

Draft

Act of, amending the Tyrolean Youth Act

The Provincial Parliament has decided as follows:

Article I

The Tyrolean Youth Act, BGBl. No 4/1994, as last amended by the BGBl (Federal Law Gazette). No 85/2023, is amended as follows:

1. *Sec. 1(1) shall read:*

“(1) This Act aims to,

- a) raise awareness in society of its responsibility towards the younger generation,
- b) support parents and other guardians in the education and supervision of young people,
- c) regarding young people,
 - 1. support them in their physical, mental, moral, character and social development as best as possible and enable them to take responsibility for themselves, including through open and association-based youth work,
 - 2. protect them from dangers which they cannot adequately recognise and assess due to their age and level of development, and
 - 3. enable their responsible participation in social life through inclusion in planning and decision-making processes (youth participation).”

2. *The heading of Sec. 2 reads as follows:***“Duties of the State, Youth Advisory Service”**3. *Sec. 2(1) shall read:*

“(1) The State of Tyrol shall, without prejudice to the provisions of Secs. 4 and 5, strive to achieve the objectives set out in Sec. 1(1) within the framework of private sector administration.”

4. *Sec. 2(2) shall read:*

“(2) The State of Tyrol shall ensure that a youth counselling service is available in all political districts in the facilities of open youth work, and serves to provide low-threshold information and counselling to young people.”

5. *In Secs. 2(5), 4(1)(c), 12(1), 14(3) and 17(2), the word “that” (daß) is replaced by the word “that” (dass).*

6. *In Sec. 2, paragraph 6 is repealed.*

7. *In Sec. 3(1), second sentence, the word "In particular" is replaced by the word "In addition".*

8. *Sec. 3(2) shall read:*

“(2) Funding may be granted in particular for:

- a) the establishment, modification, maintenance, equipment and operation of facilities for extracurricular work with children and young people,
- b) projects with predominantly educational or leisure-educational content,
- c) research projects in the field of youth affairs,
- d) training and further education of persons working in youth work,
- f) other measures to achieve the objectives set out in Sec. 1(1)."

9. *Sec. 4(2) shall read:*

"(2) When granting funding, due consideration shall be given to the principles of gender mainstreaming and a constructive approach to diversity, the economic and social circumstances of the applicant for funding and other funding that has already been granted or may be claimed."

10. *In Sec. 5(c) the word sequence "rooms, furnishings and other" is repealed.*

11. *Sec. 9(2) shall read:*

"(2) The Youth Advisory Board shall be responsible for advising the Provincial Government on fundamental issues relating to the protection and development of young people."

12. *Sec. 10 shall read:*

"Sec. 10

Composition, appointment and term of office

(1) The Youth Advisory Board includes:

- a) the member of the Provincial Government responsible for youth protection matters according to the allocation of responsibilities of the Provincial Government as chairperson,
- b) two representatives of Open Youth Work on the proposal of the umbrella organisation Platform Open Youth Work Tyrol (POJAT),
- c) one representative each from organisations based in Tyrol which, as part of their activities, offer extracurricular work with children and young people as one of their main focuses throughout the Federal State of Tyrol, upon proposal from the respective organisation,
- d) a representative of the Provincial Schools Council on its proposal,
- e) a representative of the municipalities on the proposal of the Tyrolean Association of Municipalities,
- f) a representative of the City of Innsbruck at its proposal and
- g) the head of the organisational unit responsible for youth protection matters according to the business structure of the Office of the Tyrolean Provincial Government as a non-voting member.

(2) The Provincial Government shall request in writing the organisations or institutions that are entitled to make proposals pursuant to paragraph 1(b) to (f) to submit a proposal within four weeks. If a proposal is not submitted in a timely manner or to the extent deemed necessary, an order must not be placed.

(3) The members referred to in paragraph 1(b) to (f) shall be appointed by the Provincial Government for a period of three years. A substitute member shall be appointed for each of these members in the same manner. The members remain in office after the expiry of their term of office until the new members are appointed.

(4) The members of the Youth Advisory Board may resign from their functions. Renunciation of membership must be declared in writing to the Provincial Government. It shall become irrevocable upon receipt of the waiver and, unless a later date is specified in the waiver, shall become effective. If a member or substitute member resigns, a new member or substitute member may be appointed for the remaining term of office. If the deputy chairperson resigns from their position, the Youth Advisory Board shall elect a new deputy chairperson for the remaining term of office.

(5) The Youth Advisory Board shall elect a deputy chairperson from among its members."

13. *Sec. 10(a) shall read:*

“Sec. 10(a)**Course of business**

(1) The chairperson shall convene the Youth Advisory Board as required, but at least once a year, in writing and with notification of the agenda. The Youth Advisory Board must also be convened within two weeks if at least one third of its members request this, stating the matter to be discussed. The chairperson may call on other experts for advice.

(2) Meetings of the Youth Advisory Board may be held in the form of a video conference using existing technical facilities for audio and video transmission. If this is the case

- a) members connected via video shall be deemed to be present and shall participate in the vote by casting their vote orally after being personally called by the chairperson,
- b) appropriate measures must be taken to ensure that the members connected via video have access to the agenda and to all the documents required for discussion and decision-making,
- c) the names of the members present in person and those participating via video link shall be recorded accordingly in the minutes,
- d) other persons who are invited to the meeting may also join via video.

(3) The Youth Advisory Board has a quorum if all members have been duly invited and the chairperson or their deputy chairperson and at least one third of the other members are present.

(4) The Youth Advisory Board takes its decisions by a simple majority of the votes of the members present. Abstention shall be considered rejection. In the event of a tie, the chairperson shall have the decisive vote.

