

Act amending the Act on tobacco products etc. and various other acts¹

(The third and last part of the implementation of the prevention plan targeting children and adolescents – tobacco, nicotine and alcohol)

We FREDERIK THE TENTH, by God's Grace King of Denmark, hereby
decree: Parliament has adopted, and We by Our consent, ratify the following
Act:

Ministry of the Interior and Health

§ 1

The following amendments are made to the Act on tobacco products, etc., cf. Consolidation Act No 1161 of 4 November 2024, as amended by § 2 of Act No 2071 of 21 December 2020:

1. In *the footnote* to the Act's title, the following shall be inserted as *point 6*:

‘The Act has been notified as a draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).’

2. In § 2, *no. 10*, the following is inserted after ‘tobacco’: ‘, a tobacco surrogate’, and the following is inserted after ‘smokeless tobacco products’: ‘and tobacco surrogates’.

3. In § 2, *the following is inserted after no. 11 as a new paragraph*:

‘12) Characterising flavour for tobacco surrogates: A smell or taste resulting from an additive or combination of additives, including fruit, spices, herbs, alcohol, sweets, menthol or vanilla, and which is framed or tasted before or during consumption of the tobacco surrogate.’

Nos 12-32 subsequently become nos. 13-33.

4. In § 2 *no. 17*, which becomes *no. 18*, the following is inserted after ‘herbal product for smoking’: ‘etc.’

5. In § 2 *nos. 18-21*, which become *nos. 19-22*, the following is inserted after ‘herbal products for smoking’: ‘etc.’

6. In § 2, the following is inserted as *no. 34*:

‘34) Communications platform: Online platform which, with a view to making a profit, offers visitors the opportunity to create a profile and explore other profiles and whose primary function is to enable users of the platform to join and share messages or presentations with content in the form of characters, words, writing, audio, images or video.’

¹ The Act has been notified as a draft in accordance with Directive 2015/1535/EU of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).

7. The heading of Chapter 3 is to be worded as follows:

‘Chapter 3

Maximum emission levels for tobacco products, methods for measuring emission levels and limit values for tobacco surrogates, etc.’

8. After § 10, the following shall be inserted before the heading before § 11:

‘§ 10a. Manufacturers and importers shall ensure that tobacco surrogates which they place on the market in Denmark comply with the nicotine content limit, cf. paragraph 2.

(2) The Minister for the Interior and Health shall lay down rules on maximum nicotine content in tobacco surrogates.’

9. The heading of Chapter 4 is to be worded as follows:

‘Chapter 4

Prohibition on the placing on the market of certain tobacco products, tobacco surrogates, etc.’

10. The following is inserted after § 15a:

‘§ 15b. Tobacco surrogates and flavourings for use in tobacco surrogates with a characterising flavour shall not be marketed in Denmark. However, the prohibition shall not apply to a characterising flavour of tobacco or menthol.

(2) Devices used in connection with tobacco surrogates which make it possible to alter the smell or taste of such substitute tobacco shall not be placed on the market in Denmark.

(3) The Danish Health Authority may lay down detailed rules on the prohibition referred to in paragraph 1, including rules on whether a specific product is covered by the prohibition and on maximum levels for the products’ content in terms of additives or combinations of additives that impart a characterising flavour.’

11. In § 17(1) the following is inserted after ‘tobacco products’: ‘and tobacco surrogates’.

12. In § 17(1), no. 1, the following is inserted after ‘tobacco product’: ‘or a tobacco surrogate’.

13. The following shall be inserted after Chapter 4:

‘Chapter 4a

Prohibition on the import, purchase, possession, etc. of certain tobacco surrogates, etc.

§ 18a. It is not permitted to import, purchase, supply, receive, manufacture, process or possess tobacco surrogates covered by the prohibition in § 15b(1) or exceed the nicotine content limit for a tobacco surrogate as determined pursuant to § 10a.

