



REPUBLIC OF SAN MARINO

**We the Captains Regent
Serene Republic of San Marino**

Having regard to Article 4 of the Constitutional Law 185/2005 and Article 6 of Qualified Law n.185/2005;

Sent to publish and promulgate the following law passed by Ordinary Council Great and General at its meeting on March 14th, 2008.

LAW March 20th, 2008 N.52

PUBLIC HEALTH EXPOSURE TO SMOKE TOBACCO

Art 1 *(Sources)*

This Law is formulated in accordance to the framework established by the Convention of the World Health Organisation's Framework for Tobacco Control, Geneva 21st May 2003, ratified by Decree of June 22nd, 2004 n.86, and guidelines contained in the Health Plan and Social Health of the Republic of San Marino for 2006-2008, approved by Great and General Council at its meeting on February 21st, 2006, regarding the fight against smoking and protection from exposure to tobacco smoke.

Art 2 *(Objectives)*

In the spirit of full sharing of concerns and objectives stated in the preamble of the Geneva Convention in which the previous article in order to protect present and future generations from devastating health effects, social, environmental and economic benefits arising from tobacco consumption and exposure to its smoke, and with the intent to prepare an adequate series of measures to gradually reduce the use and exposure to tobacco have adopted the following measures. The law seeks to protect public's health from exposure to tobacco smoke, the smokers are required to delay their desire and smoke outdoors or in designated settings.

Art 3 *(Definitions)*

- a) Premises partially open: Local characterized by a surface area open on the sides and covered by a roof or pergola, or closed at the sides but no roof.
- b) Room reserved for smokers: premises that satisfies the requirements of Article 6 of this Act.

- c) Cooling System: application to plant construction and maintenance in simultaneous environments of temperature conditions, humidity, air quality and movement including within the limits required for the welfare of people.

Art 4
(Prohibitions)

Smoking is prohibited.

It is prohibited to sell cigarettes, cigars and tobacco products to anyone under eighteen.

Art 5
(Exemptions)

It is possible to have an exemption from the prohibition in the first paragraph of the article above only:

- a) outdoors and in private homes;
- b) on private transportation, for passengers, with the consent of the driver;
- c) partially open spaces, as defined by Article 3, paragraph a);
- d) in the halls of public premises should be appropriately reserve, predisposed and marked under this Act

Art. 6
(Reserved rooms)

The rooms of public premises referred to in paragraph c) of the preceding Article shall:

- 1. be separated by full height walls on all four sides;
- 2. be equipped with self-closing entry door, normally in closed position;
- 3. do not represent a necessary step for non smokers;
- 4. bear the appropriate markings.

Rooms reserved for smokers should be provided with suitable air conditioning system, such to ensure entry of air, properly filtered, outside or other environments where smoking is prohibited.

The specific technical specifications that installation must absolutely adhere to and mentioned in the previous paragraph are contained in Appendix A of this Act.

In premises not satisfying all the technical characteristics, even temporarily, of which this Act and the relevant Appendix A is not allowed.

Within a period of one year after the entry into force of this law owners of public premises must comply with the provisions contained therein.

Rooms for smokers can not be prepared in hospitals, health centres, clinics, pharmacies, childcare facilities, school buildings in every type and their local access points, in public offices, gyms and closed sports facilities.

Art 7
(Signs)

- a) In premises where smoking is prohibited an appropriate and visible sign shall be placed bearing the words "NO SMOKING" and further indication "in accordance with Law No. 52 March 20th, 2008. Offenders are liable to a fine of Euro 150.00. (See Appendix C).
- b) Other signs with the only words "NO SMOKING" is allowed on the premises where at least one sign with the words in the first paragraph.
- c) In rooms reserved for smokers the appropriate luminous signs should be affixed bearing the diction "AREA FOR SMOKERS.

- d) The signs referred to in c) are complemented by a bright sign bearing the words "NO SMOKING FOR FAILURE TO THE FAN", which turns on automatically in case of failure or improper operation of air conditioning, resulting in the simultaneous exclusion of writing indicating the restricted area.
- e) All signs must be of a size not less than 10 x 20cm. The relevant conditions are not may contain letters of height less than 3 cm., with the exception of indications only further referred to in paragraph a).
- f) The signs referred to in the preceding paragraphs shall be affixed by the tenant of the premises public employers in enclosed spaces of their relevance, the administrator of condominiums.

Art 8 *(Sanctions)*

The organs of public power, as identified in Appendix C are permitted to challenge the offenses under this Act, individually or on reporting, and to proceed with administrative sanctions.

Violators of the provisions referred to in Article 4 shall be punished by the administrative penalty of Euro 100.00.

The penalty is increased by half if the offense occurs in the presence of women obviously pregnant or children under twelve.

The manager of the local premises is required to order the offender to comply immediately with the law.

If the offender does not comply or if a relapse, the manager of the public premises is obliged to inform police.

The manager of the premises that fails to order the offender to comply immediately with the provisions of this Act shall be punished with an administrative penalty of Euro 50.00.

The operator of public premises that prepares a private room and allows smoking without fulfilling all obligations under Article 6 of this Law and its Appendices shall be punished with an administrative penalty of 500.00 Euros.

