



## **Countries that Regulate Heated Tobacco Products**

**November, 2018**

The following summary is based on feedback from Ministry of Health and tobacco control policy experts in jurisdictions where we are tracking country-level e-cigarette policies. Information is current as of November 19, 2018 and is subject to change.

### **Policy summary by country**

#### **Argentina**

Heated tobacco products are not regulated.

#### **Azerbaijan**

Heated tobacco products are not regulated.

#### **Bahrain**

Heated tobacco products are not regulated.

#### **Belgium**

Regulation of heated tobacco products is unknown or unclear.

#### **Brunei Darussalam**

Heated tobacco products are regulated as tobacco products, under Section 3 of the [Tobacco Order](#) which regulates any tobacco products that are intended, labeled or described as suitable for inhaling, chewing or any oral use other than smoking.

## **Cyprus**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), as transposed by the Health Protection (Tobacco Control) [Law](#) of 2017, is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling.

## **Denmark**

Although it should be covered under the [EU Tobacco Product Directive](#), regulation of heated tobacco products is unclear.

## **Ecuador**

Heated tobacco products are regulated the same as e-cigarettes and other tobacco products in accordance with Article. 1 of the Tobacco Control ([LORCT](#)) Regulations.

## **England**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. Heated tobacco products are notified to Public Health England (PHE) as the competent authority for tobacco products. So far, only two products (iQOS and IFuse) have been properly notified.

## **Fiji**

Heated tobacco products are regulated in the same way that e-cigarettes are. See [link](#) for summary on Fiji's e-cigarette regulation.

## **Finland**

Heated tobacco products are not regulated.

## **France**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling.

In addition, France taxes heated tobacco products under the classification "Autres tabacs à fumer" ("other smoking tobacco products").

**Georgia**

Use of heated tobacco products in public places and transportation is prohibited as is advertising and promotion of these products in accordance with the [Law of Georgia on Tobacco Control](#).

**Germany**

Regulation of heated tobacco products is unclear. However, heated tobacco products are taxed like pipes.

**Iceland**

Heated tobacco products are not regulated.

**Indonesia**

Regulation of heated tobacco products is unclear.

**Iran**

Importation, production and sale of heated tobacco products is banned.

**Ireland**

Heated tobacco products must comply with existing tobacco control legislation.

**Israel**

Heated tobacco products are regulated as [tobacco](#) products. The Finance Committee voted to enact and implement a new [tax order](#) for heated tobacco products, thereby taxing heated tobacco sticks (HEETS) the same as cigarettes.

## Italy

Heated tobacco products may be regulated by [Law 188/2014](#) as smokeless tobacco products “tabacchi da inalazione senza combustione” (“tobacco product for inhalation without combustion”). Further, the [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), as transposed by Italian [law n.6/2016](#), may be applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling depending on how they are classified (i.e. as novel tobacco products or smokeless tobacco).

## Jamaica

Heated tobacco products are regulated as tobacco products in accordance with the [Public Health \(Tobacco Control\) \(Amendment\) regulations 2014](#).

## Japan

Heated tobacco products are regulated by the [Health Promotion Act](#), as amended. Because smoking is defined to include smoke/vapor from burned or heated tobacco, heated tobacco products should be included in the smoking ban that the amendments stipulate. Smoking is completely banned in Type A facilities: schools, hospitals, children’s facilities, government facilities, passenger cars and planes. However, in practice, use of heated tobacco products is allowed in Type B facilities (i.e. other public places including restaurants and passenger ships and trains). Heated tobacco products are currently taxed as pipe tobacco under the [Tobacco Tax Act](#) and sale to minors is restricted in accordance with Article 5 on the [Act on Prohibition of Smoking by Minors](#). Further, heated tobacco products are regulated by the [Tobacco Business Act](#).

## Lao

Heated tobacco products are not regulated.

## Luxembourg

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling.

## Malaysia

Heated tobacco products are regulated under the [Control of Tobacco Product Regulation \(Amendment\) 2015](#), where smoking is defined as inhaling and expelling the smoke or vapor of any tobacco product and includes the holding of or control over any ignited, heated or vaporized tobacco product.

## Maldives

Heated tobacco products are regulated as tobacco products (which is defined as any product that contains tobacco or its extracts in any form) in accordance with the [Tobacco Control Act](#) (Law 15/2010). The Tobacco Control Act requires tobacco products not previously sold in the Maldives or introduced to the Maldivian market to obtain approval from the Ministry of Health.

Sale to minors under 18 years is prohibited as is sale via vending machines, post, internet or automated service where age cannot be verified prior to purchase.

The law currently requires all tobacco products imported, manufactured or sold to carry text warnings covering a minimum of 30% of the surface area of the front and back of the pack/package. The five approved messages should be rotated periodically (rotational frequency not specified). Health warnings are also required to be placed at venues selling tobacco products as well as in designated smoking areas in eateries.

All forms of advertising, promotion and sponsorship are prohibited.

Use of heated tobacco products is prohibited where smoking is banned.

In accordance with [Act No. 31/79](#) (Export Import Act of Maldives), 200% of the cost, insurance and freight (CIF) value of tobacco products (other than cigarettes) and articles used in the consumption of tobacco products, are levied at the time of importation; further, a 6% goods and services tax (GST) is levied at the time of sale. However, gadgets used in the consumption of heated tobacco products are taxed as electronic devices rather than as articles used for consumption of tobacco products.

## Malta

Because heated tobacco products are being classified by manufacturers as smokeless tobacco products, they are subject to [Legal Notice 67](#) which bans the import, manufacture, sale, etc. of any smokeless tobacco product.