(5) In urgent cases, decisions of the Youth Advisory Board may also be made by circulation. This must be done by the chairperson sending the motion to all other members using appropriate technical means of communication, in particular by email, setting a deadline for voting. They must submit their vote in writing, stating the date of the decision, and send it to the chairperson within the deadline set by this same. If no vote is cast within the open deadline, this shall be deemed a rejection. The result of the resolution must be communicated at the next meeting and recorded in the minutes of that meeting.

(6) The Youth Advisory Board must adopt rules of procedure that must contain detailed provisions, in particular on the convening of meetings, their conduct and the recording of minutes of the meetings.

(7) Membership in the Youth Advisory Board is an unpaid voluntary position.

(8) The Youth Advisory Board’s administrative affairs are to be handled by the Office of the Tyrolean Provincial Government.”

14. In Sec. 11(3)(a), the word “parental authority” is replaced by the word “custodial authority”.

15. In Sec. 14, paragraph 4 is repealed.

16. In Sec. 15 the citation “Sec. 21(6)(b)” is replaced by the citation “Sec. 21(2)”.

17. In Sec. 17(1), the word “DVDs,” is repealed.

18. In Sec. 17(3), the word “hold,” is replaced by the word “possess”.

19. Sec. 18(2)(a) shall read:

“a) Beverages containing distilled alcohol and”

20. Sec. 18(2)(b) shall read:

“b) mixtures containing distilled alcohol, whether pre-made (e.g. alcopops) or home-made,”

21. Sec. 18(3) shall read:

“(3) Children and young people under the age of 16 may not purchase, possess or consume alcoholic beverages, unless otherwise provided in paragraph 4.”

22. Sec. 18(4)(a) shall read:

“a) not acquire, possess or consume beverages containing distilled alcohol and mixtures within the meaning of paragraph 2(b) and”

23. *Sec. 18a(2) shall read:*

“(2) Children and young people shall not acquire, possess or consume tobacco within the meaning of paragraph 1.”

24. *Sec. 18b(1) shall read:*

“(1) Other goods harmful to young people, in particular water pipes (shishas), e-shishas, electronic cigarettes, nicotine pouches, vaporisers, as well as the tobacco used for these same, molasses mixtures, herbal smoking products, liquids for combustion or vaporisation, and the like, may not be passed on to children and young people.”

25. *Sec. 18b(2) shall read:*

“(2) Children and young people shall not acquire, possess or consume goods, as per the definition of the latter in paragraph 1.”

26. *In Sec. 21(2)(e), the word “holds” is replaced by the word “possesses”.*

27. *Sec. 21(2)(f) shall read:*

“(f) contrary to Sec. 18(3) or (4), acquires, possesses, consumes alcoholic beverages or preparations or passes them on to children or other young people contrary to Sec. 18(1) or (2),”

28. *Sec. 21(2)(g) shall read:*

“(g) contrary to Sec. 18(a)(2), acquires, possesses, consumes tobacco or passes it on to children or other young people contrary to Sec. 18(a)(1),”

29. *Sec. 21(2)(h) shall read:*

“(h) contrary to Sec. 18(b)(2), acquires, possesses, consumes other goods harmful to young people or passes them on to children or young people contrary to Sec. 18(b)(1) or”

30. *In Sec. 21, paragraph 4 is repealed.*

31. *In Sec. 22(1) the word sequence “with regard to the prohibition on the consumption of distilled alcoholic beverages and preparations or mixtures within the meaning of paragraph 1 or paragraph 2(b), however, only to the extent that this occurs in public” is repealed.*

32. *Sec. 22a(2) shall read:*

“(2) References to federal law refer to the versions cited below in each case:

1. Trade, Commerce and Industry Regulation Act 1994, BGBl. No 194, as last amended by the BGBl. I No 150/2024,
2. Gambling Act, BGBl. No 620/1989, as last amended by the BGBl. I No 50/2025,
3. Pornography Act, BGBl. No 97/1950, as last amended by the BGBl. I No 50/2012,
4. Prohibition Act 1947, StGBI. (State Law Gazette). No. 13/1945, as last amended by the Federal Constitutional Law BGBl. I No 177/2023,
5. Narcotic Substances Act, BGBl. I No 112/1997, as last amended by the BGBl. I No 105/2024,
6. Tobacco and Non-Smokers Protection Act, BGBl. No 431/1995, as last amended by the BGBl. I No 36/2025,
7. Children and Young People Employment Act 1987, BGBl. No 599, as last amended by the BGBl. I No 58/2022,
8. New Psychoactive Substances Act, BGBl. I No 146/2011, as last amended by the BGBl. I No 37/2018,
9. Registration Act 1991, BGBl. No 9/1992, as last amended by the BGBl. BGBl. I No. 160/2023.”

33. *In Sec. 22(c), the following provision is added as paragraph 3:*

“(3) BGBl. No XX/2025 has been notified in accordance with the provisions of 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, OJ L 241, 2015, p. 1 (Notification No XXXX).”

34. After Sec. 22(c), the following provision is inserted as Sec. 22(d):

“Sec. 22(d)

Transitional provision

The Youth Advisory Board is in its new composition according to Sec. 10 in the version of the BGBl. No. XX/2025 by 31 August 2026 at the latest. The members of the current Youth Advisory Board pursuant to Sec. 10 in its currently valid version shall remain in office until the new Youth Advisory Board is appointed and shall perform the duties of the Youth Advisory Board until that time.”

Article II

Entry into force

This Act shall enter into force at the end of the day of its publication.