

## Law of Georgia On Tobacco Control

### Article 1. Goal of the Law

This Law defines and regulates legal relations in the field of tobacco control in order to reduce morbidity and mortality, due to tobacco use by the population of Georgia.

### Article 2. The main principles of tobacco control

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

- a) Acknowledge that tobacco is harmful to health;
- b) Acknowledge the right of nonsmokers to protect themselves from the harmful effects of tobacco;
- c) Inform the population of Georgia about the harmful effects of tobacco and ensure transparency of information on tobacco products;
- d) Promote quitting tobacco use and prevent starting tobacco use;
- e) Protect the rights and interests of tobacco consumers;
- [e) (Deleted -- 05.17.2017, №859). (effective as of May 1, 2018)
- f) Control of the manufacture and sale of tobacco products;
- g) Reduce demand for tobacco products and access to them;
- h) Prohibit sale of untaxed tobacco products and that of tobacco products manufactured by unidentifiable producers;
- i) Acknowledge non-smoking as the normal way of life;

j) Engage community members in developing, implementing and evaluating activities to fight against tobacco consumption;

k) Recognize the right to live in an environment free of tobacco advertising and to be protected from its influence;

l) Protect public safety;

[m) Protect the process of development and implementation of state health care policy on tobacco control from interference by entities involved in the tobacco industry, as well as conduct relations with the entities involved in the tobacco industry in accordance with state publicity and transparency principles;

n) Control tobacco product ingredients, substances emitted by tobacco products, and control the tobacco packaging; [Translator's note: Though the Georgian text says 'to control' here and in other places, the verb 'monitor' would be more relevant.]

o) Notwithstanding compliance of the entities involved in the tobacco industry with the tobacco control provisions applicable in Georgia, exclude the possibility that they be released from any criminal or civil liabilities provided that a relevant legal ground exists for such a liability; [Translator's note: by under 'a relevant legal ground', the author of the Law probably means relevant international conventions, etc. signed by Georgia].

p) Implement other measures as allowed by Law in order to achieve the goal of this Law on Tobacco Control, and the objectives and principles defined by the Framework Convention on Tobacco Control of the World Health Organization (effective as of May 1, 2018)].

### **Article 3. Definitions of the terms used in this law**

The terms used in this Law shall have the following meanings:

a) Tobacco product is any product that contains tobacco or its elements, - except for treatment methods or means containing nicotine, - and is intended for smoking, chewing or sniffing, among them:

a. a) filtered and unfiltered cigarettes;

a. b) papirosa, cigars and cigarillos;

a. c) pipe tobacco;

a. d) rolling tobacco;

a. e) chewing and snuff tobacco;

[a] A tobacco product is any product that contains tobacco or its elements (except for medications containing nicotine), and which is intended to be smoked, chewed, snused or sniffed, including:

a. a) filtered and unfiltered cigarettes;

a. b) papirosa, cigars and cigarillos;

a. c) pipe tobacco, tobacco for hookah;

a. d) rolling tobacco;

a. e) chewing, snus and snuff tobacco;

a. f) electronic cigarettes or other similar nicotine-delivering devices containing materials / cartridges / capsules;

a<sup>1</sup>) tobacco accessories and/or devices for tobacco usage such as: a mouthpiece, a pipe, a hookah, a device for snus tobacco and a device for snuff tobacco, an electronic cigarette or a similar device, a special cigarette lighter, tobacco rolling paper, a tobacco rolling device, a tobacco cutting device, an ashtray, any kind of a cigarette case or any other item that is mainly intended for tobacco use and/or storage, as well as any illustrations of cigarettes, cigarette packs or the above mentioned items or any items depicting them. (effective as of May 1, 2018)].

b) A cigarette is any kind of scroll or a tube-like body that contains tobacco or its elements, and which is rolled in paper or in a tobacco-free material envisaged by law;

c) Nonsmoking tobacco is a tobacco product which is not intended to be smoked. It is intended to be chewed, snused, or inhaled;

d) Tobacco smoking is inhaling the smoke resulting from burning a tobacco product;

[d] Tobacco smoking is inhaling the first-hand smoke or steam resulting from burning or heating tobacco; (effective as of May 1, 2018)];

e) Tobacco industry means manufacturing, importing, selling, exporting, re-exporting and/or transiting tobacco products;

[e<sup>1</sup>) A cigar bar is a specialized institution which is set up according to the permit issued in compliance with the Law of Georgia on Licenses and Permits, and where it is allowed to smoke a cigar envisaged by "a.b" Subparagraph of this Article; (effective as of May 1, 2018)];

f) A medical warning message is a statement that warns of the harmful effects of tobacco smoking. It may include a pictogram;

[f) A medical warning is a statement that warns of the harmful effects of tobacco smoking. It shall include a relevant image; (effective May 1, 2018)]

g) Rotation is alternation of medical warning messages;

h) An ingredient is any substance that is added to tobacco, among them, those substances that are added to a tobacco leaf and to other unprocessed or processed tobacco products, as well as to a non-tobacco material that is added to the tobacco product during its production, and is represented in the output, even in a modified form; [Translator's note: the Georgian text says 'natural'. I offer 'unprocessed' as an option].

