

# LATVIAN [coat of arms] HERALD

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The *Saeima* (Parliament) has adopted and the President of Latvia has proclaimed the following Law:

## Law on Trade in Tobacco Products, Herbal Smoking Products, Electronic Smoking Devices and Associated Liquids

### Section 1. Terms used in this Law

The terms used in this Law are as follows:

- 1) **flavoring** — an additive that imparts smell or taste or smell and taste;
- 2) **herbal smoking product** — a product based on plants, herbs or fruits that contains no tobacco and that can be consumed via a combustion process;
- 3) **outside packaging** — any packaging in which a tobacco product, herbal smoking product, electronic cigarette or refill container is placed on the market and which includes unit packets or an aggregation of unit packets, except for transparent wrappers;
- 4) **smokeless tobacco product** — a tobacco product whose use does not involve a combustion process, including a smokeless tobacco product intended only for the purpose of chewing (chewing tobacco), a smokeless tobacco product that can be consumed via the nose (nasal tobacco) and all tobacco products for oral use, except those intended to be inhaled or chewed, that are made wholly or partly of tobacco and are available in powder or in particulate form or in any combination of those forms, particularly those presented in sachet portions or porous sachets (tobacco for oral use);
- 5) **health warning** — a warning concerning the adverse effect on human health of a product or other undesired consequences of its consumption, including text warnings, combined health warnings, general warnings and informative notices;
- 6) **tar** — the raw anhydrous nicotine-free condensate of smoke;
- 7) **electronic smoking device** means:
  - a) an electronic cigarette that is a product or any component of that product, including capsule, tank and the device without capsule or tank, that can be used for the consumption of nicotine-containing vapor via a mouthpiece and can be single use or refillable by means of a refill container and tank or rechargeable with single use capsules;
  - b) an electronic device that is a product or any component of that product, including capsule, tank and the device without capsule or tank, that can be used for the consumption of vapor that does not contain nicotine via a mouthpiece and can be single use or refillable by means of an electronic smoking device refill receptacle and tank or rechargeable with single use capsules;
- 8) **electronic smoking device refill receptacle** means:
  - a) a refill container filled with a nicotine-containing liquid, which can be used to refill an electronic cigarette,

b) a reservoir filled with a liquid not containing nicotine, which can be used to refill an electronic smoking device (except for an electronic cigarette);

9) **emission** — a substance that is released when tobacco, a tobacco product, herbal smoking product, electronic cigarette or refill container is consumed as intended, for example, substances found in smoke or substances released during the process of using smokeless tobacco products;

10) **unit packet** — the smallest individual packaging of a tobacco product, herbal smoking product, electronic cigarette or refill container that is placed on the market;

11) **importer** — the owner of, or a person having the right of disposal over tobacco, tobacco products, herbal smoking products, electronic cigarettes or refill containers that have been brought into the territory of the member states of the European Union or the states of the European Economic Area;

12) **novel tobacco product** — a smokeless tobacco product or a tobacco product for smoking that does not fall into any of the following categories: cigarettes, roll-your-own tobacco, pipe tobacco, water pipe tobacco, cigars, cigarillos, chewing tobacco, nasal tobacco or tobacco for oral use and is placed on the market after 19 May 2014;

13) **combined health warning** — a health warning consisting of a combination of a written warning and a corresponding photograph or picture;

14) **placing on the market** — making products, irrespective of their place of manufacture, available to consumers, also in retail outlets, with or without payment, including by means of distance sale;

15) **pouch** — a unit packet of roll-your own tobacco, either in the form of a rectangular pocket with a flap that covers the opening or in the form of a standing pouch;

16) **maximum emission level** — the maximum content or emissions of a substance in a tobacco product measured in milligrams, including zero;

17) **retail outlet** — any outlet where tobacco products, herbal smoking products, electronic smoking devices or electronic smoking device refill receptacles are placed on the market, including by a natural person;

18) **nicotine** — nicotinic alkaloids, a strong poison harmful to the nervous system, which causes habituation and addiction;

19) **additive** — a substance, other than tobacco, that is added to a tobacco product, a unit packet or any outside packaging;

20) **public building or structure** — a building or structure in which more than 50 percent of the total area is public premises;

21) **public premises** — non-residential premises accessible to the public in which visitors can stay for a short period to receive various services;

22) **characterizing flavor** — a clearly noticeable smell or taste other than the smell or taste of tobacco, resulting from an additive or a combination of additives, but not limited to that of fruit, spice, herbs, alcohol, candy, menthol or vanilla, that is noticeable before or during the consumption of a tobacco product;

23) **manufacturer** — any natural or legal person who manufactures a product or has a product produced or manufactured and markets that product under their name or trademark;

