

LAW of November 11, 1975, no. 584

Ban on smoking in determined sites and on public means of transportation.

In effect on: 08/21/2015

ACTIVATE REGULATORY
REFERENCES

The Lower House and Senate of the Republic approved;

THE PRIME MINISTER
PROMOTES

the following law:

Art. 1

Smoking is prohibited in:

- a) hospital hallways, classrooms at any type of school; state-owned and public and private agency's vehicles granted for the mass transit of people; ((1)) subway cars, railway, ferry, port-maritime and airport lounges; in non-smoking railway wagons, which must be included in each State-run passenger train and in passenger trains granted by private parties for public use; in sleeping wagons and berths occupied by more than one person during the night;
- b) indoor rooms for public meetings, indoor rooms for movies or theatrical presentations, indoor ballrooms, race rooms, academic meeting rooms, at museums, libraries and rooms open to the public, art museums and public art galleries or galleries open to the public.

UPDATE (1)

The Presidential Decree of July 11, 1980, no. 753 provides (with Art. 104) that all references to public ground transportation contained in letter a) of this article, except that set forth in the previous Article 103, are abrogated. The text of the aforementioned article is provided: "Until the enactment of the regulatory references and internal provisions set forth in the previous section IX, the provisions of the existing laws and regulations remain in effect for the individual subjects indicated in the same title."

Art. 2

((SECTION ABROGATED BY PRESIDENTIAL DECREE OF JULY 11, 1980, NO. 753)) ((1))

((SECTION ABROGATED BY PRESIDENTIAL DECREE OF JULY 11, 1980, NO. 753)) ((1))

Those who are required by law, regulation or provisions of the authorities to maintain the internal order at the locations indicated in this Article 1), letters a) and b) as well as the lessees of these locations as per letter b) of this article must observe the ban, posting visible signs with information on penalties for transgressors.

UPDATE (1)

The Presidential Decree of July 11, 1980 no. 753 provides (with Art. 104) for the abrogation of this section notwithstanding the previous Art. 103. The text of this article is provided, "Until the enactment

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of the regulatory references and internal provisions set forth in the previous section IX, the provisions of the existing laws and regulations remain in effect for the individual subjects indicated in the same title.”

Art. 3

The lessee of one of the locations indicated in Article 1, letter b) may obtain a waiver from observance of that set forth in Article 1 of this law when there is an air conditioning system or ventilation system the correspond respectively to the definition and classification features determined by the Consolidated Italian National Agency (UNI). To this end, a petition must be filed with the mayor along with the air conditioning system diagram containing its technical operational and installation features. A waiver of the ban on smoking is authorized by the mayor pending the approval of the health official. The Surgeon General must enact, within one hundred eighty days from the publication of this law, having heard the Higher Health Council, provisions on the temperature, humidity, speed and air renewal times at the locations indicated in Article 1, letter b) based on which the air conditioning and ventilation systems operate.

Art. 4

The regulations set forth in Article 2, section 3 of the Law of August 14, 1971 no. 819 include operators or owners of movie houses that are medium or small-size movie houses as per the first section of Article 3 regardless of where they are located and so long as they are active prior to the date this law goes into effect.

Art. 5.

Notwithstanding the fines set forth by this law, the public safety authorities may adopt the measures set forth in Article 140 of the regulation to implement the consolidated text on the public safety laws of June 18, 1931, no. 773, approved with the Royal Decree of May 6, 1940, no. 635, in the cases where:

- a) it violates the regulations set forth in Article 2, third section;
- b) the air conditioning systems are not operative or are not run appropriately or are not perfectly efficient.

Regardless of the provisions adopted by the public safety authority, the authorization for the waiver of the smoking ban set forth in Article 3, third section is suspended by the local public safety authority in the cases set forth in letter b) of the previous section. The suspension may be revoked by the mayor, having heard the health official, after verifying the efficiency of the operating system if the petition is submitted by the lessee of the location.

In the case of repeated violations of the provisions contained letter b) of the first section of this article or particularly serious violations, the mayor may revoke, having heard the health official, the authorization for the waiver of the smoking ban set forth in Article 3, third section.

Art. 6

The lessee of one of the location indicated in Art 1, letter b) is responsible for all necessary costs to conduct the audits set forth in this article.

Art. 7

((1. The transgressors of the provisions of Article 1 are subject to administrative fines of between €25 and €250; the fine will be doubled if the violation occurs in the presence of an obviously pregnant or breastfeeding woman or children under the age of twelve.

2. The people indicated in Article 2, who do not fulfill the provisions contained in this article, are subject to a fine of between €200 and €2,000; this sum is automatically increased by 1.5x in the cases set forth in Article 5, first section, letter b).

3. The obligation to pay the sums set forth in this law cannot be transferred to heirs)).

Art. 8

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The transgressor, when possible, must be immediately informed of the violation, who is allowed to pay the minimum fine to the person who reports the violation.

If the transgressor is not personally informed of the violation, the violation notice must be sent to his/her residence in Italy within thirty days of the violation.

If the payment does not occur immediately, the transgressor may, within a term of fifteen days from the date of the violation or notice, make a payment from his/her checking account under the terms and conditions indicated in the violation notice.

On the sixteenth to the sixtieth day of the violation or violation notice, the transgressor is allowed to pay a sum equal to one third of the maximum penalty using the terms and conditions set forth in this section.

Art. 9.

The subjects who can legally report infractions pursuant to the regulations included in Article 2 of this law, if payment does not occur as per Article 8, will file a report with the police station with the evidence supporting the violation or violation notice. The police station, if it finds the violation to have merit, having heard the interested parties who request it within fifteen days from the final date for payment of the fine, determine the sum owed for the violation within the minimum and maximums allowed by law and request payment along with the notification costs from the transgressor providing just cause.

The notice includes a payment term that cannot be less than thirty days or exceed ninety days from the date of notification. The violation notice is executive.

The transgressors may file an appeal with the police station where the violation occurred within the payment terms. An appeal does not suspend the action against those for whom the violation was issued unless the Court deems otherwise. During the appeal, the appellant may appear without counsel as per Article 82, second section of the Civil Procedure Code. The case files do not require tax stamps and the ruling does not need to be recorded.

The objection is filed as an appeal. The police station sets a hearing date, within thirty days, and informs the clerk about the appeal and the police station and interested parties about the ruling.

The ruling settling the dispute may not be appealed.

Art. 10

The right to collect the sum for the violations indicated by this law expires five years from the date the violation was committed.

Art. 11

Except for that set forth in Article 9, after the payment term expires, the Finance Office will collect the sums owed at the request of the Health Administration through debt recovery in accordance with the consolidated text approved with the Royal Decree of April 14, 1910, no. 639 on debt recovery of revenue for the State and other public agencies.

Art. 12

This law goes into effect the 180th day from its publication in the Official Gazette of the Italian Republic.

This law, bearing the seal of the State, will be included in the Official Registry of Laws and Decrees for the Italian Republic. Everyone must observe it and ensure it is observed like any law of the State.

Done in Rome on November 11, 1975

Unofficial Translation

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LEONE

MORO – GULLOTTI – REALE

GUI – COLOMBO –

MARTINELLI – SARTI

Approved by the Attorney General: REALE