

Draft

**Law to amend and supplement certain legislative acts**

The Parliament adopts the present organic law.

**Art.I.** – Law No.278 of December 14, 2007, on tobacco and tobacco products (Official Gazette of the Republic of Moldova, 2008, No. 47-48, art. 139), as amended and supplemented, shall be amended and supplemented as follows:

1. The title of the law shall be: “Law on Tobacco Control”
2. Chapter I shall have the following contents:

**„Chapter I GENERAL PROVISIONS:**

**Article 1.** Object and purpose of the Law

(1) The present Law regulates the activities on tobacco control to be implemented by public authorities.

(2) Tobacco control is a framework of policies to reduce the supply, demand and harm, destined to improve the health of the population through elimination and reducing of the consumption of tobacco products exposure to tobacco smoke.

(3) The purpose of the present Law is to ensure the conditions required by the state to protect public health from the consequences of tobacco consumption and exposure to tobacco smoke.

**Article 2.** Terms used

For the purposes of the present Law, the terms below are defined as follows:

*general warning on the health hazards of smoking* – a text printed on the package of tobacco products to inform consumers of the hazards of smoking, in one of the forms below:

- a) ‘Smoking kills;’
- b) ‘Smoking seriously harms you and others around you;’

*combined warning on the health hazards of smoking* – any warning consisting of a picture or image and an additional warning text as shown in the source document;

*main visual field* – visual field of a tobacco product package having the largest surface, which is most likely to be seen by the consumer at first glance at the time of purchase allowing the customer to identify the tobacco product. If the package has several identical visual fields, the main visual field is determined by the manufacturer.

*tobacco control* - a series of public policies to reduce the supply, demand and harm aimed at improving public health by eliminating or reducing tobacco products consumption and exposure to tobacco smoke;

*source document* – electronic file prepared and provided by the Ministry of Health, which contains a combined warning on the harm of smoking and other mandatory information that must be written/printed on packages of tobacco products;

*smoking* - being in possession of a lit tobacco product regardless of whether the smoke is being actively inhaled or exhaled;

*tobacco smoke* – smoke that emanates from the burning of a cigarette or other tobacco product usually expelled in combination with the smoke exhaled by the smoker;

*tobacco industry* – all companies that manufacture, import, export, store and/or sell tobacco and/or tobacco products;

*ingredient* – any substance or constituent except for tobacco leaf and other natural or unprocessed parts of the tobacco plant used in the manufacture or preparation of a tobacco product still found in the finished product, even in modified form, including paper, filter, inks and adhesives;

*workplace* – any space or room used during employment or work regardless of whether or not the activity is compensated which includes not only those places where work is performed directly but also all adjacent or associated places commonly used by employees in the course of their work, including corridors, elevators, stairwells, lobbies, mechanical rooms, cafeterias, toilets, lounges, lunchrooms, and also outbuildings such as sheds and hangars and vehicles used in the course of work;

*public means of transportation* – any vehicle used for public passenger transport, usually for reward or commercial gain including taxis;

*package of tobacco products* – a unit packet regardless of its shape containing a tobacco product packaged by the manufacturer for retail sale;

*placing on the market of tobacco products* – the act of making available on the market of tobacco products including storing them for the purpose of distributing, selling or otherwise making them available for a consideration or free;

*tobacco products* – products intended to be smoked, sniffed, sucked or chewed inasmuch as they are made, fully or partly, of tobacco whether or not genetically modified;

*cross-border advertising promotion and sponsorship* – advertising, promotion, sponsorship originating in the Republic of Moldova that can pass into or be received in another state and includes but is not limited to posting on the internet or through radio broadcasts or by means of other communication and advertisement technologies, promotion and sponsorship originating outside the territory of the Republic of Moldova and which enters or is meant to enter the territory of the Republic of Moldova;

*public spaces* – any spaces accessible to the general public, or space used by certain groups of people regardless of ownership or right to access;

*open public spaces* – any public space not covered by a roof and/or not separated by walls or in any other visible manner;

*quasi-open public spaces* – any space covered by a roof and/or having a single wall, fence or similar construction regardless of the material used and regardless whether said construction is permanent or temporary;

*enclosed public spaces* – any space covered by a roof and having two or more walls regardless of the material used and regardless whether said construction is permanent or temporary;

*tobacco sponsorship* – any form of contribution to events, activities, organizations or individuals with the aim of directly or indirectly promoting tobacco products

electronic cigarette (or e-cigarette) – battery powered device with which nicotine or non-nicotine doses can be inhaled in the form of steams,

### **Article 3.** Scope of the present Law

(1) The regulations in the present Law are binding for all individuals and legal entities in the territory of the Republic of Moldova.

(2) Electronic nicotine delivery devices (electronic cigarettes) are considered pharmaceuticals and fall under the regulatory framework for medical products.

(3) Tax exemptions, direct or indirect subsidies, use of public funds or any other incentives by the state relating to tobacco cultivation and processing, manufacturing and sale of tobacco products shall be prohibited.

(4) Regulation of the activities on cultivation, harvesting, treatment and processing of tobacco are to be done accordingly Regulation approved by the Government.

3. Point d) and point e) in paragraph (1) of Art.5 are deleted.

4. Chapter IV shall have the following content:

## **„Chapter IV. THE CONTENTS AND SMOKE EMISSIONS OF TOBACCO PRODUCTS”**

### **Article 10.** Regulation of tobacco products

(1) Tobacco products placed on the domestic market in the Republic of Moldova shall comply with the provisions of the present Law and the standards established by the Ministry of Health under this Law.

