

**THE ACT
ON UPBRINGING IN SOBRIETY
AND COUNTERACTING ALCOHOLISM**



The State Agency for Prevention of Alcohol Related Problems
Warsaw 2001

THE ACT

on Upbringing in Sobriety and Counteracting Alcoholism

In recognition of the citizen's sobriety being an essential determinant of the Nation's moral and material welfare, the following is hereby enacted:

Chapter 1 GENERAL PROVISIONS

Art. 1.

1. The organs of the State central administration and self-government administrations shall be obligated to undertake actions aimed at curtailing the consumption of alcoholic beverages and altering the structure of consumption thereof; they shall initiate and support activities undertaken in order to change habits relating to the consumption of such beverages, to promote sobriety in the workplace, to counteract alcohol abuse and to remedy the consequences thereof, and to support actions undertaken in this respect by social organisations and enterprises.
2. The authorities and governments, referred to under item 1 above, shall also support the establishment and development of non-governmental organisations whose task shall be to promote sobriety and abstinence, to influence persons abusing alcohol, to assist their families, and they shall provide conditions furthering activities of such organisations.
3. The authorities and governments, referred to under item 1 above, shall also co-operate with the Catholic Church and other churches and religious associations with respect to upbringing in sobriety and counteracting alcoholism.

Art. 2.

1. The tasks relating to counteracting alcoholism shall be performed by establishing appropriate social policies, in particular, by:
 - 1) creating conditions fostering the fulfilment of needs whose satisfaction shall motivate one to abstain from consuming alcohol,

- 2) conducting educational and informational activities,
 - 3) determining the appropriate level and structure of alcohol beverage production for domestic consumption,
 - 4) restricting the availability of alcohol,
 - 5) providing medical treatment and rehabilitation to persons with alcohol dependence; and,
 - 6) preventing the negative effects of alcohol abuse and remedying them.
2. The tasks referred to under item 1 above shall constitute a part of the social and economic policy expressed in the form of the National Programme of Prevention and Resolving Alcohol-related Problems approved by the Council of Ministers.

Art. 2¹.

*The terms used in this Act shall have the following meanings:**

- 1) *the nearest vicinity of a point of sale of alcoholic beverages – an area measured from the boundaries of a given facility, enclosed by a permanent actual obstacle, such as the edge of a road, a building which due to its nature prevents access or eye and voice contact, a wall without any passages, or a watercourse without any close crossings,*
- 2) *promotion of alcoholic beverages – a public tasting of alcoholic beverages, free distribution of accessories associated with alcoholic beverages, organising the sale of alcoholic beverages with prize-awarding and contests based on purchase of alcoholic beverages, as well as any other forms of encouraging publicly to purchase alcoholic beverages,*
- 3) *advertising of alcoholic beverages – the public dissemination of images of trade marks of alcoholic beverages and graphic symbols related to them, as well as names and graphic symbols of entrepreneurs producing alcoholic beverages not being different from names and symbols of alcoholic beverages, which serve to popularise trade marks of alcoholic beverages; any information used for trade purposes, exchanged between firms engaged in the production of, wholesale trading and retail trading in alcoholic beverages, shall not be deemed to be advertising,*

* Parts marked with italic are still in the stage of parliamentary debate.

- 4) *sponsorship – supporting financially, or by donating items of value, any persons' and institutions' activities associated with the exhibition of names of products and trade businesses or their graphic symbols,*
- 5) *dedicated section – a place of exhibition of alcoholic beverages at a point of sale where a salesperson directly sells alcoholic beverages behind a counter separating such place from the remaining part of such point of sale and having its own cash-register; in case of self-service points of sale, a department enclosed by its own cash-register which registers sales shall be a dedicated section; no other goods than alcoholic beverages shall be sold in any dedicated section.*

Art. 3.

1. The objective of the operation of the State Agency for Prevention of Alcohol-related Problems, hereinafter referred to as the „Agency”, shall be to prevent and to resolve alcohol-related problems.
2. The Agency shall report to the Minister of Health and Social Welfare.
3. In particular, the Agency's tasks shall include the following:
 - 1) drafting the National Programme of Prevention and Resolving Alcohol Problems and its budget,
 - 2) giving opinions on and preparing draft versions of legal acts and action plans with respect to a policy on alcohol and alcohol-related problems,
 - 3) conducting educational and informational activity, preparing expert opinions, as well as developing and implementing new methods of prevention and resolving alcohol-related problems,
 - 4) providing technical assistance to self-government administrations, institutions, societies, and natural persons performing tasks associated with prevention and resolving alcohol-related problems, as well as ordering and financing their execution,
 - 5) co-operating with voivodship (regional-level) self-governments and plenipotentiaries referred to in art. 4 item 3,
 - 6) coordinating and initiating actions aimed to improve the effectiveness of dependence treatment and its availability,
 - 7) ordering the execution and financing of tasks aimed at resolving alcohol-related problems,

- 8) co-operating with international organisations and institutions involved in resolving alcohol-related problems,
- 9) *intervening in cases of breach of regulations provided under art. 13¹ of this Act and acting before courts in the capacity of a public prosecutor.*
4. The Agency shall be financed from the State budget.
5. The Agency shall be managed by the Director of the Agency whose appointment and dismissal shall fall within the competence of the Minister of Health and Social Welfare.
6. The organisational structure of the Agency shall be established in the Agency's Charter conferred thereon by the Minister of Health and Social Welfare.

Art. 4.

1. The voivodship self-government shall execute the tasks referred to under articles 1 and 2 above by implementing the Voivodship Programme of Prevention and Resolving Alcohol-related Problems.
2. The Voivodship Administration shall co-ordinate the preparation and implementation of the programme referred to under item 1 above, provide assistance to institutions and natural persons involved in the performance of tasks under such program, and co-operate with other public administration authorities in resolving alcohol-related problems.
3. The Voivodship Administration may appoint a plenipotentiary for purposes of executing the programme referred to under item 1 above.
4. The funds necessary for conducting activities referred to under item 2 above shall be provided for under the voivodship budget.

