

(Translation. Only the Faroese version has legal validity)

Faroese Act No. 61 of 10th June 2008 on Restrictions on Smoking

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- Amendments after 1st January 1999 and executive orders

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No. 61

10th June 2008

In accordance with the resolution of the Faroese Parliament the Prime Minister of the Faroese Government ratifies and announces this Parliamentary Act:

Chapter 1

Purpose and definitions

§1 The purpose of the Act is to:

- 1) ensure smoke free environments
- 2) ensure that indoor places and means of transport to which the public has access are smoke free and
- 3) limit marketing and sale of tobacco

§2 Definition:

1) Tobacco: Products which contain extracts from tobacco plants, genetically made tobacco included, which is intended for smoking, chewing, snuffing or to suck. However, the Act shall not apply to pharmacy products containing nicotine which purpose is to help people stop smoking.

2) Indoor places: Inside in buildings and rooms at sea and on land, aircrafts owned by Faroese airline companies, busses, taxis and Faroese registered ships. Indoor building and rooms shall be defined as buildings which are enclosed. On ships indoor shall be defined as rooms which are enclosed.

3) Public workplaces: The Faroese Parliament and its institutions. Departments, including institutions and public works, municipalities, municipal institutions and inter-municipal

institutions and associations. Furthermore, the Act includes private foundations and funds which the Government or the municipalities wholly or partly either own, run or finance.

Chapter 2

Smoking restrictions

§3 Smoking shall be prohibited indoors:

- 1) at public workplaces
- 2) at private workplaces which serve as workplace for more than one person
- 3) at institutions for children, adolescents and adults
- 4) at schools, hospitals and prisons
- 5) at places to which the public has access
- 6) at means of transport to which the public has access

Part 2. In municipal day-care smoking shall be prohibited in rooms used for child care during the opening hours of the family child care. Rooms primarily designed as rooms in which the children play or otherwise stay will be required to be smoke free at all times.

Part 3. The Minister of Health may in an executive order lay down more detailed regulations governing smoke free environments in municipal day care.

§4 Despite the provisions of §3 it may be decided to arrange special rooms for smoking indoors. This is, however, only in force if one or more of following conditions are met:

- 1) at nursing homes, the administration may decide whether smoking is permitted in the room or dwelling that serves as the resident's private home. Furthermore, the administration may permit smoking in special rooms. Nevertheless, this permission shall be conditioned by a precaution that the smoking does not affect other areas of the building. In addition smoking is not permitted in the room or dwelling during the time in which employed staff are present.
- 2) at residential institutions, house shares and the like, the administration may decide whether smoking is permitted in the room or dwelling that serves as the resident's private home. Furthermore, the administration may permit smoking in special rooms. Nevertheless, this permission shall be conditioned by a precaution that the smoking does not affect other areas of the building. In addition smoking is not permitted in the room or dwelling during the time in which employed staff are present.
- 3) in rooms on psychiatric wards, rooms at treatment centres and rooms in prisons which the administration has approved as special rooms for smoking. Nevertheless, this permission shall be conditioned by a precaution that the smoking does not affect other areas of the building.
- 4) the administration of private workplaces with several employees and the master on board ships may make independent decisions that smoking is permitted in special rooms for smoking. Nevertheless, this permission shall be conditioned by a precaution that the smoking does not affect other areas of the building or the ship.

- 5) in cabins on ships, if the cabin is inhabited by one person only, the master may permit smoking. Nevertheless, this permission shall be conditioned by a precaution that the smoking does not affect other areas of the ship.

Part 2. The Minister of Health may in an executive order lay down more detailed regulations governing requirements to rooms assigned for smoking and to the exceptions mentioned in part 1.

§5 In private homes in which a publicly funded service in the form of personal or practical help is delivered, residents and other people are instructed not to smoke during the time in which the employees are present, this is a condition for receiving this service.

Part 2. In private homes in which a publicly funded service in the form of personal or practical help is delivered, smoking is prohibited for the employees.

Part 3. The Minister of Health may in an executive order lay down more detailed regulations governing smoking mentioned in part 1.

§6 Each employer, owner or person who conducts or deals with institutions and transports mentioned in §3, shall ensure that smoking solely takes places in accordance with the provisions of this Act.

Chapter 3

Import, sale and advertising of tobacco products

§7 Advertising of tobacco is prohibited in newspapers, periodicals, books, broadcastings, cinemas, on the internet, signs, labels, brochures etc.

Part 2. Note, however, that this does not apply to order forms handed out during flight or voyage. In these order forms advertising concerning general information about the product is permitted. However, it is prohibited to show pictures of the tobacco products.

Part 3. Tobacco products shall not be objects in advertisements for other products or services.

Part 4. Note, however, that the prohibition mentioned in part 1 does not apply to advertisements in printed papers and other publication imported to the Faroe Islands, and which are not written or printed in the Faroe Islands, unless that the purpose with the periodicals is to advertise with tobacco products in the Faroe Islands.

Part 5. Furthermore the prohibition does not apply to advertisements in printed publications in which the advertisement is a part of the information for sales assistants.

Part 6. The prohibition does not apply to tobacco products when used in specific campaigns against smoking.

Part 7. It is not permitted to advertise or otherwise draw attention to, or inform about certain tobacco products as being less harmful than others.

§8 At points of sale, the tobacco products shall be stored so that they are not visible to the customers.

Part 2. Passenger ships sailing in international waters are not subject to part 1.

§9 It is prohibited to sell tobacco products in slot machines.

§10 It is only permitted to sell tobacco products in unopened packets.

§11 It is only permitted to import and sell tobacco products to the Faroe Islands when used commercially. However, the products shall be labelled with text warnings according to regulations laid down by The Minister of Health governing the health risks associated with the consumption of tobacco. Furthermore the products shall be labelled with declaration of tar extracts, nicotine, oxygen, etc.

Part 2. The Minister of Health lays down regulations governing maximum for the extracts mentioned in part 1 and regulations governing text warnings about health risks associated with consumption of tobacco.

Chapter 4

Age limit

§12 It is prohibited to sell or give tobacco to anyone younger than 18 years.

Part 2. In case of doubt about buyer's age, sale cannot be completed without identification proving buyer's age.

Chapter 5

Supervision, penalty and effect

§13 The enforcement of compliance with the provisions in this Act shall be supervised by the Faroese Working Environment Authority and The Faroese Maritime Authority.

§14 A fine shall be imposed on anyone, who deliberately or negligently violates the provisions in § 3, part 1-2, §§6-10, §11, part 1 and § 12 in this Act. Same rules apply for the provisions in executive order under the provisions of this Act.

Part 2. Companies and the like (legal persons) may be penalized in accordance with the rules of Chapter 5 of the Criminal Justice Act.

Part 3. Cases, subject to this Act, have a limitation period of five years, and shall be tried as a police prosecution

§15 This Act shall enter into force on 1st July 2008

Part 2. At the same time following act is made void:

Act No. 61 of 17th May 2005 “um tiltøk at minka um tubbaksnýtluna” (Not translated into English)

Tórshavn 10th June 2008

Jóannes Eidesgaard

Prime Minister of the Faroe Islands

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