[h) A tobacco product ingredient is tobacco, an additive, or any substance or element contained in a tobacco product, among them, paper, filter, a capsule, ink and glue [Translator: tar can be used instead of glue];

h<sup>1</sup>) Additive is a substance or material (except a tobacco leaf) which is added to tobacco products; (effective May 1, 2018)]

i) The Minister is the Minister of Labor, Health and Social Affairs of Georgia;

j) Tobacco product ingredients are nicotine, tar and carbon monoxide gas contained in the smoke of a tobacco product;

[i) Ministry – the Ministry of Labor, Health and Social Affairs of Georgia;

k) Tobacco product emissions are substances that are released when the tobacco product is used as intended. Namely, the substance contained in the smoke of a cigarette or in that of other kinds of smoking tobacco which is released when the smoking tobacco is used, as well as the substance released when using chewing tobacco, snus tobacco, and snuff tobacco; (effective May 1, 2018)]

k) Quality is the totality of those features of harmless tobacco which are related to the economic interest of the end-user; [Translator's note: Not clear what the author of the law means by 'harmless tobacco'].

[k) (deleted on 05.17.2017, №859); (effective May 1, 2018)]

l) Additional materials and items are: a wrapper that comes into contact with a tobacco product, a pack, and other packaging materials;

m) Sale is to transfer a finished tobacco product to another person through selling or marketing it, in order to receive a commercial benefit;

n) Manipulation means weighing, measuring, branding, sealing, packaging, stacking, and moving;

o) Falsification means incompliance of the components, characteristics, assortment and the origin of tobacco products with the defined requirements, or with the data indicated in the documents enclosed and the data included on the label;

p) Harmful substances are substances, their compounds or a mix of compounds, which in certain amounts can have harmful impact on human health and the environment through their physical, chemical, and biological properties;

[p] (deleted on 05.17.2017, №859); (effective May 1, 2018)]

q) Manufacturing entity is an enterprise, shop or their units and other producing subdivisions and compounds, as well as the machinery used in the tobacco production process;

r) Control means inspecting, testing or evaluating one or several properties of tobacco and its raw materials, as well as tobacco manufacturers and sellers, and comparing the results with the established requirements;

[r] (deleted on 05.17.2017, №859); (effective May 1, 2018)]

s) A finished product is a product that is produced by combining the resources and activities (industrial processing);

t) A tobacco manufacturer is a person or legal entity, which produces tobacco and will be held liable for failing to fulfil the requirements of the Law at every stage of carrying out its activities. In addition, it means a representative or a product importer operating in the territory of Georgia, when a foreign manufacturer does not have a representative;

[u] Buildings and other structures are any structures (except a vehicle) which have a floor, any type of roof or ceiling, and at least ½ of their surface (except roofs, ceilings, and floors) has any type of moving or static walls, made of any material, among them open or closed windows and doors;

v) Public transportation is any means of transportation, including, buses, trams, trolley busses, mini-buses, trains, airplanes, subway, ships or other sea vessels, which are used to transfer people and charge fees and/or receive commercial gains. (effective May 1, 2018)]

#### **Article 4. Activities carried out to protect health**

1. The rules governing tobacco manipulation and trade methods shall be defined by the Georgian legislation.
2. A normative act of the Minister shall define:
  - a) the admissible limits for ingredients of tobacco products that are to be sold in Georgia, as well as the measuring rules and regulations taking into consideration the international requirements in effect;
  - b) the rules to display warning messages on tobacco products.
3. Application of certain methods during the course of manufacturing or manipulating tobacco products shall be limited or prohibited by a normative act of the Minister.
4. Measurement of tobacco product ingredients shall be conducted by a tobacco manufacturer and/or an importer at their own expense. A tobacco manufacturer and/or an importer shall prove that measurements are carried out in compliance with the measurement standards and shall provide the Ministry of Labor, Health and Social Affairs of Georgia with the information on the laboratory which has a relevant permit and where these measurements are carried out.

#### [Article 4. Tobacco Control Activities and Sub-Legislative Normative Acts Governing Tobacco Control]

1. The Government of Georgia shall implement a long-term state strategy and an annual state program.
2. A normative act of the Government of Georgia shall define:
  - a) The permissible limits of emitted substances (nicotine, tar, and carbon monoxide gas) from filtered and unfiltered cigarettes intended for sale in Georgia, and the rules and regulations for measurement taking into account the international requirements for tobacco control in effect;
  - b) The rules of displaying medical warning messages and pictograms on the tobacco product (on a pack/carton, package).
  - c) The standardization rules for tobacco products intended for sale in Georgia and for their packaging.
3. Measurement of emitted substances (nicotine, tar and carbon monoxide gas) from filtered and unfiltered cigarettes shall be conducted by a tobacco manufacturer and/or an importer at their own expense. A tobacco manufacturer and/or an importer shall prove that the measurements are

carried out in compliance with the measurement standards and shall provide the Ministry with the documents that prove the above before May 31 of every year. The list of the documents to be submitted shall be defined by an order of the Minister of the Ministry of Labor, Health and Social Affairs of Georgia. A tobacco manufacturer and/or an importer shall ensure compliance of the given tobacco product with the data included in the documents. In addition, a tobacco manufacturer and/or an importer shall provide the Ministry with the information on the tobacco product ingredients (namely, the list of ingredients, their quantity and weights) within the time frame defined in this Paragraph.