Art. 4¹.

1. Activities relating to prevention and resolution of alcohol-related problems shall be conducted by local communities. In particular, they shall include the following tasks:
 - 1) increasing access to treatment and rehabilitation for persons dependent on alcohol,
 - 2) providing psychological, social and legal assistance to families in which alcohol-related problems occur, focusing in particular on protecting family members against domestic violence,

- 3) conducting informational and educational activities relating to prevention, addressed especially to children and youth,
 - 4) establishing detailed rules governing the issue and revocation of permits to sell alcoholic beverages intended for consumption on and off premises, and control over compliance with the rules governing trading in such beverages,
 - 5) supporting activities of institutions, associations and natural persons involved in resolving alcohol-related problems,
 - 6) *intervening in cases of breach of regulations provided under art. 13¹ of this Act and acting before courts in the capacity of a public prosecutor.*
2. The tasks referred to under item 1 above shall be executed by way of implementation of the Local Community Programme of Prevention and Resolving Alcohol-related Problems adopted by the Local Community Council on annual basis. *The Local Community Council may appoint a plenipotentiary for purposes of execution of the Programme.*
 3. The Local Community Administrations shall appoint Local Community Commissions for Resolving Alcohol-related Problems which shall, in particular, initiate activities referred to under item 1 above and undertake actions aimed at imposing an obligation to undergo treatment in a dependence treatment centre upon a person dependent on alcohol.
 4. The Local Community Commissions for Resolving Alcohol-related Problems shall be composed of persons trained in prevention and resolving alcohol-related problems.
 5. The compensation of the members of Local Community Commissions for Resolving Alcohol-related Problems shall be set by the Local Community Council under the Local Community Programmes of Prevention and Resolving Alcohol-related Problems.

Art. 5.

The Minister of National Education shall include the problem of sobriety and abstinence in the objectives of the education system and incorporate information about the harmful effects of alcoholism on an individual, as well as family and social life, in the relevant curriculum.

Art. 6.

The Minister of Health and Social Welfare and the Minister of National Education shall provide training for the required number of specialist personnel in the area of alcohol addiction prevention and treatment and undertake research on alcohol and alcohol-related problems.

Art. 7.

The Minister of Culture and National Heritage Preservation and the Minister of National Education, public radio and television institutions and other relevant bodies and institutions shall undertake appropriate measures in order to develop and support various forms of informational, cultural and scientific activities, geared at promoting social awareness on the harmful effects of alcohol abuse on individuals, family and social life, and aimed at furthering sobriety, abstinence, and eradicating harmful habits and patterns of alcohol consumption.

Art. 8.

(deleted)

Art. 9.

- 1. Wholesale trading in Poland in alcoholic beverages with alcohol content over 18% shall require a permit issued by the Minister of Economy.*
- 2. Wholesale trade in alcoholic beverages with alcohol content up to 18% in Poland shall require a permit issued by a relevant head of the voivodship self-government (the marshal or marszałek) .*
- 3. The authority referred to under item 2 shall issue permits for wholesale trading to entrepreneurs having their registered offices in a given voivodship.*
- 4. Whenever the Act refers to wholesale trading in alcoholic beverages – it shall be understood as any purchase of alcoholic beverages with the object of selling them down to entrepreneurs holding relevant permits.*
- 5. The Minister of Economy shall specify, by way of ordinance, types of documents required upon applying for issuance of a permit for wholesale trading in alcoholic beverages, standard application forms and standard information on sale of alcoholic beverages.*

6. *The permits referred to under item 1 and 2 above shall be issued separately for wholesale trading in the following groups of alcoholic beverages:*
 - 1) *with alcohol content up to 4.5% and beer,*
 - 2) *with alcohol content over 4.5% up to 18%, excluding beer,*
 - 3) *with alcohol content over 18%.*
7. *The permits referred to under items 1 and 2 above shall be issued for a limited period of time, namely:*
 - 1) *permits for trading in alcohol beverages referred to under item 6 points 1 and 2 – for a period not exceeding two years,*
 - 2) *permits for trading in alcohol beverages referred to under item 6 point 3 – for a period not exceeding one year.*
8. *For permits referred to under item 6 point 3, the minimum limit shall be 500 thousand litres of 100^o alcohol per year.*
9. *The provision of item 8 shall not apply to any entrepreneurs who supply ships, trains and planes. The maximum limit for such entrepreneurs shall be 2 thousand litres of 100^o alcohol per year.*
10. *Fees shall be charges for issuance of permits and decisions incorporating in such permits any additional places for conducting business activities.*
11. *Fees referred to under item 10 shall be paid into an account of the permit issuing authority.*
12. *Fees for issuance of permits referred to under item 6 points 1 and 2 shall amount to an equivalent of €1,000, calculated as of the date of paying such fee in accordance with the buying rate for foreign currencies, as announced by the National Bank of Poland.*
13. *The fee referred to under item 13 shall be increased by:*
 - 1) *50% in case of entrepreneurs whose sales of alcoholic beverages in wholesale trading in the previous year exceeded an equivalent of €25,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of such year,*
 - 2) *100% in case of entrepreneurs whose sales of alcoholic beverages in wholesale trading in the previous year exceeded an equivalent of €50,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of such year,*