(2) Tobacco products may contain only ingredients listed in the ingredients list approved by the Ministry of Health.

(3) The addition of flavors, spices and food additives that alter the taste and smell of tobacco products is prohibited and their sales also.

(4) ) Tobacco products intended for export must meet standards set by the importing country.

(5) Non-compliant tobacco products, found in the possession of the manufacturer, importer or seller and/or meant to be placed on the market are subject to seizure and destruction.

**Article 11.** The contents of toxic substances in tobacco products

(1) Cigarettes placed on the domestic market shall not contain more than:

- 1) 10 mg tar per cigarette;
- 2) 1 mg nicotine per cigarette;
- 3) 10 mg carbon monoxid per cigarette.

(2) The tar, nicotine and carbon monoxid contents of cigarettes shall be measured accordingly documents approved by the Ministry of Health.

(3) The Ministry of Health through the National Monitoring Service for Public Health shall periodically check the toxic substances contents in tobacco products for compliance.

(4) Testing and measuring the contents of substances referred to in paragraph (1) and the compliance thereof with legislation in force is carried out by properly accredited national testing laboratories, approved by the Ministry of Health or by the laboratories outside the country recognised by the World Health Organisation.

**Article 12.** Reporting and publication of information on tobacco and the content of tobacco products.

(1) National Center for Public Health is the institution responsible for collecting, analyzing and disseminating information on tobacco and tobacco products.

(2) Commercial agents that produce and/or import tobacco and/or tobacco products are required to submit to the National Center for Public Health, by May 30, the following information relating to their activity in the previous year;

- a) list of tobacco products according to brand and the contents of harmful substances specified in para. (1) of Article 11 for each product;
- b) list of all ingredients and quantities thereof used in the manufacture of tobacco products according to brand and product types. The list shall be accompanied by a statement describing the reasons for the inclusion of such ingredients in those tobacco products, and indicating their function and category. The list is prepared in descending order of the weight of each ingredient included in the product;

- c) toxicological data available to the manufacturer or importer relating to the ingredients used, noting their effect on health and specifying the dependence and habit forming effects of tobacco products;
  - d) test results of tobacco products contents manufactured and/or placed on the market;
  - e) quantities of raw tobacco, fermented tobacco used in the manufacture of tobacco products, their origin and quantities of tobacco products manufactured, imported and exported;
  - f) [name] of import and export business partners and their addresses;
  - g) amount of taxes paid to the state budget;
  - h) any payments, gifts or contributions of any kind made to scientists, researchers, and journalists, civil servants who concomitantly sit on the administrative board of a tobacco company or to other civil servants or high-ranking officials.
- (3) Commercial agents are responsible for the accuracy and completeness of the information presented.
- (4) The National Center for Public Health may require producers or importers of tobacco products to:
- a) submit the information referred to in paragraph (2) more frequently than annually;
  - b) conduct any tests to determine the contents of other substances in tobacco or tobacco products in order to establish their health effects;
- (5) The Ministry of Health shall approve the requirements and disclosure procedure under paragraphs (1) and (2) of this Article.
- (6) Failure to disclose information under para. (1) - (3) of this Article shall be punished according to law.
- (7) Manufacturers and importers of tobacco and tobacco products shall inform the National Center for Public Health about changes in technical specifications of tobacco products within the terms established by the Ministry of Health.
- (8) National Center for Public Health will publish and regularly update on the website information regarding tobacco products reported in accordance with this Article, taking into account, where appropriate, information that constitutes a trade secret and avoiding presenting information that is misleading.”

5. . Chapter IV<sup>1</sup> is added and shall read as follows:

”Chapter IV<sup>1</sup>. PACKAGING AND LABELLING TOBACCO PRODUCTS

**Article 12<sup>1</sup>**. Warnings on the health hazards of smoking

- (1) Each tobacco product package shall bear a general warning on the health hazards of smoking and a combined warning.
- (2) All manufacturers and importers of tobacco products shall ensure that each general or combined warning is printed on the same number of tobacco products packages for each type/brand placed on the market by a manufacturer or importer for no longer than a consecutive 6-months period after which they are replaced by other warnings.

- (3) Tobacco products bearing a particular warning may be sold for a period of six months after placement on the market. In the case the tobacco products are not sold during the six months after placement on the market, the term may be extended for 60 days.
- (4) The text of the warnings shall be printed in Romanian language and surrounded by a black border not less than 3 mm and no more than 4 mm in width and shall in no way interfere with the text and image of the warning or with other inscriptions;
- (5) The Ministry of Health determines a) when and how the rotation period for warning statements on the health hazards of smoking displayed on tobacco products occurs as set forth in paragraphs 2 and 3 of this article;
  - a) requirements regarding the contents, color(s), sizes, font, print quality, layout, design, display, presentation and other requirements on the health hazards of smoking, information on contents and emissions and any other information that must appear on the package and labeling of tobacco products.