4. The prohibition/restriction rules, defined by this Law, for manufacturing , importing and selling tobacco shall be reflected in the license/permission/authorization conditions of the entities carrying out the activities defined by a relevant license/permission/authorization.

5. Monitoring compliance with the tobacco control requirements as defined in this Law is the auditing of business activities and thus the Law of Entrepreneurs of Georgia does not apply to it. (effective May 1, 2018)]

[6. In the process of preparing, adopting and implementing the decision on tobacco control concerning the protection of health, Government institutions, Government employees and public servants may have communication with entities involved in the tobacco industry only when it is necessary for them to ensure effective regulation of tobacco manufacturing and tobacco products. If communication with entities involved in the tobacco industry is necessary, these Government entities shall conduct communications from the state with entities involved in the tobacco industry in a transparent manner. They shall hold public discussions, and inform the community about such communications through a public notice and disclosure of the documents prepared as a result of such communications. The issues related to such communications shall be defined by a normative act of the Government of Georgia. (Effective as of September 1, 2018).

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

1. It is prohibited to engage persons under 18 years in the tobacco industry.

2. It is prohibited to sell tobacco products:

- a) Within a 50-meter radius of childcare, educational and educational/care institutions and in the territories adjacent to them;
- b) at all types of medical, educational, and State agencies, sports and cultural institutions;

- c) in the sections of retail stores where children's clothes and toys are sold;
  - d) as an individual cigarette and packaging (a pack) if it contains fewer or more than 20 cigarettes.
  - e) without packaging;
  - f) to persons under 18 years of age;
  - g) from electronic or mechanical vending machines;
  - h) if the tobacco products intended for sale in Georgia are manufactured in violation of the legislation of Georgia;
  - i) for free or cheaper than their cost, among them, by including it in a daily ration of military officers.
3. It is prohibited to give away tobacco products through a drawing, a lottery, a lotto, or other types of gambling or other types of games of chance and/or to participate in such events by using tobacco products and distributing them.
4. The medical warning message and the telephone number for smoking cessation consultations, approved by the Minister, which are intended for persons who want to quit smoking, shall be displayed in the places where tobacco products are sold along with the information that selling tobacco products to minors is prohibited. Such a medical warning message must be displayed in no smaller than A4 size paper.
5. If a seller of tobacco products is unsure that a buyer of a tobacco product is a minor, the seller may demand a document proving the buyer's age of majority.

**[Article 5. Sale and/or display of tobacco products, tobacco accessories and/or devices intended to use tobacco**

1. It is prohibited to engage persons under the age 18 in tobacco industry;
2. It is prohibited to sell and/or display tobacco products, tobacco accessories and/or devices for tobacco use:
  - a) at educational (secondary, higher education, and professional), child care, educational/care institutions and in the territories adjacent to them within the 50-meter radius (from the closest point of a compound of the given institution);
  - b) in a public sector organization; in any type of medical, sports and cultural facilities and in the territories owned by these entities;



- c) in the sections of retail stores where children's clothes, food and/or toys are sold;
- d) as an individual cigarette and packaging (a pack) if it contains fewer or more than 20 cigarettes
- e) without packaging (except tobacco accessories and/or devices for using tobacco):
- f) to persons under 18 years of age;
- g) from electronic or mechanical vending machines;
- h) if tobacco products intended for sale in Georgia are manufactured in violation of the legislation of Georgia;
- i) for free or cheaper than their cost, among them, by including it in a daily ration of military officers;
- j) via the Internet or mail (retail trade) except tobacco accessories and/or tobacco use devices, to which trademarks and/or names of the products (commodities) of tobacco business entities are not applied);
- k) at early and pre-school care and educational institutions and in the territories adjacent to them within the radius of 50 meters (effective May 1, 2018)]
- [l) in shop windows, in glass cases, on counters, and on shelves or displayed otherwise in a manner that it is visible from outside the shop (except a special lighter for a cigarette, an ashtray and cigarette cases do not display trademarks and/or names of the products (commodities) of business entities involved in the tobacco industry, except for the sale and display cases in the duty-free zone of the airport); (effective September 1, 2018)]
- [m) in shop windows, glass cases, on counters, on shelves or displayed otherwise in a manner that it is visible from outside the shop (except a special lighter for a cigarette, an ashtray and cigar cases which do not display trademarks and/or names of the products (commodities) of business entities involved in the tobacco industry, except for the sale and display cases in the duty-free zone of the airport); (effective January 1, 2021)]
- [n) to sell tobacco products or tobacco accessories by a relevant shop using a drive-through. (effective September 1, 2018)]
- [3. It is prohibited to give away or do a drawing for tobacco products, tobacco accessories and/or devices for using tobacco through a lottery, gambling or games of chance and/or to participate in such events using tobacco products or any of its parts, tobacco accessories and/or

