

## **Act XLII of 1999**

### **on the Protection of Non-Smokers and Certain Regulations on the Consumption and Distribution of Tobacco Products**

The Parliament,

- having regard to the unfavorable general health indicators of the Hungarian population,
- in the interest of dissuading young non-smokers from starting to use tobacco by way of imposing some restrictions concerning the sale of tobacco products,
- showing its commitment for providing protection to non-smokers and persons who, due their age or state of health, require increased protection against the harmful effects of passive smoking through the regulation of the consumption of tobacco products primarily in public places,
- recognizing, moreover, the need for having the regulations concerning the protection of non-smokers to be reviewed periodically consistent with the expansion of more health-conscious behavior, so as to enable the state to provide protection against the harmful effects of passive smoking in previously unaffected areas of the private sector,
- stressing, particularly, that smoking should be avoided, in due respect of the right to privacy, in the presence of minors, pregnant women, sick people or persons whose mobility is limited for any reason, even in areas of private life, especially in enclosed areas or inside of cars, in light of the fact that all tobacco smoke has toxic properties, and it has no health-based limit value in terms of exposure, that can be considered safe,
- thus promoting the implementation and protection of the constitutional rights related to good health and a healthy environment,
- having regard - subject to consultation concerning reconciliation of conflicting interests - to the need for improvements in the traditional habits of consumption of tobacco products, while recognizing reasonable consumption patterns,

has adopted the following Act:

### **Interpretative provisions**

#### *Section 1.*

For the purposes of this Act:

- a)* "tobacco product" means cigarettes, cigars, cigarillos, pipe tobacco and tobacco in other processed forms or any other tobacco-based product intended for smoking in accordance with a separate legal regulation;
- b)* "smoking" means the burning of tobacco products causing smoke;
- c)* "public institution" means any establishment or other similar means of natural or legal persons, or unincorporated business associations engaged in performing public functions, public duties or other services in the public interest (hereinafter referred to collectively as "services") for those concerned, irrespective of whether admission thereto for the general public is unrestricted or rendered conditional;
- d)* "event" means a gathering or program created through the congregation of at least three persons as set forth in Subsection (1) of Section 2 of Act III of 1989 on the Right of Assembly, and organized for business, cultural, sport - other than recreational - or religious purposes or for interest representation purposes;

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*e)* "confined area" means any structure or medium physically separated from its environment by some technical solution, whose continual ventilation from the external environment is not guaranteed or is guaranteed exclusively by means of doors and windows or other technical equipment.

*f)* "combined warning" means a warning arranged according to the government decree adopted by authorization of this Act, comprising a picture or representation and a text message of supplementary warning;

*g)* "non-governmental organization for the protection of health" means an association established under the Act on the Right of Association, whose objective specified in the statutes is the suppression of smoking, that has been operating for at least two years, including the alliances of such associations.

*h)* "outside packaging" shall mean any packaging in which products are placed on the market and which include a unit packet or an aggregation of retail unit packets;

## **Fundamental Provisions on the Consumption of Tobacco Products**

### *Section 2.*

(1) With the exception of areas designated for smoking - subject to the derogation set out in Subsection (3) - smoking is prohibited:

*a)* in the areas of public institutions which are open to the general public;

*b)* on means of public transport;

*c)* at places of work;

*d)* in public places, such as:

*da)* underpasses for pedestrian traffic and other enclosed interconnecting spaces open for public traffic, in public playgrounds, including a five-meter zone surrounding such playgrounds, measured from the perimeter of the playground,

*db)* in railway facilities serving the operation of public railway services and other spaces comprising part of railway lines which are open to the general public, in stations and stopping places installed or designated for the use of means of public transport, including waiting areas and spaces, in the case of open-air stopping places and waiting areas inside a five-meter zone surrounding such stopping places and waiting areas, measured from the perimeter of the stopping place and waiting area, however, if the outer perimeter of the designated non-smoking area cannot be clearly identified, smoking shall be prohibited within a five-meter radius from the sign or other marking of the stopping place or waiting area.

(2) Subject to the exception set out in Subsection (5), smoking areas may not be designated:

*a)* in the enclosed spaces of public institutions;

*b)* in the enclosed spaces of work places;

*c)* on means of local public transport, suburban light rails, suburban railways, on scheduled intercity buses and scheduled railways carrying passengers.