**Article 12<sup>2</sup>.** Visual integrity of warning statements on the health hazards of smoking

- (1) Warning statements on the health hazards of smoking shall be printed legibly.
- (2) It is prohibited to print textual warnings, images on the health hazards of smoking depicted in combined warnings or any other information on excise stamps. Printed text and images shall be made so that it cannot be removed, deleted or hidden, obscured or interrupted by other inscriptions or images, including price marking or lose coherence and unity after the package is opened.
- (3) The use of packaging materials, bags, wrappers, boxes or any other items that fully or partially hide or cut off a warning on the health hazards of smoking or parts thereof is prohibited.

**Article 12<sup>3</sup>.** Tobacco products packaging and references other than warnings, written on labels

- (1) Tobacco products are packed in packages containing no less than twenty (20) cigarettes.
- (2) In order to ensure tobacco product identification and traceability, tobacco products shall be marked with:
  - a) batch number or equivalent marking, so that the place and date of manufacture may be determined;
  - b) the words "to be sold in the territory ..." specifying the name of the country where the tobacco products are to be sold. Tobacco products sold in the Republic of Moldova shall bear on the label the words "to be sold in the Republic of Moldova."

**Article 12<sup>4</sup>.** General warning on the health hazards of smoking

- (1) General warning on the health hazards of smoking:
  - a) shall be printed on tobacco products packages so that one of the two texts appears alternately for no longer than a consecutive 6-months period, as stipulated by the Ministry of Health;
  - b) the warning shall be printed on the main visual field of the tobacco product package, and on any outside packaging, except for the transparent wrappers used in the retail trade of tobacco products;
  - c) shall cover at least 50% of the main visual field of the tobacco product package on which it is printed, excluding the frame.

**Article 12<sup>5</sup>.** Combined warnings on the health hazards of smoking

- (1) Combined warnings on the health hazards of smoking shall:
  - a) be printed so that each additional text appears for no longer than a consecutive 6-months period after which it is replaced with another warning as established by the Ministry of Health;
  - b) be printed on the corresponding surface opposite the surface where the general warning on the health hazards was printed by respecting the format, colors and proportions in the source document without modifications to text, graphic features and other requirements set out in this Law and the implementation regulations approved Ministry of Health;
  - c) have the same direction as other text on the package;
  - d) be reproduced in accordance with the technical requirements for warnings on the health hazards of smoking approved by the Ministry of Health;
  - e) cover at least 80% of the visual field on which it is printed.
- (2) In the case of packages intended for products other than cigarettes, having a visible surface which exceeds 75 cm<sup>2</sup>, the general and combined warnings on the health hazards of smoking shall cover a surface of no less than 30 cm<sup>2</sup> on each of the two larger surfaces.
- (3) For tobacco products other than cigarettes, the combined warning on the health hazards of smoking may be either printed or on stickers if they cannot be unglued or otherwise removed. The reproduction of combined warnings on the health hazards of smoking on stickers shall comply with the technical requirements for printing health warnings, approved by the Ministry of Health.
- (4) The additional textual warning of a combined warning alerts consumers about one of the possible consequences of smoking, using one of the following wordings:

- a) Smoking causes 9 out of 10 cases of lung cancer.
- b) Smoking produces mouth and throat cancer.
- c) Smoking destroys your lungs.
- d) Smoking causes heart attacks.
- e) Smoking causes strokes and disabilities.
- f) Smoking clogs your arteries.
- g) Smoking increases the risk of blindness.
- h) Smoking destroys your teeth and gums.
- i) Smoking can kill your baby.
- j) Your tobacco smoke harms your children, family and friends.
- k) Children of smokers are more likely to start smoking.
- l) Quit smoking now - stay alive for the sake of your loved ones.
- m) Smoking reduces fertility.
- n) Smoking increases the risk of impotence.

**Article 12<sup>6</sup>.** Prohibition on using misleading packaging, labeling and design of tobacco products

- (1) It shall be prohibited to place on the market tobacco products the outside packaging of which has a printed text, description, part of the trademark, drawing, photograph or any other evidence to suggest:
  - a) that a tobacco product is less harmful than others, including comparative descriptors of the product such as 'light,' 'medium,' 'ultra,' 'extra,' 'slim' and other similar terms;
  - b) that tobacco consumption has beneficial effects on health;
  - c) similarities with anatomical descriptions of the human body and of the words "red", "gold", that can suggest wellbeing and other similar words..
- (2) It shall be prohibited to print comments on the warnings on the health hazards of smoking or any other texts or images that could distort the meaning of the health warning or distract the consumer's attention.
- (3) It shall be prohibited to specify the yield of emissions of harmful substances on or inside the tobacco products packages or on the tobacco product itself, not even as part of a trademark.
- (4) It shall be prohibited to present foodstuff, toys or any other products in the shape that resembles a cigarette package or a cigarette.
- (5) Textual warnings on the health hazards of smoking shall be:



- a) [printed] in *Helvetica* bold type in black characters on a white background, the letters occupying the largest possible surface of the surface reserved for the text;
- b) printed in lower-case type except the first letter of the message and where required by grammar use;
- c) centered on the area on which the text is required to be printed, parallel to the top edge of the packet.

(6) In the manufacture of tobacco products packaging special technologies may not be used and packages may not be imprinted with elements which may modify the package or distract consumer's attention, including, but not limited to:

- a) heat and/or light-activated (fluorescent) inks;
- b) inks or decorations that become gradually visible in time;
- c) removable or scratch off stickers that reveal images or text;
- d) embossed stickers.