devices for using tobacco or by their distribution, as well as to promote tobacco products in any form, among them:

a) to give or offer gifts, to give tobacco products, tobacco accessories and/or devices for using tobacco or offer to sample tobacco products in order to sell them;

b) to reinforce an initiative or a loyalty scheme, specifically to distribute coupons along with selling tobacco products;

c) direct personal communications or network marketing, which promotes or may promote a tobacco product, a tobacco manufacturer or a wholesale trader;

d) promotional materials intended for an individual, including informational materials (namely, a direct message), telemarketing, and a customer survey which promotes or may promote a tobacco product, a tobacco manufacturer or a wholesale trader;

e) make a payment to a retail trader, reward a retail trader or otherwise contribute to the activities of a retail trader which are intended to motivate the retail trader to sell more tobacco products;

f) make payments by a tobacco manufacturer, importer or a wholesale trader or persons directly or indirectly associated with them or otherwise share in such an event, and in activities of a person or legal entities which promote a tobacco product, a tobacco manufacturer, importer or a wholesale trader or their representatives;

g) sell or distribute toys, sweets or other products which are not tobacco products and are illustrations, simulations or imitations of tobacco products.

4. The medical warning message and the telephone number, approved according to the laws of Georgia, for smoking cessation consultations intended for persons who want to quit smoking, shall be displayed on no less than A4 size paper along with the information that it is prohibited to sell tobacco products, tobacco accessories and/or devices for using tobacco to persons under 18 years of age in the places where tobacco products are sold.

5. If a seller of tobacco products, tobacco accessories and/or devices for tobacco use is unsure that a buyer of a tobacco product, a tobacco accessory and/or devices for tobacco use is a minor, the seller shall be obliged to request this person to present a document proving the buyer's age of majority and only after the seller is convinced that the buyer is 18 years old, can he sell a tobacco product, a tobacco accessory and/or a device for using tobacco to this person. (effective May 1, 2018)]

**[Article 5<sup>1</sup> . Sale of tobacco products in standardized packaging and/or their display**

1. It is prohibited to sell and/or display tobacco products (except the tobacco product envisaged by “a.f. Subparagraph” of Article 3 of this Law) without the standardized packaging.

2. The standardization rules for tobacco products and their packaging are defined by this Law and a relevant legal act of the Government of Georgia. (effective January 1, 2018]

## **Article 6. Packaging and Design of Tobacco Products**

1. Names of tobacco products intended for sale in in Georgia and any element of their packaging and/or labeling may not contain any false, misleading information or information creating a false impression about the properties of a tobacco product, its harmful effect or about harmful substances emitted. Furthermore, it is not allowed to use such a word in the state language of Georgia and/or any foreign language, a trademark or an image, that will directly or indirectly create a false impression that this tobacco product is less harmful compared to other products. Some of such words are: “light”, “mild”, “ultra-light”, and “low tar.”

2. The medical warning message, approved by the Minister, which includes a principal warning message, an additional warning message and a contact telephone number shall appear on each pack and carton of a tobacco product. The medical warning message may comprise a relevant pictogram of an additional warning message.

[1. Names of tobacco products intended for sale in in Georgia and any element of their packaging and/or labeling may not contain any false, misleading information or information creating a false impression about the properties of a tobacco product, its harmful effect or about harmful substances emitted. Besides, no word, abbreviation, sign, image, chart or a number may be used in Georgian or in any foreign language, which will create directly or indirectly a false impression that the given product is less harmful compared with the other products. Furthermore, they may not be used in a brand or trade name. Some of such words are: “light”, “mild”, “less intensive”, “ultra-light”, “low tar”, “extra”, “ultra”, “menthol,” etc.

2. The medical warning message, envisaged by the legislation of Georgia, which includes a principal warning message, an additional warning message (along with a relevant pictogram envisaged by the Georgian legislation, and along with a relevant written statement in the case envisaged by Subparagraph ”a.e” of Article 3 of this Law) and a contact telephone number shall appear on each pack and carton of a tobacco product (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law). (effective September 1, 2018). [Translator’s note: the source text says ‘approved’ but ‘envisaged’ would be a more relevant word].

[2<sup>1</sup>. A relevant informational insert about the given product shall be included in the packaging of the tobacco product envisaged by Subparagraph “a.f” of this Law. (effective May 1, 2018)]

3. The Minister approves three samples of principal medical warning messages, nine samples of additional medical warning messages and nine samples of a respective pictogram, a contact telephone number as well as the computer font and the font size for medical warnings and description of tobacco product ingredients, and relevant parameters for quality of an image.

4. A sample of a pictogram shall be in line with the additional medical warning text and shall not cover less than 50% of the entire medical warning.

