

Unofficial Translation



Act on protection against the harmful effects of tobacco (Tobacco Control Act)

Date ACT-1973-03-09-14

Ministry Ministry of Health and Care Services

Last amended ACT-2020-05-20-42 from 07/01/2020

Published ISBN 82-504-1467-5

Entry into force 07/01/1975

Abbreviated title Tobacco Control Act – tobskl

Section overview

Chapter 1. Introductory provisions (§§ 1-3)

Chapter 2. Registration and oversight arrangement for the sale of tobacco products and tobacco substitutes (§§ 4 - 16 c)

Chapter 3A. Tracking system and safety labeling of tobacco products (§§ 16 d - 16 h)

Chapter 3. Sale of tobacco products etc. (§§ 17 - 21 a)

Chapter 4. Prohibition on advertising etc. (§§ 22 - 24)

Chapter 5. Special prohibitions on use of tobacco etc. (§§ 25 - 29)

Chapter 6. Labeling and design of tobacco products etc. (§§ 30 - 34)

Chapter 6A. Electronic cigarettes, plant-based smoking products and new tobacco products (§§ 34 a - 34 d)

Chapter 7. Oversight and sanctions upon violation (§§ 35 - 37 a)

Chapter 8. Disclosure and reporting duties (§§ 38 - 40 a)

Chapter 9. Concluding provisions (§§ 41 - 46)

Act reworked in its entirety through the Act of May 24, 2013 no. 17 effective July 01, 2017. Former § 21 on entry into effect fully withdrawn from the act.

Act's title amended through Acts dated May 06, 1988 no. 24, May 23, 2003 no. 34 (effective date May 23, 2003 per resolution of May 23, 2003 no. 626), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), the entire act was reworked at the same time. – Cf. former Act of April 19, 1899 no. 2. – Cf. European Economic Area agreement annex II, chapter XXV no. 3 (dir. 2014/40, formerly 2001/37/EC).

Unofficial Translation

Chapter 1. Introductory provisions

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515).

§ 1. Purpose

The purpose of this act is to limit health problems caused by tobacco products by reducing consumption and by contributing over the long term to a tobacco-free society. The act also regulates measures to prevent children and young people from beginning to use tobacco products, to promote cessation among those who already use tobacco products, and to protect the population from exposure to tobacco smoke.

0 Amended through Acts dated June 21, 2002 no. 33 (effective date July 01, 2002 per resolution of June 21, 2002 no. 575), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515).

§ 2. Definitions

As used in this act the term "tobacco products" refers to products that can be smoked, sniffed, sucked or chewed if they are comprised in whole or in part of tobacco.

As used in this act the term "tobacco accessories" refers to products that are intended primarily to be used in conjunction with tobacco products and tobacco substitutes.

As used in this act the term "tobacco substitute" refers to products that in their mode of use are equivalent to tobacco products but that do not contain tobacco.

As used in this act the term "electronic cigarette" refers to tobacco substitutes that can be used to intake vapor through a mouthpiece, or parts of such a product, including a cartridge, a tank and the equipment independently of cartridge or tank. Electronic cigarettes can be for single-use or refillable.

As used in this act the term "refill pod" refers to a container that contains fluid that can be used to refill an electronic cigarette.

As used in this act the term "herbal smoking product" refers to tobacco substitutes based on plants, herbs, or fruits, that can be consumed through a combustion process.

As used in this act the term "tobacco imitation" refers to products that by their design bear a close resemblance to tobacco products or tobacco accessories, but that do not contain tobacco or tobacco substitutes.

As used in this act the term "sale" refers to the exchange of tobacco products to consumers for payment.

As used in this act the term "wholesale" refers to the exchange of tobacco products for payment not falling under paragraph 8.

As used in this act the term "cross-border remote sale" refers to sales where the consumer at the time of ordering the product from a retail point of sale is in a country other than where the retail point of sale is established.

As used in this act the term "specialty store" refers to a point of sale that primarily sells tobacco products, tobacco substitutes, or tobacco accessories.

The Ministry of Health and Care Services may issue guidelines on which products shall be considered tobacco products, tobacco substitutes, or tobacco imitations, tobacco accessories, electronic cigarettes and refill pods, and more sharply defined criteria on what is considered a specialty store. The ministry can settle disputed issues with binding effect.

Unofficial Translation

0 Amended through Acts dated April 15, 1977 no. 29, February 17, 1995 no. 10 (effective date January 01, 1996), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of Apr 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 3. Area of application

This act applies to the import, export, sale, design, and use of tobacco products, tobacco accessories, tobacco substitutes, tobacco imitations and new categories of tobacco and nicotine products.

The act, with the exception of § 28a, shall not apply to electronic cigarettes and refill pods falling under the Norwegian Medicines Act or Medical Device Act.

The act applies to Norway, including Svalbard and Jan Mayen. The King may rule to determine that parts of the law shall not apply to Svalbard and Jan Mayen, and can establish separate rules in consideration of local conditions.

The act will apply within the offshore petroleum industry to the extent that such operations are covered by the § 1-3 of the Working Environment Act.