**Article 12<sup>7</sup>.** Electronic library for source documents

- (1) The Ministry of Health shall set up and maintain a library of source documents accessible to the public, which shall contain combined warnings as provided by this Law.
- (2) The Ministry of Health provides electronic source documents upon request. The Ministry of Health approves the technical requirements relating to printing, which shall be followed by all manufacturers and importers of tobacco and tobacco products.

**Article 12<sup>8</sup>.** Informing the public

- (1) In order to inform the public, the National Center for Public Health shall disseminate through its web page data on:
  - a) contents of substances specified in Article 10<sup>1</sup> paragraph (1), found in the types/brands of tobacco products placed on the market;
  - b) test results relating to the contents of toxic substances in tobacco products placed on the domestic market in the Republic of Moldova;
  - c) other data and information except for confidential information on specific recipes and product formulae, specified by the manufacturer as constituting a trade secret.
- (2) Information on the contents of harmful substances and ingredients used, toxicological data and test results relating the contents of toxic substances is not considered confidential and is publicly available."

6. Chapter IV<sup>2</sup> is added and shall read as follows:

”Chapter IV<sup>2</sup>. BAN ON ADVERTISING AND PROMOTION OF TOBACCO PRODUCTS

**Article 12<sup>9</sup>**. Advertising and promotion of tobacco products through sponsorship

- (1) It shall be prohibited to advertise in any form for tobacco products, including advertising on the radio and television, in print, in film advertising, video, internet, using telephone networks, telegraph, which includes but is not limited to, indoor and outdoor advertising, in particular advertising outside and inside wholesale and retail premises where tobacco products are sold, premises where services are provided, advertising on or inside public means of transport, by direct mail and advertising for smoking accessories.
- (2) Promotional materials intended solely for distribution to manufacturers, importers and sellers of tobacco and tobacco products shall be exempt from the provisions in paragraph (1).
- (3) It shall be prohibited to boost sales of tobacco products, including through sponsorship or any other means of support for public or commercial actions or initiatives where the brand name of the tobacco product or manufacturer’s name may be visible, or information on the relationship with the event is accessible to the public. Any activity that misleads or creates a false idea about the product’s characteristics and its impact on health.
- (4) It shall be prohibited to sponsor events or activities relating to tobacco products, which have cross-border effects originating in the territory of Moldova.
- (5) It shall be prohibited to use tobacco brand names to promote other products or services.
- (6) It shall be prohibited to use smoking accessories (ashtrays, lighters) to promote tobacco products directly or indirectly.
- (7) It shall be prohibited to provide tobacco products for free or at a lower price than the established price.
- (8) Verifying compliance with the provisions of this Article shall be undertaken by the National Agency for the Protection of Competition, the National Monitoring Authority for Public Health and the National Tax Inspectorate within the competences established by the law in force.”

7. Chapter IV<sup>3</sup> is added and shall read as follows:

”Chapter IV<sup>3</sup>. PLACING ON THE MARKET OF TOBACCO PRODUCTS

**Article 12<sup>10</sup>**. Sale of tobacco products

- (1) It shall be prohibited to place on the domestic market smokeless tobacco products including foodstuff containing nicotine and cigarette style products that contain plant material other than tobacco.
- (2) The importation and placing on the market of tobacco products shall be made only after the manufacturer has affixed the excise stamp directly on the package. If the tobacco product has a cellophane foil, the excise stamp is affixed under the foil so that it will tear when the package is opened.
- (3) Commercial establishments engaging in the retail sale of tobacco products shall be located not less than 200 m away from schools and medical facilities.
- (4) The government shall set the rules for the sale of tobacco products.

**Article 12<sup>11</sup>**. Preventing the access of minors to tobacco products

- (1) It shall be prohibited to sell tobacco products:
  - a) to persons and by persons who have not reached 18 years;
  - b) by peddlers, at makeshift stalls or counters, through commercial vending machines;
  - c) through the internet;
  - d) without supporting documents issued by manufacturers or importers to prove the origin and traceability of tobacco products;
  - e) without excise stamps;
  - f) packaged in something other than the original manufacturer's packaging or in damaged packaging;
  - g) in packets containing less than 20 pieces, open packages or individually
- (2) It shall be prohibited to sell toys, foodstuff or any other products that allude to tobacco products.
- (3) It shall be prohibited to sell tobacco products unless seller and buyer are at the same physical location during the transaction.
- (4) Commercial establishments engaging in the retail sale of tobacco products shall post notice in a conspicuous manner that states that the sale of tobacco products to persons under 18 years of age is prohibited, and on the fines imposed for violating the provisions prohibiting the sale of tobacco products to persons under 18 years of age.
- (5) To ensure that the person who buys tobacco products has reached the age of 18 years, sellers shall request purchaser to show an ID card or other official document with photograph of the person as proof of age. If the purchaser refuses to show an ID, seller may not sell tobacco products to such person."
- (6) It shall be prohibited that commercial premises display tobacco products visible to the public."