5. Medical warning messages are subject to rotation in the following manner:

a) A manufacturer of tobacco product and/or importer shall use all the principal medical warning messages during a year in a way that they are equally distributed on the packs and blocks of each type of tobacco products intended for sale;

b) A manufacturer and/or importer of tobacco products shall select three additional medical warning messages during a year, along with their respective pictograms, so that they are evenly distributed on the packs and blocks of each type of a tobacco product that is for sale.

[3. The Government of Georgia approves three samples of principal medical warning messages, nine samples of additional medical warning messages and nine samples of relevant pictograms, and one sample of textual inscription, forms of relevant informational inserts, a contact telephone number, as well as the computer font and the size of medical warning and relevant parameters for quality of an image.

4. The pictogram sample shall correspond to the text of additional medical warning message and shall take up the area of the medical warning message in compliance with the rules defined by the Government of Georgia.

5. Medical warning messages shall be rotated as follows:

a) A manufacturer of tobacco product and/or an importer shall use all the principal medical warning messages during a year in such a manner that they are equally distributed on each type of a pack/carton of tobacco products intended for sale and on their packaging;

b) A manufacturer tobacco product and/or an importer shall choose three additional medical warning messages during a year with relevant pictograms in such a manner that they are equally displayed on each type of a pack/carton of tobacco products intended for sale and on their packaging. (effective May 1, 2018)]

6. A medical warning message shall be placed on every packaging of tobacco products in the state language of Georgia (and also in the Abkhazian language in the Autonomous Republic of Abkhazia) in compliance with Paragraph 2 of this Article and shall be:

a) clear and legible;

b) printed on the packaging, but not the external transparent packaging, and shall not be concealed and shall not be damaged or detached from it by opening the package of a tobacco product;

[b) printed on the tobacco product packaging (but not the external transparent packaging), and it shall not be concealed, distorted or altered, and shall not be damaged and detached from it by opening the package of a tobacco product; (effective May 1, 2018)]

c) printed in a computer font, bolded, in black letters on a white background or in white letters on a black background; the white background shall be surrounded by a black border line and in the event of a black background – by a white border line, and it shall not interfere with the letters; the thickness of border line shall not be less than 3 mm and more than 4 mm;

d) placed on the front and back sides of the packaging, in parallel to the upper and lower edges, and shall not cover less than 30% of the entire area of the side, which includes the bordering lines.

[c) printed in a computer font, bolded, in black letters on a white background or in white letters on a black background; the white background shall be surrounded by a black border line and in the event of a black background – by a white border line, which does not interfere with the letters; the thickness of frame line shall be 1 mm;

d) shall be placed on the front and back sides of the packaging, in parallel to the upper and lower edges, and shall not cover less than 65 percent of the entire area, which includes the bordering lines and in case of the tobacco product envisaged by Subparagraph “a.e” of this Law it shall be placed on the front and back sides of the packaging and shall not cover less than 30 percent of the total area, which includes the bordering lines;

e) placed: an additional medical warning message on the front side of the box and the principal warning message on its back side. (effective September 1, 2018)]

7. The inscription of the tobacco product ingredients shall be placed on each packaging of tobacco product and it shall be:

a) clear and legible;

- b) printed on the packaging but not the external transparent packaging, and shall not be concealed and it shall not be damaged or detached from it by opening the package of a tobacco product;
- c) printed in a computer font, bolded, in black letters on a white background or in white letters on a black background; the white background shall be surrounded by a black frame and in the event of a black background – by a white frame, which does not interfere with the letters; the thickness of frame line shall not be less than 1 mm and more than 2 mm.
- d) placed on a smaller side of the packaging, but not in the upper and lower sides, and shall not take up less than 30% of the entire area of that side which includes the bordering lines.

[7. Deleted on 05.17.2017, №859). (effective May 1, 2018)]

8. A medical warning message and/or information on the tobacco product ingredients shall not be covered by other printed information or by any image.

[8. A medical warning message shall not be covered by other printed information or by an image. (effective May 1, 2018)]

[9. The standardization rules for tobacco products (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) and their packaging are defined by this Law and a relevant legal act of the Government of Georgia. The goal of the standardization rules is to:

a) reduce the attractiveness of tobacco products;

b) increase effectiveness and visibility of the medical warning message;

c) reduce the likelihood to mislead a consumer about the tobacco product or its consumption by the tobacco product packaging.

10. It is prohibited to display a brand, a logo, a trademark or another element by depicting them on the packaging (a pack, a cartoon, a container, etc.) and on each cigarette. Any inscription on the packaging (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) of tobacco product (a pack, a cartoon, a container, etc.) shall be made in a single unified font in the state language of Georgia and the country where it was manufactured shall be indicated.

Furthermore, it is prohibited to make any inscription on filtered and unfiltered cigarettes, papirosa, cigars and cigarillos.