0 Amended through Acts dated December 04, 1992 no. 132, June 21, 2002 no. 33 (effective date July 01, 2002 per resolution of June 21, 2002 no. 575, with exception of para. two, which entered into force on September 30, 2003), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

Chapter 2. Registration and oversight arrangement for the sale of tobacco products and tobacco substitutes

0 Chapter abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). Chapter, with § 4 to § 16, added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908).

§ 4. Mandatory registration for sale of tobacco products and tobacco substitutes to consumers

The sale of tobacco products and tobacco substitutes to consumers without registration with the Norwegian Directorate of Health is prohibited. Each individual operation shall register all of its points of sale for tobacco products and tobacco substitutes.

Mandatory registration applies to both permanent points of sales and points of sale that sell for parts of the year or on a single instance.

Consumers may only be sold tobacco products and tobacco substitutes that are legally imported or purchased from registered wholesalers.

The Ministry can issue regulations with more stringent provisions on the requirements in the first, second, and third paragraphs, including what information needs to be registered, limitations on registration, and exemptions from mandatory registration.

0 Amended through Acts dated December 04, 1992 no. 132, April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, para. three entered into force January 01, 2018, per resolution of June 21, 2017 no. 908).

Unofficial Translation

§ 5. Internal controls

The point of sale must establish internal controls for the fulfillment of the provisions in §§ 4, 17 to 24, 30 to 33, 34 a, 34 d and 42. Internal controls must be able to be documented for the regulatory authorities.

The Ministry can issue provisions with more stringent provisions on internal controls.

0 Amended through Acts dated February 17, 1995 no. 10 (effective date January 01, 1996), January 17, 1997 no. 3 (effective date March 01, 1997), April 03, 2009 no. 18 (effective date January 01, 2010 per resolution of April 3, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908).

§ 6. Mandatory registration for wholesaling of tobacco products and tobacco substitutes

Wholesaling of tobacco products and tobacco substitutes without registration with the Directorate of Health is prohibited.

Wholesale of tobacco products and tobacco substitutes can only be made to registered points of sale and wholesalers.

The Ministry can issue regulations with more stringent provisions on the requirements in the first and second paragraphs, including what information needs to be registered, limitations on registration, and exemptions from mandatory registration.

0 Added through the Act of May 06, 1988 no. 24, Amended through Acts dated February 17, 1995 no. 10 (effective date January 01, 1996), January 17, 1997 no. 13 (effective date March 01, 1997), June 15, 2001 no. 66 (effective date January 01, 2002 per resolution of June 15, 2001 no. 695), June 21, 2002 no. 33 (effective date July 01, 2002 per resolution of June 21, 2002 no. 575), May 23, 2003 no. 34 (effective date June 01, 2004 per resolution of May 23, 2003 no. 626), June 17, 2005 no. 62 (effective date January 01, 2006 per resolution of June 17, 2005 no. 609), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended through resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, paragraph two entered into force on January 01, 2018, per resolution of June 21, 2017 no. 908).

§ 7. Oversight of points of sale

The municipality conducts oversight to ensure that registered points of sale for tobacco products and tobacco substitutes to consumers comply with the provisions in §§ 4, 5, 9, 17 to 24, 30 to 33, 34 a, 34 d and 42 and regulations issued pursuant to these provisions. The point of sale is required to grant the municipality access to facilities, including warehouses, necessary information, sample products, and other relevant supporting material.

The district governor conducts oversight according to paragraph one on Svalbard. The district governor can delegate this task to local officials in Longyearbyen.

The Ministry can issue more detailed provisions in regulations on oversight and exercise of oversight, including that oversight of individual types of points of sale shall be conducted by the Directorate of Health.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, paragraphs one and two entered into force on January 01, 2018, per resolution of June 21, 2017 no. 908).

§ 8. Orders for corrective measures and coercive fines

Unofficial Translation

If the municipality finds that a point of sale has violated the provisions in §§ 4, 5, 9, 17 to 24, 30 to 33, 34 a, 34 d and 42 or that provisions issued pursuant to these have been violated, it may require corrective actions of the conditions. A deadline for corrective measures shall be set at the same time. The municipality can require written confirmation from the violator that the unlawful conditions have been amended.

In addition to an order for corrective measures, the municipality may also impose a coercive fine. The fine runs starting from the lapse of the deadline for corrective action, and can be imposed in the form of a single fine or a daily fine. The fine goes to the state.

If the municipality, upon discovery of a violation of the provisions mentioned in the first paragraph, finds particular reason to believe that a new violation shall be committed that shall not be stopped in accordance with the first and second paragraph, the municipality may stipulate that the fine will run from the time a new violation occurs. Such coercive fines can be set for up to one year.

The Directorate of Health can adopt decisions according to the paragraphs one through three in this provision towards wholesalers in the event of violation of provisions as mentioned in § 35.

The district governor can adopt decisions according to paragraphs one through three on Svalbard. The district governor can delegate to Longyearbyen's local administration the authority to adopt decisions in accordance with this provision for Longyearbyen.