- 3) 200% in case of entrepreneurs whose sales of alcoholic beverages in wholesale trading in the previous year exceeded an equivalent of €100,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of such year;
- 4) 300% in case of entrepreneurs whose sales of alcoholic beverages in wholesale trading in the previous year exceeded an equivalent of €200,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of such year.
14. The fee referred to under item 13 shall be paid into an account of the voivodship self-government, with the same submitting a written statement on sales of alcoholic beverages in wholesale trade in the preceding year.
15. The fee for issuance of the permit referred to under item 6 point 3 shall amount to an equivalent of €10,500 EURO for 500 thousand litres of 100^o alcohol, calculated in accordance with the buying rate for foreign currencies, as announced by the National Bank of Poland as of the date of paying such fee.
16. The fee referred to under item 15, for entrepreneurs who supply ships, trains and planes, shall be determined in keeping with the declared turnover (not more than 2 thousand litres of 100^o alcohol per year).
17. The fee for issuance of any decision incorporating any additional places for conducting business activities in previously issued permits, referred to under item 6, shall be 50% of the rate specified for such permit.
18. The fees referred to under item 10 may be used by the Voivodship Administration exclusively for financing tasks set out under art. 4 item 1.
19. The Voivodship Administration may, by way of agreement, recommend to the county (intermediate-level administration or powiat) self-governments tasks relating to prevention of and resolving alcohol-related problems, and transfer financial resources for performance thereof.
20. The conduct of business activities under permits referred to under item 6 shall be conditional upon:
 - 1) submission of information on sales of alcoholic beverages to the permit issuing authority,
 - 2) selling alcoholic beverages, named in a relevant permit, only to entrepreneurs holding a permit for wholesale trading in such beverages or permit for retail sale of alcoholic beverages,

- 3) *conducting wholesale trading only in those alcoholic beverages which are marked with excise bands, if the requirement of marking with such excise bands results from other regulations,*
 - 4) *procuring alcoholic beverages, named in a relevant permit, from producers and entrepreneurs holding permits for wholesale trading in such beverages,*
 - 5) *holding a legal title to use a stationary warehouse adapted to storage of alcoholic beverages,*
 - 6) *not being in arrears with tax liabilities, or social insurance and health insurance liabilities, by a given entrepreneur,*
 - 7) *conducting business activities within the scope covered by a relevant permit only by the entrepreneur named therein and solely in places mentioned therein,*
 - 8) *notifying the permit issuing authority of any changes in the factual and legal status of the entrepreneur, as compared to the data contained in the permit, within 14 days following the said change,*
 - 9) *compliance with any other terms and conditions stipulated under relevant laws.*
21. *The following cases shall result in the revocation of the permits referred to under item 6 above:*
- 1) *non-compliance with the terms and conditions set out under item 20,*
 - 2) *trading in alcoholic beverages of illegal origin,*
 - 3) *repeatedly disrupting public order in the place where trading is conducted,*
 - 4) *breaking the law to obtain material profits by the person responsible for the operations of the entrepreneur holding the permit,*
 - 5) *any misrepresentation in the statement referred to under item 14,*
 - 6) *imposing a prohibition of conducting business activities covered by the permit upon any entrepreneur being a natural person, or any other person responsible for such entrepreneur's operations, holding a permit.*
22. *The following cases shall result in the expiration of the permits referred to under item 6 above:*
- 1) *liquidation of the business or notice, sent by such business, of cessation of trading in alcoholic beverages,*
 - 2) *ceasing to fulfil conditions required for the permit to be issued,*
 - 3) *expiration of the permit's validity,*
 - 4) *change of the entrepreneur holding the permit.*

23. *The permit issuing authority, following the receipt of an application submitted by the entrepreneur whose permit has expired as a consequence of the circumstances referred to under item 22, may determine a period assigned for selling off alcoholic beverages being in stock. The said period shall not be longer than 6 months since the date of expiration of the permit.*
24. *Any entrepreneur whose permit has been revoked may re-apply for issuance of permits referred to under item 6, but not before the elapse of at least three years after the date when such revocation decision was issued.*

Art. 9¹.

The retail trade in alcoholic beverages with over 4.5% alcohol content (except for beer) intended for consumption off premises shall be conducted in dedicated points of sale, namely:

- 1) trade shops that sell only alcoholic beverages,
- 2) dedicated sections in other commercial outlets.

Art. 10.

Legal acts affecting the structure of prices of alcoholic beverages should be established in order to reduce alcohol consumption and to change the structure of consumption so as to increase the share of beverages with low alcohol content.

Art. 11.

1. Funds equal to 1% of the total excise tax on alcohol beverages shall be allocated in the annual State budget to cover expenditures on the implementation of the National Programme of Prevention and Resolving Alcohol Problems.
2. The funds referred to under item 1 above shall be allocated in particular for different forms of assistance provided to persons dependent on alcohol and their families, to provide information, education and training to specialist personnel and to conduct research studies on alcohol-related problems.

Art. 11¹.

1. In order to raise additional funds to finance the tasks referred to under Article 4¹ item 1 above, local self-governments shall charge fees for use of permits for trading in alcoholic beverages referred to under Article 18 hereof.
2. The amount of the fees referred to under item 1 above shall be set in relation to the official retail price of:
 - 1) an equivalent of €125 for each year covered by the permit for trading in beverages with up to 4.5% alcohol content and beer,
 - 2) an equivalent of €125 for each year covered by the permit for trading in beverages with over 4.5% and up to 18% alcohol content (excluding beer),
 - 3) an equivalent of €500 for each year covered by the permit for trading in beverages with over 18% alcohol content.
3. The fee referred to under item 2 above shall be increased by:
 - 1) 50% in case of points of sale whose sales of alcoholic beverages in the previous year exceeded an equivalent of €10,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of a given year,
 - 2) 100% in case of points of sale whose sales of alcoholic beverages in the previous year exceeded an equivalent of €30,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of a given year,
 - 3) *300% in case of points of sale whose sales of alcoholic beverages in the previous year exceeded an equivalent of €60,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of a given year,*
 - 4) *500% in case of points of sale whose sales of alcoholic beverages in the previous year exceeded an equivalent of €100,000, calculated by applying the buying rate for foreign currencies, as announced by the National Bank of Poland on 31 December of a given year.*
4. The fee referred to under item 1 above shall be payable to the Local self-governments in each calendar year of the permit by January 31 of a given year, at the same time submitting a written statement of the total sales of alcoholic beverages in the previous year.
5. In the year in which the permit is acquired or expires, the fee referred to under item 1 shall be payable in proportion to the validity period of

the permit; however, the first payment shall be made prior to the issuance of the permit.