24) **advertising** — any form of distributed commercial communication (for example, printed material, posters, stickers, advertising images on walls, radio broadcasts and television broadcasts, videos, movie films and video films), as well as activities whose goal is to directly or indirectly further the purchase or consumption of tobacco products, electronic cigarettes or refill containers, including placing of product in places of business and

using various effects [for example, words (slogans), forms, images, colors, light and sound effects] to further consumption;

25) **ingredient** — tobacco, an additive, as well as any substance or element present in a finished tobacco product, herbal smoking product, electronic cigarette or refill container, including paper, filter, colors, capsules and stickers;

26) **smoking** — the use of a tobacco product, herbal smoking product or novel tobacco product intended for smoking in such a way that it can be inhaled, as a result of which smoke is released, or the use of an electronic smoking device, novel tobacco product or other product (with the exception of medicinal products) with the goal of knowingly inhaling vapor or smoke containing nicotine or other chemicals through a mouthpiece;

27) **tobacco products for smoking** — tobacco products other than smokeless tobacco products, also cigarettes, cigarillos, cigars, tobacco that can be consumed via a combustion process, and exclusively intended for use in a pipe (pipe tobacco), tobacco that can be used for making cigarettes by consumers or retail outlets (roll-your-own tobacco), a tobacco product that can be consumed via a water pipe (water pipe tobacco). If a product can be used both via water pipes and as roll-your-own tobacco, it shall be deemed to be roll-your-own tobacco;

28) **addictiveness** — the pharmacological potential of a substance to cause addiction — a state which affects an individual's ability to control his or her behavior, typically by instilling a feeling of satisfaction or a relief from withdrawal symptoms or a feeling of satisfaction and a relief from withdrawal symptoms;

29) **sponsorship** — any manner of collective or personal support for an undertaking, activity or individual with the goal of directly or indirectly furthering the purchase or consumption of tobacco products, electronic cigarettes or refill containers;

30) **tobacco** — leaves and other natural processed or unprocessed parts of tobacco plants, including expanded and reconstituted tobacco;

31) **tobacco product** — a product that can be consumed and consists, even partly, of tobacco, whether genetically modified or not;

32) **premises specially designated for smoking** — separate premises specially intended for smoking, which in the building's technical inventory plan is indicated as an area effectively partitioned off and is equipped with exhaust ventilation, so that vapor or smoke caused by smoking does not flow into other areas. This area shall have an appropriate informative notice or symbol. No basic services of the establishment, economic operator or any other legal person or self-employed person shall be provided therein;

33) **toxicity** — the degree to which a substance can cause harmful effects in the human organism, including effects occurring over time, usually through repeated or continuous consumption or exposure;

34) **area specially designated for smoking** — a territory outside of any buildings and out in the open that has an appropriate informative notice or symbol and is equipped so as to comply with fire safety requirements.

## Section 2. Purpose, scope and principles of this Law

(1) The purpose of this Law is to protect the health of society, including the right of persons to live in a clean and beneficial environment free from smoke from tobacco products for smoking and herbal smoking products and from vapors from electronic smoking devices.

(2) This Law sets forth:

1) the conditions for placing on the market of tobacco products, herbal smoking products, electronic smoking devices and their refill receptacles and also the conditions for the

presentation of tobacco product, electronic cigarette and refill container advertising, sponsorship and packaging;

2) the obligation of manufacturers and importers to provide information about tobacco products, herbal smoking products, electronic cigarettes, refill containers and novel tobacco products;

3) smoking restrictions in public places and other places specified in this Law;

4) the procedures for controlling trade in tobacco products, herbal smoking products, electronic smoking devices and their refill receptacles and smoking restrictions in public places and other places specified in this Law.

(3) The following principles shall be followed in applying the rules of this Law:

1) the smoker respects the right of other people to live in a clean and beneficial environment free from smoke from tobacco products for smoking and herbal smoking products and from vapors from electronic smoking devices;

2) a person's rights to breathe clean and beneficial air that is free from smoke from tobacco products for smoking and herbal smoking products and also from vapors from electronic smoking devices and in addition rights to a non-increased risk of illnesses caused by smoking (including breathing second-hand tobacco smoke and vapors caused by electronic smoking devices) are a priority compared to the interest of smokers to smoke.

### **Section 3. Restrictions on placing on the market of tobacco products, herbal smoking products, electronic cigarettes and refill containers**

(1) It shall be prohibited to place on the market:

1) nasal tobacco and chewing tobacco;

2) tobacco products for oral use;

3) tobacco products, herbal smoking products, electronic cigarettes, refill containers and novel tobacco products for which information has not been submitted according to the first and second parts of Section 5;

4) tobacco products, herbal smoking products, electronic cigarettes, refill containers and novel tobacco products that do not comply with the requirements of this Law;

5) cigarette unit packets in which there are less than 20 cigarettes;

6) roll-your-own tobacco unit packets that have less than 30 grams of tobacco.

