

Consultation Draft

Act of [...] amending the Styrian Youth Act (StJG Amendment 2024)

The Styrian Provincial Parliament has adopted the following amending Act:

The Styrian Youth Act, Provincial Law Gazette (LGBL.) No 81/2013, as worded by LGBL. No 69/2018, is amended as follows:

1. *The table of contents is amended as follows:*

a) *The entry for § 18 reads ‘Purchase, possession and consumption of alcohol, tobacco and related products, other nicotine products, drugs and similar substances’.*

b) *After the entry ‘§ 31 References’, the line ‘§ 31a EU law’ is inserted.*

2. *§ 2 subparagraph 8 reads:*

‘8. **Distilled alcohol:** Spirits produced by distillation; this does not include alcohol-containing food supplements and foods for specific groups within the meaning of the Food Safety and Consumer Protection Act or alcohol-containing medicinal products within the meaning of the Medicinal Products Act;’

3. *After § 2 subparagraph 12, the following subparagraph 12a is inserted:*

‘12a. **other nicotine products:** nicotine pouches and other nicotine-containing products intended for consumption that are not covered by subparagraph 12; this does not include nicotine-containing medicinal products within the meaning of the Medicinal Products Act;’

4. *§ 3 (1) shall read as follows:*

‘(1) In order to achieve the objectives set out in § 1, the Provincial Government shall enable or perform child and youth work particularly in the following strategic areas:

1. Education and information;
2. Participation and civic education;
3. Health promotion and prevention;
4. Protection against violence and youth protection;
5. Personality and identity;
6. Living together and community;
7. Youth culture and leisure;
8. Digitalisation and media literacy;
9. Regions and municipalities;
10. Sustainability and climate protection.’

5. *§ 3 (2) subparagraph 6 reads:*

‘6. Implementation of youth-relevant prevention or sustainability projects within the framework of the strategic areas’

6. § 4 (3) reads follows:

‘(3) As permitted by budgetary constraints, the Province shall provide the municipalities with financial support for starting youth projects within the framework of the strategic areas referred to in § 3(1).’

7. § 9 Introductory sentence and subparagraph 1 read:

‘For the purposes of anchoring the Styrian Youth Strategy in the regions and for municipal development of child and youth work, a central body for coordinating and managing the following tasks is to be established in every region within the meaning of the Regional Development Programme – LEP 2009, LGBl. No 75/2009:

1. Implementation of the Styrian Youth Strategy laid down by the Provincial Government, including related measures;’

8. § 10 (2) subparagraph 3 reads:

‘3. Supporting the Provincial Government in implementing the Styrian Youth Strategy in the field of Open Child and Youth Work.’

9. § 11 (2) subparagraph 3 reads:

‘3. Supporting the Provincial Government in implementing the Styrian Youth Strategy in the field of Youth Associations,’

10. § 13 reads:

‘§ 13

Reporting obligation

The Provincial Government shall submit a report to the provincial parliament every three years on its activities for and with young people.’

11. § 14 (1) shall read as follows:

‘(1) Supervisors are obliged, as far as possible and reasonable, to ensure that the children and adolescents under their supervision comply with the provisions of this Act. Legal guardians shall act carefully and responsibly when delegating supervision.’

12. § 18 reads:

‘§ 18

Purchase, possession and consumption of alcohol, tobacco and related products, other nicotine products, drugs and similar substances

(1) The purchase, possession and consumption of alcoholic beverages are prohibited under the age of 16.

(2) In addition, the following are prohibited under the age of 18:

1. the purchase, possession and consumption of tobacco and related products, and other nicotine products, and the purchase and possession of any devices intended to be used for their consumption (e.g. water pipes, tobacco heaters);
2. the purchase, possession and consumption of beverages containing distilled alcohol and mixed spirit drinks, in particular ‘alcopops’. The consumption of other alcoholic beverages is only permitted to the extent that there is no significant mental or physical impairment.

(3) The purchase, possession and consumption of drugs and similar substances, which do not fall under the Addictive Substances Act but which alone or in combination with other substances may cause anaesthesia, arousal or stimulation, are prohibited under the age of 18, except their use is prescribed by a doctor.

(4) Any form of distribution (such as giving away, offering, selling, handing over, etc.) of goods to children and adolescents who are not permitted to purchase, possess or consume them in accordance with paragraphs (1), (2) and (3) is prohibited. The prohibition and penal provisions of the Trade Code regarding the supply and serving of alcoholic beverages to children and adolescents remain unaffected.

(5) By way of derogation from paragraphs (1) and (2) subparagraph 2, the possession, consumption and supply of alcoholic beverages to adolescents are permitted to the extent that this is essential in the

context of their vocational training or practice; the amount of alcohol consumed in this respect must be small.

(6) By way of derogation from paragraph (2) subparagraph 1, the possession and supply of tobacco and related products, other nicotine products and devices intended to be used for their consumption to adolescents in the context of an employment relationship shall be permitted, provided that this is essential in the context of their vocational training or practice.'