11. By issuing a normative act the Government of Georgia shall make a decision on allowing (using), or banning the following specifications and/or elements (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) of a tobacco product, or on defining the requirements in respect of them, such as:

- a) the color, size and shape of a tobacco product or its packaging;
- b) the packaging material and its texture;
- c) the type of opening of the tobacco product packaging;
- d) the wrapper and contents of the tobacco product;
- e) certain words or marks on tobacco products and their packaging (including a certain type of brand, logo or a trademark);
- f) words or marks, which may be placed on tobacco product and its packaging
- g) distinguishing features of tobacco products and their packaging, including the features aiming at changing the appearance or contents of the tobacco product, and to make a sound or emit some scent after the tobacco product is sold;
- h) an article or material used in a tobacco product packaging which is not an integral or mandatory part of the packaging;
- i) an article attached to a tobacco product or to its packaging, except the mandatory excise stamp and the medical warning message envisaged by this Article;
- j) a weight determiner of the tobacco product, which may be placed in the tobacco product packaging;
- k) such feature or element of a tobacco product which will give a characteristic flavor to the product;

12. Displaying a brand or its name is allowable on tobacco product packaging (except the tobacco product envisaged by Subparagraph “a.f” of Article 3 of this Law) only in compliance with a normative act of the Government of Georgia. The normative act of the Government of Georgia may determine the following:

- a) the limit of the length of the brand or its name;
- b) prohibition from using such words and colors in a brand or its name which may mislead the consumer about the product characteristics, its impact on health, its risk or substances emitted, or may mislead the consumer as if the given tobacco product is less harmful compared with the other products or is better than the others since it is natural or organic, or is beneficial for a healthy way of life;
- c) use of such words or phrases which are intended for economic stimulation of the consumer;

d) the requirements for depicting words or characters including the manner and circumstances in which these words or characters are depicted in a relevant font, size and type as well as the location and orientation of the words on the packaging.

13. The normative acts adopted in accordance of Paragraph 9 and 12 of this Article shall not impact the intellectual rights of a person to register, own and use a trademark and copyrights. (effective as of January 1, 2018).

#### **Article 7. Consumer protection from falsified product**

1. In order to protect consumers from falsified products, the Government of Georgia shall determine the list of markings (concerning the tobacco manufacturers) on the packaging.

2. It is prohibited to produce, store, transport and sell falsified tobacco.

3. A tobacco manufacturer is obliged to take measures to ensure that internal control of tobacco quality is in place.

[3. (deleted on – 05.17.2017, №859). (effective May 1, 2018)]

#### **Article 8. Use of additional items**

The legislation of Georgia prohibits usage, manipulation, transportation or sale of additional items, if there is a threat that harmful substances may be transmitted from these items in the tobacco or its surface.

[Article 8. (deleted) (effective May 1, 2018)]

#### **Article 9. Export and Import of Tobacco**

1. Exporting and importing of tobacco is carried out in accordance with the legislation of Georgia.

2. The requirements set out in this Law do not apply to the quality of tobacco intended for a scientific purpose and for fairs, and to the tobacco intended for the personal consumption by the owner.

[Article 9. Export and Import of Tobacco



1. Exporting and importing of tobacco is carried out in accordance with the legislation of Georgia.
2. The norms defined by this Law (except those defined in Article 10 of this Law) do not apply to importing tobacco products by air transportation in the quantity defined by the Georgian Tax Code during one calendar day and in other cases during thirty calendar days. (effective May 1, 2018)]

## Article 10. Limiting Tobacco Consumption

1. It is prohibited to smoke in:

- a) child care, educational and educational/care institutions, and in indoor sports facilities;
- b) in the buildings of medical pharmaceutical facilities;
- c) in the entire territory of petrol stations, natural gas stations and natural gas-distribution stations;
- d) in the buildings and facilities where the flammable substances are kept;
- e) in public transportation, including a bus, mini bus, air vessel, metro, tram and trolley-bus.

[1. It is prohibited to smoke:

- a) In any buildings and other structures, except the buildings and other structures envisaged by Paragraph 1<sup>1</sup> of this Law;
- b) In public transport, except in a taxi and on a boat;
- c) in educational (secondary, higher education, and professional), child care, educational/care institutions, and other educational institutions, libraries, youth camps, children's entertainment centers, and in other buildings intended for persons under 18 and in the territories owned by these entities, as well as at public gatherings intended for persons under 18;
- d) in the buildings of medical and pharmaceutical facilities and the territories owned by them, except the facilities envisaged by Paragraph 1<sup>2</sup> of this Article;
- e) in the entire territory of petrol, natural gas and natural gas-distribution stations and in the buildings and structures of the facilities where flammable substances are stored as well as in the territories owned by them;
- f) at a stadium which has the administrators.

1<sup>1</sup>. Smoking is allowed in the following buildings and other structures:

- a) at the place of residence of a person (if a physical entity/a family of the physical entity actually lives in this place and this place of residence is not a place of business activities concurrently);
- b) in a specialized laboratory equipped for studying tobacco smoke;
- c) in a penitentiary institution;
- d) in cigar bars established according to the permits issued by the Law of Georgia on Licenses and Permits (only for the cigar envisaged by Subparagraph “a.b” of Article 3 of this Law);
- e) in a casino;
- f) in the transit zone of an airport, according to the Paragraph 1<sup>3</sup> of this Article;
- g) in pre-trial detention cells.