(3) By way of derogation from Paragraph *a)* of Subsection (1), smoking is permitted without the designation of a smoking area:

*a)*

*b)* in the enclosed rooms of institutions providing accommodations, if let and expressly designated as a room for smokers;

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provided that smoking is not prohibited by other provisions of this Act or by fire regulations.

(4) In addition to what is contained in Paragraphs *a)* and *b)* of Subsection (2), areas may not be designated outdoors for smoking:

*a)* in public education institutions;

*b)* in child welfare and child protection institutions;

*c)* subject to the exception set out in Subsection (5), in the facilities of healthcare service providers referred to in Paragraph *f)* of Section 3 of Act CLIV of 1997 on Health Care (hereinafter referred to as "HCA").

(5) According to the provisions of Subsections (7)-(9) indoor smoking areas may be designated:

*a)* in the cases described in Section 9;

*b)* in penal institutions, police detention facilities, lockups and compounds of restricted access for the inmates and detainees, including those suffering in some form of mental disorder;

*c)* in the psychiatric institutions referred to in Paragraph *a)* of Section 188 of the HCA, for psychiatric patients;

*d)* for workers, where the adjusted effective temperature - defined in specific other legislation - in indoor workplaces is higher than 24 °C;

*e)* for workers working in places rated extremely or highly flammable or in workplaces and facilities of moderate fire risk where areas may not be designated outdoors for smoking:

*ea)* in harmony with break-times provided under the Labor Code,

*eb)* in compliance with fire regulations, and

*ec)* in accord with the nature of the activity pursued,

or may be designated only at the expense of causing serious danger to safety of life or property, or to the national economy.

(6) The government body in charge of the healthcare system and the fire protection authority shall inspect designated smoking areas for compliance with the provisions of this Act and from the point of view of fire prevention, respectively.

(7) Areas and spaces where smoking is prohibited and designated smoking areas, spaces and public places must be clearly indicated as such by means of a symbol or other explicit sign, or a standard prohibitive sign or pictogram in the event of prohibition under fire regulations.

(8) Where an enclosed area is designated for smoking under this Act, such smoking section may not be designated in the same room where a non-smoking area is also located. In the case of enclosed smoking areas, an adequate supply of fresh air must be ensured through windows or by the installation of other technical means, where tobacco smoke must not be allowed to enter the non-smoking areas. In the application of this Subsection, circulation of air shall be considered adequate if:

*a)* a ventilation mechanism providing a steady supply of fresh air and the removal of spent air is installed, and

*b)* the designation of the smoking areas and the air ventilation of the premises are designed in such a way that tobacco smoke flows directly from where it originates through the ventilation conduit without the non-smoking areas being in the direction of the flow.

(9) In the cases referred to in Paragraphs *d)* and *e)* of Subsection (5) enclosed smoking areas may be designated subject to the prior consent of the government body in charge of the healthcare system. The government body in charge of the healthcare system shall conduct regulatory proceedings upon request, including site inspection, for the authorization of a smoking area if it meets the requirements set out in Paragraphs *d)* and *e)* of Subsection (5) and in Subsections (7) and (8) hereof. The proceedings of the government body in charge of the healthcare system for the authorization of a designated smoking area shall be subject to an administrative service fee in the amount decreed by the minister in charge of the healthcare system in agreement with the minister in charge of taxation.

*Section 2/A.*

(1) In addition to what is contained in Paragraph *d*) of Subsection (1) of Section 2, municipal governments shall be empowered to declare public places non-smoking areas by way of a decree. The decree of municipal governments shall define the scope of prohibition of smoking in sufficient detail so as to allow the persons required to designate smoking areas in accordance with this Act to satisfy such obligation. The provisions of Subsection (7) of Section 2 shall apply to the designation of non-smoking public places.

(2) Compliance with smoking restrictions in public places pursuant to this Act and the municipal decree referred to in Subsection (1) may be monitored - in addition to what is contained in Section 7 and in accordance with the relevant municipal decree - by the local community patrol as well, with the right to levying an instant fine of up to 30,000 forints upon any person violating smoking restrictions.

(3) The instant fine referred to in Subsection (2) shall constitute revenue for the competent municipal government.

(4) For any violation of smoking restrictions by the same person, at the same time and place, the instant fine under Subsection (2) hereof and the healthcare penalty under Section 7 may not be imposed collectively. If both the local community patrol and the government body in charge of the healthcare system have opened proceedings for any violation of smoking restrictions by the same person, at the same time and place, it shall be conducted by the authority vested with competence under Subsection (6) of Section 21 of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services (hereinafter referred to as "APA").