(2) The prohibition laid down in paragraph 1 shall not apply to the following:

- 1) Luggage of up to ten units for personal consumption and possession of up to ten units for personal consumption.
- 2) Import, purchase, supply, receipt, manufacture, processing or possession with a view to marketing in other countries or to consumers in countries other than Denmark.
- 3) Import, purchase, supply, receipt, manufacture, processing or possession for scientific or control purposes.’

14. In § 21, the following shall be inserted as paragraphs (2)–(5):

‘(2) The Danish Health Authority shall lay down detailed rules on requirements for the appearance of cigarettes and roll-your-own tobacco, including paper, filters, etc.

(3) The Danish Health Authority shall lay down detailed rules on ingredients in relation to unit packets of chewing tobacco.

(4) The Danish Health Authority shall lay down detailed rules on requirements for the appearance of tobacco surrogates.

(5) The Danish Health Authority shall lay down detailed rules on ingredients in relation to unit packets of tobacco surrogates.’

15. In § 21a, the following is inserted as a new paragraph after paragraph 1:

‘(2) The person placing technical equipment used with heated tobacco products on the market in Denmark shall ensure that each unit packet and any outside packaging is standardised.’

Paragraph 2 then becomes paragraph 3.

16. In § 21a(2), which becomes paragraph 3, the following is inserted after ‘design’: ‘within the meaning of paragraphs 1 and 2’

17. The following is inserted after § 22c in *Chapter 6*:

‘§ 22d. A person who markets tobacco surrogates in Denmark shall ensure that each unit packet and any outside packaging is standardised.

(2) The Minister for the Interior and Health shall lay down detailed rules on the design of standardisation.’

18. In §32a, the following is to be inserted as (3):

‘(3) The Customs and Tax Administration shall assist in checking that the rules laid down in Chapter 4a are complied with.’

19. In § 35a(1) and § 35b(1)–(3), the following is inserted after ‘equipment’: ‘and flavourings’.

20. After § 35b, the following shall be inserted before the heading before § 36:

‘§ 35c. In cases involving an offence which is deemed not to result in a penalty higher than a fine, the perpetrator of the offence may, upon notification by the Danish Safety Technology Authority, accept the extra-judicial confiscation of illicit tobacco products, tobacco surrogates and herbal products for smoking, as well as equipment and flavourings used with them. The adoption of extra-judicial confiscation as specified in the first sentence shall require the perpetrator of the offence to declare that they are guilty of the offence and to accept the extra-judicial confiscation.

(2) §§ 834 and 752 of the Administration of Justice Act on requirements concerning the content of an indictment and the absence of an obligation on the accused person to make a statement shall apply mutatis mutandis prior to the adoption of confiscation under paragraph 1.

§ 35d. As part of monitoring compliance with the rules laid down in this Act, rules laid down pursuant to this Act or regulations relating to the scope of this Act, the Danish Safety Technology Authority may make use of fictitious profiles on communication platforms.’

21. In § 36(1), *no. 1*, the following is inserted after ‘§ 21a(1)’: ‘§ 22’, and ‘§ 8(2), § 9(2), § 19(2), § 20(3), § 21 or § 21a(2),’ are replaced by: ‘§ 8(1) and (2), § 9(1) and (2), § 19(2), § 20(3), § 21(1)–(3) or § 21a(3),’.

22. In § 36(2), no. 1, ‘§ 19a(1)’ is replaced by: ‘§ 10a(1), § 19a(1) or § 22d(1),’ and ‘§ 19a(2) or § 22c’ are replaced by: ‘§ 10a(2), § 19a(2), § 21(4) and (5), § 22c or 22d(2)’

23. In § 36, the following shall be inserted as (3):

‘(3) The Danish Safety Technology Authority may prohibit the placing on the market of equipment if the product does not comply with the requirements laid down in § 21a(2) or in rules laid down pursuant to § 21a(3).’

24. The following is inserted after § 38b:

‘§ 38c. The Danish Safety Technology Authority may order a communications platform to modify or remove content referring to a product which does not comply with rules of this Act, rules laid down pursuant to the Act or regulations relating to the scope of the Act.’

