

**LAW OF GEORGIA**  
**ON TOBACCO CONTROL**

**Article 1 - Scope of the Law**

This law determines and regulates legal relations in the field of tobacco control in order to reduce the morbidity and mortality caused by tobacco use among the population of Georgia.

**Article 2 - Main principles of tobacco control**

The criteria, requirements, conditions and rules applicable to the field of tobacco control in Georgia shall be based on the following principles:

- a) to recognise tobacco as a harmful product to health;
- b) to recognise the right of non-smokers to protect themselves from the harmful effects of tobacco;
- c) to inform the population of Georgia about the harmful effects of tobacco, and to ensure the transparency of information on tobacco;
- d) to promote quitting the use of tobacco and preventing new use;
- e) to protect the rights and interests of tobacco users;
- f) to control the production and sale of tobacco products;
- g) to reduce demand for and access to tobacco products;
- h) to ban the sale of untaxed and unidentified tobacco products;
- i) to recognise non-smoking as being the norm ;
- j) to have public participating in the development, implementation and evaluation of activities in the fight against tobacco use;
- k) to recognise the right to live in an environment free of tobacco advertisements ,and the right to be protected from the effects of tobacco;
- l) to ensure public safety.

**Article 3 -Definition of terms used in this law**

Terms used in this Law have following meanings for the purposes of this Law:

- a) tobacco product - any product containing tobacco or its components, except for nicotine-containing medications, which are intended for smoking, chewing or sniffing, including:
  - a.a) filtered and unfiltered cigarettes;
  - a.b) papirosas, cigars and cigarillos;
  - a.c) tobacco for pipes;
  - a.d) rolling tobacco;
  - a.e) chewing tobacco and snuff;
- b) cigarettes - any kind of rolled or tube-like structure containing tobacco or its components, which is wrapped in paper or other material permitted by the law, which material does not contain tobacco itself;
- c) smokeless tobacco - a tobacco product that is not intended for smoking, in particular chewing tobacco, dipping tobacco, and snuff;
- d) tobacco smoking - inhaling smoke resulting from the burning of tobacco products;
- e) tobacco industry - the production, import, sale, export, re-export and / or transit of tobacco products;
- f) medical warning - a notice of the harmful effects of tobacco smoking, which may include a pictograph;
- g) rotation - alternation of medical warnings;
- h) ingredients - any of the substances that are added to tobacco, including substances added to tobacco leaves and other natural or processed products of tobacco, and non-tobacco materials which are added to tobacco products during their production process and are present in the final form of the products, even in a modified form;



- i) the Minister - the Minister of Labour, Health and Social Affairs of Georgia;
- j) ingredients of tobacco products - the nicotine contained in the smoke of tobacco products, and the tar and the asphyxiating gases;
- k) quality - combination of those features of harmless tobacco, which are related to the economic interests of end users;
- l) auxiliary materials and items the cover, the pack, and other packaging materials; any material which has contact with tobacco products;
- m) sale - delivery of finished tobacco products to another person for sale or trade for commercial gain;
- n) manipulation – the weighing, measuring, branding, sealing, packaging, stacking, and relocating;
- o) falsification – the non-compliance of the composition, or the characteristics, or the assortment and origin of tobacco products with established requirements or with the data indicated on the enclosed documents and labels;
- p) dangerous substance - substances, their compounds or mixtures of compounds, certain amounts of which may have harmful effects on human health and the environment due to their physical, chemical or biological characteristics;
- q) industrial entity - an enterprise, including plant and factories, or their sections, and other industrial units and lands, and machinery and appliances, that are used in the process of tobacco manufacturing;
- r) control - inspecting, testing or evaluating one or several characteristics of tobacco and its raw materials, as well as tobacco producers and sellers, and assessing the results in accordance with the established requirements;
- s) the finished product - the product obtained from the combination of the resources and activities (industrial processing);
- t) tobacco producer - a natural or legal person which produces tobacco and is held liable for compliance with the requirements of this Law at each stage of their activities; also a representative of the product , or the importer of the product operating in the territory of Georgia when the foreign producer does not have a representative.

#### **Article 4 - Activities carried out for healthcare**

1. The rules regulating tobacco manipulation and trade methods shall be established by the legislation of Georgia.
2. The normative act of the Minister shall define:
  - a) the maximum permissible norms for ingredients of tobacco products intended for sale in Georgia; and rules for measuring and regulating tobacco products in accordance with international requirements which apply to the field of tobacco control
  - b) rules for applying warning notices on tobacco products.
3. The normative act of the Minister shall limit or prohibit the use of certain methods during the manipulation or manufacturing of tobacco products.
4. The measurement of ingredients of tobacco products shall be conducted by the manufacturer and/or importer of tobacco products at their own expense. A manufacturer and / or importer of tobacco products shall confirm that the measurements have been carried out in accordance with applicable standards and shall submit to the Ministry of Labour, Health and Social Affairs of Georgia relevant information about the appropriately licensed laboratory where the measurement was carried out.

