

LAW OF UKRAINE

About modification of some legislative acts of Ukraine concerning restriction of circulation of excisable goods, devices for consumption of tobacco products without their combustion and strengthening of control over sale of such goods

(The Official Bulletin of the Verkhovna Rada of Ukraine (BVR), 2021, No. 15, Article 125)

The Verkhovna Rada of Ukraine **resolves:**

I. To make changes to the following legislative acts of Ukraine:

1. Article 156 of the Code of Ukraine on Administrative Offenses (The Official Bulletin of the Verkhovna Rada of the USSR, 1984, Annex to No. 51, Article 1122) to read as follows:

“Article 156. Violation of rules of trade in beer, alcoholic, low-alcoholic beverages, tobacco products, electronic cigarettes and liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion

Retail or wholesale trade in alcoholic beverages or tobacco products, liquids used in electronic cigarettes, without excise tax stamps or with counterfeit stamps of this tax –

entails the imposition of a fine of two hundred to six hundred non-taxable minimum incomes of citizens with the confiscation of trade items and proceeds from the sale of trade items.

Violation by an employee of a trade or catering enterprise (organization) of the rules of trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes and liquids used in electronic cigarettes, devices for consuming tobacco products without their combustion, namely: trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion in premises or in areas prohibited by law or in other places recognized by the local self-government authority as being such places where retail trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for the consumption of tobacco products without their combustion is prohibited, or trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for the consumption of tobacco products without their combustion through vending machines or to persons under the age of 18, as well as the sale of beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for the consumption of tobacco products without their combustion to a person under 18 years of age, or selling tobacco products in packages containing less than 20 cigarettes, or individually (except for cigars), or trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines at a time of day prohibited by the decision of the relevant local government –

entails the imposition of a fine of four hundred to eight hundred non-taxable minimum incomes of citizens.

Trade in beer (except non-alcoholic), alcoholic, low-alcohol beverages, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consuming tobacco products without their combustion, by hand, from trays, in premises or in territories prohibited by law, -

entails the imposition of a fine of four hundred to eight hundred non-taxable minimum incomes of citizens with the confiscation of trade items and proceeds from the sale of trade items.

The actions provided for in part one or three of this Article, committed by a person who has been subjected to an administrative penalty for the same violations within the year, -

entail the imposition of a fine of eight hundred to one thousand four hundred non-taxable minimum incomes of citizens with the confiscation of trade items and proceeds from the sale of trade items.”

2. In Law of Ukraine “On state regulation of production and circulation of ethyl alcoholic, cognac and fruit alcoholic beverages, tobacco products, liquids used in electronic cigarettes, and fuel” (Official Bulletin of the Verkhovna Rada of Ukraine, 1995, No. 46, Article 345 with the following changes):

1) in Article 1:

in the eleventh paragraph, the words “or chewing” shall be replaced by the words “chewing or heating”;

after the sixty-fifth paragraph, add two new paragraphs as follows:

“Heated tobacco products (HTP) by means of electronically controlled heaters - products containing industrially processed tobacco, not intended for smoking, sniffing, sucking or chewing, which are used to generate aerosols by heating tobacco with an electric heater with electronic control of temperature that does not cause the process of lighting (combustion) of the product and the release of tobacco smoke;

devices for the consumption of tobacco products without their combustion - devices designed for inhalation of aerosols (vapors), which are formed by heating products containing tobacco (products of its processing), without their combustion.”

In this connection, paragraphs sixty-six and sixty-seven shall be deemed to be paragraphs sixty-eight and sixty-nine, respectively;

the sixty-eighth paragraph shall be worded as follows:

“The terms “fuel”, “electronic cigarette”, “liquids used in electronic cigarettes” are used in this Law in the meanings given in Tax Code of Ukraine”;

delete the sixty-ninth paragraph;

2) Article 15² shall be worded as follows:

“Article 15². Restrictions on the consumption of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines, tobacco products, the use of electronic cigarettes, devices for the consumption of tobacco products without their combustion

Consumption of beer (except non-alcoholic), alcoholic and low-alcohol beverages, table wines is prohibited:

- 1) in health care facilities (except for the consumption of table wines on the territory of sanatoriums in specially designated places);
- 2) in educational institutions;
- 3) in public transport (including international transport), at transit stops, in underground passages;
- 4) in cultural institutions;
- 5) in enclosed sport buildings (except beer in plastic containers);
- 6) in elevators and phone booths;
- 7) on playgrounds;
- 8) on athletic grounds;
- 9) in the premises of public authorities and local governments, other government agencies;
- 10) in places of sports competitions with the participation of children.

Restrictions on the consumption of tobacco products, the use of electronic cigarettes and devices for the consumption of tobacco products without their combustion and liability for their violation are set in the Law of Ukraine “On measures to prevent and reduce the use of tobacco products and their harmful effects on public health” and the Code of Ukraine on Administrative Offenses.