The ministry can issue regulations on the imposition, calculation, and collection of coercive fines.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), Added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, paragraphs one through five entered into force January 01, 2018 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 9. Sales restrictions

If the municipality finds that a point of sale has violated the provisions in §§ 4, 5, 17 to 24, 30 to 33, 34 a, 34 d and 42 or provisions issued pursuant to these, it may adopt decisions on the prohibition of sale of tobacco products and tobacco substitutes.

The Directorate of Health can adopt decisions regarding prohibition of wholesaling of tobacco products and tobacco substitutes in the event of a violation of the provisions mentioned in § 35.

The district governor can adopt decisions according to paragraph one on Svalbard. The district governor can delegate to Longyearbyen's local administration the authority to adopt decisions in accordance with this provision for Longyearbyen.

The Ministry can through regulations issue more detailed provisions on prohibition of sales, including on case handling and on standardized penalties for various types of violations.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, paragraphs one through three entered into force January 01, 2018 per resolution of June 21, 2017 no. 908). **Amended** through the Act of 22 Jun 2018 no. 77 (effective date as determined by the King, becomes § 36 b).

§ 10. Fees

The municipality may require an annual inspection fee from points of sale to cover its costs associated with inspection tasks per § 7, paragraph one.

The district governor, and where applicable Longyearbyen local administration, can require an annual inspection fee from points of sale to cover their cost of inspection tasks per § 7, paragraph three.

Unofficial Translation

The Directorate of Health may require an annual inspection fee from wholesalers for overage of its costs incurred through inspection of wholesalers per § 35. The Directorate of Health can also require inspection fees from points of sale where they conduct inspections in accordance with § 7, third paragraph.

The Directorate of Health may also require an annual registration fee from wholesalers to cover costs associated with operation and administration of a register of points of sale and wholesalers, cf. § 35 a.

The Ministry can issue regulations on rates and payment of fees in accordance with this regulation.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), Added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017, paragraphs one through four entered into force January 01, 2018 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King, becomes § 7).

§ 11. Appeals

Individual decisions adopted by the municipality per §§ 8 and 9 can be appealed to the county governor.

Individual decisions adopted by the Directorate of Health per §§ 8 and 9 can be appealed to the Ministry.

Individual decisions adopted by the district governor per §§ 8 and 9 can be appealed to the Ministry. In cases where the district governor has delegated authority to local administration in Longyearbyen, the district governor is the instance of appeal for decisions adopted by the local administration.

0 Amended through Acts dated May 06, 1988 no. 24, January 17, 1997 no. 13 (effective date March 01, 1997), section number changed from § 9), May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908), Added through the Act of June 21, 2017 no. 89 (effective date January 01, 2018 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 12. Transfer, death, and bankruptcy

0 Amended through Acts dated May 06, 1988 no. 24, January 17, 1997 no. 13 (effective date March 01, 1997 – section number changed from § 10), May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 13. Duty of disclosure and notification

0 Amended through Acts dated May 06, 1988 no. 24, January 17, 1997 no. 13 (effective date March 01, 1997), section number changed from § 11, May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), Apr 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), June 24, 2011 no. 29 (effective date January 01, 2012 per resolution of June 24, 2011 no. 637), June 14, 2013 no. 32 (effective date January 01, 2014 per resolution of June 14, 2013 no. 617), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

Unofficial Translation

§ 14. *Duty to notify of licensees*

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 15. *Fines and fees*

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16. *Destruction of production equipment*

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), abrogated through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), added through the Act of May 24, 2013 no. 17 (effective date July 01, 2017 per resolution of May 24, 2013 no. 515 as amended per resolution of December 18, 2015 no. 1586), abrogated through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 a. *Internal controls*

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 b. *Customer control, market monitoring, and reporting*

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 c. *Bookkeeping requirements*

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

Chapter 3A. Tracking system and safety labeling of tobacco products

0 Chapter added through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 d. *Requirement on unique identifiers*

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 e. *Requirement for data storage with independent third party*

Unofficial Translation

0 Added through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 f. Access to information in data storage facilities

0 Added through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 g. Requirement on the registration of individual packages

0 Added through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 16 h. Requirements on safety labeling

0 Added through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

Chapter 3. Sale of tobacco products etc.

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 3 becomes chapter 4).

§ 17. Age restrictions

It is prohibited to sell or transfer tobacco products, smoking equipment, tobacco substitutes or tobacco imitations to individuals under 18 years of age. If there any doubt as to the buyer's age, sale can only take place if the buyer documents that they are at least 18 years of age.

Tobacco products may only be sold to consumers by persons over 18 years of age. The same applies to sale of tobacco imitations, tobacco substitutes, and smoking equipment. This does not apply, however, if a person over 18 years of age has daily supervision in the sales.

The ministry can issue regulations granting exemptions from the age restrictions in the first and second paragraph and issue provisions on age restriction for the importation of tobacco products, tobacco substitutes, tobacco imitations, and tobacco accessories.

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), amended through Acts dated May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 18. Prohibition on self-service

Self-service for tobacco products and tobacco substitutes in points of sales for consumers is prohibited.