8. Chapter IV<sup>4</sup> is added and shall read as follows:

”Chapter IV<sup>4</sup>. PROTECTION FROM EXPOSURE TO TOBACCO SMOKE

**Article 12<sup>12</sup>**. Protection from exposure to tobacco smoke in enclosed, semi-enclosed public places, workplaces, public transport and other public places

(1) Smoking is prohibited in:

- a) all indoor public places, semi-opened, workplaces, public transport, parks and playgrounds and amusement parks for children, regardless of ownership or right to access;
- b) all public places managed by healthcare facilities, educational institutions, local and central public administration authorities, including spaces belonging to them;
- c) within 10 meters from the entrance to enclosed public places and workplaces, operable windows, and air intake units for indoor public places and workplaces;
- d) all premises supplying food services to the public, except premises selling only alcohol and that are not adjacent to other establishments;
- e) stadiums, arenas, squares and other public places during public events including but not limited to entertainment events
- f) public transport stations and within 10 meters of them.

**Article 12<sup>13</sup>**. Duties of person in charge

- (1) Employers, local public authorities are encouraged to extend the ban on smoking to all spaces in their control, to other institutions and organizations, and public places other than those specified in this Law.
- (2) Car drivers are responsible for compliance with the laws prohibiting smoking in public transport facilities.
- (3) Owners or managers of public spaces, workplaces, public transport, regardless of ownership or right to access are required to display conspicuously symbols that prohibit smoking and are responsible for compliance with the laws prohibiting smoking.
- (4) Employers, regardless of the organizational-legal form are required to ensure compliance with the ban on smoking in workplaces and have the right to establish internal policies encouraging the smoking cessation and prolonging of the working hours proportionally to the time spent for smoking.
- (5) The Ministry of Health sets out the format, content, design, size, location and other relevant information with regard to the smoking ban.”

9. Chapter V shall to read as follows:

”Chapter V. STATE CONTROLLED HEALTH PROTECTION FROM EXPOSURE TO TOBACCO SMOKE AND CONSUMPTION OF TOBACCO PRODUCTS”

”**Article 18.** Monitoring tobacco consumption and exposure to tobacco smoke

- (1) Ministry of Health is responsible for:
  - a) monitoring the consumption of tobacco products and exposure to tobacco smoke by developing and implementing methods to collect and analyze relevant data;
  - b) monitoring the production, import and sale of tobacco and tobacco products and related activities;
  - c) promoting a tobacco-free lifestyle by developing and implementing policies to encourage and stimulate giving up consumption of tobacco products;
  
- (2) The Ministry of Education together with the Ministry of Health are responsible for including in the pre-university and university curricula topics on the health risks of tobacco consumption and exposure to tobacco smoke and the benefits of quitting smoking and adopting a tobacco-free lifestyle.

**Article 19.** Measures to reduce dependence on smoking and encourage giving up tobacco

- 1) Medical schools, regardless of their level, will include in their training and continuing education programs diagnostic methods, treatment for tobacco dependence and counseling services for smoking cessation.
- 2) The Ministry of Health organizes the system of providing counseling for smoking cessation and treatment of tobacco dependence.

**Article 20.** Intersectoral collaboration

- (1) In order to ensure the state’s policy on tobacco control, the Government shall approve and regularly update comprehensive intersectoral public policy documents.
- (2) For the effective coordination of the implementation of comprehensive intersectoral public policy documents, the National Coordinating Council on Tobacco Control hereafter *National Council* is established.
- (3) The National Council is established by the Government as an advisory body without legal entity status.
- (4) The Government shall approve the National Council Regulation.
- (5) The National Council has the following responsibilities:
  - a) coordinates the implementation of comprehensive intersectoral public policy documents on tobacco control;
  - b) ensures that interested parties participate in the development, monitoring and implementation of control activities relating to placing on the market and consumption of tobacco products in the Republic of Moldova and helps to establish long-term links between all key decision makers involved in the development, promotion and implementation of legislation and public policies on tobacco control;

- d) promotes intersectoral partnership between government, international and non-governmental institutions to better control compliance with the rules and conditions on achieving control by the public authorities over the placing on the market and consumption of tobacco products and ensures effective mutual dialogue [*sic*] between governmental and NGOs in the Republic of Moldova and abroad;
- e) coordinates the intersectoral process of developing and adjusting legislation on tobacco control relating to the placing on the market and consumption of tobacco products with the Framework Convention of the World Health Organization and Community legislation and the implementation of legislation and policies documents on the subject;
- f) facilitates intersectoral collaboration to develop public policies for tobacco control, coordinating the implementation thereof.

**Article 20<sup>1</sup>.** Financing of the tobacco control activities

(1) The Government shall allocate necessary resources for the financing of the tobacco control measures to encourage a tobacco-free life style and smoking cessation.

(2) The fund mentioned in the para (1) is constituted from allocations from the national public budget, including from taxes on tobacco products and are provided by the State Budget Law and the Law on Mandatory Health Care Insurance Fund on a yearly basis for the financing of the National Programme on Tobacco Control.

(3) The Government shall approve the Special anti-smoking Fund regulation."

10. Chapter V<sup>1</sup> is added and shall read as follows:

”Chapter V<sup>1</sup>. ENSURING EFFECTIVE TOBACCO CONTROL POLICIES

**Article 20<sup>2</sup>.** Prohibition on partnership with and support from the tobacco industry

Central and local public administration authorities shall not participate in, support or accept:

- (a) any partnerships with the tobacco industry, including tobacco industry initiatives or activities described, characterized, implying or likely to be perceived as socially responsible;
- (b) non-binding or unenforceable agreements, memoranda of understanding, voluntary agreements or the code of conduct adopted by the tobacco industry instead of the legal tobacco control measures;
- (c) financial contributions or other direct or indirect resources, or involvement in any way in initiatives, campaigns or programs directly or indirectly related to tobacco control or public health, including, but not limited to access programs and youth education, public education campaigns and other initiatives;
- (d) proposals, projects or offers of assistance for the development and implementation of public policies on tobacco control.

