

## Section 22 Public Health (Alcohol) Act 2018 - Questions and Answers

<p><b>Objective of Section 22</b></p>	<p>What is the objective of Section 22?</p>	<p>Section 22 requires the separation of alcohol products in mixed trade retail premises. It is intended to achieve the following objectives:</p> <ul style="list-style-type: none"> <li>• alcohol products are less likely to be on display near grocery products, thereby discouraging their purchase as part of everyday household grocery shopping;</li> <li>• alcohol products will be less visible to children.</li> <li>• access to alcohol products will be more controlled in premises to which it applies;</li> </ul>
<p><b>Time Frame for implementation/ compliance</b></p>	<p>When must Section 22 of the Public Health Alcohol Act 2018 be complied with?</p>	<p>12<sup>th</sup> Nov 2020</p>
	<p>Will there be a lead in time to meet the requirement?</p>	<p>There has been a 2 year lead period, from November 2018 and it expires on the 12<sup>th</sup> Nov 2020.</p>
<p><b>Premise types to which the section applies</b></p>	<p>What type of premises does Section 22 of the Public Health Alcohol Act 2018 apply to?</p>	<p>Section 22 applies to mixed trade retailers such as supermarkets, convenience stores, and petrol stations selling alcohol.</p>
	<p>Does section 22 of the Public Health Alcohol Act 2018 apply to stand alone off-licence premises?</p>	<p>The requirements of section 22 do not apply to stand alone off-licences.</p> <p>A standalone off-licence is considered to be one which sells solely or mainly alcohol products.</p>
	<p>How does Section 22 apply in Airports?</p>	<p>Alcohol products sold for consumption off the premises in airports shall be displayed in storage units that contain only alcohol products.</p> <p>The alcohol storage units cannot adjoin storage units containing products other than alcohol products.</p> <p>Advertisements for alcohol products can be displayed only in, on or beside an alcohol storage unit.</p> <p>It is permitted to display packages or gift sets containing alcohol and non-alcohol products in alcohol storage units.</p>

<p><b>Options for Compliance</b></p>	<p>What are the options to comply with Section 22 of the Public Health Alcohol Act 2018?</p>	<p>A retailer may have a closed storage unit at <b>one</b> Point of Sale area and/or <b>one</b> of following 3 options:</p> <p>A. <b>single separated area or</b></p> <p>B. <b>one or more enclosed and adjacent storage units or</b></p> <p>C. <b>not more than 3 adjacent open storage units</b></p> <p>Further information is available in Industry Guidance</p> <p><a href="https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/">https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/</a></p>
	<p>Are there examples of these options available to view?</p>	<p>Pictorial examples are provided in the industry guidance</p> <p><a href="https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/">https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/</a></p>
<p><b>Penalties</b></p>	<p>What are the penalties if there is a failure to comply with the requirements?</p>	<p>It is an offence to advertise alcohol products and expose for sale alcohol products not exclusively confined as per Section 22. The penalties are:</p> <p><b>Summary Conviction</b></p> <p>Class A fine or imprisonment for a term not exceeding 6 months, or both, or</p> <p><b>Conviction on Indictment</b></p> <p>Fine not exceeding €250,000 or imprisonment for a term not exceeding 3 years or both</p> <p><b>Continuing Offence</b></p> <p>Further offence on every day contravention continues and for each offence liable, on summary conviction, to a fine not exceeding €2000</p>
<p><b>Enforcement</b></p>	<p>What agency is responsible for the enforcement of this legislation?</p>	<p>Health Service Executive Environmental Health Service</p>