1<sup>2</sup>. It is allowed for some beneficiaries or patients with serious diseases to smoke in the designated places of in-patient psychiatric and palliative care facilities in compliance with the rules established by a special order issued by the Head of a relevant facility. The designated place shall be enclosed completely (with walls) and shall be separated from the other sections/areas of the facility and shall be equipped with a ventilation system or has a window that faces towards open space. By a special order of the Head of the facility smoking is allowed for such patients in a room if it is isolated from the other patients.

1<sup>3</sup>. It is allowed to smoke in the transit zones of the airport only in a special smoking room which shall have a separate ventilation system from where the smoke should not travel to another area of the airport and it shall be prohibited to take food and water and consume them in this room. The rules for allocating a special smoking room in the transit zone of an airport shall be determined by a normative act of the Government of Georgia.

1<sup>4</sup>. The rules and conditions for using tobacco in the penitentiary institutions shall be determined by an order of the Minister of Corrections of Georgia. (effective May 1, 2018)]

2. Except the facilities referred to in Paragraph 1 of this Article it is prohibited to smoke inside other public and private buildings and other structures, including indoor workplaces and indoor public places, as well as on trains and ships except in a designated smoking area (areas).

3. The Heads of the institutions envisaged by Paragraph 2 of this Article shall be obliged to ensure that a smoking area (areas) are designated on the territories of their institutions.

4. A designated smoking area shall be only for smoking and shall be separated from any type of workplace area, food and/or recreational rooms and other sections intended for other purposes, and

from the equipment and substances. A designated smoking area shall be aerated easily either by a window that faces towards open space (it is allowable to designate a smoking area with only artificial ventilation) in order to ensure complete separation of tobacco smoke from the other sections of the institution.

5. If the Heads of the institutions referred to in Paragraph 2 of this Article fail to designate a special smoking area (areas) in the territory of the facilities in compliance with at least those parameters defined in Paragraph 4 of this Article, then smoking is prohibited on such premises.

6. In public places such as restaurants, cafés and bars and other public food places it is allowed to designate a special smoking area (areas) envisaged by Paragraph 3 of this Article, as well as to designate the zones for consumers where smoking is permitted. The total area of such zones shall not exceed 50 percent of the entire space intended for customers.

[2. (Deleted on- 05.17.2017, №859)

3. (Deleted on- 05.17.2017, №859)

4. (Deleted on- 05.17.2017, №859)

5. Deleted on 05.17.2017, №859

6. (Deleted on 05.17.2017, №859). (effective May 1, 2018)]

7. It is prohibited to depict tobacco smoking in the mass media, and other printed media or electronic media, and in mass shows and theatre performances, if it is not an accidental recording and/or a part of creative intention.

8. The Heads of the institutions shall be obliged to:

a) develop and approve the rules on tobacco smoking in their relevant institutions in compliance with the requirements of this Law and take appropriate measures within their competencies.

b) visibly display the effective rules of tobacco smoking in a relevant institution.

[7. It is prohibited to depict tobacco smoking or other forms of its use in the mass media, and other printed media or electronic media, and in public shows and theatre performances, except when during an outdoor live broadcast, a smoker may appear accidentally in a frame.

8. An institution (a legal entity, an organizational entity, an amalgamation of persons without establishing a legal entity, an entrepreneur, a public entity, including a national and local self-government bodies) shall be obliged to:

- a) ensure that smoking is banned/restricted, as it is defined by this Law, in the buildings, structures and/or territories, envisaged by Paragraph 1 of this Article, where they operate;
- b) exclude the appearance of tobacco smoke, ashes or stubs, as well as placement of a hookah in the buildings and structures and/or in the territory where it operates, and are defined in Paragraph 1 of this Article;
- c) develop and approve the rules related to tobacco smoking restrictions for the buildings and structures and/or territory where it operates, and which defined in Paragraph 1 of this Article;
- d) in the buildings and structures and/or in the territory, envisaged by Paragraph 1 of this Article, where it operates, it shall display the current rules related to prohibiting/restricting smoking, a relevant note and a sign on prohibiting/restricting smoking as well as the contact telephone number and other information of the physical entity/organization to be contacted in case the rules related to prohibiting/restricting smoking are violated;
- e) disallow smoking and in case of detecting such a fact within its competence immediately prevent it in the buildings and structures and/or territory, which are envisaged by Paragraph 1 of this Article, and where the entity operates.

