



# New rules on smoke-free outdoor environments from 1 July 2019

New tobacco-related legislation, the Act on Tobacco and Similar Products (2018:2088), comes into force from 1 July 2019. The Act includes regulations that designate additional smoke-free environments. It affects you if you are running a business or own premises or outdoor areas that members of the public have access to. For example, you must put up signs stating that smoking is prohibited at the entrance to your premises.

## New smoke-free outdoor environments

Since 1994, smoking has been prohibited in school grounds and outdoor areas at pre-schools and after-school centres. Under the new Act, the smoking of tobacco or similar products is prohibited in several other outdoor areas that members of the public have access to.

The smoking ban now also applies to

- outdoor areas relating to public transport, for example platforms, bus stops, taxi zones, ticketing areas and walkways adjacent to track areas
- outdoor serving areas, for example outside restaurants and cafés
- enclosed areas outdoors that are mainly intended for sports use, i.e. sports facilities. This applies even if the facilities are used for other activities, such as concerts, trade fairs or shows
- play areas that members of the public have access to
- the entrance to premises and indoor spaces that the public have access to, for example, entrances to government or municipal buildings, food stores, restaurants, railway stations and health and medical care premises.

## Determining the smoke-free area

The aims of designating outdoor areas that are accessible to the public as smoke free are to:

- increase access to public spaces. People who are particularly sensitive to smoke or do not wish to be exposed to smoke should be able to use these spaces;
- reduce social exposure to smoking. Denormalising smoking assists children and young people who have not started smoking and people who have stopped or want to stop.

These aims should be taken into account when interpreting the new smoking prohibition regulations – for example, how far the smoke-free area extends at an entrance. The Act does not stipulate how far away from the entrance a person needs to go in order to smoke, but in normal circumstances the smoking ban should apply within at least a few metres from the entrance so that it is possible to go into or out of the premises without being exposed to smoke.

A similar interpretation should be employed for other smoke-free environments that are not clearly delimited.

## It is not possible to bypass the new smoking bans

In some premises and indoor spaces, it is possible to bypass the smoking ban, e.g. by setting aside a separate smoking room in restaurants and other premises serving food or drink.

This cannot be done in respect of the new smoke-free outdoor environments. For example, cafés or restaurants may not set aside special smoking areas within the outdoor serving areas.

## Products covered by the smoking ban

The following are prohibited in the designated smoke-free environments:

- smoking tobacco
- inhaling tobacco that has been vaporised (for example using heat-not-burn products)
- smoking herbal products
- using e-cigarettes
- using stimulants that are the equivalent of smoking in terms of how they are used but that do not contain tobacco (e.g. using a water pipe containing a substance other than tobacco)

## Responsibility for the smoking ban

Responsibility for the smoking ban lies with those who in practice have the means of ensuring that the ban is complied with.

This means that a person who owns or rents premises or an outdoor area is responsible for the smoking ban. For example, a person who runs a café or restaurant is responsible for seeing that the smoking ban is complied with in the outdoor serving area. Play areas on public land are normally the responsibility of the municipality.

Responsibility for smoking bans at entrances lies with the person owning or renting the premises or space inside the entrance. For example, a shop owner is responsible for the smoking ban at their entrance even if they do not own the land outside the entrance.

If the entrance leads into a shopping centre or office complex, responsibility for ensuring the ban is complied with normally lies with the property owner.

## What the person responsible for the smoking ban must do – signage, information and verbal reminders

The person responsible for the ban must provide signage that makes it clear that a smoking ban is in place. There are no particular requirements as regards the signage other than it must be explicit.

If necessary, the responsible person must also make a potential offender aware of the ban verbally.

Where smoking has previously been allowed in an area where it is now prohibited, the responsible person must also remove ashtrays, smoking areas and anything else that is smoking related.

If someone smokes despite being told that smoking is prohibited, that person may be turned away.

## Supervisory responsibilities

Supervision of the smoke-free environments is the responsibility of the municipality. This means that the municipality must ensure that the person responsible for the smoking ban is doing what is required by law.

### Municipal supervision

The municipality's supervisory responsibilities include information provision and checking that those responsible for the smoking ban are complying with the law.

If the responsible person does not do what is required to ensure that a smoking ban is complied with, a municipality can take steps to compel that person to put the necessary measures in place. Initially, compliance will be expected on a voluntary basis. If a voluntary approach is not successful, a municipality can issue an order requiring the person to take the necessary action. In some circumstances, an order may be combined with a penalty payment.

In such cases, however, the municipality must take into account the practicality of persuading members of the public to comply with the smoking ban. For example, it is particularly difficult to manage a smoking ban when the boundaries for the smoke-free area are unclear or when the responsible person has to take action on another person's land. This applies, for example, where the entrance to a food store is on a pavement.

## Would you like to know more about the new rules?

You can find out more about the new legislation on the Public Health Agency of Sweden's website:

<https://www.folkhalsomyndigheten.se>