*Section 3.*

(1) Persons acting within the scope of duties of the public institution as well as persons professionally involved in the operation of means of public transport (hereinafter jointly referred to as „authorized persons”) are obliged to request anyone violating the smoking restriction to immediately cease such infringement. In the event that the request is unsuccessful, the authorized person shall demand that the person concerned leave the public institution or the means of public transport or shall initiate the proceedings described in Subsections (1), (2) and (13) of Section 7.

(2) At the request of the person defined in Subsection (1)- upon presenting proof of authority for the measures being taken - the person concerned is obliged to prove his identity.

*Section 4.*

(1) In the cases defined in Paragraphs *a*) and *c*) of Subsection (1) of Section 2 - with the exceptions set out in Subsection (6) of this Section and Subsections (3)-(5) of Section 2 - a non-enclosed area that meets the requirements set out in this Act and by fire regulations shall be designated and maintained for smoking subject to the provisions of Subsection (7) of Section 2. With the exception of public institutions providing entertainment and/or restaurant services, smoking areas may not be designated within five meters from the entrance of any public institution. In the case of public institutions providing entertainment and/or restaurant services, a smoking area may be designated within five meters from the entrance if there is no outdoor space available inside the premises of the institution that can be designated for smoking within five meters from the entrance.

(2)

(3) The designation of smoking areas on means of public transport, operating by public or private operators, other than those mentioned in Paragraph *c*) of Subsection (2) of Section 2, shall be determined by the operator in compliance with fire regulations and traffic safety requirements.

(4)-(5)

(6) The operator of a public institution - other than the public institutions under Paragraphs *a*)-*c*) of Subsection (5) of Section 2 - may declare the institution a non-smoking establishment. In this case there is no need to designate a smoking area in the institution, neither enclosed nor outdoors. The non-smoking status of the institution must be displayed in an easily visible manner using unambiguous wording or signs at the entrance to the institution open to the general public, as well as in all places which are open to the general public.

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(7)

(8) By way of derogation from Paragraph *c*) of Subsection (4) of Section 2, in multi-purpose institutions in which or in the premises of which healthcare services are also provided, the provisions contained in Subsection (1) hereof shall be observed, with the exception that areas may be designated outdoors for smoking only if properly separated from the areas attended by persons seeking medical services out of habit or necessity.

(9) The requirements set out in Subsections (1)-(8) of this Section and in Section 4/A shall be enforced by the person appointed under the internal regulations of the public institution - failing this by the head or operator of the institution -, by the organizer of the event or by the operator of the means of public transport, or the principal of the institution of public education or the employer.

#### *Section 4/A.*

(1) Employers may prohibit smoking at any workplace - or any business establishment where applicable - in accordance with the provisions laid down in Subsections (2)-(3). In this case, in the facilities and areas of which the employer has exclusive control smoking areas may not be designated. The designation that a workplace has been declared smoke-free must be displayed in an easily visible manner using unambiguous wording or signs at the entrance to the premises open for pedestrian traffic, as well as in all places used also by persons other than the employees and in the corridors leading to these areas at places where it can be seen by all persons admitted.

(2) The decision to declare an employer a smoke-free workplace in accordance with Subsection (1) may be adopted:

*a*) in the collective agreement where applicable;

*b*) at the request of or in agreement with the employees of employers to whom Paragraph *a*) does not apply.

(3) The initiative referred to in Paragraph *b*) of Subsection (2) may be presented by a trade union vested with powers to conclude the collective agreement, or failing this by at least fifty per cent of all workers employed at the particular workplace, or at the business establishment where applicable, at the time the agreement is concluded. If initiated by the employer the agreement of employees shall be governed by the same rules that govern the launching of the initiative. The employer must comply with the initiative presented by the employees and shall declare the workplace or establishment smoke-free within thirty days.

(4) In connection with any workplace where a smoking area cannot be designated in accordance with Subsections (2) and (4) of Section 2, or where designating smoking areas is not obligatory under Subsection (3) of Section 2, Subsections (1)-(3) may not be applied. Where a workplace has been declared smoke-free according to Subsection (1), Subsections (2)-(3) shall apply *mutatis mutandis* to requests for the designation of smoking areas.