Art. 12.

1. Each Local Community Council shall by resolution determine the number of points of sale in a given local community (or *gmina* – rural or urban) trading in alcoholic beverages with over 4.5% alcohol content (except for beer) intended for consumption off premises and on premises.
2. Each Local Community Council shall by resolution determine the principles for locating points of sale trading in alcoholic beverages in the given local community (rural or urban) and the conditions for conducting the said trade.
3. In localities where army units are stationed, the number of points of sale of alcoholic beverages intended for consumption off premises and on premises, as well as locations of places where alcoholic beverages are sold, served and consumed, shall be determined by a given Local Community Council in consultation with relevant garrison commanders.
4. The number of points of sale referred to under item 1 above and locations of places where alcoholic beverages are sold, served and consumed, should comply with the requirements to curtail the availability of alcohol, as set forth in the Local Community Programme of Prevention and Resolving Alcohol-related Problems.

Art. 13.

1. Alcoholic beverages shall be supplied to points of sale exclusively in sealed containers with the producer's name, type and quantity of beverage and alcohol content indicated thereon.
2. Information on harmful effects of alcohol consumption shall be visible in every outlet selling alcohol.

Art. 13¹.

1. *Advertising of alcoholic beverages shall be prohibited in Poland, except for beer, advertising of which shall be permitted provided that it is not targeted at youth or conducted by forming associations with:*

- 1) *sexual attractiveness,*
 - 2) *relaxation or leisure,*
 - 3) *sports,*
 - 4) *education, work or professional success,*
 - 5) *personal health or success.*
2. *Advertising and promotion of beer referred to under item 1 may not be conducted:*
- 1) *on television, in the radio, at cinemas and theatres between 6:00 a.m. and 11:00 p.m.,*
 - 2) *on video cassettes and any other carriers,*
 - 3) *in the press for young people and children,*
 - 4) *on magazine covers,*
 - 5) *on advertising posts and billboards,*
 - 6) *in any other way than only by use of the trade name and trade mark,*
 - 7) *with participation of persons, animals or any other characters.*
3. *Advertising and promotion of any products whose name, trade mark, graphic shape or packaging is tantamount to the designation of any alcoholic beverage or any other symbol objectively relating to such alcoholic beverage, shall be prohibited.*
4. *Advertising and promotion of any entrepreneurs, or any other legal persons, which, in its advertising image, use the name, trade mark, graphic shape or packaging associated with any alcoholic beverage, its producer or distributor, shall be prohibited.*
5. *Informing on sponsorship of sports events, music concerts and any other mass meetings by alcoholic beverage producers or distributors in any other manner than by placing the trade mark of such producer or distributor on an invitation, ticket or information poster relating to a particular event, shall be prohibited.*
6. *The prohibition referred to under item 1 above shall also apply to any promotional and advertising publications handed out to retail customers by alcoholic beverage producers, distributors and traders.*
7. *The prohibitions referred to under items 1-6 shall not apply to advertising of alcoholic beverages carried out inside buildings of wholesale warehouses or outlets which sell only alcoholic beverages and inside outlets which sell alcoholic beverages to be consumed on premises.*
8. *The prohibitions referred to under items 1-6 shall apply to persons who participate in the conduct of advertising in the capacity of a principal,*

an agent or a contractor, irrespective of the method and form of presentation thereof.

Art. 14.

1. It shall be prohibited to sell, serve and consume alcoholic beverages:
 - 1) in schools, or any other educational institutions and establishments, social welfare institutions and establishments, as well as student hostels,
 - 2) in enterprises and at employee canteens,
 - 3) in areas where, and during the time when, public gatherings are held,
 - 4) in public transport means and facilities,
 - 5) (deleted),
 - 6) in facilities occupied by military and law enforcement authorities, in army barracks and in any locations where army units are temporarily stationed.
- 2a. *It shall be prohibited to consume alcoholic beverages in streets, squares and in parks, except for any places intended for consumption thereof on premises in points of sale of such beverages.*
- 1a. (deleted).
2. (deleted).
3. It shall be prohibited to sell, serve and consume beverages with over 18% alcohol content in training centres.
4. It shall be prohibited to sell, serve and consume beverages with over 18% alcohol content in rest houses.
5. A permit shall be required to sell, serve and consume beverages with over 4.5% alcohol content during open air meetings and it shall be done only in places dedicated therefor.
6. The Local Community Council may impose a temporary or permanent prohibition of selling, serving, consuming and bringing in alcoholic beverages in any other places, facilities or designated areas in a local community (rural or urban) which have not been referred to above, on account of their nature.
7. The Minister of Transport and Maritime Economy shall determine by Ordinance rules and conditions for selling, serving and consuming alcoholic beverages on merchant marine vessels operating on international routes, on international trains and planes and in the international sea ports and airports.

8. The Minister of Foreign Affairs shall specify cases and circumstances when it is acceptable to serve and consume small quantities of alcoholic beverages on account of internationally accepted practices.

Art. 15.

1. It shall be prohibited to sell or serve alcoholic beverages:
 - 1) to persons whose behaviour indicates intoxication,
 - 2) to persons under 18 years of age,
 - 3) on credit or against a pledge.
2. *In case of any doubts as regards a given buyer's majority, the seller or the person serving alcoholic beverages shall be entitled to demand that such buyer produce a document evidencing such buyer's age.*

Art. 16.

