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## Regulation on the registration and oversight of sales of tobacco products etc. (Tobacco Sales Regulation)

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**Legal basis:** Established by the Ministry of Health and Care Services on September 21, 2017 based on Act No. 14 March 09, 1973 on the Prevention of the Harmful Effects of Tobacco (the Tobacco Control Act) § 4, § 5, § 6, § 7, § 9, § 10, § 19, § 22, § 35a, § 39 and § 45.

**Amendments:** Amended by regulation no. 2004 of December 13, 2018 and no. 2007 of December 19, 2019 (effective January 01, 2020).

## Chapter 1. Introductory provisions

### § 1. *Purpose*

The purpose of this regulation is to limit the harmful impacts on health caused by tobacco use by ensuring that the sale of tobacco goods and tobacco substitutes takes place in accordance with the provisions of the Tobacco Control Act, including the prevention of sales to minors.

### § 2. *Area of application*

The regulation regulates wholesale and retail sale of tobacco products and tobacco substitutes.

## Chapter 2. Particulars regarding sales

### § 3. *Age restrictions*

Tobacco products and tobacco substitutes may not be sold to persons under 18 years of age, even if the subject produces written authorization from parents, legal guardians, or others.

Employees at points of sale, when in doubt of age, are authorized and required to demand ID.

### § 4. *Vending machines for tobacco products etc.*

Vending machines containing tobacco products, tobacco substitutes, and tobacco-related accessories must be located so as to remain under constant supervision of employees at the point of sale.

## Chapter 3. Registration

### § 5. *Mandatory registration*

Points of sale for the local sale of tobacco products and tobacco substitutes to consumers and wholesalers must be recorded in a national registry. Companies operating multiple points of sale must record these separately.

Re-registration is required in the event of transfer, death, or bankruptcy.

### § 6. *Purpose of the registry*

The national registry shall provide an overview of registered points of sale and wholesalers of tobacco products and tobacco substitutes. The registry shall be used to maintain an overview of which points of sale and wholesalers can legally sell and purchase tobacco products and tobacco substitutes, that will be subject to official oversight.

## **§ 7. Exemptions from mandatory registration**

Sale of tobacco products and tobacco substitutes to consumers on offshore oil rigs is not subject to mandatory registration.

On Svalbard, only points of sale in Longyearbyen are subject to mandatory recording.

## **§ 8. Registration deadline**

Points of sale and wholesalers must be registered within 14 days before sales begin.

## **§ 9. Points of sale disclosures**

For points of sale of tobacco products and tobacco substitutes, the following information must be recorded:

1. Name, business registration number, and address of the company.
2. Name, business registration number, address, and municipality of the point of sale. If necessary, farm registration number and title number can be registered instead of address.
3. Industry code
4. Contact information in the form of contact person, telephone number, and e-mail address.
5. What categories of tobacco products and tobacco substitutes are sold
6. Date of start of sales
7. For temporary sales, the sales period must be registered. "Temporary sales" refers to sales for a period of up to 30 days annually.
8. If the point of sale conducts duty-free sales to consumers at an airport, sales on trains serving as public transportation, on board ships serving as public transportation, and on board cruise ships on tours lasting multiple days.

## **§ 10. Wholesaler disclosures**

For wholesalers of tobacco products and tobacco substitutes, the following information must be registered:

1. Name, business registration number, and address of the company.
2. Industry code
3. Contact information in the form of contact person, telephone number, and e-mail address.
4. What categories of tobacco products and tobacco substitutes are sold.

## **§ 11. Duty to update information**

Companies and wholesalers are required to update registered information within 30 days in the event of changes.

## **§ 12. Expiration and deletion**

Registration automatically expires if the company ceases operations.

Registered companies and wholesalers are required to delete the registration if they discontinue sales of tobacco products and tobacco substitutes.

The Directorate of Health can delete the registration upon request from a registered company or wholesaler.

The Directorate of Health can delete obviously inactive or erroneous registrations.

## Chapter 4. Internal controls

### § 13. *Requirements on internal control*

Points of sale for tobacco products and tobacco substitutes shall conduct internal controls in order to ensure compliance with the Tobacco Control Act.

### § 14. *Definition of internal control*

In this regulation, the term "internal control" refers to systematic measures to ensure that activities of the point of sale are planned, organized, conducted, and maintained in accordance with the requirements established in the Tobacco Control Act and provisions adopted pursuant to this.

### § 15. *Design of internal controls*

Internal controls must be adapted to the size, type, activities, and risk levels of the point of sale, and be of the scope necessary to adhere to the requirements of the Tobacco Control Act and provisions set pursuant to this. The internal controls must be documented in writing and to the extent necessary on the basis of the size, type, activities, and risk level of the point of sale. Documentation must remain continuously updated and available for the regulatory agencies.

The internal controls means that the individual(s) responsible for the point of sale must

1. have a general idea of the requirements in the Tobacco Control Act and provisions established pursuant to this that apply to the point of sale
2. take measures to ensure that employees at the point of sale have sufficient knowledge and skill to maintain requirements for the point of sale, including requirements on internal controls
3. have a general idea of how the point of sale is organized and how the tasks and responsibility are distributed
4. have procedures to ensure compliance with the requirements in the Tobacco Control Act and provisions established pursuant to this that apply to the point of sale
5. have procedures to prevent, detect, and correct deviations
6. perform systematic and methodical reviews of internal controls.