## **Restrictions on the Marketing and Distribution of Tobacco Products**

#### *Section 5.*

(1) Activities for the retail sale of tobacco products may not be pursued in public education institutions, social institutions providing personal care, in child welfare and child protection institutions as well as in health care institutions.

(2) Tobacco products may not be placed on the market as representative samples.

(3) Tobacco products may not be sold by vending machines.

(4) For the purposes of this Section, 'retail sale of tobacco products' shall have the meaning defined in the Act on Anti-Smoking Programs for Young People and on the Retail Sale of Tobacco Products.

#### *Section 6.*

(1) Placing cigarettes on the market is allowed only if the wording on the consumer packaging units of the product being placed on the market - which shall be visible with a contrasting background, easily readable, and durable - contains the following in the Hungarian language:

a) on one of the main sides covering at least 30 per cent of the surface

aa) the warning “A dohányzás súlyosan károsítja az Ön és a környezetében élők egészségét!” (*Smoking seriously harms you and others around you*), or

ab) “A dohányzás halált okozhat!” (*Smoking can kill*);

b) on the other main side covering at least 40 per cent of the surface, a combined warning selected by the manufacturer from among the options defined by the government decree adopted for the implementation of this Act, and

c) on one of the narrow sides covering at least 10 per cent of the surface, the numerical values of the tar, nicotine and carbon-monoxide content present in the primary smoke of each cigarette.

(2) The general health warnings under Paragraphs *aa*) and *ab*) of Subparagraph *a*) of Subsection (1) and the combined warning to be selected by the manufacturer shall be varied in such a way as to guarantee their systematic appearance on each of the main sides.

(3) The provisions contained in Subsection (1) shall apply *mutatis mutandis* to the retail unit packets of tobacco products which are not mentioned in Subsection (1), with the proviso that - as regards health warnings - the relevant government decree may contain provisions in derogation from the provisions of Paragraphs *a*) and *b*) of Subsection (1) as pertaining to the minimum size of health warnings set out in Paragraphs *a*) and *b*) of Subsection (1). Paragraph *c*) of Subsection (1) shall not apply to the retail unit packets of tobacco products not mentioned in Subsection (1). In the case of smokeless tobacco products, the relevant government decree may contain derogating provisions as pertaining to the wording of the general health warning set out in Paragraph *a*) of Subsection (1).

(3a) The provisions contained in Subsection (1) shall also apply to the conditions for placing tobacco products on the market in outside packaging, however, Paragraph *c*) of Subsection (1) shall not apply unless the relevant government decree provides otherwise.

(4) The health warning defined in Paragraph *a*) of Subsection (1) must also be posted on the premises of shops selling tobacco products and in the serving area of mobile vendors. The provisions contained in Subsection (1) shall apply *mutatis mutandis* to the display method of the warning with the understanding that the provision regarding the minimum size of the warning need not be applied.

(5) The detailed regulations governing the labeling and packaging of tobacco products are laid down in specific other legislation.

(6)

## **Violation of Prohibitions and Obligations Regarding the Consumption and Distribution of Tobacco Products**

### *Section 7.*

(1) The government body in charge of the healthcare system shall monitor compliance with the provisions contained in Sections 2-4/A and Section 9 of this Act, and Section 38 of Act XCIII of 1993 on Labor Safety, and - in the case of any infringement - shall impose a healthcare penalty upon the infringer natural or legal person, or unincorporated business association. The government body in charge of the healthcare system may waive the penalty in respect of the person specified in Subsection (9) of Section 4, if the authorized person has verifiably discharged his obligation set out in Subsection (1) of Section 3 in respect of the person engaged in any violation of the smoking restriction.

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(2) The party described in Subsection (9) of Section 4 shall also be obliged to pay a health care penalty if, within his scope of responsibilities, he does not enforce adherence to the prohibitions and restrictions contained in this Act with reference to smoking.

(3) A healthcare penalty may only be imposed on natural persons who at the time of the act were over the age of 14.

(4) The amount of the health care penalty

*a)* in the event of any breach of the prohibitions or restrictions with regard to smoking is between 20,000 and 50,000 forints;

*b)* in the event of non-compliance with the obligation regarding designation of smoking areas, or any infringement of the supervisory obligation with regard to the enforcement of prohibitions and restrictions concerning smoking:

*ba)* is between 100,000 and 250,000 forints if imposed upon the person held liable to fulfill these obligation, or

*bb)* between 1,000,000 and 2,500,000 forints if imposed upon an institution, organization, operator or business association.