The restriction in the first paragraph does not apply in specialty stores and points of sales for duty-free sales to airline passengers.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2014 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

Unofficial Translation

§ 19. Prohibition on sales from self-service vending machines

The sale of tobacco products and tobacco substitutes from self-serve vending machines is prohibited. This restriction does not pertain to solutions where the customer retrieves goods from a vending machine with a prepaid vending card.

Vending cards may not feature trademarks or company logos or other distinguishing characteristics for the products, only a neutralization written indication of the trademark name for the product in question.

Vending machines may not feature trademarks or company logos or other distinguishing characteristics, only a neutral, written indication that the installation is a vending machine for tobacco products or tobacco substitutes.

The ministry can issue regulations on the implementation and fulfillment of these provisions.

0 Added through the Act of May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), amended through Acts dated February 16, 2007 no. 6 (effective date March 01, 2007 per resolution of February 16, 2007 no. 172), January 09, 2009 no. 2 (effective date June 01, 2009 per resolution of January 09, 2009 no. 7), April 03, 2009 no. 18 (effective date July 01, 2009, but second and third paragraphs January 01, 2010 per resolution of April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 8, February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 20. Prohibition on free distribution of tobacco products

Any form of free distribution of tobacco products to consumers from a natural person or legal entity conducting business is prohibited. The same applies to tobacco imitations and tobacco substitutes.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), former § 20 section number changed to § 43.

§ 21. Prohibition on discounted sale

It is prohibited to provide special discounts in the sale of tobacco products and tobacco substitutes to consumers.

0 Amended through Acts dated May 06, 1988 no. 24, June 06, 1997 no. 35 (effective date November 01, 1997), December 21, 2001 no. 119 (effective date January 01, 2002 per resolution of December 21, 2001 no. 1524), June 21, 2002 no. 33 (effective date July 01, 2002 per resolution of June 21, 2002 no. 575), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 7, former § 21 withdrawn, February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 21 a. Registration arrangement for remote sales

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King).

Chapter 4. Prohibition on advertising etc.

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 4 becomes chapter 5).

§ 22. Advertising restrictions

All forms of advertising for tobacco products are prohibited.

Unofficial Translation

Tobacco products may not be included in advertising for other goods or services.

A brand that is primarily known as a brand for tobacco products cannot be used in advertising for other goods or services, as long as the brand in question is used in conjunction with a tobacco product.

Tobacco products cannot be launched with the help of trademarks that are known as, or in use as, trademarks for other goods or services.

This provision similarly applies for tobacco substitutes, tobacco imitations, and tobacco equipment.

The ministry can issue regulations on the implementation and fulfillment of these provisions, and grant exemptions from them.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 23. Prohibition on sponsorship

All forms of tobacco-related sponsorship are prohibited.

As used in this act the term "tobacco-related sponsorship" refers to any form of public or private contributions to an event, organization, or individual for the purpose or the direct- or indirect effect of promoting the sale of tobacco products or tobacco substitutes.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date January 01, 2014 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 24. Prohibition on visual presentation at points of sale

Visible presentation of tobacco products at points of sale is prohibited. The same applies for tobacco accessories, tobacco imitations, tobacco substitutes, and vending cards that allow the customer to retrieve such products from vending machines.

The restriction in the first paragraph does not apply for specialty stores.

Neutral information on price and what products are available for sale can be provided at the point of sale.

The ministry can issue regulations on the implementation and fulfillment of these provisions, and grant exemptions from them.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

Chapter 5. Special prohibitions on use of tobacco etc.

⁰ Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 5 becomes chapter 6).

§ 25. Smoking ban in facilities and means of transport

Air must be smoke-free in facilities and means of transport accessible to the general public. The same applies in meeting rooms, places of employment and service areas. Outdoor entryways into medical facilities and public offices must be smoke-free.

Unofficial Translation

Smoking may, however, be permitted in the following areas:

- a) Residential rooms in institutions that replace the resident's home. In such case, the institution is required to provide those who so wish a non-smoking room. This exemption provision does not apply for institutions primarily inhabited by persons under 18 years of age.
- b) In specially designated lounges in institutions that replace resident homes and installations for use in the offshore petroleum industry. Equivalent non-smoking lounges must be offered, and these must not be smaller or a lower standard than premises where smoking is permitted. On the same terms, the employer can permit smoking in specially designated areas when the nature of the activity prevents employees from leaving the place of work during working hours. This exemption provision does not apply for institutions primarily inhabited by persons under 18 years of age.
- c) In up to half of rooms for overnight accommodations in hotels and other overnight establishments. The non-smoking rooms for overnight accommodation may not be smaller or of lower standard than the overnight accommodations where smoking is permitted.

The owner, operator, or party presiding over or responsible for the premises, area or means of transport is required to ensure compliance with the rules given in, or pursuant to, these provisions. It must be posted with clear signage that smoking is prohibited in places where this may be in doubt, and at the entry to all places of service. In order to ensure compliance with the ban on smoking in place of service and the bans on tobacco use in day-care centers and schools, cf. §§ 26 and 27, such locations must conduct internal controls and establish an internal control system. Internal controls must be able to be documented for the regulatory authorities.