(2) It shall be prohibited to place on the market tobacco products if:

1) they contain vitamins or other additives that create the impression that a tobacco product has a health benefit or reduces the risk to health;

2) they contain caffeine or taurine or other additives or stimulating compounds that are associated with energy and vitality;

3) they contain additives having coloring properties for emissions;

4) tobacco products for smoking contain additives that facilitate inhalation or nicotine uptake;

5) they contain additives that in unburned form have carcinogenic, mutagenic or reproductively toxic properties;

6) they have not been subject to the rules set out in Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;

7) they contain additives in quantities that increase the toxic or addictive effect, or the carcinogenic, mutagenic or reproductively toxic properties of a tobacco product at the stage of consumption to a significant or measurable degree, on the basis of scientific evidence.

(3) It shall be prohibited to place on the market cigarettes if:

- 1) the maximum emission level of tar is greater than 10 milligrams per cigarette;
- 2) the maximum emission level of nicotine is greater than one milligram per cigarette;
- 3) the maximum emission level of carbon monoxide is greater than 10 milligrams per cigarette.

(4) It shall be prohibited to place on the market cigarettes and roll-your-own tobacco:

- 1) with a characterizing flavor. The prohibition does not apply to additives which are essential for the manufacture of cigarettes and roll-your-own tobacco, provided those additives do not create a characterizing flavor and do not increase to a significant or measurable degree the addictiveness, toxicity or the carcinogenic, mutagenic or reproductively toxic properties of the product;
- 2) whose filters, papers, packaging or capsules contain flavorings or any technical features allowing modification of the smell or taste of the tobacco products concerned or their smoke intensity. Filters, papers and capsules shall not contain tobacco or nicotine.

(5) Electronic cigarettes, refill containers and nicotine-containing liquid shall be allowed to be placed on the market only if they comply with the following requirements:

- 1) the nicotine-containing liquid is filled in dedicated refill containers not exceeding a volume of 10 milliliters, in single use electronic cigarettes or in single use capsules and the capsule or electronic cigarette tanks do not exceed a volume of 2 milliliters;
- 2) the nicotine-containing liquid does not contain nicotine in excess of 20 milligrams per milliliter;
- 3) the nicotine-containing liquid does not contain additives listed in points 1, 2, 3, 4 and 5 of the second part of this Section;
- 4) only ingredients of high purity are used in the manufacture of the nicotine-containing liquid. Any other substances (except for substances that are in the electronic cigarette or refill container, or in emissions resulting from the use of electronic cigarettes) for which a notification has not been submitted in accordance with the first and second parts of Section 5 of this Law are only present in the nicotine-containing liquid in trace levels, if such traces are technically unavoidable during manufacture;
- 5) only such ingredients are used in the nicotine-containing liquid that do not pose a risk to human health in heated or unheated form. This point shall not apply to nicotine;
- 6) electronic cigarettes deliver the nicotine doses at consistent levels under normal conditions of use;

7) electronic cigarettes and refill containers are child- and tamper-proof, are protected against breakage and leakage and have a mechanism that ensures refilling without leakage. The technical standards for the refilling mechanism shall be determined by the Cabinet of Ministers.

(6) Expenses related to assessing whether cigarettes or roll-your-own tobacco have a characterizing flavor, whether prohibited additives or flavorings have been used in tobacco products and whether tobacco products contain additives in a quantity to increase to a significant or measureable degree the toxicity or addictiveness of the tobacco product, and whether an additive has carcinogenic, mutagenic or reproductively toxic properties shall be covered by manufacturers and importers in accordance with the services price list of the Health Inspectorate. Manufacturers and importers shall pay the laboratory directly for testing of tobacco products in an accredited laboratory on the request of the Health Inspectorate.

#### **Section 4. Assessing conformity of cigarettes**

(1) The maximum emission levels for nicotine, tar and carbon monoxide in cigarettes shall be measured on the basis of:

- 1) LVS (Latvian national standardization body Latvian Standard) ISO standard 10315:2013 "Cigarettes. Determination of nicotine in smoke condensates. Gas-chromatographic method" for nicotine;
- 2) LVS ISO standard 4387:2007 "Cigarettes. Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine" for tar;
- 3) LVS ISO standard 8454+A1:2011 "Cigarettes. Determination of carbon monoxide in the vapor phase of cigarette smoke. NDIR method".

(2) The accuracy of the nicotine, tar and carbon monoxide measurements shall be determined in accordance with LVS ISO standard 8243:2013 "Cigarettes. Sampling".