25. § 45(1), no.1 is to be worded as follows:

(1) infringes §§ 4(1), 5(1), 10, 13, 14(1), 15-17, 18(1), 19(1), 19a(1), 20(1) and (2), 21a(1), 22a, 24(1), 28(2), 30(1) or 30a(1);

26. § 45(1), no.1 is to be worded as follows:

‘1) infringes §§ 4(1), 5(1), 10, 13, 14(1), 15, 15a, 15b(1) and (2), 16, 17, 18(1), 19(1), 19a(1), 20(1) and (2), 21a(1) and (2), 22a, 22d(1), 24(1), 28(2), 30(1) or 30a(1),’.

27. § 45(1), no. 1 is worded as follows:

‘1) infringes §§ 4(1), 5(1), 10, 13, 14(1), 15, 15a, 15b(1) and (2), 16, 17, 18(1), 18a(1), 19(1), 19a(1), 20(1) and (2), 21a(1) and (2), 22a, 22d(1), 24(1), 28(2), 30(1), or 30a(1),’

28. § 45(1), no. 1 is worded as follows:

‘1) infringes §§ 4(1), 5(1), 10, 13, 14(1) and (3), 15, 15a, 15b(1) and (2), 16, 17, 18(1), 18a(1), 19(1), 19a(1), 20(1) and (2), 21a(1) and (2), 22a, 22d(1), 24(1), 28(2), 30(1), or 30a(1),’

29. In Section 45(1), nos. 2 and 3, ‘in’ is replaced by: ‘, which has its legal basis in’.

30. In § 45(1), no. 4, ‘notified according to’ is replaced by: ‘as notified on the basis of’.

31. In § 45(1), no. 5, ‘or § 38’ is replaced by: ‘§ 38 or § 38c’.

32. In § 45(1), the following is inserted as a new point after point 5:

‘6) violates the revocation communicated in accordance with paragraph 3,’.

Nos. 6–12 therefore become nos. 7–13.

33. § 45(2) is to be worded as follows:

‘(2) In rules laid down pursuant to §§ 8(1) and (2), 9(1) and (2), 19(2), 19a(2), 21a(2), 22c, 24(2), 30(2) or 30a(2), fines may be imposed for infringement of the provisions of the rules.’

34. § 45(2) is to be worded as follows:

‘(2) In rules laid down pursuant to §§ 8(1) and (2), 9(1) and (2), 10a(2), 19(2), 19a(2), 21, 21a(3), 22c, 22d(2), 24(2), 30(2) or 30a(2), fines may be imposed for infringement of the provisions of the rules.’

35. In § 45, the following shall be inserted as a new paragraph after (2):

‘(3) In the case of particularly serious or repeated infringements of §§ 13, 14(1), 15-17, 18(1),

19(1), 20(1) and (2), 21a(1), 24(1), 30(1), 30a(1) or 36–38 and rules issued pursuant to § 19(2), § 21a(2), § 22c, § 24(2), § 30(2) or § 30a(2) the right shall be removed for a period of time to place on the market tobacco products, tobacco surrogates, herbal products for smoking, electronic cigarettes and refill containers with and without nicotine, and equipment and flavourings used with them.’

(3) subsequently becomes (4).

36. § 45(3) is to be worded as follows:

‘(3) In case of particularly serious or repeated infringements of §§ 13, 14(1), 15, 15a, 15b(1) and (2), 16, 17(1) and (2), 18(1), 19(1), 20(1) and (2), 21a(1) and (2), 22d(1), 24(1), 30(1), 30(1) or 36–38, and rules issued pursuant to §§ 10a(2), 19(2), 21a(3), 22c, 22d(2), 24(2), 30(2) or 30a(2), the right shall be removed for a period of time to place on the market tobacco products, tobacco surrogates, herbal products for smoking, electronic cigarettes and refill containers with and without nicotine, and equipment and flavours used with them.’

