**Act CI of 2021**

**on certain asset management issues and the amendment of certain Acts to strengthen the coherence of the legal system[[1]](#footnote-1)**

…

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

**Section 68** In Act XLII of 1999 on the protection of non-smokers and certain regulations on the consumption and distribution of tobacco products (hereinafter referred to as Nvt), Section 1 *(x)* shall be replaced by the following:

*(For the purposes of this Act)*

“*(x) electronic cigarette identification number*: the identification number for products notified through the common electronic entry gate, as defined in Commission Implementing Decision (EU) 2015/2183 of 24 November 2015 establishing a common format for the notification of electronic cigarettes and refill containers;”

**Section 69** The following Section 2/B is added to Nvt:

“Section 2/B The consumption of smoking replacement products containing nicotine shall be prohibited in public education institutions, as well as in child welfare and child protection institutions.”

**Section 70** In the afore-mentioned Act Section 5 (1)-(4) shall be replaced by the following:

“(1) As regards Act CXXXIV of 2012 on reducing smoking prevalence among young people and retail of tobacco products (hereinafter: Fdvtv) no activity relating to the retail trade of the products listed in Section 1(1)*(b)-(h)* thereof shall be carried out in a public education institution, a social institution providing personal care, a child welfare institution, a child protection institution or a health institution.

(2) Tobacco products and products listed in Section 1(1)*(b)-(h)* of Fdvtv may not be marketed as samples of goods.

(3) Tobacco products and products listed in Section 1(1)*(b)-(h)* of Fdvtv may not be sold from vending machines.

(4) For the purposes of this Section, the term 'retailing of tobacco products’ shall mean the term defined as such in Fdvtv.”

**Section 71** The following Section 8/A is added to Nvt:

“Section 8/A (1) Section 5(1)-(4) of this Act, as established by Act CI of 2021 on certain asset management issues and the amendment of certain Acts to strengthen the coherence of the legal system (hereinafter: Módtv), serve to comply with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

(2) Section 5(1)-(4) of this Act, as established by Módtv, have been subject to prior notification pursuant to Article 15(7) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.”

**Section 72** In

*(a)* Section 1 *(r)* of Nvt, the words ‘containing nicotine’ shall be replaced by the words ‘containing nicotine in any form’,

*(b)* Section 8 (3) of Nvt, the expression ‘Act CIII of 1997 on excise taxes and special regulations for the marketing of excise goods’ shall be replaced by the expression ‘Act LXVIII of 2016 on excise duty’,

*(c)* Section 8 (4c)*(a)* of Nvt, the words ‘refill containers and smoking’ are replaced by the phrase ‘refill containers, nicotine-free refill containers, smoking replacement products containing nicotine and smoking’.

**Section 73** Concerning Nvt (non-smoker protection act) the following sections shall be repealed:

*(a)* Section 7/K

*(b)* Section 7/L

*(c)* Section 8(2),

*(d)* Section 8(4d) and

*(e)* Section 8 (5)*(k)*.

1. The Act was adopted by Parliament at its session of 15 June 2021. [↑](#footnote-ref-1)