**Article 20<sup>3</sup>.** Prohibition of voluntary contributions by the tobacco industry

(1) It shall be prohibited for representatives of the tobacco industry to offer and for local and central public administration authorities and other structures with or without legal personality, which perform public functions in the legislative, executive, or judicial branch to accept voluntary contributions, financial or otherwise, except in the cases where such contributions are provided by law.

(2) It shall be prohibited for representatives of the tobacco industry to offer contributions, financial or otherwise -including gifts- to civil servants or high-ranking officials, and for civil servants or high-ranking officials to solicit or accept such contributions.

(3) It shall be prohibited for representatives of the tobacco industry offer any contribution to individuals, organizations, communities or other entities for the purpose of promoting, directly or indirectly, tobacco products or tobacco use or for accepting or facilitating contributions from the tobacco industry.

(4) A contribution offered or made by representatives of the tobacco industry to promote corporate image is considered a contribution offered or made with the aim of promoting tobacco products or tobacco use.

(5) A contribution offered or made by a retailer for the purpose of promoting the tobacco industry is considered to be an offer made with the aim of promoting tobacco products or tobacco use.

(6) Individuals who offer, make, solicit, receive, accept or facilitate a contribution which is covered under this article, shall report same to the Ministry of Health it within 10 days.

(7) The Ministry of Health shall periodically publish the reported information in accordance with the provisions of paragraph (6) by posting it on its website.

#### **Article 20<sup>4</sup>.** Preventing and managing conflicts of interest

(1) A person, who has been in a management position at a tobacco company during the past 24 months, may not participate in the development and implementation of tobacco control policies.

(2) Any person involved in public policy development for tobacco control is required to declare any current personal interests and provide information relating to their participation in the management or promotion of enterprises in the tobacco industry in the last 24 months.

#### **Article 20<sup>5</sup>.** Raising awareness and educating the public

(1) The Ministry of Health shall ensure that all central and local public administration authorities are made aware of the addictive and harmful nature of tobacco products, the need to protect public policies on tobacco control from commercial and other vested interests of the tobacco industry, and the strategies and tactics used, openly or veiled, by the tobacco industry to undermine and subvert the development and implementation of public policies on tobacco control, including charitable contributions to public and private organizations.

- (2) The Ministry of Health ensures that the civil society, policy makers, media and the general population, is informed about the health risks associated with tobacco cultivation and processing, tobacco consumption and exposure to tobacco smoke through regular publication of relevant data, mass media communication, and the civil society's involvement in spreading the word about the harm of smoking, including exposure to tobacco smoke.

**Article 20<sup>6</sup>. Tobacco products licensing**

- (1) Import, manufacture and wholesaling of tobacco products and the retailing, of tobacco and tobacco products is carried out under license, issued in accordance with the Law on licensing of entrepreneurial activity.
- (2) Import and wholesale license for tobacco products specifies the actual type of item (brand).
- (3) Import, manufacture and wholesale of tobacco products is carried out by specialized operators, license holder who have:
- 1) capital of at least MDL1 million, fully covered by net assets as fixed assets;
  - 2) either their own or rented wholesale facilities having usable surface of at least 500 m<sup>2</sup>, which are well ventilated, equipped with computerized filing system;
  - 3) import contracts for tobacco products;
  - 4) permit to import and sell each brand of tobacco products, issued by the brand owner or the licensed manufacturer thereof.

**Article 20<sup>7</sup>. License revocation.**

Grounds for implementing measures for license revocation are as follows:

- a) placing on the market tobacco products the labeling of which is not in accordance with legislation in force and without or with improper health warning labeling;
- b) failure to comply with legislation banning tobacco products advertising and sponsorship;
- c) failure to comply with legislation on disclosure/reporting on tobacco and tobacco products and activities relating to these products;
- d) failure to comply with non-smokers protection laws against exposure to tobacco smoke in enclosed or quasi-enclosed public places, workplaces, public transport observed repeatedly over three years;



**Article 20<sup>8</sup>.** Liability for violation of the present Law

(1) Failure to comply with the provisions of the present Law entails liability set forth in the legislation in force.

(2) Tobacco products manufactured, imported or sold in violation of the provisions of the present Law shall be confiscated as provided by law. Tobacco products seized shall be destroyed. Seized tobacco products shall be destroyed in a manner approved by the Government.

(3) Every person has the right to effective remedy for harm caused by tobacco and tobacco products and/or exposure to tobacco smoke, from the cigarette manufacturer or the legal person in charge of the workplace, or the indoor or semi-opened spaces where smoking occurs based on a decision by a court of competent jurisdiction."

**Art.II.** – Contravention Code of the Republic of Moldova no. 218-XVI of October, 24, 2008, (Official Gazette of the Republic of Moldova, 2009, No. 3-6, art. 15), as amended, shall be amended as follows:

1. Article 91:

Paragraph (1) shall read as follows:

"(1) Alcoholic beverage consumption in prohibited places other than those specified in art.203 para. (3), shall be sanctioned by a fine of 30 to 50 conventional units."

Paragraph (2) is deleted.