37. After § 45, the following shall be inserted in *Chapter 14*:

‘§ 45a. The Minister for the Interior and Health may, following negotiation with the Minister for Justice, lay down rules to the effect that, in specified cases concerning penalties under § 45(1), or rules laid down pursuant to the Act, which are not deemed to result in a penalty higher than a fine, the Danish Safety Technology Authority may state in a financial order that the case may be decided without legal proceedings if the perpetrator of the infringement declares himself guilty of the infringement and declares his willingness to pay a fine as specified in the application for a fine within a specified period.

(2) §§ 834 and 752 of the rules of the Administration of Justice Act on requirements as to the content of an indictment and on the fact that an accused person is not required to make a statement shall apply mutatis mutandis to penalty orders, as specified in paragraph 1.

(3) If the fine is accepted, further proceedings shall cease. Adoption has a repetitive effect as a judgment.’

§ 2

The Act on electronic cigarettes etc. cf. Consolidation Act No 1166 of 4 November 2024, is hereby amended as follows:

1. In § 1(2), the words ‘Chapter 2’ are deleted.

2. In § 2, *no.* 5, the words ‘prominent’ and ‘other than tobacco’ are deleted.

3. I § 2 *nos.* 6-9; the following is inserted after ‘nicotine’: ‘etc.’

4. In § 2, the following is inserted as *no.* 13:

‘13) Communications platform: Online platform which, with a view to making a profit, offers visitors the opportunity to create a profile and explore other profiles and whose primary function is to enable users of the platform to join and share messages or presentations with content in the form of characters, words, writing, audio, images or video.’

5. *Chapter 2* is repealed.

6. In § 15(1), the following is inserted as the *second sentence*:

‘The prohibition shall also cover proxy sales.’

7. After § 22b, the following shall be inserted before the heading before § 23:

‘§ 22c. In cases involving an offence which is deemed not to result in a penalty higher than a fine, the perpetrator of the offence may, upon notification by the Danish Safety Technology Authority, adopt the extra-judicial confiscation of illegal electronic cigarettes with or without nicotine, refill containers with or without nicotine, and equipment and flavourings intended to be used with them. The adoption of extra-judicial confiscation as specified in the first sentence shall require the perpetrator of the offence to declare that they are guilty of the offence and to accept the extra-judicial confiscation.

(2) §§ 834 and 752 of the Administration of Justice Act on requirements concerning the content of an indictment and the absence of an obligation on the accused person to make a statement shall apply *mutatis mutandis* prior to the adoption of confiscation under paragraph 1.

Section 22d. As part of monitoring compliance with the rules laid down in this Act, rules laid down pursuant to the Act or regulations relating to the scope of the Act, the Danish Safety Technology Authority may make use of fictitious profiles on communication platforms.’

8. § 23 is deleted.

9. In § 25a (1), the words ‘Electronic cigarettes, refill containers’ are replaced by the following: ‘Electronic cigarettes and refill containers’.

10. The following is inserted after § 27 b:

‘§ 27c. The Danish Safety Technology Authority may order a communication platform to modify or remove content referring to a product which does not comply with rules of this Act, rules laid down pursuant to this Act or regulations relating to the scope of this Act.

(2) The Danish Safety Technology Authority may order a communication platform to modify or remove content relating to the marketing of electronic cigarettes or refill containers with or without nicotine to persons under the age of 18 or persons who appear to be under the age of 18.’

11. § 33(1), no. 1 is to be worded as follows:

(1) infringe §§ 3(1) and (4), 4, 9(1), 9a(1) and (2), 10(1), 11(1), 15(1)-(3), 16(1), 17, 18a(1), 18b(1) or 25(1) and (2);

12. § 33(1) no. 1 is to be worded as follows:

‘(1) infringes §§ 9(1), 9a(1) and (2), 10(1), 11 (1), 15(1)–(3), 16(1), 17, 18a(1), 18b(1) or 25a(1) and (2),’.

13. In § 33(1), no. 2, ‘in’ is replaced by: ‘pursuant to’.

14. In § 33(1), no. 3, the words ‘registration obligation in’ are replaced by: ‘registration obligation, which has a legal basis in’.

