

SALE OF TOBACCO PRODUCTS

It is illegal to sell tobacco products to anyone under the age of 18 years, even if they are for someone else. **Both the seller and the owner or manager of the shop** can be prosecuted for selling to someone under 18 years of age.

Environmental Health Officers carry out checks, known as test purchases, to make sure shops are not selling tobacco products to children.

As good practice shops should display signs stating that tobacco products will not be sold to under-18s and that customers will be asked for I.D. to prove their age.

Sales from cigarette vending machines to under-18s are also illegal. Even if the vending machine is not owned by the person running the business it is still their responsibility to ensure that it is only being used by adults. Placing the vending machine in an area that is easily supervised or the use of a token system is recommended.



Restricting sales of cigarettes to children is very important as a study by the Office of Tobacco Control in 2006 found that 78% of smokers started smoking before they reached the age of 18.

Penalties for breach of the Public Health Tobacco Act 2002- 2004 are a maximum of 3,000 euro per breach by summary conviction in the District Court.

NEW LEGAL DEVELOPMENTS

For imported tobacco goods, it is required under law that the warning notices and information notices concerning nicotine, tar and carbon monoxide on tobacco products must appear in both the Irish and English languages and this came into effect on October 1st 2008.

For tobacco goods already on sale before October 1st 2008 a year has been allowed for changes to be made and a date of October 1st 2009 has been given to comply.

From **1 July 2009**, no advertising or display of cigarettes or tobacco products will be permitted in retail outlets, other changes that will be introduced at this time include; introduction of a closed container / dispenser provision, tighter controls on the location and operation of tobacco vending machines, and introduction of a retail register for tobacco retailers.



HSE
ENVIRONMENTAL
HEALTH

**TOBACCO
CONTROL**

Tobacco use continues to be the leading cause of preventable death in Ireland. Each year almost 7,000 people die prematurely from the effects of tobacco and thousands of others become ill because of tobacco-related diseases.



In an attempt to lower the death rate from smoking and protect the health of the nation the government has introduced laws to control the sale of tobacco products - cigarettes, cigars, pipe tobacco etc and their use in the workplace.

In conjunction with the Office of Tobacco Control, the Environmental Health Officers (EHOs) of the Health Service Executive enforce most of the tobacco control legislation in Ireland. These laws include the restriction of advertising and marketing of tobacco products and the prohibition of the smoking of tobacco products in certain places.

A proactive inspection programme is conducted annually by EHOs to ensure compliance with tobacco control legislation. There were in excess of 28,000 workplace inspections carried out by EHOs in 2007. The majority of businesses are fully compliant with the laws.

WORK PLACE SMOKING BAN

Most people are familiar with the 'workplace smoking ban,' this was introduced in 2004 in order to protect employees from the dangers of other people smoking. This is often known as passive smoking, Environmental Tobacco Smoke (ETS) or second hand smoke.



Ireland was the first country to introduce such a smoking ban and its success has encouraged many other European countries to adopt similar laws.

The smoking ban relates to all enclosed / indoor workplaces including restaurants and licensed premises with limited exceptions such as prisons, nursing homes, psychiatric hospitals, hotel bedrooms and private dwellings

A 'No Smoking' sign must be displayed clearly in the workplace and the name of the proprietor and the name of person to whom complaints can be made, must also be included.

If you have a complaint about people smoking in a work-place, first bring the matter to the attention of the person in charge, if your complaint is not dealt with satisfactorily contact your local Environmental Health Service within the HSE or call the Office of Tobacco Control compliance line: 1890 333100

OUTDOOR SMOKING AREAS

Employers do **not** have to provide an outdoor smoking area for staff or customers on their premises. If an employer does provide a smoking area in order for it to be exempted under the 'smoking ban' the relevant part of the place or premises must be "outdoor".



If on inspection it is not possible for an EHO to dismiss the structure as **not being outdoor** then other considerations under the law apply. These take into account the design and layout of the structure particularly in relation to walls and roofs.

Further advice on outdoor smoking areas should be sought from your local Environmental Health Service.

There is no minimum distance given between the smoking area and the premises, but any designated area for smokers should be far enough away from the building to prevent smoke entering the building.