At the time of mass events, village, town and city councils within the relevant administrative territory may prohibit or restrict the consumption of beer (except beer in plastic containers), alcoholic, low-alcohol beverages, table wines, the smoking of tobacco products and the use of electronic cigarettes, devices for the consumption of tobacco products without their combustion”;

3) in Article 15³:

the title, parts one to five shall be worded as follows:

“Article 15³. Restrictions on the sale of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for the consumption of tobacco products without their combustion

The sale of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for the consumption of tobacco products without their combustion is prohibited:

- 1) by persons younger than 18 years of age;
- 2) to persons younger than 18 years of age;
- 3) in the premises and on the territory of educational institutions, health care institutions (except for restaurants located on the territory of sanatoriums);
- 4) in the premises of specialized trade organizations engaged in trade in children’s products or sporting goods, as well as in the relevant departments (sections) of universal trade organizations;
- 5) in enclosed sport buildings (except beer in plastic containers);
- 6) in places of sports competitions with the participation of children;
- 7) from vending machines;

8) on self-service shelves (except for tobacco products in cartons and alcoholic, low-alcohol beverages, table wines, beer);

9) individually (for tobacco products, except cigars);

10) in consumer packages containing less than 20 cigarettes;

11) by hand;

12) in places of trade not specified for it.

It is prohibited to sell children's products that mimic tobacco products or electronic cigarettes, devices for consuming tobacco products without their combustion.

At the time of mass events, village, town and city councils within the relevant administrative territory may prohibit or restrict the sale of beer (except beer in plastic containers), alcoholic, low-alcohol beverages, table wines, smoking tobacco products, use of electronic cigarettes, devices for tobacco consumption without their combustion.

If the seller of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wine, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consuming tobacco products without their combustion has doubts that the buyer of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consuming tobacco products without their combustion has reached 18 years of age, the seller must ask such a buyer for a Ukrainian passport ID or another document which confirms his age.

In case the buyer refuses to provide such document, the sale of beer (except non-alcoholic), alcoholic, low-alcohol beverages, table wines, tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion to such person is forbidden".

3. In the Law of Ukraine "On measures to prevent and reduce the use of tobacco products and their harmful effects on public health" (Information Bulletin of the Verkhovna Rada of Ukraine, 2005, No. 52, Article 565, as amended):

1) in Article 1:

in part one:

after the ninth paragraph, add a new paragraph to read as follows:

"devices for the consumption of tobacco products without their combustion - devices designed for inhalation of aerosols (vapors) formed by heating products containing tobacco (products of its processing), without their combustion."

In this connection, the tenth to seventeenth paragraphs shall be deemed to be the eleventh to eighteenth paragraphs, respectively;

delete the fourteenth paragraph;

supplement parts two and three with the following content:

"The term "tobacco products" is used in this Law in the meaning given in the Law of Ukraine "On state regulation of production and circulation of ethyl alcohol, cognac and fruit alcoholic beverages, tobacco products and fuel".

The terms "electronic cigarette", "liquids used in electronic cigarettes" are used in this Law in the meanings given in Tax Code of Ukraine";

2) the title and part one of Article 13 shall be worded as follows:

"Article 13. Restrictions on the sale and use of tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion

Sale of tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion to persons under 18 years of age, as well as sale of tobacco products in packages containing less than 20 cigarettes, or individually (except for cigars) is prohibited. The law may establish other restrictions on the sale of tobacco products, electronic cigarettes, liquids used in electronic cigarettes, devices for consumption of tobacco products without their combustion."

II. Final provisions

1. This Law shall enter into force on January 1, 2021, except the second paragraph of sub-item 1 of item 2 of section I of this Law, which shall enter into force 18 months from the date of entry into force of this Law.

2. The Cabinet of Ministers of Ukraine shall, within three months from the date of entry into force of this Law:

submit to the Verkhovna Rada of Ukraine a draft Law of Ukraine on bringing the legislation of Ukraine in line with the provisions of Directive 2014/40/EC of the European Parliament and Council dated April 3, 2014 on the approximation of laws, regulations and administrative provisions of the Member States on production, presentation and sale of tobacco products and related products and repealing the Directive 2001/37/EC in order to regulate the production and circulation of the latest tobacco products, smokeless tobacco products and electronic cigarettes;

bring their regulations in line with this Law;

ensure that ministries and other central executive bodies bring their regulations in line with this Law.

3. The Cabinet of Ministers of Ukraine annually, starting from 2021, shall inform the Verkhovna Rada of Ukraine on the status of implementation of this Law.

President of Ukraine

V. ZELENSKY

**Kiev
December 2, 2020
No. 1019-IX**

Publications of the document

- **Voice of Ukraine** dated 29 DEC 2020 – No. 240
- **Government Courier** dated 30 DEC 2020 – No. 253
- **Official Gazette of Ukraine** dated 12 JAN 2021 - 2021, No. 3, page 13, article 114, act code 102437/2020
- **Bulletin of the Verkhovna Rada of Ukraine** dated 09 APR 2021 – 2021, No. 15, page 6, article 125

[QR code]