that has been designated for smoking, if any, by the management of the location, provided that such area designated for smoking is in no way covered, including by an awning and so forth, and that its area is continuous and does not exceed one fourth of courtyard, and the rest of the area is reserved for 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 residence, except a residential room, provided that is not inhabited by a non-smoker, and except a completely separate room that has been allocated for smoking by the management of the location, if any, provided that it is

Unofficial Translation

fitted with ventilation arrangements in good working order and that smoking therein does not cause a nuisance in other parts of the location.

* Updated as of February 7, 2016.