## Chapter 5. Oversight

### § 16. *Regulatory agencies and responsibility for inspection*

The municipality is responsible for the inspection of points of sale registered for the sale of tobacco products and tobacco substitutes to consumers.

Local authorities in Longyearbyen are responsible for the inspection of points of sale registered for the sale of tobacco products and tobacco substitutes to consumers in Longyearbyen.

The Directorate of Health is responsible for the inspection of duty-free sales of tobacco products and tobacco substitutes to consumers in airports.

The Directorate of Health is responsible for the inspection of sale of tobacco products and tobacco substitutes to consumers

1. on trains serving as public transportation,
2. on board ships serving as public transportation, and on board cruise ships on tours lasting multiple days.

The Directorate of Health is responsible for the inspection of registered wholesalers of tobacco products and tobacco substitutes.

### **§ 17. *Training of inspectors***

The regulatory agency is responsible for ensuring that those assigned to conduct oversight at the points of sale (inspectors) receive the training necessary to be able to carry out their duties, including the necessary training in tobacco legislation, control methods, and reporting.

### **§ 18. *Points of inspection***

The inspection must specifically cover the provisions on age restriction in § 17 of the Tobacco Control Act and in § 3 of this regulation, and the internal controls of the point of sale.

The regulatory agency shall ensure that the inspection is continuously adapted to the conditions considered appropriate per assessment of local conditions.

### **§ 19. *Conducting the inspection***

Inspection of points of sale may be conducted openly or anonymously.

After a completed inspection, the inspector must always present himself/herself to the manager of the site and provide a verbal account of his or her impressions of the site and essential findings.

### **§ 20. *Written report***

A written report is submitted as soon as possible (and by no later than one week) to the point of sale, allowing the point of sale to submit a statement within two weeks.

### **§ 21. *Frequency of inspection***

Inspection of points of sale shall be conducted as often as necessary. Every location shall be inspected at least once annually. The municipality shall conduct at least twice as many inspections annually as there are points of sale in the municipality.

### **§ 22. *Inspection guidelines***

Within the framework of this regulation, the regulator agency can establish more detailed guidelines for conducting inspections of points of sale.

## Chapter 6. Sales restrictions

### § 23. *Sales restrictions*

When considering whether to impose a sales restriction, and for how long, emphasis can be placed on, among other things, the type of violation, severity of the violation, whether the company can be blamed for the violation, and which corrective actions have been taken.

## Chapter 7. Fees

### § 24. *Inspection fee for points of sale*

The regulatory agency can require an annual inspection fee from points of sale of tobacco products and tobacco substitutes to consumers of NOK 4,700.

The regulatory agency can require an annual inspection fee of NOK 1,250 from temporary points of sale.

0 Amended through regulation no. 2004 of December 13, 2018 (effective January 01, 2019), no. 2007 of December 19, 2019 (effective January 01, 2020).

### § 25. *Inspection fee for wholesalers*

The Directorate of Health can require an annual inspection fee from wholesalers of tobacco products and tobacco substitutes of NOK 2,620.

0 Amended through regulation no. 2004 of December 13, 2018 (effective January 01, 2019), no. 2007 of December 19, 2019 (effective January 01, 2020).

### § 26. *Registration fee*

The Directorate of Health can require an annual registration fee from wholesalers of tobacco products and tobacco substitutes.

The fee shall constitute 0.11 per thousand of the annual sales of tobacco products and tobacco substitutes. Registration fee shall amount to a minimum of NOK 3,660 per year.

0 Amended through regulation no. 2004 of December 13, 2018 (effective January 01, 2019), no. 2007 of December 19, 2019 (effective January 01, 2020).

## Chapter 8. Administration of the registry

### § 27. *Registry operations*

The Directorate of Health shall operate and administer the registry.

The Directorate of Health shall delete and correct inaccurate information.

### § 28. *Relation to the Personal Data Act*

Act no. 31 of April 14, 2000 on the processing of personal data applies to the extent that the information recorded is considered personal data, cf. § 2 of the act.

### **§ 29. *Extraction of information from the registry***

Information in the registry is public.

## **Chapter 9. Information for statistical purposes**

### **§ 30. *Duty to disclose***

All parties conducting sales of tobacco products, tobacco substitutes, tobacco imitations, and tobacco accessories are required, upon request from the Norwegian Institute of Public Health, to provide information to be used for statistical purposes. Information that may be subject to mandatory disclosure involves product sales, including volume, type and brand, and information on pricing and earnings.

Municipalities and local authorities in Longyearbyen are required upon request from the Norwegian Institute of Public Health to provide information on the municipalities' administration of the Tobacco Control Act, including information fees or fines collected, controls conducted, sanctions applied, etc.

### **§ 31. *Official statistics***

The Institute of Public Health can in collaboration with the Directorate on Health and Statistics Norway determine how official statistics are to be formulated, including

- definition of statistical units, distinctive marks, classifications, etc., and
- data processing.

## **Chapter 10. Final provisions**

### **§ 32. *Transitional provisions***

Wholesalers and points of sales can register starting November 01, 2017.