#### **Article 5 - Sale of tobacco products**

1. It is prohibited to involve persons under 18 years of age in the tobacco industry.
2. It is prohibited to sell tobacco products:
  - a) at foster-care institutions, educational and foster-care educational institutions, and in adjacent locations within a 50-metre radius;
  - b) at all types of medical, schooling, state, sports and cultural institutions;
  - c) in sections of commercial stores where children's clothes and toys are sold;
  - d) if sold as single cigarettes, or single packs(the box) which contain fewer or more than 20 cigarettes each;
  - e) without packing;
  - f) to persons under 18 years of age;
  - g) through electronic or mechanical vending machines;
  - h) if the tobacco product intended for sale in Georgia has been made in violation of the legislation of Georgia;
  - i) for free or below cost price, including as part of the daily ration of military personnel.



3. It is prohibited to distribute tobacco products through a draw, a lottery, the lotto, or other profitable or non-profitable types of gambling games and / or to participate in such events through the distribution of tobacco products.

4. A medical warning that the sale of tobacco products to minors is prohibited shall be displayed in places of sale of tobacco products and shall include a contact telephone number for receiving a consultation for those who wish to quit smoking, which warning including the information shall be approved by the Minister,. Such a medical warning shall be displayed on than A4 format paper.

5. A seller of tobacco products has the right, if he/she has a suspicion that the person buying tobacco products is a minor, to request a document certifying the age of majority.

#### **Article 6 - Tobacco products packaging and design**

1. Designations of tobacco products intended for sale in Georgia, including any element of their packaging and/or labelling, shall not contain any false or misleading information, or information creating erroneous impressions about the characteristics of the tobacco product, or about its harmful effects or emitted harmful substances; moreover, no word, trademark or image in the national and/or any foreign language shall be used which directly or indirectly creates the false impression that the tobacco product is less harmful compared to other products. Some such words are:

"light", "mild", "ultra-light", "low tar".

2. A Medical warning approved by the Minister shall be displayed on each carton and pack of tobacco products, which shall contain a major warning, an additional warning and a contact telephone number. A medical warning may contain a pictograph relating to the additional warning.

3. The Minister shall approve 3 samples of the major medical warnings, 9 samples of additional medical warnings and 9 samples of their respective pictographs, a contact telephone number, and the computer font and size of the script on medical warnings and the ingredients of tobacco products, and the parameters relevant to the image quality.

4. The sample of the pictograph shall relate to the text of the additional medical warning and shall not occupy less than 50 % of total volume of medical warning.

5. The medical warning shall comply with rotation as follows:

a) manufacturers and/or importers of tobacco products shall use all major medical warnings during the year in such a way that they shall be evenly distributed on all types of cartons and packs of tobacco products intended for sale;

b) manufacturers and/or importers of tobacco products shall select 3 additional medical warnings during the year, and if desired the respective pictographs, in such a way that they shall be evenly distributed on all types of cartons and packs of tobacco products intended for sale;

6. A medical warning shall be placed on the packaging of tobacco products in the state language of Georgia (and in Abkhazian in the Autonomous Republic of Abkhazia) in accordance with paragraph 2 of this Article, and:

a) shall be written clearly and distinctly;

b) printing on packaging, except for the external transparent packaging, shall not be covered and when opening the tobacco product the packaging shall not be damaged or shall not be removed from it;

c) shall be printed in computer font, in bold, black letters on a white background or white letters on a black background; the white background shall be framed in black, and the black background shall be framed in white, and the background shall not cross or touch the letters; the frame line must not be less than 3 mm nor more than 4 mm;

d) shall be located on the larger front and back sides of the packaging, parallel to the upper and lower edges, and shall not occupy less than 30% of the total area of the side which includes the framing lines.

7. The script on the ingredients of tobacco products shall be placed on each packaging of tobacco products, and:

a) shall be written clearly and distinctly;

b) printing on packaging, except for the external transparent packaging, shall not be covered and when opening the tobacco product the packaging shall not be damaged or shall not be removed from it;

c) shall be printed with computer font, in bold, black letters on white background or white letters on black background; the white background shall be framed in black, and the black background shall be framed in white, and the frame shall not cross or touch the letters; the frame line must not be less than 1 mm nor more than 2 mm;

d) shall be located on the smaller side of the packaging, except for the upper and lower sides, and shall not occupy less than a total area of 30% of the side which includes the framing lines.