13. § 20 (1) shall read as follows:

'(1) Media, objects and services that may endanger children and adolescents may not be offered, presented, supplied or made accessible to them, in particular if they:

1. depict criminal acts of inhuman brutality as entertainment, serve to glorify violence or otherwise promote aggression and violence (e.g. imitation weapons where there is a risk of confusion with real weapons, airsoft guns and similar objects);
2. discriminate against people because of their skin colour, world view, national or ethnic origin, gender, religious beliefs, sexual orientation or disability;
3. depict pornographic acts or a sexuality that disrespects human dignity.'

14. § 21 (2) is worded as follows:

'(2) The proof can be provided in an appropriate manner (e.g. by the youth card of the province of Styria, the youth card or youth ID of another province, an official photo ID or an equivalent digital ID or proof of age). In any event, the ID card must contain a photograph and enable the relevant age limit to be verified.'

15. § 25 Section 4 reads as follows:

'(4) In order to prevent or stop further violations by children and adolescents, the bodies of the public security service and the youth protection supervisory bodies are entitled to remove media or objects harmful to minors, alcoholic beverages, tobacco or related products, other nicotine products as well as devices intended for their use for consumption and drugs that have been the object of a criminal offence in accordance with § 26 and § 27 and to hand them over to the district administrative authority. They may also immediately destroy removed alcoholic beverages and tobacco or related products, other nicotine products and devices intended for their use for consumption of low value without entitlement to compensation. The legal guardians must pick up the confiscated items upon request by the district administrative authority. If a reasonable period set for this purpose has expired, the district administrative authority shall proceed by applying the Forfeiture Ordinance, mutatis mutandis.'

16. § 26 (1) Subparagraph 1 is worded as follows:

'1. contrary to § 14(1), fails to ensure that the children and adolescents subject to supervision comply with the provisions of this Act;'

17. § 26 (2) subparagraph 5 reads:

'5. contrary to § 18(4), supplies alcoholic beverages, tobacco and related products, other nicotine products, devices intended for their use for consumption, drugs and similar substances to children and adolescents who are not permitted to purchase, possess or consume them; if alcohol is served to adolescents within the framework of the Trade Code, the criminal provisions of the trade law shall apply in this respect;'

18. § 27 (2) subparagraph 5 reads:

'5. contrary to § 18(2), under the age of 18 purchases, possesses or consumes tobacco and related products, other nicotine products, devices intended for their use for consumption, beverages containing distilled alcohol and mixed spirit drinks, or consumes other alcoholic beverages to such an extent that this results in a significant mental or physical impairment;'

19. § 27 (2) subparagraph 7 reads:

'7. contrary to § 18(4), supplies alcoholic beverages, tobacco and related products, other nicotine products, devices intended for their use for consumption, drugs and similar substances to children and adolescents who are not permitted to purchase, possess or consume them;'

20. § 28 (1) Subparagraph 1 is worded as follows:

'1. alcohol, tobacco and related products, other nicotine products, devices intended for their use for consumption, drugs and similar substances and youth-endangering media;'

21. § 28 (2) subparagraph 1 reads:

- ‘1. supplies alcohol, tobacco and related products, other nicotine products, devices intended for their use for consumption, drugs and similar substances or youth-endangering media to children and adolescents who are not permitted to purchase, possess or consume them, or’

22. § 29 reads:

‘§ 29

Forfeiture

Youth-endangering media or objects, alcoholic beverages, tobacco and related products, other nicotine products, devices intended for their use for consumption, drugs and similar substances that have been the object of a criminal offence by adults in accordance with § 26 shall be declared forfeit under the conditions laid down in § 17 of the Administrative Penal Act (VStG), unless § 25(4) applies.’

23. § 31 (2) subparagraphs 1 to 6 read:

- ‘1. General Social Security Act, Federal Law Gazette (BGBl) No 189/1955, as amended by BGBl. I No 200/2023;
2. Food Safety and Consumer Protection Act, BGBl. I No 13/2006, as amended by BGBl. I No 186/2023;
3. Medicinal Products Act, BGBl. No 185/1983, as amended by BGBl. I No 193/2023;
4. Gambling Act, BGBl. No 620/1989, as amended by BGBl. I No 3/2023;
5. Addictive Substances Act, BGBl. I No 112/1997, as amended by BGBl. I No 191/2023;
6. Tobacco and Non-Smoker Protection Act, BGBl. No 431/1995, as amended by BGBl. I No 66/2019;’

24. After § 31, the following § 31a is inserted:

‘§ 31a

EU law

This StJG [Styrian Youth Act] Amendment 2024, LGBL. No [...] has been notified in compliance with the provisions of Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (Notification number [...]).’

25. The text of § 32a is now designated as paragraph ‘(1)’. After paragraph (1), the following paragraph (2) is added:

‘(2) In the version of the StJG Amendment 2024, LGBL. [...], the table of contents, § 2 subparagraphs 8 and 12a, § 3(1) and (2) subparagraph 6, § 4(3), § 9 introductory sentence and subparagraph 1, § 10(2) subparagraph 3, § 11(2) subparagraph 3, § 13, § 14(1), § 18, § 20(1), § 21(2), § 25(4), § 26(1) subparagraph 1 and (2) subparagraph 5, § 27(2) subparagraphs 5 and 7, § 28(1) subparagraph 1 and (2) subparagraph 1, § 29, § 31(2) subparagraphs 1, 2, 3, 4, 5 and 6, and § 31a shall enter into force on the first of the month following promulgation, namely on [...].’