2. Article 91<sup>1</sup> is added and shall read as follows:

„**Article 91<sup>1</sup>.** Violation of the legislation relating to placing on the market and control of tobacco consumption and tobacco products

- 1) Placing on the market or selling of smokeless tobacco and tobacco products containing plants other than tobacco is subject to a fine of 130 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal entity.
- 2) Smoking in enclosed or quasi-enclosed public areas, except as permitted by law, in workplaces, public transport stations and within 10 meters from them and smoking in other places prohibited by law, shall be sanctioned by a fine of 50 to 70 conventional units in the case of an individual.
- 3) Allowing smoking in public transport is subject to a fine of 130 to 150 conventional units in the case of an individual, a fine of 150 to 200 conventional units in the case of a person in charge, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal entity.

- (4) Allowing smoking in enclosed and quasi-enclosed public spaces, other than where excepted by law, in the workplace, or in other places prohibited by law, is subject to a fine of 350 to 400 conventional units in the case of a person in charge, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal entity.
- (5) Failure to display information about the smoking ban is subject to a fine of 250 to 300 conventional units in the case of an individual, and a fine of 350 to 400 conventional units and with or without deprivation of certain rights from 6 months to one year in the case of a legal entity.
- (6) The import, placing on the market and sale of tobacco products that are not packaged and labeled in accordance with the legal provisions is subject to a fine of 130 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal entity.
- (7) Failure of the Ministry of Health to make available requested information as set forth by the Law on control of the placing on the market and use of tobacco products and/or providing false and incomplete information is subject to a fine of 400 to 450 conventional units in the case of a person in charge, and a fine of 450 to 500 conventional units for, and deprivation of rights from 6 months to a year in the case of a legal entity.
- (8) The import, placing on the market or sale of foodstuff containing nicotine, toys, foodstuff and/or other products that make reference to tobacco products is subject to a fine of 120 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal person/entity.
- (9) Placing on the market of tobacco products containing toxin amounts above the limits established by law is subject to a fine of 120 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units and deprivation of certain rights from 6 months to one year in the case of a legal person/entity.
- (10) Sale of tobacco products where seller and buyer are not at the same physical location is subject to a fine of 120 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units in the case of a legal entity.
- (11) Visibly exhibiting of tobacco products on premises open to the public is subject to a fine of 120 to 150 conventional units in the case of an individual, and a fine of 450 to 500 conventional units in the case of person in charge, and 450 to 500 conventional units in the case of a legal entity.
- (12) Sale of tobacco products to minors or selling tobacco products without checking buyer's age as established by law is subject to a fine of 120 to 150 conventional units in the case of an individual.

3. Paragraph (3) of Article 203 shall read as follows:

Smoking on public transport, trains, river or ocean liners, airplanes regardless of ownership or right to access is subject to a fine of 130 to 150 conventional units in the case of an individual.”

4. Article article 364<sup>1</sup> is added and shall read as follows:

„**Article 364<sup>1</sup>**. Violation of legislation on advertising and sponsorship of tobacco products

- (1) Placement or disseminating tobacco products advertisement, encouraging sales and promoting tobacco products through sponsorship that directly or indirectly promotes tobacco products or suggests tobacco use is punishable by a fine of 140 to 150 conventional units for individuals, and a fine of 450 to 500 conventional units for legal entities with deprivation of certain rights for 6 months to a year and final suspension of activity for repeated violations of the law within three years.
- (2) The use of tobacco brand names to promote other products and services, and the use of smoking accessories, to directly or indirectly promote tobacco products, promotional offers or gifting tobacco products shall be sanctioned with a fine of 100 to 120 units conventional individuals and a fine of 400 to 450 conventional units for legal entities and deprivation of certain rights for 6 months to a year. "

5. Articolul 400, paragraph (1), after the numbers ”89-91” add the words ”91<sup>1</sup> para. (1)-(3) and para. (10) and (12)”.

6. Article 406 paragraph (1), the words „in art.80-83, 115, 268-271, 276” are replaced by the words „in art.80-83, 91<sup>1</sup> para. (5) – (9) and para. (11), 115, 268-271, 276 and art.364<sup>1</sup>”.

7. Article 409 paragraph (1), the words ”in art.55-61” are replaced by the words ”in art.55-61 and 91<sup>1</sup> para. (2) and para.(4)”.

**Art.III.** – Law No.1227 of June 27, 1997 on advertisement (Official Gazette of the Republic of Moldova, 1997, No. 67-68 , art.555) as amended, and supplemented shall be amende and supplemented as follows:

(1) Article 19, paragraphs (2) and (3) shall read as follows:

“(2) It shall be prohibited to advertise either directly or indirectly for tobacco products, including advertising on the radio and television, in print, in movie theaters, video, documentaries, using telephone and telegraph networks, in/outdoor advertising, in/outdoor advertising at premises where tobacco products are sold, on or inside public means of transport, direct mail advertising, advertising for smoking accessories, and any other type of advertising.

(3) Publications intended exclusively for professionals in the tobacco trade are exempt from the provisions of para. (2).”

2. Article 22 is supplemented with paragraph (7) shall read as follows:

(2) It is prohibited to boost sales and promote tobacco products through sponsorship, including through sponsorship or support of any kind for public or commercial actions or initiatives in the course of which the commercial brand name or manufacturer's name may become visible or information about the connection to the event accessible to the public. It is prohibited to engage in any activity that can mislead or create a false idea about the characteristics of tobacco products and their impact on health. "

3. Article 28:

Paragraph (1):

point b) shall read as follows:

„b) send to advertisers and sponsors orders to cease any violation of the advertising law.”