Any party who despite warning from the owner or operator or manager of the premises, area or means of transport or representative thereof violates the provisions given in, or pursuant to, this section can be removed from the facilities, area or means of transport.

The King can through regulation issue more detailed rules on the implementation and expansion of these provisions, including on what is considered to be a facility in the sense of the Tobacco Control Act¹, particularly with respect to outdoor service, the duty to report to regulatory agencies, and on criteria for when provisions on exemption in the second paragraph may be applied, and can grant exemptions from these. The King can through regulation also issue more detailed provisions on requirements for smoke-free buffer areas at the entryways to medical facilities, public offices, and service locations.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2014 per resolution of May 24, 2013 no. 515).

¹ This Act.

§ 26. Tobacco ban in daycare facilities

Use of tobacco in daycare facilities and outdoor areas thereof is prohibited.

The provisions in § 25 paragraphs three and four similarly apply.

The ministry can through regulation issue more detailed rules on the implementation and fulfillment of these provisions, and grant exemptions from them.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2014 per resolution of May 24, 2013 no. 515).

§ 27. Tobacco ban in schools and during school hours

Use of tobacco is prohibited in the facilities of elementary and secondary schools and outdoor areas thereof.

Students in elementary and secondary schools shall remain tobacco-free while school is in session.

The provisions in § 25 paragraphs three and four similarly apply.

Unofficial Translation

The ministry can through regulation issue more detailed rules on the implementation and fulfillment of these provisions, and grant exemptions from them.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2014 per resolution of May 24, 2013 no. 515).

§ 28. Safeguarding children against second-hand smoke

Children have the right to a smoke-free environment. The party responsible for children shall endeavor to ensure that this right is upheld.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515).

§ 28 a. Use of electronic cigarettes.

The provisions of this chapter similarly apply for the use of electronic cigarettes.

0 Added through the Act of February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415).

§ 29. Oversight of tobacco prohibitions

The municipality shall conduct oversight to ensure that the rules in, and pursuant to, §§ 25, 26, first paragraph, 27 first and second paragraphs, and 28 a are upheld. Where places of employment are concerned, this oversight shall be conducted by the Norwegian Labor Inspection Authority.

The rules regarding activity of the municipality and the Working Environment Authority as a supervisory organ according to chapter 3 of the Public Health Act and §§ 18-4 to 18-8 of the Working Environment Act are similarly applied in oversight according to this section.

The Petroleum Safety Authority conducts oversight to ensure that the rules in, and pursuant to, §§ 25 and 28 a are upheld within the area of responsibility overseen by the Petroleum Safety Authority in accordance with the Working Environment Act. The Norwegian Maritime Authority conducts oversight to ensure that the rules in, and pursuant to, §§ 25 and 28a are upheld on ships and other installations. The said authorities can, in their role as supervisory authorities, use equivalent means per applicable rules on health and working environment on ships and rigs within the petroleum industry.

Military command conducts oversight to ensure that the rules in, and pursuant to, §§ 25 and 28 a are upheld on military vessels.

The District governor conducts oversight to ensure that the rules in, and pursuant to, §§ 25, 26, 27 and 28 a are upheld on Svalbard. The district governor can appoint local administration in Longyearbyen to conduct oversight for Longyearbyen.

The supervisory authorities may in exceptional circumstances grant an exemption from rules given in, or pursuant to, §§ 25 and 28 a and set terms and conditions for any exemption. In workplaces with a working environment committee, a statement from the committee must be included in the application. In workplaces without a working environment committee, a statement from the safety representative must be included.

The King can issue more detailed rules on the implementation and fulfillment of these provisions, and grant exemptions from them.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2014 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415).

Chapter 6. Labeling and design of tobacco products etc.

Unofficial Translation

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 6 becomes chapter 7).

§ 30. ¹ *Standardized design of packages and products*

It is prohibited to import into Norway or sell tobacco packages and tobacco products that do not have a standardized design in accordance with further provisions established by the Ministry through regulations. Standardization may pertain to color, form, appearance, material, and labeling, including use of trademarks, logos and other elements associated with brand building.

The ministry can through regulations impose restrictions on what types of points of sale can sell products granted an exemption from the standardization requirement. The ministry can through regulations impose restrictions on what types of points of sale can sell products granted an exemption from the standardization requirement.

0 Added through the Act of January 17, 1997 no. 13 (effective date March 01, 1997), amended through Acts dated May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), section number changed from § 8, April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 9, February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415).

1 Cf. EEA agreement annex II chapter XXV no. 3 (Dir 2001/37).

§ 30 a. *Health warning and product presentation*

It is prohibited to import into Norway or sell tobacco products, electronic cigarettes, and refillable containers and plant-based smoking products not labeled with a health warning.

[It is prohibited to import into Norway or sell tobacco products, herbal smoking products, electronic cigarettes or refillable containers labeled with elements, including text, trademarks, symbols, illustrations or other signs that

- a) promote or encourage use by providing a misleading impression of the product's characteristics, health effects, risk or emissions,
- b) contain information on the amount of nicotine, tar or carbon monoxide,
- c) give the impression that a special product is less harmful to health than others or has vitalizing, energizing, curative, rejuvenating, natural, organic properties or other health-related or lifestyle benefits
- d) refer to taste, aroma, or other additives or absence of such,
- e) resemble a foodstuff or cosmetic or
- f) give the impression that a product has environmental or economic benefits.

