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Act amending the Tobacco Act

The Tobacco Act is amended as follows:

**1)** § 3(2) is amended and worded as follows:

‘(2) Tobacco products are categorised as products for smoking, as well as smokeless and heated tobacco products.’;

**2)** § 3(4) is amended and worded as follows:

‘(4) A smokeless tobacco product is a tobacco product (including chewing tobacco, nasal tobacco, and tobacco for oral use), which does not involve a combustion process and is not a heated tobacco product.’;

**3)** paragraph 6 is added to § 3 and worded as follows:

‘(6) A heated tobacco product is a novel tobacco product, which does not involve a tobacco combustion process and is consumed by using an accessory to heat the tobacco.’;

**4)** the first sentence of § 8(5) is worded as follows:

‘Cigarettes, smoking tobacco for rolling cigarettes, as well as a heated tobacco product cannot have a characterising flavour.’;

**5)** the first sentence of § 8(6) is worded as follows:

‘The contents of cigarettes, smoking tobacco for rolling cigarettes, as well as heated tobacco products—such as filters, papers, packaging and capsules—cannot be flavoured.’;

**6)** the first sentence of § 12(5) is worded as follows:

‘The information in paragraph 1 of this section can be presented on stickers on the primary packaging and the combined package of the tobacco product, except for cigarettes and smoking tobacco for rolling cigarettes.’;

**7)** the heading of § 13 is amended and worded as follows:

‘**§ 13. Health warnings for tobacco products for smoking**’;

**8)** § 13(1) is amended and worded as follows:

‘(1) Health warnings for tobacco products for smoking are divided into general warnings, information messages and combined health warnings.’;

**9)** the Act is supplemented with § 131 as follows:

‘**131. Health warning for heated tobacco products**

(1) Each primary packaging and combined package of a heated tobacco product shall carry the following health warning:

‘This tobacco product damages your health and is addictive.’.

(2) The health warning laid down in paragraph 1 of this section shall comply with the requirements specified in § 16(6), (10), (11) and (12) of this Act.

(3) In addition to the provisions of paragraph 2 of this section, a health warning for heated tobacco products shall:

1) on the cuboid packets and any combined package be parallel to the lateral edge of the primary packaging or the combined package. The text of the health warnings shall be parallel to the main text on the surface reserved for these warnings;

2) appear on the two largest surfaces of the primary packaging and any combined package;

3) cover 30 % of the surfaces of the primary packaging and any combined package.’;

**10)** § 27(1) is amended and worded as follows:

‘(1) A person under the age of eighteen (hereinafter: *a minor*) is not allowed to smoke or use a tobacco product or a product used in the same manner as tobacco products.’;

**11)** § 29(2) is amended and worded as follows:

‘(2) The prohibition established in paragraph 1 of this section is applied to an electronic cigarette and a heated tobacco product, and points 1 and 2 of paragraph 1 also to other products used in the same manner as tobacco products.’;

**12)** § 30(5) is amended and worded as follows:

‘(5) The restrictions established in paragraph 2 of this section are also applied to the consumption of electronic cigarettes and heated tobacco products.’;

**13)** § 31 is amended and worded as follows:

‘**§ 31. Smoking and consumption of heated tobacco products in catering establishments**

(1) In catering establishments, smoking and consumption of heated tobacco products is allowed only in specially designated smoking areas (smoking rooms) or on the seasonally extended outdoor area in the immediate vicinity of the catering establishment.

(2) The smoking room referred to in paragraph 1 of this section shall not be catered in terms of selling meals, which includes their preparation and serving for consumption on the premises or their serving for consumption on the premises.

(3) The seller shall have the right to deny service to a person, who ignores the prohibitions and restrictions on smoking and consumption of heated tobacco products in the catering establishment, and ask them to leave the premises.’;

**14)** the text of § 47 is amended and worded as follows:

‘Smoking or consumption of a tobacco product or a product used in the same manner as tobacco products by a minor shall be punishable by a fine of up to 10 fine units.‘;

**15)** the text of § 49 is amended and worded as follows:

‘Smoking or consumption of a heated tobacco product or a product used in the same manner as tobacco products in a location, where smoking, or consumption of a heated tobacco product or a product used in the same manner as tobacco products is prohibited, shall be punishable by a fine of up to 20 fine units.‘;

**16)** § 50(1) is amended and worded as follows:

‘(1) The enabling of smoking, or consumption of a heated tobacco product or a product used in the same manner as tobacco products in a location, where, under the law, smoking, or consumption of a heated tobacco product or a product used in the same manner as tobacco products is not allowed, as well as the infringement of the smoking room requirements shall be punishable by a fine of up to 200 fine units.’;

President of the Estonian Parliament

Tallinn, ........................... 2019

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