15. In § 33(1), no. 4, ‘notified according to’ is replaced by: ‘as notified on the basis of’.

16. In § 33(1), no. 5, ‘§ 11(2) or (3), § 12(1), § 19(2), or § 26,’ is replaced by: ‘§ 11(2) or (3), 12(1), 19(2), 26 or 27c,’.

17. In § 33(1), the following is inserted as a new point after point 5:

‘6) violates the revocation communicated in accordance with paragraph 3,’.

Subsequently, points 6 and 7 become points 7 and 8.

18. In § 33(2), ‘, which’ is replaced by: ‘that’.

19. In § 33, the following shall be inserted as a new paragraph after (2):

‘(3) In the event of particularly serious or repeated infringements of §§ 9a(1), 15(1)-(3), 18b(1), 25, 25a(1) and (2), 26 or 27(1) and rules issued pursuant to §§ 9a (3) and 15(4), the right to market electronic cigarettes and refill containers with and without nicotine, tobacco products, tobacco surrogates and herbal smoking products, and equipment and flavourings used together with them shall be deprived for a period of time.’

(3) subsequently becomes (4).

20. After § 33, the following shall be inserted in *Chapter 12*:

‘§ 33a. In the event of an infringement of § 18a(1) and rules laid down pursuant to § 18a(4), where the perpetrator of the infringement declares that they are guilty of the infringement and declares that they are prepared to pay the fine within a specified period indicated in the application for a fine, the Consumer Ombudsman may indicate that the case can be decided without legal proceedings.

(2) §§ 834 and 752 of the rules of the Administration of Justice Act on requirements as to the content of an indictment and on the fact that an accused person is not required to make a statement shall apply mutatis mutandis to penalty orders, as specified in paragraph 1.

(3) If the fine is accepted, further proceedings shall cease. Adoption has a repetitive effect as a judgment.

§ 33b. The Minister for the Interior and Health may, after consultation with the Minister for Justice, lay down rules to the effect that, in specified cases concerning penalties under § 33(1), or rules laid down pursuant to the Act, which are not deemed to result in a penalty higher than a fine, the Danish Safety Technology Authority may state in a penalty order that the case may be decided without legal proceedings if the perpetrator of the infringement declares himself guilty of the infringement and declares that he is prepared to pay a fine as specified in the application for a fine within a specified period.

(2) §§ 834 and 752 of the rules of the Administration of Justice Act on requirements as to the content of an indictment and on the fact that an accused person is not required to make a statement shall apply mutatis mutandis to penalty orders, as specified in paragraph 1.

(3) If the fine is accepted, further proceedings shall cease. Adoption has a repetitive effect as a judgment.’

§ 3

The Act prohibiting the sale of tobacco and alcohol to persons under the age of 18, cf. Consolidation Act No 1088 of 10 October 2024, is amended as follows:

1. In § 1(1), the following is inserted as the *second sentence*:

‘The prohibition shall also cover proxy sales.’

2. In § 2(1) and (2): ‘from retail shops’ is deleted.

3. In § 2(1), the following is inserted as *point 2*:

‘The prohibition shall also cover proxy sales.’

4. In § 2(2), the following is inserted as *point 2*:

‘The prohibition shall also cover proxy sales.’

5. In § 2 (2), ‘of 16.5 or more’ is replaced by: ‘over 6’.

6. In § 2, the following shall be inserted as (3):

‘(3) In night-life zones designated pursuant to § 6b of the Act on police enforcement, alcoholic beverages with an alcoholic strength by volume of 1.2 % or more may not be sold or delivered to persons under 18 years of age from 22.00 to 08.00.’

7. In § 2a(3) and 5, the following is inserted after ‘distance selling’: ‘and in unmanned stores’.

8. In § 2a(4) and (5) ‘equal to or greater than 16.5’ is replaced by: ‘over 6’.

9. In § 3(2), ‘16.4’ is replaced by: ‘6’.

10. In § 3(3), ‘of 16.5 or more’ is replaced by the following: ‘over 6’.

11. The following is inserted after § 3:

‘§ 4. As part of monitoring compliance with the rules laid down in this Act or rules laid down pursuant to this Act, the Danish Safety Technology Authority may make use of fictitious profiles on communication platforms.