The provisions in the first and second paragraph do not apply for nicotine-free electronic cigarettes for single use and nicotine-free refill containers. The restriction on information on nicotine content in paragraph two, letter b and taste additives in paragraph two, letter d does not apply for electronic cigarettes and refillable containers. Paragraph two, letter d and letter f do not apply for plant-based smoking products, but nonetheless it cannot be stated that the product is free of additives or flavor additives.¹

The ministry can through regulations issue more detailed provisions on the expansion and implementation of the requirements in paragraphs one and two and grant exemptions from them.

0 Added through the Act of February 10, 2017 no. 5 (effective date July 01, 2017 for paragraphs one and four per resolution of March 31, 2017 no. 415, paragraphs two and three, effective date as determined by the King).

1 Second and third paragraphs effective date as determined by the King.

Unofficial Translation

§ 31. Prohibition on products to conceal health warnings

It is prohibited to import into Norway or sell cases, cartons, covers, packaging, or any other product that is intended in whole or in part to conceal or obscure the health warnings in § 30 a, paragraph one.

0 Added through the Act of May 24, 2013 no. 17 (effective date January 01, 2014 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 32. Content of tobacco products

[It is prohibited to import into Norway or sell cigarettes and rolling tobacco with characteristic flavoring. The term "characteristic flavoring" refers to a clearly distinguishable aroma or taste other than tobacco as a result of additives or a combination of additives, such as fruit, spices, herbs, alcohol, candy, menthol, or vanilla, and that is perceptible before or during consumption of the product. The ministry can issue expanded regulations, including with respect to case handling to evaluate whether a product is considered to have a characteristic taste, and can grant exemptions from this prohibition.]¹

The ministry can issue regulations on the content of tobacco products and tobacco substitutes, including bans on individual types of additives, maximum limits for content and emissions, and on methods and verification of emissions measurement. The same applies for the components of tobacco products, including filter, paper, capsules, etc.

The ministry can through regulation set fines for work conducted by the authorities to check ingredients and emissions measurements.

0 Amended through Acts dated June 14, 1985 no. 71, May 06, 1988 no. 24, July 20, 1991 no. 66, January 17, 1997 no. 13 (effective date March 01, 1997), May 23, 2003 no. 34 (effective date July 01, 2003 per resolution of May 23, 2003 no. 626), April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of 3 April 03, 2009 no. 395), May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 10, February 10, 2017 no. 5 (effective date April 01, 2017 for second and third paragraphs per resolution of March 31, 2017 no. 415). **Amended** through the Act of February 10, 2017 no. 5 (effective date as determined by the King for the first paragraph).

1 First paragraph effective date as determined by the King.

§ 33. Minimum size of packages of tobacco products

The Ministry can issue regulations on the minimum weight and minimum number of tobacco products per individual package that can be sold in retail sale.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 34. Consumer testing

Any type of testing of tobacco products and tobacco substitutes and packages involving the help of consumers is prohibited.

0 Added through the Act of May 24, 2013 no. 17 (effective date January 01, 2014 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

Chapter 6A. Electronic cigarettes, plant-based smoking products and new tobacco products

Unofficial Translation

0 Chapter added through the Act of February 10, 2017 no. 5 (effective date as determined by the King). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 6A becomes chapter 7A).

§ 34 a. Registration, quality, and safety of electronic cigarettes, etc.

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King).

§ 34 b. Harmful and undesirable effects of electronic cigarettes etc.

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King).

§ 34 c. Market monitoring of electronic cigarettes etc.

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King).

§ 34 d. Approval arrangement for new tobacco and nicotine products

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King).

Chapter 7. Oversight and penalties for violations

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), heading amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 7 becomes chapter 8).

§ 35. Responsibility for oversight

The Directorate of Health conducts oversight to ensure that the provisions in §§ 6, 9, 19 to 24, 30 to 34, 34 c and 34 d and provisions pursuant to these provisions are upheld. The Directorate conducts oversight of the requirements in §§ 30 a and 32 when it comes to tobacco products and plant-based smoking products. Wholesalers are required to provide the Directorate of Health access to facilities, including warehouses, necessary information, sample products, and other relevant supporting material.

The regulatory agency can conduct such review and inspection that it finds necessary to carry out its objectives in accordance with the act; it may accordingly demand and seize documents, objects, product samples or other, and issue injunctions and adopt the measures necessary for implementation of the oversight.

The Ministry can issue additional regulations on the implementation of oversight.

0 **Added** through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through Acts dated February 10, 2017 no. 5 (effective date April 01, 2017 for paragraphs one, three and four per resolution of March 31, 2017 no. 415, but second paragraph effective date as determined by the King), June 21, 2017 no. 89 (effective date January 01, 2018 per resolution of June 21, 2017 no. 908), May 20, 2020 no. 42 (effective date July 01, 2020 per resolution of May 20, 2020 no. 1032). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King, a new second paragraph applies) as amended through the Act of May 20, 2020 no. 42.