1. It shall be prohibited to bring alcoholic beverages to the work place, the buildings and facilities referred to under art. 14 item 1 point 6, as well as sport stadiums and other facilities in which mass sports and leisure events are held, as well as any other facilities and places to which a prohibition of bringing in alcoholic beverages applies.
2. Every person carrying alcoholic beverages shall place the same in safe deposit; otherwise, such person shall be refused admission or removed from the premises referred to under item 1 above.
3. Alcoholic beverages brought in by servicemen onto the premises referred to under art. 14 item 1 point 6 shall be seized and placed in safe deposit.
4. The Minister of National Defence and the Minister of Internal Affairs and Administration, in consultation with other relevant ministers, each within his own scope of competence, shall determine by Ordinance detailed rules and procedures applicable in cases referred to under items 2 and 3, and the amounts charged for safekeeping of alcoholic beverages deposited.

Art. 17.

1. Every manager of a business entity, or any authorised person, shall stop an employee from working if the manager should reasonably suspect

that the said employee has consumed alcoholic beverages prior to reporting to work or during work. Such employee shall be informed of the circumstances constituting the grounds for the aforementioned decision.

2. The authority supervising a given business entity, and any other authority empowered to inspect such entity, shall have the same powers as those referred to under item 1 above.
3. *The employee referred to under item 1 shall be obligated to undergo a test for sobriety conducted by the manager of the business unit, or any authorised person, by means of an alcoholmeter, as well as the manager of the business unit, or any authorised person, shall be obligated to carry out such test for sobriety at the employee's request.*
4. *In the event that the employee refuses to undergo the test referred to under item 3, he or she shall be deemed to be intoxicated.*
5. *Costs of the test referred to under item 3 shall be borne by the employee, in case of establishment of his or her intoxication, otherwise such costs shall be borne by the employer.*

Art. 18.

1. The sale of alcoholic beverages intended for consumption on or off premises may be conducted exclusively on the basis of a permit issued by the relevant head of the Local Community Administration (rural or urban), in consultation with the relevant Local Community Administration.
- 1a. Separate permits shall be issued for the sale of the following types of alcoholic beverages for consumption on or off premises:
 - 1) up to 4.5% alcohol content and beer,
 - 2) over 4.5% up to 18% alcohol content,
 - 3) over 18% alcohol content.
2. Permits for the sale of alcoholic beverages intended for consumption off premises shall be issued within the limit of the number of points of sale determined by a given Local Community Council pursuant to the provisions of art. 12 item 1.
3. Permits for the sale of alcoholic beverages for intended consumption on or off premises shall be issued provided that a given point of sale meets the conditions of sale and location set out by a given Local Community Council pursuant to art. 12 item 2.

4. Alcoholic beverages may be sold and served in places which are under the jurisdiction of the Army or organisational units reporting to the Ministry of Internal Affairs and Administration – located outside the facilities referred to under art. 14 item 1 point 6 – exclusively under the permit referred to under item 1 above, and, in addition, upon approval of the military authorities specified by the Minister of National Defence or the agencies of the Ministry of Internal Affairs and Administration specified by the Minister of Internal Affairs and Administration.
5. The permit referred to under item 1 shall be issued for a limited period of time, but for not less than 4 years; and for not less than 2 years with respect to the sale of alcoholic beverages intended for consumption off premises.
6. The permit referred to under item 1 above shall be revoked upon:
 - 1) failing to comply with the conditions for selling alcoholic beverages provided for under the Act, in particular selling alcoholic beverages to minors or intoxicated persons,
 - 2) repeatedly disrupting public order at the point of sale or its immediate vicinity in connection with the sale of alcoholic beverages by a given outlet,
 - 3) selling alcoholic beverages of illegal origin,
 - 4) failing to comply with the terms and conditions set out in the permit,
 - 5) misrepresentation in the statement referred to under art. 11¹ item 4,
 - 6) breaking the law whereby material benefits are obtained by the person responsible for the operations of the entrepreneur to whom the permit has been issued,
 - 7) *imposing a prohibition of conducting business activities covered by the permit upon any entrepreneur being a natural person, or any other person responsible for such entrepreneur's operations, holding a permit.*
7. In cases referred to under item 6 points 1 and 2, the approval of the relevant Local Community Commission for Resolving Alcohol-related Problems must be obtained in order to revoke the permit.
- 7a. Any entrepreneur whose permit has been revoked may re-apply for issuance of a new permit not earlier than after three years have elapsed since the decision to revoke the permit was made.
8. The following shall cause the expiration of the permit referred to under item 1 above:
 - 1) liquidation of the point of sale,

- 2) termination of the permit's validity,
- 3) changes in the line of business conducted at the point of sale,
- 4) change of the entrepreneur holding the permit,
- 5) failure to pay the fee specified under art. 11¹ by 31 January of each calendar year covered by the permit.

Art. 18¹.

1. Entrepreneurs holding permits to sell alcoholic beverages and Voluntary Fire Service units may be granted one-off permits to sell alcoholic beverages to which to the provisions of art. 18 item 2 and items 5-8 are not applicable.
2. The permits referred to under item 1 shall be granted for a period of up to 2 days.
3. The fee for one-off permits, referred to under item 1, shall be payable to the local self-government prior to the issuance of such permit in an amount equal to 1/12 of the annual fee for particular types of permits referred to under art. 11¹ item 2 and art. 18 item 1a.

Art. 18².

Revenue generated from fees for the permits issued under art. 18 or art. 18¹ and revenue generated from fees specified in art. 11¹ may only be used for the implementation of the Local Community Programmes of Prevention and Resolving Alcohol-related Problems, and they may not be allocated for any other purposes.

Art. 18³.

Provisions of the Act of 19 November 1999 – the Law on business activities (Official Journal No. 101 item 1178) shall apply to permits referred to in art. 9, 18 and 18¹, unless the provisions of this Act provide otherwise.

Art. 19.

1. In view of public safety and order, the Council of Ministers may establish by Ordinance a total or partial prohibition of selling and serving

alcoholic beverages in the entire country or any part thereof for a limited period.

2. In cases requiring immediate actions, the Council of Ministers may impose a prohibition referred to under item 1 in a different mode.

Art. 20.