The operator of public premises that has a suitable room reserved for smokers, and presence of smokers, and does not operate appropriate air conditioning can be punished with an administrative penalty of Euro 50.00.

The manager of the local premises, the employer, and the administrator of the condominium that fails to comply with signage requirements of Article 5 shall be punished by an administrative penalty of Euro 50.00.

Anyone who disposes of a cigarette butt on public place is liable to a penalty of Euro 10.00. Administrative penalties provided for in this article will be updated by Executive Decree under Article 32 of Law n.68/1989.

Art 9 *(Advertising and Exhibition)*

Within 60 days after entry into force of this Law a special executive decree will be issued that will regulate the advertising ban and the way in which tobacco is sold, with appropriate penalties.

Art 10 *(Attachments)*

Attachments to this Act may be amended by special delegate decree.

Art 11
(Repeals)

All provisions of the Act n.139 21st November 1990, Law 23rd April 1991 No. 52, June 6th, 1991 Decree n.72, n.146 Decree 28th November 1991, Decree 28th January 2005 n.9, and any other provision contrary to this Act are repealed.

Art 12
(Entry into force)

This Law shall enter into force on the fifteenth day following the date of its legal Publication.

Date from Our Residence, this day of 20th March 2008/1707 DFR

THE CAPTAINS REGENT
Mirco Tomassoni - Alberto Selva

THE SECRETARY OF STATE
FOR HOME AFFAIRS
Valeria Ciavatta

TECHNICAL SPECIFICATIONS OF RESERVED PREMISES FOR SMOKERS AND
THE RELATIVE VENTILATION SYSTEMS

Point 1

- a) Rooms for smokers, under Article 6 of this Law shall be equipped with adequate air conditioning.
- b) The additional air flow for the room can not be less than 30 litres/second for each person who may be hosted in the premises based on an index of crowding equivalent to 0.7 people/sq. At the entrance of the hall, the maximum number of eligible people on the basis of the scope of the air conditioning system should be disclosed.
- c) The rooms reserved for smokers should be kept in vacuum of at least 5 Pa (Pascal) with respect to the surrounding areas.
- d) The area allocated for smokers in public premises should be less than half the total area of administration of the premises.
- e) The air from the rooms reserved for smokers is not recyclable but must be expelled outside through suitable openings and functional facilities, in compliance with existing provisions.
- f) The air conditioning should be turned on and functioning in the presence of one or more people.
- g) The installation, conversion, expansion and maintenance of the system shall be made pursuant to and with the requirements of the Act October 28th, 2005 no. 148 and subsequent amendments and technical standards as required by UNI and CEI.
- h) Qualified entities are required to issue appropriate statements of the implementation of installations according to the art and according to the same legislation in force. For the purposes of control necessary certificates of installation including suitability of the ejection system, and certified annual audit and maintenance of ventilation systems shall be kept available by the competent authority.
- i) From the provisions of said law are subject to audits, inspections, controls and sanctions by the Public Administration.

Point 2

Anyone who wishes to obtain proper authorization for the premises referred to in Article 5 of this Act, shall:

- 1. apply for authorization from the Department of Public Health with attached technical documentation described in Attachment B, showing compliance with the specifications referred to in this Attachment A.
- 2. develop, resulting from the issuance of a temporary favourable opinion by the Department of Public Health, rooms for smokers with the requirements of this Attachment.

The Department of Public Health, the notification of the work, performs appropriate visits made to verify the suitability of structures and ventilation systems installed. In the

case of successful result, the Department of Public Health will provide final authorisation.

Items needed for submission of Applications for Authorization

1) Technical report describing the premises.

This report must clearly state, uses, surfaces area, overcrowding and volumes.

2) Plan scale 1:100 of the premises including information on:

- Public area for smokers with its surface;
- Public area for Non-smoking position with relative surface area.

Elements necessary for assessing the suitability of projects for air exchange

3) Technical report describing the air conditioning

This report must clearly state the type of ventilation system to install or installed, the materials used the devices to facilitate maintenance of the system, its operation and layout of the premises served. Attach any eventual supplementary details regarding the technical information referred to in paragraph 5).

4) Plan to scale 1:100 of the premises receiving information about:

- Location of outdoor air intakes;
- Position of inlets, return and expulsion;
- Location of vents to expel stale air;
- Channels of distribution of treated air and expulsion;
- Location of treatment units;
- Location of the facilities referred to in Article 6 of Law 20th March 2008 n.52.

5) Natural Environment Protection

Applications must be completed with the submission of foreseen Attachments no.87/95 Law, Chapter III and DR n.108/95, Attachments.

NO SMOKING

March 20th, 2008 Law No. 52

“PROTECTION OF PUBLIC HEALTH FROM THE EXPOSURE TO TOBACCO SMOKE”

Article 8

ADMINISTRATIVE PENALTY €100.00

The extent of the penalty is increased to € 150.00 if a violation is committed in presence of obviously pregnant woman or children under 12 years

Authority competent to ascertain and contest the infringement:
Gendarmerie, Police Civil Guards of Rocca