§ 4a. The Danish Safety Technology Authority may order a communication platform to modify or remove content relating to the labelling of tobacco products, tobacco surrogates or herbal products for smoking to persons under 18 years of age or persons who appear to be under 18 years of age.

(2) The Danish Safety Technology Authority may order a communication platform to amend or remove content relating to the marketing of alcoholic beverages with an alcoholic strength by volume of 1.2 % or more to persons under 16 years of age or persons who appear to be under 16 years of age.

(3) The Danish Safety Technology Authority may order a communication platform to amend or remove content relating to the marketing of alcoholic beverages with an alcoholic strength of more than 6 % by volume to persons under 18 years of age or persons under 18 years of age or persons who appear to be under 18 years of age.’

12. In § 5(1), *first and second sentences*, ‘§ 1, § 2 or § 2a and rules issued pursuant to § 2a(8),’ is replaced by: ‘§§ 1-2a and rules issued pursuant to § 2a(8),’.

13. § 5(2) is worded as follows:

‘(2) In the event of particularly serious or repeated infringements of §§ 1 and 2a(1), the right to place tobacco products, tobacco surrogates, herbal products for smoking, electronic cigarettes and refill containers with and without nicotine, as well as equipment and flavourings used with them, shall be withdrawn for a period of time.’

14. In § 5, the following shall be inserted as a new paragraph after (2):

‘(3) Unless higher penalties are stipulated under other legislation, fines will be imposed on those who:

1) fail to grant access to the Danish Safety Technology Authority in accordance with § 2b(2),

- 2) fail to provide information to the Danish Safety Technology Authority in accordance with § 2b(3),
 - 3) infringe or fail to comply with an order issued by the Danish Safety Technology Authority pursuant to § 4a or
 - 4) infringe the exemption issued in accordance with paragraph 2.’
- Paragraph 3 subsequently becomes 4.

15. The following is inserted after § 5:

‘§ 5a. The Minister for the Interior and Health may, after consultation with the Minister for Justice, lay down rules to the effect that, in specified cases concerning penalties under § 5(1) or rules laid down pursuant to the Act, which are deemed not to result in a penalty higher than a fine, the Danish Safety Technology Authority may state in a penalty order that the case can be decided without legal proceedings if the perpetrator of the offence declares himself guilty of the offence and declares that he is prepared to pay a fine as specified in the penalty order within the specified period.

(2) §§ 834 and 752 of the rules of the Administration of Justice Act on requirements as to the content of an indictment and on the fact that an accused person is not required to make a statement shall apply mutatis mutandis to penalty orders, as specified in paragraph 1.

(3) If the fine is accepted, further proceedings shall cease. Adoption has a repetitive effect as a judgment.’

§ 4

The Act on prohibition of tobacco advertising, etc., cf. Consolidation Act No 586 of 26 May 2021, is amended as follows:

1. In *paragraph 7(1)* ‘§§ 3, 4, 5 and 5a’ is replaced by: ‘§§ 3-5a’.

2. After § 7, the following shall be inserted in *Chapter 4*:

‘§ 7a. In the event of an infringement of § 5a(1) and rules laid down pursuant to § 5a(4), and when the perpetrator of the infringement declares that they are guilty of the infringement and declares that they are prepared to pay the fine within a specified period indicated in the penalty order, the Consumer Ombudsman may declare that the case can be decided without legal proceedings.

(2) §§ 834 and 752 of the rules of the Administration of Justice Act on requirements as to the content of an indictment and on the fact that an accused person is not required to make a statement shall apply mutatis mutandis to penalty orders, as specified in paragraph 1.

(3) If the fine is accepted, further proceedings shall cease. Adoption has a repetitive effect as a judgment.’