1. The Council of Ministers shall report annually to the Parliament on the execution of the provisions of this Act.
2. (deleted).

Chapter 2 TREATMENT OF PERSONS ABUSING ALCOHOL

Art. 21.

1. Persons dependent on alcohol shall be treated in inpatient and outpatient dependence treatment centres and in other health care establishments.
2. Dependence treatment shall be voluntary, subject to provisions under this Act.
3. Dependence treatment services provided by health care establishments to persons with alcohol dependence shall be free of charge.

Art. 22.

1. Each Voivodship Administration shall organise within its voivodship jurisdiction dependence treatment centres with around-the-clock operation hours and a voivodship (regional-level) therapy centre for treatment of dependence and co-dependence.
 - 1a. Each head of the county (or *starosta*) shall establish dependence treatment centres other than those specified under item 1 in their respective counties.
2. The Minister of Health and Social Welfare shall determine by Ordinance:
 - 1) organisation, qualifications of personnel, rules of operation and types of dependence treatment centres for persons dependent on alcohol,

- and other health care establishments providing care to persons dependent on alcohol, and principles of co-operation with public institutions and non-governmental organisations in that regard,
- 2) conditions to be complied with by treatment centres for persons dependent on alcohol other than public health care establishments,
 - 3) Rules & Regulations for inpatient dependence treatment centres and social welfare homes for persons dependent on alcohol, in agreement with the Minister of Justice.

Art. 23.

1. Family members of persons dependent on alcohol who suffer from the negative effects of alcohol abuse by persons dependent on alcohol shall be provided with health services as regards therapy and rehabilitation of co-dependence, as well as prevention, in public health care establishments. Such services shall be free of charge.
2. The children of persons dependent on alcohol suffering from the negative effects of alcohol abuse from their parents shall receive gratuitous psychological and social therapy in public health care establishments, public specialist clinics and educational and reconciliation centres.
3. The assistance provided to children by any person or institution may be provided without the consent of intoxicated parents or custodians.

Art. 24.

Persons who as a result of abusing alcohol cause the disintegration of family life, demoralise juveniles, avoid work or pose a permanent threat to public order, shall be examined by a court expert in order to establish the extent of their alcohol addiction and to determine the type of medical establishment where such persons should be treated.

Art. 25.

The examination referred to under Article 24 above shall be decided by the Local Community Commission for Resolving Alcohol-related Problems

competent for the domicile or place of temporary residence of the person concerned, upon such person's request or the Commission's own initiative.

Art. 26.

1. In the event that the person referred to under art. 24 is deemed to be dependent on alcohol, the said person may be obligated to undergo treatment in an inpatient or outpatient dependence treatment centre.
2. Mandatory treatment in a dependence treatment centre shall be decided upon by the district court with jurisdiction over the domicile or place of temporary residence of the person concerned, following extra-judicial proceedings.
3. The court shall institute proceedings upon a motion submitted by the Local Community Council for Resolving Alcohol-related Problems or a prosecutor. The documentation gathered and the opinion of a court expert shall be attached to such motion, if relevant examination has been conducted by the court expert.

Art. 27.

1. If there is no expert opinion on the person concerned as regards alcohol addiction, the court shall order the said person to submit to required examination.
2. The court may, if it deems it to be necessary on the basis of the opinion issued by a relevant court expert, order the person concerned to undergo observation in a treatment centre over a period not exceeding two weeks. In exceptional cases the court, upon a motion submitted by authorities of such centre, may extend the aforementioned period to up to 6 weeks.
3. The person concerned shall have the right to speak before the court prior to the same issuing the above decision.
4. An appeal may be made against the decision on an obligation to undergo observation in a treatment centre.

Art. 28.

1. In the event that the court orders an examination by a court expert or observation in a treatment centre, the person concerned shall undergo psycho-

logical and psychiatric examination and whatever examination necessary to conduct basic laboratory tests, subject to such examination being performed by authorised medical personnel, with due professional care of the medical expertise and without any threat to such person's health.

2. The Minister of Health and Social Welfare, in consultation with the Minister of Justice, shall determine by Ordinance the procedure for appointing court experts, rules of drafting an expert opinion and methods of performing the examination referred to under item 1 above.

Art. 29.

The decision on mandatory treatment shall be made following a hearing to be held within one month following the receipt of the relevant motion.

Art. 30.

Upon unjustified absence during the hearing or avoidance of examination to be conducted by a court expert pursuant to the relevant decision, or observation in a treatment centre, the court may order the Police to bring the person there by compulsion.

Art. 31.

1. After deciding on mandatory treatment, the court may order the supervision of a probation officer over the period thereof.
2. Any person supervised by a probation officer shall be obliged to report following a summons issued by the court or the probation officer, and to execute any orders relating to such conduct over the supervision period which could contribute to the shortening of the compulsory treatment period.
3. The Minister of Justice and the Minister of Health and Social Welfare shall determine by Ordinance detailed rules and procedures relating to the exercise of supervision referred to under item 1 above.

Art. 32.

1. The court shall call upon the person lawfully ordered to undergo dependence treatment to report on a given day to a relevant dependence

treatment centre in order to start the said treatment, subject to use of compulsion if this obligation is not fulfilled.

2. A person obligated to undergo dependence treatment and required to stay in an inpatient dependence treatment centre during such treatment shall not leave its premises unless permitted by its manager.
3. The court shall order the Police to compulsorily bring to the treatment centre any person avoiding compliance with the obligations referred to under items 1 and 2 above.

Art. 33.

1. When executing the order on the compulsory bringing of the persons referred to under art. 30 and 32 item 3, the Police shall have the right to detain such persons only in necessary cases and for a period required for execution of the order referred to above.
2. The Minister of Internal Affairs and Administration, in consultation with the Minister of Justice and the Minister of Health and Social Welfare, shall determine by Ordinance detailed rules and procedures of the compulsory bringing of the persons referred to under item 1 above.

Art. 34.