§ 35 a. Registry for the sale of tobacco products and tobacco substitutes.

Unofficial Translation

The Directorate of Health administers a registry of points of sale and wholesalers for tobacco products and tobacco substitutes, cf. §§ 4 and 6. Through regulations, the ministry can issue more detailed provisions on the administration of the registry, including correction and deletion of information.

0 Added through the Act of June 21, 2017 no. 89 (effective date July 01, 2017 per resolution of June 21, 2017 no. 908). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 36. Corrective measures and coercive fines

If the regulatory agency finds that any of the provisions mentioned in § 35 have been violated, it may require correction of these conditions. A deadline for corrective measures shall be set at the same time. The regulatory agency can obtain written confirmation from the violator that the unlawful conditions have been amended.

The Directorate of Health can adopt decisions in accordance with paragraph one, item one, with provisional effect if there is a reasonable basis to assume that provisions falling under the oversight of the Directorate of Health according to § 35 have been violated, and if there is a risk of serious harm to the interest of consumers.

A decision with provisional effect shall apply for a specific period of time that cannot exceed three weeks from the time of implementation. The decision can be renewed if conditions in the second paragraph are fulfilled.

A coercive fine can be set at the same time that an order for corrective action is issued. The fine runs starting from the lapse of the deadline for corrective action, and can be imposed in the form of a single fine or a daily fine. The fine goes to the state.

If the Directorate, upon discovery of a violation of § 22 or provisions given pursuant to this, finds particular reason to believe that a new violation of the advertising provisions will be committed that shall not be stopped in accordance with the first and second paragraph, the Directorate may establish in advance that the fine will run from the time a new violation occurs. Such coercive fines can be set for up to one year.

Where justified by specific reasons, the regulatory agency can partially or completely waive coercive fines.

For Svalbard, the district governor can adopt decisions according to this section.

The ministry can issue regulations on the imposition, calculation, and collection of coercive fines.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through Acts dated February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), May 20, 2020 no. 42 (effective date July 01, 2020 per resolution of May 20, 2020 no. 1032). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King) as amended through the Act of May 20, 2020 no. 42.

§ 36 a. Fines for violations

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 36 c. Suspension of licenses

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 36 d. Order for the removal of digital web content etc.

If a violation of provisions falling under the oversight of the Directorate of Health according to § 35 results in a risk

Unofficial Translation

of serious harm to the interests of the consumer, and no other effective means of stopping the violation are seen, the court may upon request from the Directorate of Health and in accordance with the rules in §§ 43 a to 43 c of the Marketing Act order

- a) a hosting service supplier or an owner of a web-based interface to remove content on the interface or include a clear warning seen by consumers when they access the web-based interface,
- b) an internet service provider to limit access to a web-based interface,
- c) a hosting service provider to remove, disable, or limit access to a web-based interface,
- d) a registry service for top-level domains or a domain registry to delete, suspend, or re-register a fully qualified domain name to the Directorate of Health.

An evaluation of whether an order will be issued shall account for, among other things, freedom of information and expression, consumer interests, the interests of the defendant, and the possibilities for a less extensive intervention.

⁰ Added through the Act of May 20, 2020 no. 42 (effective date July 01, 2020 per resolution of May 20, 2020 no. 1032).

§ 37. Appeals regarding decisions on corrective actions and coercive fines

Decisions according to § 36 on the basis of the violations of §§ 20, 21, 22, 23, 30, 30 a, 31 and 33 or provisions pursuant to these can be appealed to the Norwegian Market Council. With processing in the Norwegian Market Council the case handling rules given in or pursuant to the Marketing Act shall apply to the extent appropriate.

⁰ Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 37 a. Revocation of registration, approval and ban on sales

⁰ **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

Chapter 8. Duty of disclosure and reporting

⁰ Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), heading amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 8 becomes chapter 9).

§ 38. Duty of disclosure and reporting etc.

Any requirements following injunction from the supervisory authority to provide the information necessary to prevent harm to health caused by tobacco products or tobacco substitutes or carry out duties according to the Act.

Producers and importers of tobacco products shall report to the Directorate on the content and emissions of the tobacco products and on sales volume. They shall also submit all market and consumer surveys associated with ingredients and emissions, and summaries of market surveys in conjunction with launch of new products. The same applies upon significant changes.

[Producers and importers of plant-based smoking products shall report to the Directorate on product ingredients. The same applies when changes are made to the composition of the ingredients in a product.]¹

The Directorate can require the party manufacturing or importing tobacco products to present a representative sample of the product or to initiate investigations as necessary to evaluate the product's characteristics and effects. The costs of such investigations are both by the manufacturer or importer in question. The Directorate can decide that these costs are fully or partly covered by public funds.

Unofficial Translation

The Directorate can itself carry out such investigations, and can require the manufacturer or importer to bear the costs of the investigation. These costs are a basis for enforcement of execution.

The ministry can through regulations issue more specific provisions on the implementation of reporting duty in the second and third paragraphs, including the duty to carry out studies and draw up reports and grant exemptions from the duty to report.