§ 5

The Act on smoke-free environments, cf. Consolidation Act No. 1632 of 18 June 2021, as amended by § 4 of Act No. 738 of 13 June 2023, is amended as follows:

1. § 1(1) is worded as follows:

‘The purpose of the Act is to ensure that environments are secured where there is no smoking or use of other tobacco products or electronic cigarettes with or without nicotine. The purpose of the Act is also to ensure that children and adolescents are not confronted during school hours with smoking or other use of tobacco products, electronic cigarettes with or without nicotine, tobacco surrogates or herbal products for smoking.’

2. In § 1, the following shall be inserted as new paragraphs after (3):

‘(4) For the purposes of this Act, heated tobacco products are a novel category of tobacco products heated to produce an emission containing nicotine and other chemicals which are then inhaled by the user or users and which, depending on their characteristics, are smokeless tobacco products or smoking tobacco products.

(5) For the purposes of this Act, electronic cigarettes with nicotine shall mean a product that can be used for consumption of a nicotine-containing vapour via a mouthpiece, or components of such a product, including a cartridge, a refillable tank and a device without a cartridge or refillable tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a refillable tank, or rechargeable with single-use cartridges.

(6) For the purposes of this Act, electronic cigarettes without nicotine shall mean a product that can be used for consumption of a non-nicotine-containing vapour via a mouthpiece, or components of such a product, including a cartridge, a refillable tank and a device without a cartridge or refillable tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a refillable tank, or rechargeable with single-use cartridges.’

Paragraphs 4 and 5 subsequently become paragraphs 7 and 8.

3. In § 4, § 6(1) and (2), § 7(4), § 10, § 11(2), § 12, § 15(1), § 16(2), § 18(1) and § 21(1), the following is inserted after ‘smoking’: ‘or use heated tobacco products or electronic cigarettes with or without nicotine’.

4. In § 5(2) *no. 1* and § 11(1), the following is inserted after ‘smoked’: ‘or heated tobacco products or electronic cigarettes with or without nicotine are used’.

5. In § 6(3) and (4), § 13, § 17, § 18(2), § 19, § 20(2), § 21(3), § 22(1) and § 26(2), the following is inserted after ‘smoking’: ‘or the use of heated tobacco products or electronic cigarettes with or without nicotine’.

6. In § 7(1), § 7a(1), § 7b(1) and § 7c, the following is inserted after ‘tobacco products’: ‘, electronic cigarettes with or without nicotine’.

7. In § 7(2) and (3), the following is inserted after ‘smokes’: ‘or use heated tobacco products or electronic cigarettes with or without nicotine’.

8. In § 15(2), insert after ‘smoke-free’: ‘and free from heated tobacco products and electronic cigarettes with or without nicotine’.

9. In § 20(1), insert after ‘smoking’: ‘or use heated tobacco products or electronic cigarettes with or without nicotine’ and ‘indoors, cf. § 4’ is deleted.

10. The following shall be inserted in *Chapter 4* after § 20:

‘§ 20a. In outdoor stadia intended for major sporting events, the stadium’s management shall be responsible for ensuring that there are zones where smoking or the use of heated tobacco

products or electronic cigarettes with or without nicotine is prohibited.

(2) The management of a stadium covered by paragraph 1 shall be responsible for announcing the requirement and for determining and disclosing the consequences of any breach thereof. It will also be the responsibility of the management to enforce the ban on smoking and using electronic cigarettes with or without nicotine in the zones.

§ 20b. The municipal council may decide that smoking or the use of heated tobacco products or electronic cigarettes with or without nicotine shall not be permitted in outdoor municipal playgrounds.

(2) The municipal council shall be responsible for providing information on the prohibition in paragraph 1 and on the consequences of infringement thereof. It shall also be the responsibility of the municipal council to enforce the ban.'

11. In § 23 the following shall be inserted after the word 'smoking': 'and the use of heated tobacco products and electronic cigarettes with or without nicotine'.

12. In § 25 the following shall be inserted after the words 'smoking ban': 'or the ban on the use of heated tobacco products or electronic cigarettes with or without nicotine'.

