

**Law for the Prevention of Smoking in Public Places and Exposure to Smoke, 5743-1983**  
**Full and Revised Version**

**PREVENTION OF SMOKING IN PUBLIC PLACES - LAW FOR THE PREVENTION OF SMOKING  
 IN PUBLIC PLACES AND EXPOSURE TO SMOKE, 5743-1983**

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**PREVENTION OF SMOKING IN PUBLIC PLACES**

**(Amendment No. 2), 5767-2007**

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**Ban on Smoking**

1. (a) A person may not smoke in a place specified in the Schedule (hereinafter - a public place).

**Amendment No. 2, 5767-2007**

- (b) A person shall not keep in a public place any tobacco product or smoking paraphernalia that is lit; in this Law, a "tobacco product" as defined in the Law for Restriction of Advertising and Marketing of Tobacco Products, 5743-1983.
- (c) The Minister of Health may modify the Schedule by order, with the approval of the Knesset Labor and Welfare Committee.

**Object (Amendment No. 2)**

- 1A. The object of this Law is to prevent smoking in public places and the exposure of the public to smoking, which causes death, disease and disability.

**Putting up Signboards**

**(Amendment No. 2) 5767-2007**

2. (a) The person in actual possession of a public place, as owner, tenant or otherwise (hereinafter - the Proprietor), other than a passenger elevator in a residential building, shall post signs indicating that smoking is prohibited and shall maintain the signs in good order and condition.
- (b) Before the elevator goes into commission, the manufacturer or importer of a passenger elevator in a residential building shall put up a sign indicating that smoking is prohibited in the elevator.
- (c) The Minister of Health may prescribe provisions in regulations, concerning the shape of the signs, their number, size and contents, the way in which they are to be put up, where they are to be put up and the duty of illuminating them.

**Duties of a Proprietor of a Public Place**

**(Amendment No. 2) 5767-2007**

- 2A. (a) The Proprietor of a public place must exercise oversight and do everything possible to prevent offenses under section 1(a) and (b) within the perimeters of the public place occupied by him.
- (b) The Proprietor of a public place shall be deemed to have fulfilled the provisions of sub-section (a) above, if he can prove that he has done all the following:
  - (1) He personally, or through another person on his behalf, requested that the person who smoking or holding a lit cigarette, cigarillo, hookah, cigar or pipe in a public place, desist from the prohibited act, or has adopted all reasonable measures to ensure the prevention of offenses under sub-sections 1(a) and 1(b).

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(2) He personally, or through another person on his behalf, complained to an Inspector within its meaning in section 7, of violations of the provisions of sub-sections 1(a) or 1 (b), or has made a reasonable effort to do so, if despite his actions as described in subparagraph (1) above, the violations of any of the said provisions continued.

- (c) Every local authority shall publish on its website, or in another manner, the telephone number that will be open 24 hours a day for the purpose of filing a complaint with the Inspector under sub-section (b)(2) above.

**Prohibition Against Placing an Ashtray in a Public Place**  
**(Amendment No. 2) 5767-2007**

2B. The Proprietor of a public place shall not place an ashtray in the public place occupied by him, as set out in the Schedule; in this section “ashtray” means any receptacle intended for disposing of ashes and residues of tobacco products.

**(Amendment No. 2) 5767-2007**

3. (a) Repealed.

**Penal Code, Order 5762-2002 (Amendment No. 2), 5767-2007**

**(Amendment No. 2), 5767-2007**

**Liability of an Officer in a Corporation (Amendment No. 2), 5767-2007**

4. (a) Anyone in violation of the provisions of sections 1 and 2B shall be liable to a fine as set forth in section 61(a)(1) of the Penal Code, 5737-1973 (in this Law - the Penal Code).

**(Amendment No. 2), 5767-2007**

- (b) Anyone in violation of the provisions of sections 2 and 2A shall be liable to a fine as set forth in section 61(a)(3) of the Penal Code.