Paragraph (2) shall read as follows:

„(2) The state has the right to file lawsuits even on behalf of unidentified groups of advertisement consumers in connection with a violation of advertisement legislation committed by advertisers and sponsors, and cancel transactions involving inadequate advertisement and sponsoring.

**Art.IV.-** Law No. 10 of 3 February 2009 on the supervision of state public health (published in the Official Gazette of the Republic of Moldova, 2009, no.67, art.183) as amended and supplemented, shall be amended and supplemented as follows:

1. Article 16 paragraph (8) shall read as follows:

”(8) National Centre for Public Health:

- a) ensures the strengthening of public policies on tobacco control, drafts health regulations, methodologies and other documents to protect public health from the consequences of tobacco consumption and exposure to tobacco smoke, provides highly specialized expert advise , provides practical methodological support relating to tobacco control;
- b) ensures collection, analysis and dissemination of information about the movement of tobacco and tobacco products on the internal market of the Republic of Moldova and related activities, tracks the ingredients in tobacco products and toxins contents;
- c) provides risk assessment of smoking and exposure to tobacco smoke and communicates those findings to the Ministry of Health, other authorities and the population.

d) ensures verification of compliance of data/reports submitted by commercial agents who manufacture, import, store and sell tobacco products, and compliance of tobacco products and apply sanctions in accordance with the law in force.”

2. Article 18 paragraph (2) the following points are added:

”9) to verify compliance with law relating to manufacture, packaging, labeling, affixing the warnings on the health hazards of smoking on tobacco products, and to the sale of tobacco products and to impose sanctions in accordance with law;

10) to verify compliance with laws relating to advertisement ban for tobacco products, and impose sanctions in accordance with law

11) to verify compliance with laws relating to the ban on:

a) placing on the market foodstuff containing nicotine and apply sanctions in accordance with law;

b) presenting foodstuff, toys and other products in the form of a cigarette pack or a cigarette and apply sanctions in accordance with law;c) use of tobacco brand names to promote other products or services;

d) use of smoking accessories (ashtrays, lighters) to promote directly or indirectly tobacco products;

e) the sale of toys, foodstuff and other products that make reference to tobacco products;

12) take samples of tobacco and tobacco products placed on the domestic market and test for compliance with legislation regulating the placing on the market of tobacco products. ’

3. Article 31 is supplemented by the following paragraph:

”(2) The institutions, enterprises and organizations regardless of ownership are required to make available to state representatives from the National Monitoring Service for Public Health authorized to carry out state-sanctioned public health controls, tobacco and tobacco products and related documents for verification of compliance with legislation on tobacco control.”

Article V. - Law No. 416 of 18 December 1990 on police (re-published in the Official Gazette of the Republic of Moldova, 2002, no.17-19, article 56) as amended and supplemented, is amended and supplemented as follows:

Article 12 is supplemented by the following points

”39) to verify compliance with the law on protection from exposure to tobacco smoke in enclosed and quasi-enclosed public places, and apply sanctions in accordance with law;

40) to verify compliance the law on tobacco control , relating to age, request for identification, display information on the prohibition of sale of tobacco products to persons under 18 years, display the amount of fines in case of underage sale violations, peddling, makeshift stalls and improvised counters, internet commerce and other illegal ways of selling tobacco products, posting information on smoking ban and apply sanctions according to the law in force

41) to verify compliance with laws prohibiting the placing on the market of smokeless tobacco and of tobacco products containing plants other than tobacco.”

**Art.VI.** – Law no. 140 of 10 May 2001 on Workplace Inspection (Official Gazette of the Republic of Moldova, 2001, no.68-71, art.505) is amended and supplemented as follows

(1) Article 4 paragraph (1) is supplemented by point g) as follows:

Article 4, paragraph (1) is supplemented with point g) and shall read as follows:

“g) monitors compliance with laws prohibiting smoking in the workplace and applies sanctions in accordance with law.”

#### **Art.VII.- FINAL AND TEMPORARY PROVISIONS**

(1) The present Law shall enter into force after its publication, except for articles 12<sup>1</sup> paragraph (1), paragraph (2) and paragraph (3) article 12<sup>2</sup> and article 12<sup>3</sup>, paragraph (2) which shall enter into force on January 1, 2014, and provisions under article 12<sup>12</sup> paragraph (1), point. d), which shall enter into force on July 1, 2014.

(2) Until December 31, 2013:

1) Each package containing tobacco products shall have a general warning and an additional warning text affixed to it.

2) The general warning shall cover no less than 30% of the surface on which it is printed, and the additional warning text not less than 40% of the surface on which it is printed.

Notwithstanding the provisions of article 1212 paragraph (1), point d), bars, restaurants and other similar public places, with separate areas designated for smokers and non-smokers where polluted air does not enter the non-smoking area and which have mandatorily posted, signs "Smoking Area" respectively, "Non-smoking Area," are exempt until July 1, 2014.

(4) Within a six-month term, the Government shall:

- submit proposals to the Parliament to bring the legislation in force in line with the present law;
- bring its normative acts in line with the present law.

**PRESIDENT OF THE PARLIAMENT**