

Circular No. 2003/25137 of 05/26/2003

RE: Cigarette Machines. Prohibited use for minors under the age of 16.

The continually more pressing need to protect the health of minors makes it necessary to adopt measures to prohibit or limit the ability of minors under the age of 16 from obtaining processed tobacco.

It is clear that, while the ban on selling these products to minors, enacted by the Administrative Decree of December 24, 1934, no. 02316, can easily be respected in stores where the merchant can verify the buyer's age, including by asking for an ID, there are critical issues involving the sale of merchandise from cigarette machines.

Therefore, a series of limitations must be placed on the operation of the cigarette machines to limit their use by minors.

Starting on January 10, 2004, the cigarette machines have to be on a timer to turn off from 7 am to 11 pm, meaning they only operate during hours that would make it difficult for minors to access them.

Machines in or outside tobacco shops must limit their operation to nighttime use, even when they are in public spaces, instead of receiving the license set forth in Art. 87, point 2) of the Presidential Decree of October 14, 1958, no. 01 074, as replaced by Art. 20 of the Law no. 556 of August 8, 1977:

Therefore, on January 1, 2004, only machines with an automatic magnetic reader may be installed, which work by sliding the ID card in the reader. When a valid ID is entered, these machines work during the hours cited above.

At the request of the machine owner, the machines located in public spaces may be removed pursuant to the cited Art. 87, point 2) of the Presidential Decree of October 14, 1958, no. 01074 as replaced by Art. 20 of the Law of August 8, 1977, no. 556. In this case, for any service needs, a license will be issued.

Upon receipt of this license and until new provisions are enacted on the matter, the offices in question, except in the cases set forth under point 1) of the cited article, will refrain from issuing permits to install machines.

In order to recognize the automated machines' sales network, by using the included facsimile, they will report any automatic machines to the Inspectorate by December 31, specifying their exact location.

This requirement must be fulfilled using the enclosed facsimile for new systems or to move existing systems.