**Liability of an Officer in a Corporation**  
**(Amendment No. 2), 5767-2007**

5. (a) An officer of a corporation who is the proprietor of a public place (in this section - Corporation), is required to exercise oversight and do everything in his power to prevent an offense under sections 2, 2A and 2B by the Corporation or by any of its employees; anyone in violation of this provision shall be liable to a fine as set forth in section 61(A)(1) of the Penal Code; in this section an “officer” is the active manager in the Corporation, a partner other than a limited partner, or a corporate officer in charge of personnel management in the Corporation.
- (b) If an offense was committed under sections 2, 2A or 2B by a Corporation or by any of its employees, the officer shall be presumed to have violated his obligation under sub-section (a), unless he can prove that he did everything in his power to fulfill his obligations.

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**Fines**

**(Amendment No. 2), 5767-2007**

- 5A. Notwithstanding the provisions of section 221(b) of the Criminal Procedure Law [Consolidated Version], 5742-1982, the Minister of Justice, with the consent of the Minister of Health, may set a fine higher than the amount of the fine prescribed in that section for an offense under this Law, which has been prescribed in a fineable offense, provided that the amount of the fine is not more than ten percent of the maximum amount of the fine prescribed for such offense.

**Fines to the Local Authority**

6. Where fines have been imposed by an employee of a local authority for an offense under this Law committed within its jurisdiction, the fine shall be transferred to the coffers of such local authority.

**Inspectors of a Local Authority**

**(Amendment No. 2), 5767-2007**

- 6A. (a) The head of a local authority may appoint employees in the local authority as inspectors for the purpose of this Law.
- (b) A local authority shall report to the Minister of Health in January of each year on inspections carried out in the preceding year, including the number of Inspectors appointed under sub-section (a) for the purpose of reporting to the Minister of Health under section 2 of the Mandatory Reporting of Health Damages Caused by the Smoking of Tobacco Products Law, 5761-2000.

**Right to Enter**

7. A police officer and an employee of a local authority who have been empowered by the head of the local authority for the purpose of this Law (hereinafter — “Inspector”) may enter any public place, at any reasonable time, to ascertain compliance with the provisions of this Law and the regulations pursuant thereto, provided that they shall not enter any of the places set forth in sub-sections 2, 4, 5 and 6 of the Schedule, without first notifying the proprietor of the establishment or someone employed there of their intention to do so.

**Authority of an Inspector or Usher/Attendant to Demand Identification**

8. (a) Where a person smoked or held a lit cigarette, cigarillo, cigar or pipe within sight of an Inspector or an usher/attendant in a public place, the Inspector or the attendant may require him to identify himself and, should he refuse, may detain him in that place until the arrival of a police officer, but for not more than one hour.

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**(Amendment No. 2) 5767-2007**

- (b) For the purposes of this section, an "usher/attendant" is anyone whom the owner or proprietor of an establishment set out in the Schedule has appointed to be an usher/attendant of that establishment, and he wears a conspicuous tag attesting to his position and produces a certificate of his appointment as usher/attendant.
- (c) The Minister of Health shall prescribe provisions in regulations that set restrictions on the appointment of an usher/attendant, the certificate issued to him, the form of the tag and the manner in which it shall be worn.