1. Mandatory treatment shall last for a period required for its successful completion, however not longer than 2 years following the court's decision becoming final and binding.
2. Throughout the period of mandatory treatment, the court, upon a motion submitted by the probation officer and following consultation with the relevant treatment centre, or upon a motion submitted by the treatment centre, may alter its decision on the type of dependence treatment centre selected.
3. Throughout the period of mandatory treatment, the inpatient treatment centre may transfer the person to a different centre for medical reasons in order to continue dependence treatment, subject to notification of the court.
4. The court, following the receipt of a motion submitted by the person under treatment, the treatment centre authorities, the probation officer, the prosecutor, or *ex officio*, may decide to terminate mandatory treatment, subject to consultation with the relevant treatment centre.

5. In the event of expiration of the mandatory treatment obligation, the same shall not be imposed on the same person prior to the elapse of three months following such expiration.

Art. 35.

1. The court, when deciding upon mandatory dependence treatment for a given person, may make a decision about such person's total incapacitation if the court deems it to be necessary in view of the extent of addiction, subject to notification of the relevant prosecutor.
2. In the event that incapacitation is instituted, the guardianship court, when determining the form of guardianship, may decide to place the person concerned in a social welfare home for persons dependent on alcohol, unless it is reasonably expected that such person may be otherwise taken care of on a permanent basis.
3. The provisions of art. 31 above relating to the duties of the probation officer shall apply accordingly with respect to the custodian's duties as regards the incapacitated person.

Art. 36.

1. The judge may at any time enter a treatment centre or social welfare home in order to verify whether legal grounds exist for placing the persons treated under court order in such centre or home, and the conditions of accommodation.
2. The Minister of Justice, in consultation with the Minister of Health and Social Welfare, shall determine by Ordinance detailed rules and procedures relating to the exercise of supervision referred to under item 1 above.
3. The provisions under items 1 and 2 shall not limit the statutory rights of the prosecutor in this respect.

Art. 37.

1. Persons dependent on alcohol placed in correction centres or homes for detained juveniles shall undergo compulsory dependence treatment which has been ordered.

2. The dependence treatment of a juvenile shall be decided upon by the authorities of a given correction centre or a detention home, following consent of the statutory representative, and in case of its absence and with respect to major persons, it shall be decided upon following the consent of the court executing the decision, granted in consultation with a relevant court expert.
3. The Minister of Justice, in consultation with the Minister of Health and Social Welfare shall determine by Ordinance detailed rules and procedures relating to dependence treatment of the persons referred to under item 1 above.

Art. 38.

The Minister of Justice, in consultation with the Minister of Health and Social Welfare, shall determine by Ordinance rules and procedures relating to dependence treatment of persons dependent on alcohol detained in penitentiaries and temporarily detained pending further inquiries and in social adjustment centres.

Art. 39.

Self-government bodies of municipalities with populations exceeding 50,000 and the County Administrations may establish and manage sobering-up stations.

Art. 40.

1. Persons intoxicated with alcohol whose behaviour constitutes a nuisance in public or a work place, if their life or health is threatened, or their behaviour constitutes a threat to the lives or health of other persons, may be brought to a sobering-up station, a public health care establishment, *or any other centre established or named by the local government*, or to the place of residence or temporary residence of such person.
2. In the event that there is no sobering-up station in a given locality, such persons may be brought to the Police station.
3. Persons brought to sobering-up stations or Police stations shall remain there until they are sober, but not longer than 24 hours. Persons under the age of 18 shall be placed in rooms separate from rooms for adults.

- 3a. *Any person brought to a sobering-up station, a Police station, a health care establishment or any other centre established or named by the local government, under circumstances referred to under item 1, shall have the right of appeal to the court. In its appeal, such person compulsorily brought or detained may demand that the justification and legality of his or her being compulsorily brought, as well as a decision on detention and the correctness of execution thereof, be examined.*
- 3b. *The appeal shall be submitted to the district court having jurisdiction over the place of such compulsory bringing or detention within 7 days from the date of such compulsory bringing or detention, which shall forthwith hear the appeal. In hearing the appeal, regulations of the Penal Procedure Code shall apply.*
- 3c. *In the event that it is established that such compulsory bringing or detention was unjustified or illegal, or that there were gross irregularities in the performance thereof, the district court shall notify of this fact the prosecutor and the authorities supervising the authorities which so compulsorily brought or detained such person.*
4. Should the person referred to under item 1 be a soldier, the said person shall be handed over to the appropriate military authority.
5. Any cases justifying the commencement of proceedings to impose mandatory treatment on persons dependent on alcohol shall be notified, forthwith, to the relevant Local Community Commissions for Resolving Alcohol-related Problems.
6. The following person shall be notified of placement in a sobering-up station:
- 1) in case of minor persons, their parents, or guardians and the guardianship court,
 - 2) *in case of any other persons, upon their requests, any persons named by them.*

Art. 41.

1. (deleted).
2. Money or other valuables and *alcoholic beverages* found on the above persons shall be kept in safe deposit.
3. Sobering-up stations shall have the right to deduct any fees payable for such persons' stay in sobering-up stations from the money deposited in the sobering-up station's safe deposit.

4. Sobering-up stations shall have the right to secure amounts due to them against other items kept in safe deposits.

Art. 42.

1. *Physical direct constraint, consisting in holding down or immobilising, may be used against persons which pose any threat to their own or any other persons' lives or health, or who destroy objects in their surroundings.*
2. *Holding down is emergency, short immobilisation of such person by use of physical force.*
3. *Immobilisation is a longer overpowering of such person by use of straps, clamps, sheets or a straitjacket.*
4. *Direct constraint may last only until the causes of application thereof cease.*
5. *Fees shall be charged for being compulsorily brought to a sobering-up station or a Police station, and stay therein.*
6. *The Minister of Health and Social Welfare, in consultation with the Minister of Internal Affairs and Administration, shall specify by Ordinance the procedures regarding the compulsory bringing and admission of the persons referred to under art. 40 above to a sobering-up station, a public health care establishment, or any other centre established or named by the local government, and release from such stations, establishments and centres, the organisation of sobering-up stations, with a special attention to qualifications of employees and technical conditions of premises, the scope of medical care provided to persons admitted, as well as the maximum fees charged for the stay in sobering-up stations and Police stations.*

Chapter 3 PENAL REGULATIONS

Art. 43.