<b>Contact Details</b>	How do I contact the Environmental Health Service?	Telephone numbers on the link below <a href="https://www.hse.ie/eng/services/list/1/enviro/environ/environmental-health-officers.html">https://www.hse.ie/eng/services/list/1/enviro/environ/environmental-health-officers.html</a>
<b>Closed Unit at Point of Sale</b>		
<b>Closed Unit at Point of Sale</b>	Can the closed unit at the point of sale have a price list displayed on the unit?	Yes the retailer is permitted to display product price but it must not amount to an advertisement for alcohol.  The retailer is permitted to provide product price information in accordance with, European Communities (Requirements to Indicate Product Prices) Regulations 2002 (S.I. No. 639 of 2002).  <a href="http://www.irishstatutebook.ie/eli/2002/si/639/made/en/print">http://www.irishstatutebook.ie/eli/2002/si/639/made/en/print</a> <a href="https://www.ccpc.ie/business/help-for-business/guidelines-for-business/product-prices/">https://www.ccpc.ie/business/help-for-business/guidelines-for-business/product-prices/</a>
	Is there any restriction on the size of the closed unit at the point of sale?	There is no restriction on the size of the unit so long as it is just one unit.
	Can you have a second closed storage unit behind the counter (e.g. under the counter) if it is not visible or not at a point of sale?	No

**Option A Separated Area**

<b>Option A Separated Area</b>	What height is the barrier around the separated area?	At least 1.2 m all the way around. <a href="#">Example Option A</a>
	What height is the entrance/exit gate to the separated area?	The entrance/exit gate forms part of the barrier and must also be at least 1.2 m.
	What are the dimensions to be adhered to in relation to the construction of the entrance/exit gate to accommodate the risk of finger/foot trapping?	<p>The entrance forms part of the barrier.</p> <p>The barrier has a minimum height of not less than 1.2m.</p> <p>The entrance/exit gate to the area has a minimum height of 1.2m.</p> <p><b>Working guidance:</b> to avoid the risk of finger and foot trapping the gaps should not be greater than the following:</p> <ul style="list-style-type: none"> <li>• 120mm beneath the gate</li> <li>• 30mm between the leaves of the gate</li> <li>• 25mm between the gate post and the barrier</li> </ul>
	What height must the entrance/exit gate be if there is a gap underneath it?	<p>The barrier including the entrance/exit gate which forms part of the barrier must be at least 1.2m irrespective of any gap beneath e.g. If there is a 100mm gap beneath the entrance/exit gate the height of the top of gate to floor is 1.3m.</p> <p>The gate/barrier must always be at least 1.2m.</p>

<b>Option A</b>  <b>Separated Area</b>	<p>If the layout and design of a premises is not suitable for Option A separated alcohol area what option is available?</p>	<p>If Option A is not suitable a retailer may have a closed storage unit at <b>one</b> Point of Sale area and <b>one</b> of following in this case:</p> <p><b>B. one or more enclosed and adjacent storage units or</b></p> <p><b>C. not more than 3 adjacent open storage units</b></p> <p>Further information is available in Industry Guidance</p> <p><a href="https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/">https://www.gov.ie/en/policy-information/89335d-healthy-ireland-alcohol-policy/</a></p>
	<p>Why is maintenance of the gates to the separated area important?</p>	<p>Where manual or automatic gates are installed, the gates must be maintained in good working condition so they return to a flush position following opening. This is to ensure that alcohol products or advertisements for alcohol products do not become more visible through gates not closing properly.</p>
	<p>Why is advertising above 1.2m in the separated area permitted?</p>	<p>Section 22 does not prohibit advertising from being visible above 1.2m in the separated area.</p> <p>The offence is if the alcohol is visible through the 1.2m barrier. The intent of the legislation is to ensure children are not exposed to the advertising.</p>
	<p>Is there a checklist that can be referenced to assess compliance in relation to the separated area?</p>	<p>Checklist for Option A - Separated Alcohol area in Mixed Trade Retailer</p> <p><a href="#">Checklist for Option A - Separated Alcohol area in Mixed Trade Retailer</a></p>
	<p>If non-alcoholic beverages or zero alcohol branded products are sold within the separated alcohol area, do they then have to be for sale elsewhere in the premises?</p>	<p>The Act does not provide for a definition of a non-alcohol product. Non-alcoholic beer is a related product and not an alcoholic beverage.</p> <p>Retailers have two options;</p> <ol style="list-style-type: none"> <li>1. Display non-alcoholic beer etc. within the separated area and elsewhere in the store.</li> </ol> <p>Or</p> <ol style="list-style-type: none"> <li>2. Display non-alcoholic beer etc. elsewhere in the store only.</li> </ol>