**Hospital-appointed Attendant**  
**(Amendment No. 1) 5765-2005**

- 8A. (a) For the purpose of this section, a "public servant" is one of the following:
- (1) A civil servant as defined in the State Service (Discipline) Law, 5723 - 1963 (in this section - the State Service (Discipline) Law);
  - (2) An employee of a local authority;
  - (3) An employee of an audited body to which the provisions of the State Service (Discipline) Law, in whole or in part, shall be apply under section 75 of the State Service (Discipline) Law.
- (b) The Minister of Health may authorize a public servant to be a hospital-appointed attendant, at the request of the owner or proprietor of the hospital, provided that the public servant was appointed to be an attendant under the provisions of sub-section 8(b) (in this law – appointee usher/attendant).
- (c) The Minister of Health will authorize the appointed usher/attendant, unless he also satisfies one of the following:
- (1) He is a resident of Israel of 21 years of age;
  - (2) The Israel Police has not notified the Minister of Health, within 30 days of receipt of the details of the candidate, that it objects to his appointment as an appointed usher/attendant for reasons of public peace and safety, including because of his criminal record.
  - (3) He has completed twelve years of study at a recognized educational institution within its meaning thereof in the Compulsory Education Law, 5709-1949, or has furnished a confirmation from the Ministry of Education of an equivalent general education;
  - (4) He is proficient in Hebrew;
  - (5) He has received suitable training, including in the sphere of the authorities vested in him under this Law, in accordance with the rules set forth by the Minister of Health with the approval of the Minister for Homeland Security.
- (d) The Minister of Health may determine other qualifications for the authorization of an appointed usher/attendant, in consultation with the Minister of Homeland Security, in the sphere of the authorities vested in him.

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**(Amendment No. 5) 5777-2017**

- (e) If an appointed usher/attendant has grounds to believe that a certain individual has committed an offense under section 1, within his plain view, within the precincts of the hospital building, he may serve him with a summons in which such individual will be charged with such offense and be given the choice of paying the fine in lieu of being tried for said offense, under the provisions of Chapter 7 of the Criminal Procedure Law [Consolidated Version], 5742-1982.
- (f) The chief director of a hospital will forward to the Minister an annual report listing the fines that were imposed in the hospital in the course of the year, the number of complaints that were filed against appointed ushers/ attendants in the hospital during the year, a summary of them, and to what extent they were justified.

**Authority of a Driver**

- 9. (a) The driver of a vehicle in which smoking is prohibited under the provisions of this Law is entitled to forbid a person who is smoking or holding a lit cigarette, cigarillo, cigar or pipe from entering the vehicle.
- (b) If a person smokes, or holds a lit cigarette, cigarillo, cigar or pipe, in a vehicle as aforesaid, within sight of the driver, the driver may require him to identify himself and, should he refuse to do so, may detain him in the vehicle until the arrival of a police officer, but not for more than one hour, or he may drive him in the vehicle to the nearest police-station.

**Compliance with Provisions**

- 10. The provisions of this Law are meant to add to any statutory provision on the prohibition of smoking and not to derogate therefrom.

**State Law**

**(Amendment No. 2) 5767-2007**

- 11. The provisions of sections 2(a), 2A and 2B shall also apply to the State, except for the defense forces as set out below; however, the provisions of the aforesaid sections shall be reworded *mutatis mutandis* with respect to -
  - (1) The Israel Defense Forces in the Military Ordinances, as defined in the Military Justice Law, 5715-1955.
  - (2) The Israel Police – in the Israel Police Ordinances as defined in the Police Ordinance [New Version], 5731-1971.
  - (3) The Prisons Service – in the Service Ordinances, within the definition thereof in the Prisons Ordinance [New Version], 5742 - 1971.
  - (4) Units and auxiliary units of the Prime Minister's Office or the Ministry of Defense, the bulk of whose activity is in the sphere of State security – in Internal Provisions;
  - (5) Enterprises included in an order issued by the Minister of Defense pursuant to Item 3 of the First Schedule to the Regulation of Security in Public Entities Law, 5758-1998 - in Internal Provisions.

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**Amendment of the Courts Law**

12. In the Courts Law, 5717–1957, the end of the Second Schedule shall be followed by:  
"18. Law for the Prevention of Smoking in Public Places and Exposure to Smoke, 5743-1983."

**Implementation and Regulations**

13. The Minister of Health is in charge of the implementation of this Law, and he may, with the approval of the Knesset Labor and Welfare Committee, enact regulations for implementation, including regulations on ways to supervise the implementation thereof.
14. This Law comes into force on 28 Shevat, 5744 (February 1, 1984).