1. Any person selling or serving alcoholic beverages whenever such sale or serving is prohibited by law, or without a required permit, or in contravention of the conditions thereof, shall be subject to a fine.

2. Managers of trade or catering outlets failing to perform their respective supervisory duties, thereby permitting the offence referred to under item 1 above to be committed, shall be subject to the same fine.
3. Upon committing the offence referred to under items 1 or 2 above, forfeiture of alcoholic beverages may be ordered, even though such beverages are not the property of the perpetrator, and a prohibition of conducting business activities consisting in selling and serving alcoholic beverages may also be imposed.
4. Decisions regarding any offences referred to under item 1 and 2 shall be made on the basis of the regulations of the *Penal Procedure Code*.

Art. 43¹.

1. Any person consuming alcoholic beverages in contravention of the prohibitions referred to under art. 14 item 1 and items 2a-6 or purchasing and consuming alcoholic beverages in places of illegal trade, or consuming alcoholic beverages which he/she or any other person brings into places designated for the sale and consumption of alcoholic beverages, shall be subject to a fine.
2. Attempts to commit the misdemeanour referred to under items 1 shall be subject to punishment.
3. Upon committing the offence referred to under items 1 above, forfeiture of alcoholic beverages may be ordered, even though such beverages are not the property of the perpetrator.

Art. 44.

Any person who, being under a special obligation to exercise supervision, permits alcoholic beverages to be sold, served or consumed in the workplace, or after such person has learned that alcoholic beverages are being sold, served or consumed in the workplace, fails to take action prescribed by law, shall be subject to a fine.

Art. 45.

Any person who, in contravention of the provisions of art. 13, item 1 and 2:
1) delivers alcoholic beverages to points of sale; or

- 2) fails to exhibit information on harmful effects of alcohol consumption, shall be subject to a fine.

Art. 45¹.

Decisions in matters regarding the act referred to under art. 43¹-art. 45 above shall be made pursuant to the *Penal Procedure Code*.

Art. 45².

1. Any person who, in contravention of the provisions of art. 13¹, advertises or promotes alcoholic beverages and sponsors mass events, shall be subject to a fine ranging from PLN 10,000 to PLN 500,000.
2. Decisions in matters regarding the act referred to under item 1 above shall be made pursuant to the *Penal Procedure Code*.
3. Should the act referred to under item 1 above be committed within the scope of activities of a given entrepreneur, the perpetrator of the prohibited act shall be deemed to be the person who was responsible for commissioning to conduct, or conducting, such advertising of alcoholic beverages.

Art. 45³.

1. Any person who carries out wholesale trading in alcoholic beverages without a required permit or in contravention of the terms and conditions thereof, shall be subject to a fine ranging from PLN 10,000 to PLN 500,000.
 - 1a. Upon committing the offence referred to under items 1 above, forfeiture of alcoholic beverages may be ordered, even though such beverages are not the property of the perpetrator, and a prohibition of conducting business activities consisting in wholesale trading in alcoholic beverages may also be imposed.
2. In cases of minor offences, the perpetrator of the act specified under item 1 shall be subject to a fine of PLN 5,000.
3. Decisions in matters regarding the act referred to under item 1 above shall be made pursuant to the *Penal Procedure Code*.

4. Should the act referred to under item 1 above be committed within the scope of activities of an entrepreneur, the perpetrator of the prohibited act shall be deemed to be the person responsible for circulating alcoholic beverages in wholesale trading.

Art. 46.

1. *Any product intended for consumption with an ethyl alcohol concentration above 0.5% shall be deemed to be an alcoholic beverage.*
2. A person shall be deemed to have consumed alcohol if the alcohol content in his/her organism amounts to or leads to:
 - 1) blood alcohol concentration level of 0.2‰ up to 0.5‰; or
 - 2) the presence of 0.1 mg up to 0.25 mg of alcohol in 1 dm³ of exhaled air.
3. A person shall be deemed to be intoxicated with alcohol if the alcohol content in his/her organism amounts to or leads to:
 - 1) blood alcohol concentration exceeding 0.5‰; or
 - 2) the presence of alcohol exceeding 0.25 mg in 1 dm³ of exhaled air.

Art. 47.

1. If there is a suspicion of committing an offence or a misdemeanour following consumption of alcohol, the suspect may be examined in order to determine the alcohol content in his or her organism, in particular blood may be collected. Blood shall be collected by a qualified employee of the health service.
2. The minister appropriate to deal with matters of health, acting in consultation with the Minister of Justice, the minister appropriate to deal with internal affairs and the minister appropriate to deal with matters relating to labour, shall specify by Ordinance the conditions for and methods of conducting medical examinations referred to under item 1 above and art. 17 item 3.

Chapter 4
INTERIM AND FINAL PROVISIONS

Art. 48.

1. The term „state indicating the consumption of alcohol”, used in the existing regulations shall be applicable to persons deemed to have consumed alcohol.
2. Decisions made to date with respect to mandatory treatment, issued under the Act of 10 December 1959 on Counteracting Alcoholism, shall be deemed to be decisions on mandatory submission to treatment within the meaning of this Act.

Art. 49.

The Act of 10 December 1959 on Counteracting Alcoholism (*Journal of Laws* No. 69, item 434 of 1969, No. 13, item 95, and of 1971 No. 12, entry 115) is no longer in effect.

Art. 50.
(deleted)

Art. 51.

This Act shall come into force 6 months after the day of promulgation hereof.