<b>Option A</b>  <b>Separated Area</b>	Are children allowed entry into the separated alcohol area if out shopping with their parents?	The Public Health (Alcohol) Act 2018 does not prevent children from entering the separated alcohol area.
	Can alcohol be stored on the ground in the separated alcohol area?	Yes
	Can gates be electronic?	Yes
	Can the barrier be a see through structure?	No
	Are crisps, nuts, snacks and other foods consumed with alcohol considered alcohol related products and can they be stored in the separated alcohol area?	<p>There is no definition of alcohol related products in the legislation; it is not a matter for the HSE to interpret the legislation that is a matter for the courts.</p> <p>If such products are offered for sale in the separated alcohol area the retailer must offer the products for sale in another area of the premises.</p> <p>The aim of the legislation is that people who do not intend to consume alcohol are not forced to enter the separated area to purchase any other items. If it is ensured that crisps etc. are available in the same volume/selection in another part of the store, the spirit of the Act is maintained.</p>

**Option B Closed adjacent units**

<p><b>Option B</b> <b>Closed adjacent units</b></p>	<p>What is permitted in Option B?</p>	<p>Enclosed storage unit(s) adjacent to each other exposing for sale alcohol products and advertisements for alcohol products only and which have height and visibility restrictions.</p> <p><a href="#">Example of Option B</a></p>
	<p>Is there a limit on the number of units?</p>	<p>Alcohol products shall be exposed for sale in one or more enclosed storage units. There is no limit on the number of units.</p> <p>The unit(s) shall be adjacent to each other and may indicate that it or they contain alcohol products.</p>
	<p>What height can the closed unit be?</p>	<p>Each unit shall be a maximum height of 2.2 metres and alcohol products and advertisements for alcohol products must not be visible to a height of 1.5 metres.</p>
	<p>Can the unit be open?</p>	<p>No the units must be kept closed and alcohol products must not be visible when the unit is closed.</p> <p>Each unit shall remain closed when not in use.</p>
	<p>Can the doors of the closed containers be see through?</p>	<p>The doors of the unit must be made of a material through which alcohol products and advertisements for alcohol products are not visible up to a height of 1.5metres from the floor when the unit is closed.</p>
	<p>Can a retailer have alcohol related products in the closed storage units?</p>	<p>The unit(s) shall not contain anything other than alcohol products and advertisements for alcohol products.</p>

### Option C Open adjacent units

<b>Option C Open adjacent units</b>	What is permitted in Option C?	A display of alcohol products and advertisements for alcohol products within a maximum of three open adjacent storage units with height and width restrictions on each unit.  <a href="#">Example of Option C</a>
	In Option C is there a minimum height that the open units have to be?	No, but they must not be greater than 2.2m high.
	Can the retailer have a single open unit that is 3m wide and 2.2m high (not 3 units x 1m)?	The legislation is prescriptive in the requirements for this option (section 22 (C)).
	For the open units can a retailer stack alcohol on three pallets side by side instead of in units?	No, the legislation states that the alcohol must be stored in a unit.
	Can the units indicate that they contain alcohol?	The units may indicate that they contain alcohol products.

<b>Alcohol related merchandise</b>	Can alcohol related merchandise be sold in a mixed trader retail premises and must it be stored in the separated area?	Alcohol related merchandise is exempt from Section 22 (branded non-alcohol products e.g. stationery, confectionery, key rings) and is permitted in all areas of mixed trade retail premises.
<b>Advertising</b>	Can alcohol be advertised in the store?	Advertisements for alcohol are not permitted outside the separated area/units.
	Is advertising of alcohol products over an intercom system in a store allowed?	<p>Any announcement setting out for example that “6 bottles of our selected range of wines for €50” or “Beer brand 6 pack now €10.99” would be in breach of the legislation.</p> <p>The effect of the statement is to promote an alcohol product and would therefore be in breach of the Public Health Alcohol Act 2018.</p> <p>Unless a store can isolate their speakers so that the announcement can only be heard within the separated alcohol area, they will be in breach of the legislation.</p>
<b>General</b>	If a premises sells primarily alcohol but also has some foodstuffs for sale how does the legislation apply?	If solely and mainly alcohol then it is exempt from Section 22.
	Can an ATM or Coin Exchange machine be in an alcohol area?	Yes they can be in the separated area as ATM/Coin Exchange are a service rather than a product however in the interests of public health it is best practice if these facilities are located in the non-alcohol area.
	Does the Environmental Health Service give approval for any structures?	No, the HSE Environmental Health Service does not give prior approval to any prototype or endorse any product or service. Responsibility for compliance rests with the off licence holder.