**SCHEDULE**  
**(Section 1)**

**Order 2001, Order 2012**

1. A hall usually serving as a movie theater, theater, performance hall for concerts, opera or dance performances and any room or hall used for debates, lectures or meetings, including the corridors and lobby spaces, with the exception of an entirely separate room allocated by the management of the establishment for smoking during intermissions, if one has been so allocated, and whose area shall not exceed one fourth of the space as the public waiting area during such intermissions, and with the provision that it be fitted with properly working ventilation arrangements, and that the smoking therein does not constitute a nuisance in other parts of the establishment. Nothing in the provisions of this section, or in the provision of any other section of this schedule, may derogate from a prohibition on smoking by virtue of any existing law or such as to prevent the owner or the proprietor from prohibiting smoking in the establishment.

**Order 2001, Order 2012**

2. Any place in a hospital or clinic building.
3. That part of a pharmacy that is open to the public.

**Order 2001**

4. A reading hall or reading room in a public library, other than the places allocated by the management of the place where smoking is permitted, provided that they are fitted with properly working ventilation arrangements and provided that smoking therein does not cause a nuisance in other parts of the establishment.

**Order 2016**

5. Any place in a building that serves as an educational institution or an institution of higher education, including student residence facilities, and excluding a completely separate room that has been allocated for smoking by the management of the institution in which post-secondary education takes place, where the students are over 18 years of age (hereinafter – post secondary institution), if allocated, and a living room in a post-secondary institution in which only a smoker resides, provided that they are fitted with properly working ventilation arrangements and that smoking there does not cause a nuisance in other parts of the establishment, and excluding management and faculty rooms, to which Item 15 applies.

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**Order 2016**

6. A passenger elevator.
7. A bus when transporting passengers; in this paragraph "bus" - within its meaning in the Transportation Regulations, 5721-1961.
8. A taxicab, when transporting passengers; in this paragraph, "taxicab" - within its meaning in the Transportation Regulations, 5721-1961.
9. A railway train, when transporting passengers, excluding a special car where smoking is permissible, provided that the only car in the train in which food or beverages are sold or the only car in which reserved seats are sold will not be allocated for this purpose.
10. A store.
11. A restaurant, cafeteria, coffee shop, including any eating establishment, pub, club, discotheque or other place which among its other occupations serves food or beverages (all jointly – eating establishments), with the exception of an entirely separate room.

**Order 1988**

12. A room or a hall that is open to the public and serves for physical activity or sports, including a swimming pool.

**Order 1988**

13. A kindergarten, day care center or children's house.

**Order 1990**

**Order 1994**

**Order 2001**

14. A room or hall that are open to the public in a bank, post office or a postal agency or anywhere else that serves the public, or a room, hall or corridor that serves as a waiting area, excluding a room allocated for smoking by the management of the place, if one is allocated, and provided that it is properly ventilated, and that the smoking there does not constitute a nuisance in other parts of the establishment.

**Order 1994**

**Order 2001**

15. A place of work, except a part that is a room or hall where smoking is explicitly permitted by the person in charge of the establishment, after conferring with the employees (hereinafter - smoking area), provided that there are no employees or persons who are non-smokers in the smoking area; smoking will be permitted in the smoking area if it is properly ventilated and if the smoking does not constitute a nuisance in other parts of the building; a room or hall where only smokers work shall be considered a smoking area, without having to have an explicit permit from the person in charge of the establishment; for this purpose "workplace" is anywhere in the building where people work and is not used as a residence.

**Order 2001**

16. The area that is open to the public in a shopping mall, except a business establishment listed elsewhere in this Schedule or except a completely separate smoking room that was allocated for smoking, if allocated, provided that it is properly ventilated and the smoking there does not cause a nuisance in other parts of the establishment.



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**Order 2001**

17. A banquet hall, with the exception of a completely separate room, if there is one, that is allocated for smoking by the management of the banquet hall, provided that it is properly ventilated and the smoking there does not cause a nuisance in other parts of the banquet hall, and its area is no larger than one fourth of the area open to the public.

Haim Herzog,  
President of the State of Israel

Menachem Begin  
Prime Minister

Eliezer Shostak  
Minister of Health