## Mexico

Heated tobacco products are not regulated.

## Moldova

Heated tobacco products are regulated as novel tobacco products and are regulated by the [Law on Tobacco Products](#). Heated tobacco products are exempted from the tobacco legal provisions on presentation and promotion.

## **Nepal**

Heated tobacco products are regulated as tobacco products and their use is defined as “consumption of a tobacco product” by [Tobacco Product \(Control and Regulation\) Act, 2010](#).

The law prohibits advertising, promotion and sponsorship. Use in public places is prohibited. The law requires warning messages depicting harmful effects of tobacco products to be placed on the packaging.

## **Netherlands**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling.

## **New Zealand**

A 2018 New Zealand District Court [decision](#) (*Philip Morris v Ministry of Health*) permits the sale of heated tobacco products under the 1990 [Smoke-free Environments Act](#). In accordance with the law, heated tobacco products should not be sold or advertised to minors (under 18 years). In a [statement](#), the New Zealand Ministry of Health plans to develop a risk-proportionate regulatory framework for products covered by the 1990 Smoke-free Environments Act, including heated tobacco products.

## **Norway**

Heated tobacco products are banned in Norway under [Regulations no. 1044 of 13 October 1989 Concerning the Prohibition against New tobacco and Nicotine Products](#).

## **Pakistan**

Regulation of heated tobacco products is unclear.

## **Palau**

Regulation of heated tobacco products is unclear.

## **Panama**

[Resolution no. 0953](#) of May 15, 2018 prohibits the sale of heated tobacco products, including of component parts intrinsic to heated tobacco products. It also prohibits use in places where smoking is prohibited.

## **Paraguay**

Regulation of heated tobacco products is unclear.

### **Philippines**

Heated tobacco products are not regulated.

### **Poland**

Tax of 1141.29 Polish Zloty per kilogram and 31.41% of the weighted average retail selling price of smoking tobacco is applied to heated tobacco products.

### **Portugal**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), as transposed by [Law No. 37/2007](#) is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. Heated tobacco is subject to the tobacco excise tax. The tax rate applied is the same rate as for combustible tobacco (which includes fine-cut tobacco for rolling cigarettes and other smoking tobacco products). There is a 15% ad valorem tax and 0.080 euros/gram tax.

### **Romania**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), as transposed by [Law 201/2016](#) is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. The [Fiscal Code](#) regulates them under "non-harmonized excise" products. All the other regulations do not define/include them in any way. The tax structure is included in the applicable Fiscal Code, Title VIII, [non-harmonized excise taxes](#).

### **Scotland**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. Their composition must be notified to reference labs for approval and the products must comply with the Directive to be marketed. In UK and Scottish law these products cannot be advertised or promoted and cannot be displayed for sale – similar to cigarettes.

### **Senegal**

Heated tobacco products are regulated as tobacco derivatives in accordance with [Law No. 2014-14](#) (Concerning the Manufacture, Packaging, Labeling, Sale and Use of Tobacco).

## **Seychelles**

Heated tobacco products are regulated as tobacco products in accordance with the [Tobacco Control Act 2009](#).

## **Slovenia**

Heated tobacco products are regulated by the Law on [Restriction on the Use of Tobacco or Tobacco-related Products Act \(OUTP\)](#) as tobacco-related products.

## **South Africa**

Heated tobacco products are considered and regulated as tobacco products in accordance with the [Tobacco products Control Act 83 of 1993](#) (as amended).

## **Spain**

Heated tobacco products are regulated as novel tobacco products in accordance with [Royal Decree 579/2017](#), of June 9, 2017. Therefore, [Law 28/2005](#) (Sanitary Measures Against Smoking, and Regulating the Sale, Supply, Consumption and Advertising of Tobacco Products) which restricts the sale, advertising, promotion and sponsorship, and use in public places, also applies to heated tobacco products.

See Public Health Commission [publication](#).

## **Sweden**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), as transposed by The [Tobacco Act](#)—Law (1993:581) on tobacco (12 f §) is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. The Public Health Agency of Sweden has regulatory authority over these products; however, this authority has not been exerted.

**Switzerland**  
Heated tobacco products are considered [tobacco](#) products, i.e. they can be marketed like other tobacco products, without being subject to a preliminary approval; however, the warnings and taxation do not correspond to those of cigarettes.

## **Tajikistan**

Heated tobacco products are regulated as tobacco products in accordance with the [Law on Limiting the Use of Tobacco Products](#) which extends the definition of tobacco products to include electronic products that deliver nicotine.



## **Thailand**

Heated tobacco products are classified as e-cigarettes according to the definition of e-cigarette under the Consumer Board Announcement and MOC Announcement. As such, their sale and importation are banned under existing regulations. [See e-cigarette policy summary for Thailand.](#)

## **Timor-Leste**

Heated tobacco products are regulated by [Decree-Law N. 14 /2016 of June 8 on the Tobacco Control Regime](#), which places restriction on use in public places, as well as prohibits their sale and marketing.

## **Turkey**

Heated tobacco products are tobacco products by definition and thus regulated under the [tobacco control law \(Law on Prevention and Control of Hazards of Tobacco Products\)](#).

## **Turkmenistan**

Heated tobacco products are prohibited.

## **Wales**

The [EU Tobacco Products Directive](#) (specifically Article 19 on novel tobacco products), is applied to heated tobacco products. There are provisions on reporting/notification and health warning labeling. Heated tobacco products are taxed at the same rate as hand rolled tobacco, which is currently at £234.79 per kilogram. A Value Added Tax of 20% of the retail price is also applied.