(3) Laboratories in which manufacturers, wholesalers or importers of tobacco products (the tobacco industry) do not own capital shares (stocks) or which are not owned or controlled directly or indirectly by them and which are accredited by a national accreditation institution in accordance with the laws and regulations on the assessment, accreditation and monitoring of compliance assessment institutions, as well as other laboratories in the tobacco products field announced by other member states of the European Union or the states of the European Economic Area shall have the right to verify the emission levels of the substances referred to in the third part of Section 3 of this Law.

(4) Laboratories shall test cigarette samples on the request of the Health Inspectorate. Testing laboratories shall inform the Health Inspectorate of the results of the testing. Expenses related to selection and testing of samples shall be covered by manufacturers and importers by making payment to the Health Inspectorate in accordance with the services price list and to the corresponding laboratory. If cigarettes of one brand and type have different nicotine, tar or carbon monoxide content or the cigarettes were made in different places of manufacture, the Health Inspectorate shall have the right to require testing of each such type of cigarette.

#### **Section 5. Notification of tobacco products, herbal smoking products, electronic cigarettes and refill containers**

(1) Manufacturers and importers shall submit to the Health Inspectorate information about tobacco products, electronic cigarettes and refill containers that have already been placed on the market and about tobacco products, herbal smoking products, electronic cigarettes, refill containers and novel tobacco products planned to be placed on the market or whose composition is modified, and also when there is new information about novel products or already submitted information about novel products is updated. Manufacturers and

importers shall make payment according to the service price list of the Health Inspectorate for the processing of the submitted information about tobacco products, electronic cigarettes and refill containers.

(2) The Cabinet of Ministers shall determine the scope of information to be submitted about tobacco products, herbal smoking products, electronic cigarettes and their refill containers and also about novel tobacco products and the procedures by which manufacturers and importers submit such information and also the requirements for data processing, analysis, storage and publication.

(3) The manufacturers, importers and distributors of electronic cigarettes and refill containers shall establish and maintain a system for collecting information about any and all suspected adverse effects on human health of these products. Should a manufacturer, importer or distributor considers or have reason to consider that electronic cigarettes or refill containers that are in its possession and are placed on the market or are intended to be placed on the market are not safe or are not of good quality or are otherwise not in conformity with the requirements of this Law, it shall immediately take the corrective action necessary to bring the product concerned into conformity with the requirements of this Law or to withdraw or recall it. The manufacturer, importer or distributor shall at the same time inform the Health Inspectorate, giving details, in particular, of the risk to human health and safety and of any corrective action taken and the results of such corrective action.

(4) If electronic cigarettes and refill containers comply with the requirements of this Law, but the Health Inspectorate considers or has reason to consider that the relevant product type could pose a serious risk to human health, it shall take the measures prescribed in law and immediately inform the European Commission and the competent authorities of the rest of the member states of the European Union and the states of the European Economic Area, giving all justifying data and information about measures taken.

#### **Section 6. Tobacco product, herbal smoking product, electronic cigarette and refill container presentation and unit packet appearance and content**

(1) It shall be prohibited to place in the labeling of the unit packet of tobacco products, any outside packaging and the tobacco product itself any element (for example, notices, symbols, names, trademarks, figurative or other signs) that:

- 1) promotes a tobacco product or encourages its consumption by creating an erroneous impression about the relevant tobacco product's characteristics, health effects, risks or emissions;
- 2) includes information about the nicotine, tar or carbon monoxide content of the tobacco product;
- 3) suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has energizing, vitalizing, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- 4) refers to taste, smell, any flavorings or other additives or the absence thereof;
- 5) resembles a food or a cosmetic product;
- 6) suggests that the particular tobacco product has improved biodegradability or other environmental advantages.

(2) It shall be prohibited to place on the unit packets of tobacco products and any outside packaging any element (for example, notices, symbols, names, trademarks, figurative or other signs) that suggests economic advantages by, for example, including printed vouchers, offering discounts, information on free distribution, two-for-one or other similar offers.

(3) It shall be prohibited to place on the unit packet of an herbal smoking product and any outside packaging a statement that the product is free of additives or flavorings, as well as any element (for example, notices, symbols, names, trademarks, figurative or other signs) that:

- 1) promotes a herbal smoking product or encourages its consumption by creating an erroneous impression about the relevant product's characteristics, health effects, risks or emissions;
- 2) includes information about the nicotine, tar or carbon monoxide content;
- 3) suggests that the particular herbal smoking product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has energizing, vitalizing, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- 4) resembles a food or a cosmetic product.