The ministry can through regulations require manufacturers and importers to pay fees for the authorities' work in the receiving, storage, handling, analysis and publication of the information mentioned in the second, third, and sixth paragraphs.

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), amended through Acts dated May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 15, February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415 with the exception of paragraph three, which enters into force as determined by the King). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

1 Third paragraph effective date as determined by the King.

§ 38 a. Relation to duty of confidentiality that follows from acts, injunctions, or agreements

The duty to confidentiality that follows from act, injunction, or agreement, does not serve to obstruct the duty to disclose, or the right to conduct review and inspection in accordance with §§ 35 and 38. This does not, however, apply to information, documents, objects, products samples or other items covered by the duty to confidentiality mentioned in §§ 117 to 120 of the Criminal Justice Act, with the exception of § 118, first paragraph, item one. When there is a reasonable basis to suspect violation of §§ 22 to 24 of the Tobacco Control Act, and special considerations make it necessary, a provider of access to an electronic communications network or service may be required to provide information on an unlisted agreement-related telephone number or other subscriber information, and electronic communication address, even if this information falls under § 118, paragraph one, item two of the Criminal Justice Act.

0 Added through the Act of May 20, 2020 no. 42 (effective date July 01, 2020 per resolution of May 20, 2020 no. 1032).

§ 39. Information for statistical purposes etc.

The ministry can issue regulations on the duty of supervisory authorities, and any business or individual involved in the production, import, distribution or retail sale of tobacco products or related products, to provide information for statistical purposes.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415).

§ 40. Duty of disclosure for importers of tobacco products etc.

The Norwegian Customs Service shall, with no impediment by statutory duty to confidentiality, upon request from the Directorate of Health provide the information necessary for the Directorate to be able to maintain an overview of who is conducting import of tobacco products, tobacco imitations, and tobacco substitutes, including information on volume and type of products.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515).

§ 40 a. Release of information

Unofficial Translation

0 **Added** through the Act of February 10, 2017 no. 5 (effective date as determined by the King). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

Chapter 9. Final provisions

0 Heading added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515). Chapter amended through the Act of June 22, 2018 no. 77 (effective date as determined by the King, former chapter 9 becomes chapter 10).

§ 41. *Prohibition on the export of snuff*

It is prohibited to export snuff to any country that is a member of the European Economic Area that has instituted a ban on the sale of snuff.

The export ban does not apply for snuff taken by a traveler for their own personal use or as a gift for personal use.

As used in this provision the term "snus" refers to tobacco products for oral use, made completely or partially from tobacco, with the exception of tobacco products intended to be smoked or chewed.

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), amended through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 18.

§ 42. *Prohibition on individual product categories*

The ministry can prohibit the import and sale of specific product categories on the basis of special conditions if this is considered necessary to protect public health.

0 Added through the Act of February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415, former § 42 section number changed to § 44).

§ 43. *Seizure and destruction of illegally imported products*

Tobacco products, tobacco substitutes, and tobacco accessories imported in violation of the provisions in this act with regulations can be withheld, seized, and destroyed.

In the event of withholding, the recipient shall be notified that the product may be seized and destroyed. The recipient shall be given the opportunity to make a statement in the case within a later specified deadline.

If the recipient does not make a statement by this deadline, the product can be seized and destroyed. Public Administration Act

§§ 23, 24, 25 and 27 are not applied where the recipient has not provided a response by the deadline.

The King can issue regulations on the implementation of this provision; this includes the establishment of deadlines to provide a response to warnings issued per paragraph two.

The King can through regulation make exceptions regarding the right to appeal decisions adopted pursuant to this provision.

0 Added through the Act of February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415, former § 43 section number changed to § 45). **Amended** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).

§ 44. *Penalty*

Unofficial Translation

Any party that deliberately or negligently violates prohibitions or orders given in, or pursuant to, this Act shall be subject to fines. Attempts are subject to the same penalty.

This provision does not apply to § 28.

Through regulations, the ministry can determine that penalties for negligent violations shall only be applied after police warning.

0 Added through the Act of May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), amended through Acts dated June 19, 2015 no. 65 (effective date October 01, 2015), February 10, 2017 no. 5 (effective date April 01, 2017 per resolution of March 31, 2017 no. 415), section number changed from § 42.

§ 45. ¹ Regulatory basis

The ministry can issue transitional rules and regulations otherwise for the implementation and expansion of the provisions in this act.

0 Added through the Act of April 03, 2009 no. 18 (effective date July 01, 2009 per resolution of April 03, 2009 no. 395), amended through Acts dated May 24, 2013 no. 17 (effective date July 01, 2013 per resolution of May 24, 2013 no. 515), section number changed from § 20, February 10, 2017 no. 5 (effective date July 01, 2017 per resolution of March 31, 2017 no. 415), changed from § 43.

1 All Acts have a date of entry into force. In this act this was withdrawn through the Act of May 24, 2013 no. 17. The Act entered into force on July 01, 1975.

§ 46. Entry into force

0 **Added** through the Act of June 22, 2018 no. 77 (effective date as determined by the King).