

## ITALY

### Art. 51

*(Health protection of non-smokers)*

1. Smoking is prohibited in enclosed premises, with the exception of:
  - a) private premises which are not open to users or to the public;
  - b) premises reserved for smokers and which have been marked as such.
2. The businesses and workplaces referred to in paragraph 1, point b) must be equipped with ventilation and aeration systems which are regularly working. In order to guarantee the essential levels of to the right to health, the technical features of ventilation and aeration equipment are defined within 180 days of publication of this Law in the *Official Gazette*, with regulations, to be issued in pursuant to Article 17, paragraph 1 of Law No. 400 of August 23, 1988, and subsequent modifications, proposed by the Minister of Health. With said regulations, the premises reserved for smokers are defined as well as model notices related to the implementation of the provisions of this article.
3. For catering operations, pursuant to paragraph 1, paragraph b), one or more premises with a surface area predominant to the total surface area of the business should be assigned to non-smokers.
4. With the regulation to be issued in accordance with Article 17, paragraph 1 of Law No. 400, August 23, 1988, and subsequent modifications, on proposal of the Minister of Health, further enclosed spaces can be identified where smoking may be permitted in accordance with the provisions of paragraphs 1, 2 and 3.
5. For infringements of the prohibition of this article, the sanctions will be applied according to Article 7 of Law No. 584 of November 11, 1975, which was replaced by Article 52, paragraph 20 of the Law No. 448 of December 28, 2001.

6. In order to allow the gathering of adequate information, to be implemented with the agreement of the most highly represented organisations, the provisions of paragraphs 1, 2, first sentence, 3 and 5 come into force one year after entry into force of the regulation referred to in paragraph 2.

7. Within 120 days from the date of publication of this Law in the Official Gazette, with agreement reached in the permanent Conference for relations between the State, the regions and autonomous provinces of Trento and Bolzano, on the proposal of the Minister of Health in consultation with the Justice and Interior Ministers, the procedures are redefined for the assessment of infringements, the relevant forms for importance of the penalties and the identification of persons entitled to raise the relevant reports, of those competent to receive the report on infringements established under Article 17 of Law No. 689 of November 24, 1981, and those members to impose sanctions.

8. The provisions of this Article will not cause great burdens on the state budget.

9. The provisions of Articles 3, 5, 6, 8, 9, 10 and 11 of Law No. 584 of November 11, 1975 remain in force in so far as they are consistent.

10. There is no prejudice to the provisions governing the prohibition of smoking in public areas.