(4) It shall be prohibited to place on the unit packet of electronic cigarettes and refill containers and any outside packaging any element (for example, notices, symbols, names, trademarks, figurative or other signs) that:

- 1) promotes electronic cigarettes or refill containers or encourages their consumption by creating an erroneous impression about the relevant electronic cigarette's or refill container's characteristics, health effects, risks or emissions. The labeling shall not include information about the nicotine, tar or carbon monoxide content, except information about nicotine that is indicated in accordance with point 1 of the fifth part of this Section;
- 2) suggests that a particular electronic cigarette or refill container is less harmful than others or that they aim to reduce the effect of some harmful components of smoke or have energizing, vitalizing, healing, rejuvenating, natural, organic properties or have other health or lifestyle benefits;
- 3) refers to taste, smell, any flavorings or other additives or the absence thereof, except for information about flavorings that is indicated in accordance with point 1 of the fifth part of this Section;
- 4) resembles a food or a cosmetic product;
- 5) suggests that a particular product has improved biodegradability or other environmental advantages.

(5) The following information is to appear on the unit packet of electronic cigarettes and refill containers and any outside packaging:

- 1) a list of all ingredients contained in the product in descending order and an indication of the nicotine content and the delivery per dose;
- 2) the batch number;
- 3) a recommendation to keep the product out of reach of children.

(6) A leaflet shall be included with each electronic cigarette unit and refill container with:

- 1) instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
- 2) information on contraindications;
- 3) warnings for specific risk groups;
- 4) information on possible adverse effects;



5) information on addictiveness and toxicity;

6) contact details of the manufacturer or importer and a legal or natural contact person within the European Union and the European Economic Area.

(7) Unit packets of cigarettes shall have a cuboid shape, and these unit packets shall consist of cardboard or a soft material and shall have an opening that cannot be re-closed or re-sealed after it is first opened, other than the flip-top lid and shoulder box with a hinged lid. For packs with a flip-top lid and hinged lid, the lid shall be hinged only at the back of the unit packet.

(8) Unit packets of roll-your-own tobacco shall have a cuboid or cylindrical shape or the form of a pouch.

(9) An excise duty stamp shall be affixed to each unit packet of a tobacco product for smoking and herbal smoking product placed on the market. If there is a sealed transparent additional wrapper, the excise duty stamp shall be affixed under it. For unit packets of herbal smoking products placed on the market the excise duty stamp may be affixed on the sealed transparent additional wrapper.

(10) On each unit packet of a tobacco product placed on the market there shall be:

1) a unique identifier that to ensure its integrity shall be printed or affixed so as to be irremovable, indelible and not able to be hidden or interrupted in any form, including by duty stamps or price marks or by the opening of the unit packet;

2) a tamper-proof visible and invisible safety element that shall be printed or affixed so as to be indelible and not able to be hidden or interrupted in any form, including by duty stamps and price marks or other elements imposed by legislation.

(11) The unique identifier, the information contained in the unique identifier, technical standards for the creation and operation of the traceability and identification systems, specifications of the equipment required for ensuring the operation of the traceability and identification systems, data processing and storage requirements and the procedures for placing the unique identifier of the unit packets of tobacco products shall be determined by the Cabinet of Ministers.

### **Section 7. Health warnings to be placed on the packaging of tobacco products, herbal smoking products, electronic cigarettes and refill containers**

(1) Each unit packet of a tobacco product, herbal smoking product, electronic cigarettes and refill container and any outside packaging placed on the market shall carry the health warnings in the official state language.

(2) Each unit packet of a tobacco product for smoking and any outside packaging shall have the following printed health warnings:

1) General warning: "Smoking kills – quit now.";

2) Informative notice: "Tobacco smoke contains over 70 substances known to cause cancer";

3) Combined health warning with the addition of the following information about quitting smoking: "Ask for help. 67037333; [www.spkc.gov.lv](http://www.spkc.gov.lv)".

(3) Each unit packet of a smokeless tobacco product and any outside packaging shall have the following printed health warning: "This tobacco product damages your health and is addictive".

(4) Each unit packet of an herbal smoking product and also any outside packaging shall have the following printed health warning: "Smoking this product damages your health".

(5) Each unit packet of an electronic cigarette and refill container and the outside packaging shall have the following printed health warning: "This product contains nicotine, which is a highly addictive substance".

(6) The Cabinet of Ministers shall determine the presentation and location requirements for health warnings to be placed on tobacco product, herbal smoking product, electronic cigarette and refill container packaging, written warnings, combined health warnings to be carried on unit packets and outside packaging of tobacco products for smoking, as well as the procedures for the manufacturer or importer to notify of the placing of this combined health warning.

### **Section 8. Procedures for trade in tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles**

(1) The sale of tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles shall be prohibited:

- 1) on the premises of state government institutions, except for the National Armed Forces and also places of imprisonment where adult prisoners are held;
- 2) in social care, health care and educational institutions, including educational institution service residences and also territories used by these institutions;
- 3) in store departments where children's goods are sold;
- 4) in cultural institutions;
- 5) in sport arenas and on the premises of sport organizations;
- 6) in retail outlets where sales are not organized so as to individually serve each purchaser, except tax-free retail stores specified in the laws and regulations regulating the customs field;
- 7) when utilizing vending machines;
- 8) in territories that have been granted market status according to specified procedures.