8. The information in medical warnings and/or information on the ingredients of tobacco products shall not be covered by other printed information or any image.

#### **Article 7 - Protection of customers from falsified products**

1. In order to protect customers from falsified products the Government of Georgia shall establish a list of markings (the tobacco manufacturers) to be placed on packaging.



2. The production, storage, transportation and sale of falsified tobacco is prohibited.
3. Tobacco manufacturers shall take appropriate measures to ensure the internal production control of tobacco quality.

#### **Article 8 - Usage of auxiliary items**

The legislation of Georgia prohibits the use, manipulation, transportation or sale of additional items, if there is a risk of transmitting hazardous substances to tobacco products or over their surface from such items.

#### **Article 9 - Tobacco export and import**

1. Tobacco exports and imports shall be carried out in accordance with the legislation of Georgia.
2. The requirements of this Law shall not apply to the quality of tobacco for scientific purposes and exhibitions, and intended for the personal consumption of its owner.

#### **Article 10 - Restricting the use of tobacco**

1. Smoking of tobacco is prohibited:
  - a) at foster-care institutions, educational and foster-care educational institutions and indoor sports facilities;
  - b) in the buildings of medical and pharmaceutical facilities;
  - c) throughout the whole area of petrol, gas, and gas distribution stations;
  - d) in buildings and facilities where inflammable substances are stored;
  - e) on public transport, including buses, fixed-route taxi-vans, aircraft, subway, trams and trolley-buses.
2. In addition to the facilities defined in the first paragraph of this Article, the smoking of tobacco is prohibited in indoor building-constructions of other public and private institutions, including the indoor areas of workplaces and public places, and also in trains and marine vessels except for in special smoking areas (sites).
3. The managers of the institutions defined in paragraph 2 of this Article shall ensure the allocation of special smoking areas (sites) in the premises of these institutions.
4. Special smoking areas shall be intended only for smoking tobacco and shall be separated from all types of workplaces, catering and/or recreation rooms and blocks, and equipment and substances used for other purposes; special smoking areas shall be aerated easily or have an open window that has excess into open space (only artificial ventilation is permitted), in order to ensure the complete isolation of the tobacco smoke produced from other parts of the facilities.
5. If the managers of the institutions defined in paragraph 2 of this Article cannot ensure the allocation of special smoking areas (sites) in the premises of such institutions which comply with the parameters set out in paragraph 4 of this Article, the smoking of tobacco shall be prohibited on such premises.
6. The special smoking areas (sites) established by paragraph 3 of this Article may be allocated in public places: restaurants, cafe-bars and catering facilities as well as customer zones where the smoking of tobacco is permitted. The total area of such zones shall not exceed 50 % of the total area designated for customers.
7. The demonstration of smoking is prohibited in the mass media, and other print or electronic media, and in public shows and theatre performances, if it is not an accidental recording and/or a part of the creative intention.
8. The managers of institutions shall:
  - a) develop and approve the rules applied in the relevant institution related to tobacco smoking in accordance with the requirements of this Law and ensure the implementation of appropriate measures within their authority;
  - b) display in visible places effective rules which apply to tobacco smoking in a relevant institution .

#### **Article 11 - Liability for violating this Law**

Natural and legal persons shall be liable for violating of this Law in accordance with the rules established by the legislation of Georgia.

#### **Article 12 - State control on enforcement of the Law**

The state control on the enforcement of this Law shall be carried out in accordance with the legislation of Georgia.



### **Article 13 - Final Provisions**

1. The following shall be declared void upon entry into force of this Law:

- a) the Law of Georgia on Tobacco Control in Georgia dated by 6 June 2003(Legislative Herald of Georgia No19, 1.07.2003, Art. 121);
- b) the Law of Georgia on Food and Tobacco dated by 25 June 1999 (Legislative Herald of Georgia No31 (38), 1999, Art. 165);
- c) the Law of Georgia on the Trade of Tobacco Products dated by 26 August 2003 (Legislative Herald of Georgia No29, 18.09.2003, Art. 209).

2. Subordinate normative acts passed on the bases of the legislative acts indicated in sub-paragraphs (a) and (b) of the first paragraph of this Article shall remain in force until their compliance with this Law.

3. This Law shall enter into force upon its promulgation.

**President of Georgia**

**M. Saakashvili**

**Tblisi,**

**15 December 2010**

**No 4059 -RS**