9. A driver of a public transportation, and its owner/possessor shall be obliged to observe the rules related to prohibiting/restricting smoking in the public transportation and prevent facts of violations of these rules. (effective May 1, 2018)]

#### **[Article 10<sup>1</sup> . A permit for setting up a cigar bar and the permit conditions**

1. The Ministry of Finance of Georgia shall issue, revoke, and amend a permit for setting up a cigar bar and register it in its internal permit registry and carry out other measures related to the permit in accordance with the Law of Georgia on Licenses and Permits.
2. A permit for setting up a cigar bar is issued for 4 years.
3. It is prohibited to transfer the permit envisaged by this Article to another person.
4. It is prohibited to offer any product to a customer in a cigar bar as a giveaway, in order to sell it or to taste it, other than the cigar, which is envisaged in Subparagraph “a.b” of Article 3 of this Law, as well as a drink.
5. A person under the age of eighteen is not allowed to enter a cigar bar.

6. The owner of a cigar bar is obliged to place visibly the contact information for the fire and rescue office.

7. To obtain a permit for setting up a cigar bar, in addition of the documents envisaged by Article 25 of the Law of Georgia on Licensees and Permits, a permit seeker shall submit the following documents and information:

a) a document certifying that the permit seeker is the owner (an entrepreneur) of a relevant facility ;

b) the documents as evidence that the cigar bar will be located in an isolated building or in an isolated section of a building, and it will be separated from other sections of the building with a solid wall, and will have a separate exit, a ventilation system, and that cigar smoke will not penetrate in the other sections of the building or in another building and a structure;

c) a document issued by a relevant body to certify that the ventilation system operates smoothly;

d) a document certifying the possession of a humidifier;

e) information on teaching workers (employees) of a relevant institution how to sell and use tobacco products.

8. Starting one year from obtaining the permit, the holder of the permit for setting up a cigar bar is obliged to provide annually the permit issuer with information evidencing that the income from selling cigars makes up at least 15 percent of his annual turnover. (effective May 1, 2018)]

#### **[Article 10<sup>2</sup>. Liability for failure to meet the permit conditions**

1. Liability for failure to meet the permit conditions for setting up a cigar bar is determined by the Georgian laws, among them by the present Law.

2. In case the holder of the permit for setting up a cigar bar fails to meet the permit conditions envisaged by this Law, the holder shall be fined with 500 GEL.

3. In case the permit holder repeatedly fails to meet the permit conditions, he will be fined according to Article 34 of the Law of Georgia on Licenses and Permits notwithstanding the fact that the fine envisaged by Paragraph 2 of this Article has been already imposed on the holder.

4. In case the holder of the permit for setting up a cigar bar continues to fail to meet the permit conditions, though he has paid the fines imposed by Paragraph 2 and 3 of this Article, the permit

issuer makes a decision on revoking his permit. Issues related to revoking the permit are governed by the Law of Georgia on Licenses and Permits.

5. A relevant body at the Ministry of Finance of Georgia is authorized to draw up a report of the offense envisaged by this Article and consider the case.

6. The format of the report envisaged by this Article, and the rules to complete and submit the form are defined by an order of the Minister of Finance of Georgia and legal proceedings are conducted in accordance of the Georgian legislation (effective May 1, 2018)]

#### **Article 11. Liabilities for violating the Law**

For violating this Law physical and legal entities shall be held liable according to the rules defined by the Georgian legislation.

#### **Article 12. State Supervision over Compliance with the Law**

The state supervision over compliance with the present Law is carried out in accordance with the legislation of Georgia.

#### **[Article 12. State Supervision over Compliance with the Law**

1. The state supervision over compliance with the present Law is carried out in accordance with the legislation of Georgia.

2. In order to ensure compliance with this Law and to administer the issues related to tobacco control, competent bodies may develop and issue relevant legal acts as necessary (effective May 1, 2018)]

#### **Article 12<sup>1</sup>. Transitional Provisions**

1. It is allowed to smoke in the stadium envisaged by Subparagraph “f” of Paragraph 1 of Article 10 of this Law until January 1, 2018.

2. It is allowed to smoke in no more than 20 percent of the hotel rooms until January 1, 2020. The smoking regime may not be changed in smoking and non-smoking rooms of a hotel. Smoking rooms shall be designated by a special order of the administration of the hotel and it shall be displayed in a visible place in the hotel.

3. Notation on substances emitted from tobacco products may be displayed on tobacco products according to the rules defined by the Government of Georgia until January 1, 2019.

### **Article 13. Final Provisions**

1. The following acts shall be declared repealed upon the effective date of this Law:

a) Law of Georgia *on Tobacco Control in Georgia*, dated 6 June 2003

(Legislative Herald of Georgia No19, 07.01.2003, Art. 121);

b) Law of Georgia *on Food and Tobacco*, dated 25 June 1999 (Legislative Herald of Georgia No31 (38), 1999, Art. 165);

c) Law of Georgia *on Trade in Tobacco Products*, dated 26 August 2003

(Legislative Herald of Georgia No29, 09.18.2003, Art. 209).

2. The sub-legislative normative acts that are issued based the legislative acts referred to in Subparagraphs “a” and “b” of Paragraph 1 of this Article shall have legal effect until they are in compliance with this Law.

3. This Law shall take effect upon its publication.

President of Georgia

M. Saakashvili

Tbilisi, 15 December 2010

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