(5) The health care penalty shall be determined in such a way that it conforms to the gravity of the act and the circumstances of the person concerned. In the case of Paragraph *a)* of Subsection (4) - by way of derogation from the amount limit specified therein - the competent authority may impose an instant health care penalty upon the perpetrator of up to 30,000 forints. In the event of non-payment of the instant penalty within thirty days the provisions of Subsection (4) shall apply.

(6)

(7) The health care penalty must be imposed by the authority vested with powers and jurisdiction for conducting the procedure within 6 months of acquiring knowledge of the conduct in accordance with Subsections (1)-(2). The health care penalty may not be imposed if one year has passed from confirmation of the unlawful conduct, unless such unlawful conduct continues. In this case the term of limitation begins the day the violation ceases.

(8)

(9) The healthcare penalty established by a definitive decision, and the consumer protection penalty imposed by final decision for any violation of the prohibitions or restrictions contained in this Act with regard to the distribution of tobacco products, as well as instant fines shall be payable into the account of government body in charge of the healthcare system.

(10)

(11)

(12) The imposition of the health care penalty shall not affect the applicability of any other legal ramifications of the violation, as set forth in other legal regulations.

(13) The person described in Subsection (1) of Section 3 shall initiate the execution of the disciplinary procedures against a violator of the smoking prohibition in public education institutions as provided for by this Act, in the course of fulfilling the obligation arising from the student relationship, or in the course of any other connected activity in the public education institution or in any other institution operating in this line of activity, with regard to students over the age of 14.

#### *Section 7/A.*

(1) The consumer protection authority shall monitor compliance with the provisions set out in Sections 5 and 6, and shall take action in the event of any infringement thereof in accordance with Act CLV of 1997 on Consumer Protection (hereinafter referred to as "CPA").

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(2) The provisions contained in Subsection (1) above are treated as consumer protection regulations in the application of the CPA.

*Section 7/B.*

(1) The government body in charge of the healthcare system, civil society organizations for the protection of health or the public prosecutor may file charges against any party engaged in illegal activities and causing substantial harm to public health policies affecting a broad segment of the population, aimed at enforcing the interests of the general public and/or to prevent such substantial harm to public health policies. The legal action referred to above may be filed if the identity of the injured persons cannot be established.

(2) The legal action referred to in Subsection (1) may be filed within one year of the occurrence of the infringement.

(3) In its decision the court may authorize the party enforcing the claim to publish the court's decision in a national newspaper at the expense of the infringing party.

(4) Client rights shall be conferred upon the civil society organization for the protection of health:

*a)* in proceedings of the government body in charge of the healthcare system opened with respect to any infringement of the provision of Sections 2-4/A of this Act and Section 38 of Act XCIII of 1993 on Labor Safety,

*b)* in proceedings of the consumer protection authority opened with respect to any infringement of the provision of Sections 5 and 6.

## **Closing Provisions**

*Section 8.*

(1) This Act shall enter into force on the first day of the seventh month following its promulgation, whereby in respect of institutions open to the public providing entertainment and hospitality services operating with a valid business license on the day the law enters into force, or which start operation after the law enters into force based on an application which has been filed and is in progress for a business license, the smoking restriction and the obligation regarding the designation of smoking areas shall be applied as of 1 January 2001.

(2) The prohibitions and restrictions set forth in this Act with regard to smoking and the distribution of tobacco products shall not affect the smoking prohibitions and restrictions provided for in other legal regulations for other interests or objectives.

(3) Cigarette tobacco products that do not conform to the provisions of Subsections (1) and (2) of Section 6 of this Act or the regulations laid down in specific other legislation cannot be manufactured and cannot be released for free circulation according to the provisions of Act CIII of 1997 on Excise Taxes and Special Regulations on the Marketing of Excise Goods; nor can they marketed for more than one year from the date on which this provision enters into force.

(4) The ministers affected are hereby authorized to decree detailed regulations on smoking, the designation of smoking areas and the distribution of tobacco products with regard to the armed services operating under their control and supervision in harmony with the provisions of this Act.

