



## Act on electronic cigarettes and refill containers for electronic cigarettes, No. 87/2018.

Where mention is made in this Act of ‘the minister’ or ‘the ministry’ without further definition, the reference intended is to the Minister of Health or to the Ministry of Welfare, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

### SECTION I General provisions.

#### Article 1

##### *Aim.*

The aim of this Act is to establish authorisations for the importation, sale, marketing and use of electronic cigarettes, to ensure the quality and safety of electronic cigarettes and refill containers for electronic cigarettes on the market and to ensure, through the measures available, that children are not able to purchase electronic cigarettes.

#### Article 2

##### *Scope.*

This Act applies to electronic cigarettes and refill containers for electronic cigarettes, irrespective of whether or not they contain nicotine.

This Act does not apply to electronic cigarettes that are classified as medical devices under the Medical Devices Act or to refill containers for electronic cigarettes that are classified as medicinal products under the Medicinal Products Act.

#### Article 3

##### *Definitions.*

1. *Advertising*: When a product or brand is presented to the public with the aim of increasing sales of the product, including any form of product promotion, displays in shops or in other places or by discussion in the media or by distribution of product samples to consumers.
2. *Refill container*: A receptacle that contains nicotine liquid or other liquid intended to refill an electronic cigarette.
3. *Electronic cigarette*: A product that can be used for the consumption of vapour that contains nicotine, via a mouthpiece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank. Electronic cigarettes may be disposable or refillable by means of a refill container and a tank, or rechargeable with single-use cartridges.
4. *Special retail outlet for electronic cigarettes and refill containers*: A retail outlet having only electronic cigarettes, refill containers and associated products for sale.

#### Article 4

At least 0.9% of gross sales of electronic cigarettes shall go to the Public Health Fund (*cf.* the Directorate of Health and Public Health Fund Act).

SECTION II  
**Importation, sale and marketing.**

Article 5

*Warnings on packaging.*

Electronic cigarettes and refill containers may only be held for sale or distribution if their packaging carries health warnings and they are accompanied by directions on their use and storage.

Texts or images that may appeal particularly to children or young people, by means of illustrations or slogans, which encourage the use of electronic cigarettes, may not be displayed on packages of electronic cigarettes or refill containers.

Article 6

*Safety.*

Only electronic cigarettes and refill containers that are considered safe and that meet the provisions of this Act or of regulations issued hereunder may be imported, sold or manufactured.

Electronic cigarettes and refill containers shall be child-proof and it shall be ensured that they do not leak and ensures refill without leakage.

Article 7

*Age limits.*

Electronic cigarettes and refill containers may not be sold or handed over to children. This prohibition shall be clear to all persons where electronic cigarettes and refill containers are sold. In the event of doubt as to the age of purchasers of electronic cigarettes or refill containers, the sale may only proceed if the purchaser demonstrates by means of identification documents that he or she is aged 18 or older.

Only persons aged 18 or older may sell electronic cigarettes and refill containers.

Article 8

*Maximum strengths and sizes.*

Nicotine containing liquid for disposable electronic cigarettes, cartridges or refill containers for electronic cigarettes may only be sold if the concentration of nicotine does not exceed 20 mg/ml.

The minister shall issue regulations containing rules on the size of refill containers and cartridges, whether these are disposable or rechargeable, in millilitres.

The minister may issue regulations containing detailed provisions on measurements and surveillance to ensure compliance with the authorisations regarding the size, strength and contents of refills. Furthermore, the minister may issue regulations imposing fees on the manufacturers or importers of electronic cigarettes and refill containers to meet the costs of measurements and tests made under this Article.

Article 9

*Contents.*

Disposable electronic cigarettes, cartridge or refill containers for electronic cigarettes containing the following additives may not be imported, manufactured or sold:

- a. Vitamins or other additives that create the impression that the product has a health benefit.
- b. Caffeine, taurine or other additives and stimulants associated with energy and vitality.
- c. Additives that colour the emissions.
- d. Substances that facilitate the inhalation or uptake of nicotine.
- e. Substances that have carcinogenic, mutagenic or reprotoxic properties ('CMR properties') in the form in which they are consumed.

The minister may issue regulations restricting the marketing of flavourings in electronic cigarettes, particularly as regards flavourings that may appeal to children. The minister may make provisions in regulations on the appearance of packaging so as not to make the products attractive to children.