



# REPUBLIC OF SAN MARINO

DELEGATIVE DECREE, 28<sup>th</sup> November, 2008 n.145  
(*Ratification of Delegative Decree n. 128, 30<sup>th</sup> September, 2008*)

## **We the Captains Regent Serene Republic of San Marino**

*Given the Delegative Decree n.128, 30<sup>th</sup> September, 2008 For the “Prohibition of advertising and exposure modes of tobacco products”, Promulgated:*

*Having regard to Article 9 of Law No.52, 20<sup>th</sup> March, 2008;*

*Given the decision of the State Congress n.24 adopted at its meeting on 17<sup>th</sup> September, 2008;*

*Given that under Article 22 of the above mentioned becomes mandatory and binding at the time of the adoption of the decree in question it is still however necessary and urgent in the interests of the Republic;*

*Given the amendments to the decree during the ratification of the same by the Great and General Council at the sitting of 25<sup>th</sup> November, 2008;*

*Having regard to Article 30, second paragraph, and 31, second paragraph, of Law n. 31, 18<sup>th</sup> February, 1998;*

*Having regard to Articles 8 and 9, paragraph 5, of Law Qualified n.186/2005;*

*Promulgate and publish the final version sent to the Executive Decree 30<sup>th</sup> September, 2008 n.128 changed as a result of amendments adopted by the Great and General Council in ratifying the same:*

## **PROHIBITION OF ADVERTISEMENT AND METHOD OF EXPOSURE TOBACCO PRODUCTS**

### **Art.1**

*(Prohibitions)*

1. The Advertising of cigarettes and other tobacco product is prohibited.
2. Internally to the authorised activities for the sale of tobacco products, with the exception of retail trade exercise of kinds of deprivation under the title tobacco, the use of signs, markings or other means of exposure of these products except exhibitors whose maximum dimensions and characteristics must be agreed by the Office for Industry, Commerce and Handicrafts and Professional Associations is prohibited.
3. In the above mentioned the use of an appropriate sign is allowed see Attachment A of this Decree. This sign must not be visible from outside.

### **Art 2**

*(Vending Machines)*

1. Tobacco vending machines must be equipped with an automatic document reading system detailing user's details. The device must prevent sale of products to people under 18 as indicated in Article 4, paragraph 2, of Law March 20<sup>th</sup>, 2008 n.52.
2. The features of this device and recognition of data will be subject to special regulation to be prepared by the Office for Industry, Commerce and Handcrafts by December 31<sup>st</sup>, 2008.

3. Operators in possession of a tobacco products vending machine allowed to Under Article 30 of Law 25<sup>th</sup> July 2000 n.65, must adjust the device on the basis of the information contained in the rules of the preceding paragraph within 60 days of its adoption, under penalty of revocation.

4. Control over the presence of such a device and its smooth operation is entrusted to the Office for Industry, Commerce and Handcrafts and may use Police Department equipment

**Art. 3**  
*(Sanctions)*

1. Failure to comply with the provisions of this decree shall be punished with a fine from € 516.00 to € 2,582.00.

2. In case of repeated administrative violations punishable in the previous paragraph the fine is increased to three times the minimum depending on the maximum gravity.

3. For purposes of this Ordinance, a recidivist is one who, in the last five years, appears to have committed the same administrative violation. In this case the voluntary offering is not allowed under Article 33 of Law No 28<sup>th</sup> June 1989 68.

4. Anyone in the same period referred to in the preceding paragraph, commits a further administrative violation will be subject, as well as the application of a fine of the second paragraph of this Article, including the sanctions of suspension of the business for a period of three to ninety days.

*Data from our residence, 28<sup>th</sup> November 2008 / 1708 DFR*

The Captains Regent  
*Ernesto Benedettini - Assunta Meloni*

THE SECRETARY OF STATE  
FOR HOME AFFAIRS  
*Valeria Ciavatta*

**ATTACHMENT A**

**TOBACCO SALES SIGN TO BE UTILISED INTERNALLY**

