

Law no. 3 of 16 January 2003

“Regulatory provisions on public administration”

published in *Gazzetta Ufficiale* no. 15 of 20 January 2003 – *Supplemento Ordinario* no. 5

Chapter IX

PROVISIONS ON SAFEGUARDING HEALTH

[...]

Art. 51

*(Protecting the health of non-smokers)*

1. Smoking in closed locations is prohibited, except for:

- a) private establishments not open to users or the public;
- b) establishments reserved for smokers and marked as such;

2. Establishments and workplaces pursuant to subsection 1, letter b) must be equipped with properly functioning air exchange and ventilation systems. In order to guarantee the essential levels of the right to health, the technical features of the air exchange and ventilation systems are to be defined, by no later than one hundred and eighty days after the publication date of this law in *Gazzetta Ufficiale*, with the regulation to be issued pursuant to article 17, subsection 1 of law no. 400 of 23 August 1988 and subsequent modifications, at the proposal of the Minister of Health. This same regulation defines the locations reserved for smokers as well as the models of the signage related to the implementation of the provisions of this article.

3. Food service establishments, pursuant to subsection 1, letter b), shall have one or more zones reserved for non-smokers, having a prevalent area in comparison with the establishment's total service area.

4. With the regulation to be issued pursuant to article 17, subsection 1, of law no. 400 of 23 August 1988 and subsequent modifications, at the proposal of the Minister of Health, additional closed locations may be identified within which smoking is permitted, in compliance with the provisions pursuant to subsections 1, 2, and 3. This regulation shall require all facilities in which persons are forced to stay against their will to provide locations for smokers.

5. Infractions of the prohibition pursuant to this article shall be subjected to the penalties pursuant to article 7 of law no. 584 of 11 November 1975, as replaced by article 52, subsection 20, of law no. 448 of 28 December 2001.

6. In order to permit a suitable information activity to be activated with the most representative trade organizations, the provisions as per subsections 1, 2 (first sentence), 3, and 5 shall enter force after one year has elapsed after the date the regulation pursuant to subsection 2 has gone into effect.

7. By no later than one hundred and twenty days after the date of publication of this law in *Gazzetta Ufficiale*, an agreement sanctioned at the Permanent Conference for Relations between the State, the Regions, and the Autonomous Provinces of Trento and Bolzano, at the proposal of the Minister of Health in concert with the Ministers of Justice and of the Interior, shall redefine the procedures for verifying infractions, the corresponding forms for reporting the penalties, as well as the determination of the subjects qualified to make reports, of those qualified to receive the report on the infractions verified pursuant to article 17 of law no. 689 of 24 November 1981, and of those charged with inflicting the corresponding penalties.

8. The provisions pursuant to this article do not involve greater charges to be borne by the State Budget.

9. To the extent compatible, the provisions pursuant to articles 3, 5, 6, 8, 9, 10, and 11 of law no. 584 of 11 November 1975 shall remain in force.

10. The above is without prejudice to the provisions governing the prohibition against smoking in public administration locations.