(2) The sale and purchase of tobacco products, electronic cigarettes and refill containers by means of distance contracts, including outside of the territory of a member state of the European Union or a state of the European Economic Area, shall be prohibited.

(3) The sale of tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles to persons younger than 18 years of age shall be prohibited, and these persons may not purchase them. To verify a person's age, it shall be the retailer's obligation to require the person to show an identification document.

(4) When purchasing tobacco products, herbal smoking products, an electronic smoking device or electronic smoking device refill receptacle, a person from 18 to 25 years of age shall have the obligation to show the retailer an identification document, regardless of whether the retailer has requested it.

(5) The sale of tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles to persons about whose age the retailer has justified doubts and who does not show an identification document on the retailer's request shall be prohibited.

(6) On the request of a control institution, the purchaser of tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles shall show an identification document.

(7) It shall be prohibited to involve persons younger than 18 years of age in placing on the market tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles.

(8) All tobacco product, herbal smoking product, electronic smoking device and electronic smoking device refill receptacle retail outlets must have a visible sign warning that the use of tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles is harmful to human health.

(9) An economic operator who deals with trade in electronic cigarettes and refill containers shall inform the Health Inspectorate about this before starting trade in these products. The procedures for notifying the Health Inspectorate by the economic operator before starting trade in electronic cigarettes and electronic cigarette refill containers shall be determined by the Cabinet of Ministers.

### **Section 9. Restrictions on the advertising and sponsorship of tobacco products, herbal smoking products, electronic cigarettes and refill containers**

(1) Advertising of tobacco products, electronic cigarettes and refill containers shall be allowed only in publications intended for economic operators who trade in these products, and also in publications that are issued and printed in countries that are not member states of the European Union or states of the European Economic Area and are not intended for the European Union member state or European Economic Area state market.

(2) Economic operators whose main area of activity is manufacturing or trade of tobacco products shall be prohibited from sponsoring any event or activity that involves several member states of the European Union or states of the European Economic Area, takes place in several member states of the European Union or states of the European Economic Area or otherwise has a cross-border effect. Economic operators whose main area of activity is manufacturing or trade of electronic cigarettes and refill containers shall be prohibited from sponsoring any event, activity or individual that is linked to several member states of the European Union or states of the European Economic Area, takes place in several member states of the European Union or states of the European Economic Area or otherwise has a cross-border effect.

(3) Audio and audiovisual commercial communications related to tobacco products, herbal smoking products, electronic cigarettes and refill containers shall be regulated by the Electronic Media Law.

(4) It shall be prohibited:

- 1) in advertisements to display persons smoking;
- 2) to distribute tobacco products, herbal smoking products, electronic smoking devices and electronic smoking device refill receptacles at no cost for advertising purposes.

### **Section 10. Restrictions on smoking**

(1) The employer shall have an obligation to provide employees a workplace free from smoke from tobacco products and herbal smoking products and vapors from electronic smoking devices. The employee shall have the right to refuse to work in a place where other employees smoke, and such refusal may not be considered to be a violation of employment agreements or civil service regulations.

(2) It shall be prohibited to smoke:

- 1) in the presence of children or pregnant women;
- 2) on the premises of educational institutions, educational institution service residences and correctional institutions, and territories used by these institutions;
- 3) on the premises of health care institutions, social care and rehabilitation institutions and prisons, and areas where detained persons are placed and held, and also the territories of these institutions, except for areas that are specially designated for smoking. On the premises of prisons and areas where detained persons are placed and held, when it is not possible to provide the person imprisoned the possibility to smoke in an area specially designated for smoking, it

shall be allowed to smoke in premises specially designated for smoking;

4) closer than 10 meters from the entrance to a building or structure (also on steps or porches) which houses state governing institutions and capital companies in which more than 50 percent of the capital shares (stock) is owned by a public entity. In these places informative notices or symbols about the smoking prohibition shall be displayed;

5) in shelters at public transportation stops and on platforms;

6) in apartment house stairwells, corridors and other common premises;

7) on apartment house balconies and loggias, if any of the apartment house residents justifiably objects;

8) with respect to workplaces, in work areas and common areas, except for the area specially designated for smoking;

9) in public buildings, structures and public premises. This prohibition does not apply to apartments in public buildings;

10) in the main common areas, cabs and cabins of public vehicles, taxis and passenger ships. Long-distance trains and passenger ships may have separate wagons or cabins intended for smokers;

11) in vehicles owned by or under the control of state or local government institutions;

12) during sports and other public events, in stadiums and other delimited territories, except areas specially designated for smoking;

13) in children's recreation and play grounds;

14) in parks, squares and swimming places, except areas specially designated for smoking;

15) in cafes, restaurants and other public food establishments, except summer (outside) cafes, in which it is allowed to smoke only in areas specially designated for smoking;

16) in any other public area not mentioned in this Section in the presence of another person, if this person objects.