13. § 33 is deleted.

§ 6

Act No 2071 of 21 December 2020 amending the Act on the prohibition of tobacco advertising, etc., the Act on tobacco products etc., the Act on electronic cigarettes, etc. and various other Acts (Implementation of the national action plan against smoking of children and young people), as amended by § 5 of Act No 738 of 13 June 2023 and § 4 of Act No 651 of 11 June 2024, is hereby amended as follows:

1. § 2, No 21, shall be repealed.

2. In § 7(7), the phrase ', 14 and 21' is replaced by 'and 14'.

Ministry of Industry, Business and Financial Affairs

§ 7

The Act on Marketing, cf. Consolidation Act No 1420 of 2 December 2024, is hereby amended as follows:

1. In § 25, the following shall be inserted as a new paragraph after (2):

'(3) When monitoring commercial practices under § 11 (2), the Consumer Ombudsman may make use of a hidden identity.'

Paragraphs 3-5 shall henceforth be paragraphs 4-6.

2. In § 39, *second sentence* '§ 25(5)' is replaced by: '§ 25(6)'.

§ 8

The Act on safety at sea, cf. Consolidation Act No 221 of 11 February 2022, as amended by § 3 of Act No 243 of 7 March 2023 and § 1 of Act No 1773 of 28 December 2023, is hereby amended

as follows:

1. In § 20a(1) and (3), ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted.

Ministry of Employment

§ 9

The Working Environment Act, cf. Consolidation Act No 2062 of 16 November 2021, as amended by Act No 629 of 11 June 2024, is hereby amended as follows:

1. In § 79a(1), *first sentence*, ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted and in the *second sentence* ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted.

§ 10

The following amendment is made to the Offshore Safety Act, cf. Consolidation Act No 125 of 6 February 2018, as amended by § 34 of Act No 1436 of 29 June 2021 and § 38 of Act No 612 of 11 June 2024:

1. In § 66a(1), *first sentence*, ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted and in the *second sentence* ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted.

Department for Transport

§ 11

The Aviation Act, cf. Consolidation Act No 118 of 31 January 2024, as amended by Act No 1114 of 29 December 1997 and § 1 of Act No 1474 of 10 December 2024 is hereby amended as follows:

1. In § 150f(1), *first sentence*, ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted and in the *second sentence* ‘and Chapter 2 of the Act on electronic cigarettes, etc.’ is deleted

Entry into Force

§ 12

- (1) The Act shall enter into force on 1 January 2025, without prejudice to paragraphs 2-5.
- (2) § 2, nos. 1, 5, 8 and 12, § 3, nos. 5, 6 and 8 to 10, and §§ 5 and 8 to 11 shall enter into force on 1 April 2025.
- (3) § 1, nos. 2, 3, 7-12, 14–17, 19, 21–23, 26, 34 and 36 shall enter into force on 1 July 2025.
- (4) § 1, nos. 13, 18 and 27 shall enter into force on 1 April 2026.
- (5) The Minister for the Interior and Health lays down the date of entry into force of § 1, No 28.
- (6) For tobacco surrogates produced before 1 July 2025, § 1, nos. 8, 10 to 12, 14 and 17 shall take effect from 1 April 2026.
- (7) For equipment used in connection with tobacco surrogates manufactured before 1 July 2025, § 1 no. 10 shall apply from 1 April 2026.
- (8) For flavourings for use in tobacco surrogates produced before 1 July 2025, § 1(no. 10 shall apply from 1 April 2026.
- (9) For cigarettes and roll-your-own tobacco, including paper, filters, etc. and chewing tobacco produced before 1 July 2025, § 1 no. 14 shall apply from 1 April 2026.

(10) For technical equipment used with heated tobacco products manufactured before 1. 1 July 2025, § 1, no. 15, shall take effect from 1 April 2026.

Amalienborg, 30 December 2024

Under Our Royal Hand and Seal

FREDERIK R.

/ Sophie Løhde