## Section 22 Public Health (Alcohol) Act 2018

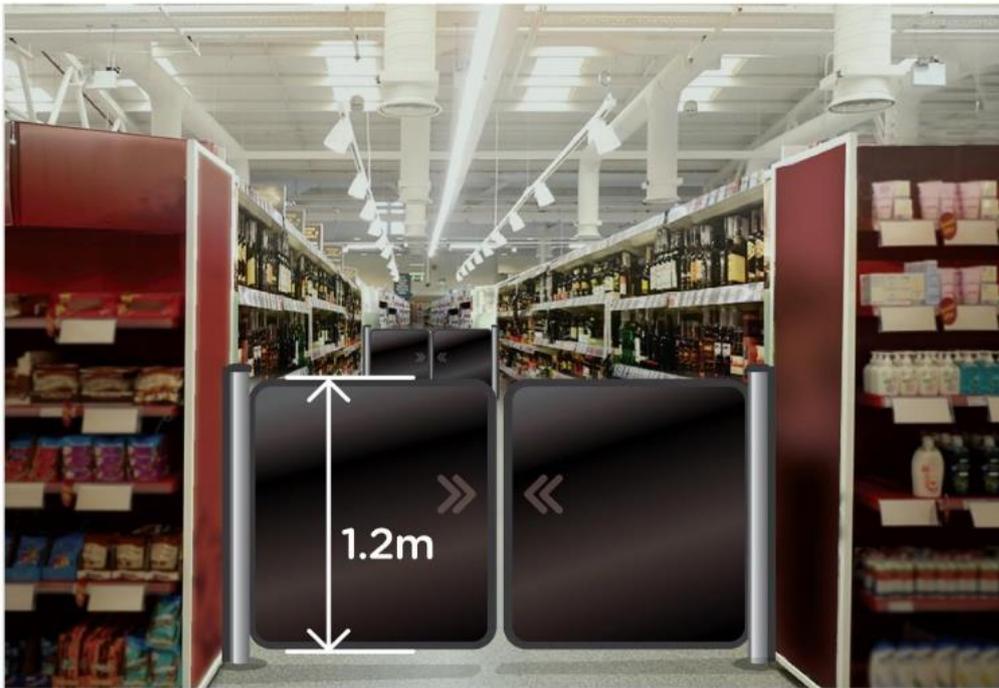
### [Checklist for Option A – Separated Alcohol area in Mixed Trade Retailer](#)

Requirement	Yes/No	Comment
Alcohol products and advertisement for alcohol products are restricted to a separate area.		
The area is separated from the rest of the premises by means of a physical barrier.		
The barrier has a minimum height of not less than 1.2m.		
The entrance/exit to the area has a minimum height of 1.2m.		
Alcohol products and advertisements for alcohol products are not visible through the barrier (the visibility of products and advertising caused by a temporary opening of the entrance or exit, for the purposes of a consumer or other person to enter or leave the area, is allowed).		
A member of the public does not have to pass through the alcohol area to gain access to another area of the shop or to make a purchase of a product other than alcohol products.		
Alcohol related products (includes zero alcohol branded products) exposed for sale within this area are also exposed for sale elsewhere in the shop.		
Zero alcohol branded products can be considered alcohol related products. Zero alcohol branded products exposed for sale within this area are also exposed for sale elsewhere in the shop.		

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### [Example Option A Separated area](#)

An illustration of how this provision may be complied with is provided below.



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### [Example of Option B](#)

An illustration of how this provision may be complied with is provided below.



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## [Example of Option C](#)

An illustration of how this provision may be complied with is provided below.



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