

# Act XCI of 2023

## on the amendment of certain acts in order to strengthen public security and the fight against migration

(...)

### 8. Amendment to Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products

**Section 15** (1) In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, Section 1(s) and (t) shall be replaced by the following:

*(For the purposes of this Act)*

‘(s) *electronic smoking imitation device* is an electronic product for single-use (disposable) or a product to be refilled with a nicotine-free refill container or operated with a nicotine-free cartridge (for multiple use), which can be used to consume nicotine-free vapour via a mouth piece; or any component of that product, including tanks, or any device without a cartridge or tank;

‘(t) *nicotine-free refill container* is a tank containing nicotine-free liquid for refilling an electronic smoking imitation device;’

(2) In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, the following point (z) shall be added to Section 1:

*(For the purposes of this Act)*

‘(z) *nicotine-free cartridge* is a type of nicotine-free refill container which is required for the use of certain electronic smoking imitation devices, and which is a tank containing nicotine-free liquid in any form, typically for single-use (not refillable).’

**Section 16** (1) In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, Section 7/D(1) is replaced by the following:

‘(1) Manufacturers and importers of electronic cigarettes, refill containers and cartridges, electronic smoking imitation devices, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes, and their distributors in Hungary shall notify the public health authority of any product they intend to place on the market six months prior to their placing on the market.’

(2) In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, Section 7/D(3) is replaced by the following:

‘(3) The following shall be reported to the public health authority in accordance with paragraph (1):

(a) any changes to electronic cigarettes, refill containers and cartridges, electronic smoking imitation devices, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes which affect the technical characteristics of the product as defined in a government decree issued pursuant to this Act or issued based on an authorisation by this Act, as well as

(b) changes in the identity and availability of the manufacturer, importer or Hungarian distributor of electronic cigarettes, refill containers and cartridges, electronic smoking imitation devices, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes.’

(3) In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, the following paragraphs (5) and (6) shall be added to Section 7/D:

‘(5) The public health authority shall keep records of the products notified under paragraph 1, which shall contain:

- (a) the name of the notifier, the manufacturer or the importer, or the distributor in Hungary,
- (b) the electronic cigarette identification number,
- (c) the brand and sub-brand name,
- (d) the type of product,
- (e) the serial number of the certificate issued about the notification, and
- (f) the first day possible for placing on the market, as calculated pursuant to paragraph (1).

(6) The Hungarian manufacturer, importer and distributor shall take care of the withdrawal from the market and repurchase of any product which is covered by the marketing ban and is held on stock by the tobacco product retailer.’

**Section 17** In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, Section 8(5)(a) shall be replaced by the following:

*(The Government is hereby authorised to define and establish the following by regulation:*

‘(a) the combined warnings, health warnings and their detailed rules of use, as well as the detailed rules for consumer packaging units of tobacco products and the packaging units of electronic cigarettes, refill containers, electronic smoking imitation devices, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes, the content and form of signs and markings for smoking restriction and designated smoking areas as well as of those for the use of electronic cigarettes and electronic smoking imitation devices, in addition to other conditions of the manufacturing, distribution and control of

tobacco products, electronic cigarettes, refill containers, electronic smoking imitation devices, nicotine-free refill containers and nicotine-containing smoking substitutes, with such conditions not falling within the scope of the Act on excise duty,’

**Section 18** In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, the following Section 8/B shall be inserted:

**‘Section 8/B** Section 1 (s), (t) and (z), Section 7/C, Section 7/D (1), (3), (5) and (6), Section 7/E (1)-(5), Section 8 (5)(a), and Section 10 (4a) of this Act, as defined by Act XCI of 2023 on the amendment of certain acts in order to strengthen public security and the fight against migration, have been subject to prior notification, as stipulated in Articles 5-7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.’

**Section 19** In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products, the following paragraph (4a) shall be added to Section 10:

“(4a) In the case of nicotine-free refill containers, nicotine-free cartridges, and nicotine-containing smoking substitutes that were already on the market on 30 December 2023, the notification in accordance with Section 7/D(1), as defined in Act XCI of 2023 on the amendment of certain acts in order to strengthen public security and the fight against migration, must be made until 28 February 2024.”

**Section 20** In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products,

(a) in Section 7/C, the words ‘electronic cigarettes if’ are replaced by the words ‘electronic cigarettes, refill containers, cartridges, electronic devices imitating smoking, nicotine-free refill containers, nicotine-free cartridges, and nicotine-containing smoking substitutes if’;

(b) in Section 7/E (1), the words ‘electronic cigarettes and refill containers’ are replaced by the words ‘electronic cigarettes, refill containers, cartridges, electronic devices imitating smoking, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes’;

(c) in Section 7/E (2), the words ‘electronic cigarettes and refill containers’ are replaced by the words ‘electronic cigarettes, refill containers, cartridges, electronic devices imitating smoking, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes’;

(d) in Section 7/E (3), the words ‘electronic cigarettes and refill containers’ are replaced by the words ‘electronic cigarettes, refill containers, cartridges, electronic devices imitating smoking, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes’;

(e) in Section 7/E (4), the words ‘electronic cigarettes and refill containers’ are replaced by the words ‘electronic cigarettes, refill containers, cartridges, electronic devices imitating

smoking, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes’;

(f) in Section 7/E (5), the words ‘The electronic cigarettes and refill containers’ are replaced by ‘The electronic cigarettes, refill containers, cartridges, electronic smoking imitation devices, nicotine-free refill containers, nicotine-free cartridges and nicotine-containing smoking substitutes’

.

**Section 21** Section 7/1 of Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products shall be repealed.

(...)

## **20. Amendment to Act CXXXIV of 2012 on the reduction of smoking among young people and on the retail of tobacco products**

**Section 62** In Act CXXXIV of 2012 on the reduction of smoking among young people and on the retail of tobacco products, the following paragraph (4) shall be added to Section 28:

‘(4) Section 1(1)(e) and Section 3(2)(e) of this Act, as defined by Act XCI of 2023 on the amendment of certain acts in order to strengthen public security and the fight against migration, have been subject to prior notification, as stipulated in Articles 5-7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.’

**Section 63** In Act CXXXIV of 2012 on the reduction of smoking among young people and on the retail of tobacco products,

(a) in Section 1(1)(e), the words ‘nicotine-free refill containers,’ shall be replaced by ‘nicotine-free refill containers, nicotine-free cartridges,’;

(b) in Section 3(2)(e), the words ‘nicotine-free refill containers,’ shall be replaced by ‘nicotine-free refill containers, nicotine-free cartridges,’

.

(...)

## **35. Closing provisions**

**Section 111 (1)** With the exception referred to in paragraphs 2 to 6, this Act shall enter into force on 30 December 2023.

(...)

**Section 114** The requirement for the prior notification of heading 8 and heading 20 of this Act, as stipulated in Articles 5-7 of Directive (EU) 2015/1535 of the European Parliament and

of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, has been met.

<i>Katalin Novák (sgd)</i> President of the Republic	<i>Dr. János Latorca (sgd)</i> Deputy Speaker of the Parliament
---	--