(5) The Government is hereby authorized to decree:

*a)* the combined warnings, and the detailed regulations for the application thereof, the wording of health warnings applicable to smokeless tobacco products, the detailed regulations relating to the retail unit packets of tobacco products not covered in Subsection (1) of Section 6, the contents and form of symbols and signs of smoking restrictions and for the designation of the smoking areas, and the conditions for the production, marketing and control of tobacco products, other than those covered by the Act on Excise Taxes and Special Regulations on the Distribution of Excise Goods;

in force 01.08.2013.

*b)* the detailed rules for the payment of healthcare penalties and keeping records on such payments.

(6) This Act contains regulations that may be approximated with the following legal regulations of the European Communities:

*a)* Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products;

*b)* Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products, Article 5(2) [Subsection (4) of Section 5 of this Act].

#### *Section 8/A.*

(1) Between 1 January 2012 and 31 March 2012 the government body in charge of the healthcare system shall refrain from levying a healthcare penalty in the event where the provisions of this Act in effect on 31 December 2011 did not sanction the conduct detected by regulatory inspection to constitute an infringement of this Act by having to levy a penalty.

(2) The proceedings of the government body in charge of the healthcare system referred to in Subsection (1) shall be governed by the provisions laid down in Paragraph *a)* of Subsection (1) of Section 94 of the APA, where:

*a)* the infringer shall be ordered to cease the infringement within a minimum deadline of twenty days, which must not be set before 1 April 2012, and

*b)* during the period referred to in Subsection (2), Paragraph *d)* of Subsection (2) of Section 94 of the APA shall not apply with respect to any infringement of this Act.

#### *Section 8/B.*

The cigarette tobacco products which are in conformity with the provisions of Section 6 as effective on 31 December 2011, that - however - fail to conform with the provisions of Section 6 as established by Act XLI of 2011 on the Amendment of Act XLII of 1999 on the Protection of Non-Smokers and Certain Regulations on the Consumption and Distribution of Tobacco Products (hereinafter referred to as "Amending Act"),

*a)* may not be manufactured as of the first day of the eighth month from the time of entry into force of the decree adopted under authorization by Paragraph *a)* of Subsection (5) of Section 8, and may not be released for free circulation according to Act CXXVII of 2003 on Excise Taxes and Special Regulations on the Distribution of Excise Goods, and

*b)* may not be placed on the market effective as of the first day of the twelfth month from the time of entry into force of the decree adopted under authorization by Paragraph *a)* of Subsection (5) of Section 8, and may not be released to final consumers."

#### *Section 9.*

(1) Any enclosed smoking area existing at the time of Amending Act entering into force in a public institutions that is recognized as accommodation under the Trade Act, and operated as a hotel in accordance with the relevant legislation, and that is authorized according to Subsections (3) and (4) may be retained and operated as a cigar room. Such continued operation shall be authorized by the government body in charge of the healthcare system.

(2) In the cigar rooms described in Subsection (1) no other service may be provided as of 1 January 2012, specifically, food and beverages may not be served, and employees may not be compelled to perform that function of their job that may require them to enter the cigar room in the presence of any guest to whom the service is supplied.

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(3) The operator of a hotel referred to in Subsection (1), if wishing to keep the cigar room operational after 31 December 2011, may apply for authorization within sixty days following the time of the Amending Act entering into force.

(4) The government body in charge of the healthcare system shall make inquiries, including an on-site inspection, to determine whether a cigar room that has been notified is in conformity with the conditions set out in Subsections (5) and (6). If the notified cigar room

*a)* is found not in conformity with the relevant conditions, the government body in charge of the healthcare system shall prohibit the designation of the cigar room as a smoking area effective as of 1 January 2012,

*b)* is found in conformity with the relevant conditions, the government body in charge of the healthcare system shall authorize the continued operation of the cigar room.

(5)-(6)

*Section 10.*

(1) Where a request had been submitted by an employer for the authorization of a designated smoking area in accordance with Paragraphs *d)-e)* of Subsection (5) of Section 2, as established by Act XXVI of 2012 on the Amendment of Act XLII of 1999 on the Protection of Non-Smokers and Certain Regulations on the Consumption and Distribution of Tobacco Products (hereinafter referred to as “Act XXVI/2012”) to the government body in charge of the healthcare system within thirty days of the operative date of Act XXVI/2012, healthcare penalty may not be levied after 1 April 2012 until the final conclusion of the proceedings with respect to the designation of the smoking area in question.

*Schedule to Act XLII of 1999*