(3) Hotels and other short-term residential quarters may have specially designated sleeping rooms in which it is allowed to smoke.

(4) In casinos and game rooms smoking shall be allowed only in premises specially designated for smoking or in separate partitioned premises that are intended for smoking and that in the building's technical inventory plan are indicated as premises effectively partitioned off, which are intended for the receiving of basic services and smoking and are equipped with exhaust ventilation. These premises shall comprise not more than 50 percent of the extent of the common public premises and shall be situated as far from the entrance as possible. The premises shall display the appropriate informative notice or symbol.

(5) In international airports, premises specially designated for smoking may be set up in public departure halls behind safety control points.

(6) The prohibition of smoking is to be indicated with the informative notice using the sign "No smoking" (white letters on a red background), and permission to smoke is to be indicated with a similar notice using the sign "Smoking allowed" (white letters on a green background) or the respective symbol. In addition to the informative notice "Smoking allowed" or the symbol used to indicate that smoking is allowed, the informative notice "Smoking kills - quit now." is also to be displayed.

(7) The procedures for displaying informative notices or symbols about prohibition of smoking or permission to smoke and also samples of informative notices and symbols shall be determined by the Cabinet of Ministers.

### **Section 11. State Commission on the Restriction of Smoking**

The Cabinet of Ministers shall approve the regulation on the State Commission on the Restriction of Smoking. The members of the State Commission on the Restriction of Smoking shall be approved by the minister of health, including in the Commission at least one representative from:

- 1) the Ministry of Health;
- 2) the Ministry of Finance;
- 3) the Ministry of Economics;
- 4) the Ministry of Education and Science;
- 5) the Ministry of the Interior;
- 6) the Ministry of Environmental Protection and Regional Development;
- 7) the Latvian National Coalition on Tobacco and Alcohol Control;
- 8) the Latvian Association of Local and Regional Governments;
- 9) the Latvian Medical Association;
- 10) employer organizations;
- 11) employee organizations.

### **Section 12. Areas of authority of state administrative institutions**

(1) The State Revenue Service shall control:

- 1) the restriction set out in point 3 of the first part of Section 3 of this Law with respect to tobacco products and herbal smoking products, and also the enforcement of the restriction set out in points 5 and 6;
- 2) the fulfillment of the requirements set out in the ninth and tenth part of Section 6 of this Law;
- 3) the fulfillment of the requirements set out in the second part of Section 8 of this Law.

(2) The Health Inspectorate shall:

- 1) control the enforcement of the restrictions set out in the third part of Section 3 of this Law;
- 2) assess the compliance of tobacco products with the requirements set out in the second and fourth parts of Section 3 of this Law;
- 3) control the enforcement of the restrictions set out in point 3 of the first part of Section 3 of this Law with respect to electronic cigarettes and refill containers and also novel tobacco products;
- 4) control the enforcement of the restrictions set out in the fifth part of Section 3 of this Law;
- 5) receive, store, process, analyze and publish information submitted in accordance with the first

and second parts of Section 5 of this Law;

6) approve the list of laboratories accredited in Latvia referred to in the third part of Section 4 of this Law and inform the European Commission thereof, showing the criteria used for approval and suitable monitoring methods, and also inform the European Commission of changes in the list;

7) inform the European Commission of all measurement methods used to measure cigarette emissions other than tar, nicotine and carbon monoxide emissions, and emissions from tobacco products other than cigarettes;

8) inform the European Commission of the maximum emission level set for other cigarette emissions than those set in the third part of Section 3 of this Law and for emissions from tobacco products that are not cigarettes;

9) perform necessary activities in accordance with the third and fourth parts of Section 5 of this Law;

10) control the fulfillment of the requirements set out in the fifth, sixth, seventh and eighth parts of Section 6 and in the first, second, third, fourth and fifth parts of Section 7 of this Law.

(3) The State Revenue Service and the Health Inspectorate shall have the right to take samples of tobacco products, herbal smoking products, electronic cigarettes, refill containers and novel tobacco products in any trade outlet and in excise goods warehouses.

(4) The Consumer Rights Protection Center shall control the enforcement of the restrictions set out in the first, second, third and fourth parts of Section 6 and in the first, second and fourth parts of Section 9 of this Law that in accordance with the first part of Section 7 of the Advertisement Law are considered as additional requirements in the area of advertising and whose enforcement monitoring occurs in accordance with the Advertisement Law.

(5) The State Police and municipal police shall control the enforcement of the restrictions set out in points 1 and 2 of the first part of Section 3, the first, third and fifth parts of Section 8 and also the second, third, fourth, fifth and sixth parts of Section 10 of this Law.

(6) The State Labor Inspectorate shall control the enforcement of the restrictions set out in the seventh part of Section 8 and the first part of Section 10 of this Law.

(7) Ministry of Education and Science and the Ministry of Health shall have the obligation to develop programs to prevent the use of tobacco products, herbal smoking products and electronic smoking devices for various groups of the population, introduce them into educational institutions and promote their introduction into workplaces.

(8) Ministry of Health shall have the obligation to develop state policy in the area of reducing the harm done by tobacco products, herbal smoking products, electronic smoking devices and related products, based on inter-sectoral cooperation, and provide persons who want it the possibility to get treatment for tobacco addiction.

### **Section 13. Monitoring agency decision**

(1) In determining violations, the State Revenue Service, Health Inspectorate, Consumer Rights Protection Center, State Police and municipal police (each hereinafter – monitoring agency) shall have the right to make the following decisions:

1) to have the manufacturer or importer in a set period of time remedy lack of conformity, while prohibiting the relevant product or product manufacturing batch to be placed on the market or sold during the time taken to remedy the lack of conformity;

2) if the product can cause a significant health risk to consumers or if its manufacture and placing on the market is prohibited in accordance with this Law, to prohibit the placing on the market and selling of the product, having the manufacturer or importer remove the product from the market, destroy it in appropriate circumstances or recall the product from consumers, and also inform consumers of existing risks. Product recall shall be carried out only as a last resort.

(2) The monitoring agency's decision shall be in force as of the moment the decision is taken.

(3) The monitoring agency's decision may be appealed in the courts per the procedure set out in the Administrative Procedure Law. Appealing a decision shall not stop its enforcement.

### **Transitional provision**

1. With the entering into force of this Law, the law "On Restrictions Regarding Sale, Advertising and Use of Tobacco Products" (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs* [Reporter of the Saeima and Cabinet of Ministers of the Republic of Latvia], 1997, No. 3; 1999, No. 22; 2003, Nos. 2, 23; 2004, Nos. 4, 18; 2005, Nos. 7, 14; 2007, No. 21; 2008, No. 10; 2009, Nos. 1, 14; *Latvijas Vēstnesis* [Latvian Herald], 2010, Nos. 34, 47, 205; 2014, No. 228) is repealed.

2. Tobacco products and herbal products for smoking manufactured or released for free circulation and labeled in accordance with the law "On Restrictions Regarding Sale, Advertising and Use of Tobacco Products" until 19 May 2016 may be placed on the market until 20 May 2017.

3. Electronic cigarettes and refill containers that are not in compliance with this Law may be placed on the market until 20 May 2017 if these electronic cigarettes and refill containers are manufactured or released for free circulation before 20 November 2016.

4. The provisions of the second and fourth parts of Section 3 of this Law with respect to tobacco products that have a characterizing flavor and whose sales volume in the European Union and European Economic Area in their respective product categories is three percent or more shall be applied as of 20 May 2020.

5. The tenth part of Section 6 of this Law with respect to cigarettes and roll-your-own tobacco shall be applied as of 20 May 2019, and with respect to other tobacco products it shall be applied as of 20 May 2024.

6. The Cabinet of Ministers shall issue the regulations provided for in the eleventh part of Section 6 of this Law by 1 December 2018.

7. Economic operators that have started trading in electronic cigarettes and refill containers by 19 May 2016 shall inform the Health Inspectorate thereof by 20 November 2016 using the procedure set out in the ninth part of Section 8 of this Law.

8. The requirement of the fifth part of Section 10 of this Law on displaying the informative notice "Smoking kills — quit now." shall be introduced no later than 20 May 2017.

9. The Cabinet of Ministers shall issue the regulations provided for in Sections 10 and 11 of this Law by 1 March 2017. The following Cabinet regulations, insofar as they do not preclude this Law, shall be applied until the day the relevant Cabinet regulations enter into force, but not later than 28 February 2017:

1) Cabinet Regulation No. 976 of 20 December 2005 "Regulations Regarding the Procedures for Placement of Informative Notices or Symbols Regarding Prohibition to Smoke and Permission to Smoke, as well as Regarding the Samples of Notices and Symbols";

2) Cabinet Regulation No. 637 of 27 August 2013 "Regulation on the State Commission on Restriction of Smoking".

### **Informational reference to European Union directives**

This Law incorporates provisions of law from:

- 1) Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products;
- 2) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.

This Law shall enter into force on 20 May 2016.

This Law was adopted by the *Saeima* on 21 April 2016.

President *R. Vejonis*

Riga, 12 May 2016