

ACT
of October 26th, 1982
on Upbringing in Sobriety and Counteracting Alcoholism

(original text: O.J. 1982 No 35 item 230)

(single text O.J. 2002 No 147 item 1231)

(single text O.J. 2007 No 70 item 473)

In recognition of citizens' health in sobriety being an essential determinant of moral and material welfare of the People, the following is hereby enacted:

Chapter 1
General Provisions

Art. 1.

1. The State administration and the local self-government administration authorities shall be obliged to undertake actions aimed at curtailing the consumption of alcoholic beverages and altering the structure thereof; they shall initiate and support undertakings aimed at altering the alcoholic beverage consumption patterns, promote sobriety in the workplace, counteract alcohol abuse development and remedy the consequences thereof, and support activities undertaken in this respect of non-governmental organizations and/or employers.
2. The authorities referred to in par. 1 shall also support the development of non-government organizations whose task is to promote sobriety and abstinence, to influence alcohol abusers and to provide assistance to their families, and they shall ensure favorable conditions for operation of such organizations.
3. The authorities referred to in par. 1 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 of counteracting alcoholism shall be implemented by way of appropriate social policy development, in particular by:
 1. creating conditions fostering development of needs, satisfaction of which shall motivate abstinence from alcohol consumption;
 2. conducting educational and informational activities;
 3. determining the appropriate level and structure of alcoholic beverage output marketed for domestic consumption;
 4. restricting the availability of alcohol;
 5. treatment, rehabilitation and social reintegration of persons with alcohol-dependence;
 6. preventing the adverse effects of alcohol abuse and remedying the same; and
 7. counteracting domestic violence.
 8. supporting social employment by financing centers of social integration

2. The tasks referred to in par. 1 shall be a part of the assumptions of the socio-economic policy, in the form of the National Programme of Prevention and Resolving Alcohol-Related Problems, as approved by the Council of Ministers.

Art. 2[1].

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

1. the direct vicinity of a point of sale of alcoholic beverages – an area measured from the boundaries of a given facility, enclosed by an actual permanent obstacle such as a roadway curb, an urban development which by its nature precludes access and eye/ear contact, a wall lacking any passage, or a water-course lacking any close crossing;
2. promotion of alcoholic beverages – public samplings of alcoholic beverages, free distribution accessories associated with alcoholic beverages, organising bonus sales of alcoholic beverages, and all other forms of public solicitation to purchase of alcoholic beverages;
3. advertising of alcoholic beverages – public dissemination of alcoholic beverage trade marks and related logotypes, and of alcoholic beverage manufacturer brands or logotypes that are not different from alcoholic beverage trade marks or logotypes and are used to popularise alcoholic beverage trade marks; information used for commercial purposes between businesses involved in the manufacture, wholesale and/or retail trade in alcoholic beverages shall not be considered advertisement;
4. sponsoring – direct or indirect funding or co-funding of activities of individuals, legal entities, or organisational units without legal personality aimed at publicity, reinforcing or enhancing reputation of brands, manufacturers or distributors, of trade names and other symbols differentiating a business, business activity, a commodity or a service in exchange for the information on the sponsor;
5. information on the sponsor – presenting the information that includes a brand or a trade name of a sponsor in relation with its sponsoring;
6. separate stall – a retail stall or counter separate from the rest of the sale point area, enclosed with a dedicated fiscal cash register registering the sales;
7. wholesale trade of alcoholic beverages – purchase of alcoholic beverages for further resale of the same to duly-licensed businesses;
8. sales value – an amount due to the seller for the sold alcoholic beverages, inclusive of VAT and excise duties;
9. speciality liquor shop – an outlet where the yearly sales of alcoholic beverages account for a minimum of 70% of the total sales value;
10. reintegration – shall mean vocational and social reintegration as construed in the social employment regulations.

Art. 3.

1. Prevention and resolution of alcohol-related problems shall be the mandate of the State Agency for Prevention of Alcohol-Related Problems, hereinafter referred to as the "Agency".
2. The Agency shall report to the minister competent in matters of health.
3. The Agency's tasks shall include in particular:
 1. preparing drafts of the National Programme of Prevention and Resolving Alcohol-related Problems and drafts of the allocation of funds for the implementation thereof;

2. providing opinions on and preparing draft regulations and action plans with regard to policy on alcohol and alcohol-related problems;
 3. conducting educational and informational activities, preparation of expert assessments, and development and implementation of new methods of prevention and resolution of alcohol-related problems,
 4. providing technical assistance to self-government administrations, organisations, associations and individuals involved in the implementation of tasks related to prevention and resolution of alcohol-related problems, as well as and commissioning and funding execution of such tasks;
 5. co-operation with the regional (voivodship) self-government authorities and the plenipotentiaries referred to in art. 4 par. 3;
 6. co-ordination and initiating of actions aimed at improving the effectiveness and availability of the dependence treatment services;
 7. commissioning and funding of tasks related to prevention and resolution of alcohol-related problems;
 8. co-operation with international organisations and institutions actively involved in resolution of alcohol-related problems; and
 9. intervention in cases of breach of the regulations specified in art. 13[1] and art. 15 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 Agency Director appointed by the minister competent in matters of health from among people registered in the State Human Resources Data Base. The Agency Director shall be discharged by the minister competent in matters of health.
 6. The Agency's organization shall be laid down in the statutes/charter granted by the minister competent in matters of health.

Art 3. a

1. The recruitment procedure for vacancies in the Agency is open and has a form of a competition.
2. The information about the recruitment procedure shall be published in the Journal of Public Information (Biuletyn Informacji Publicznej), referred to in the Act of 6 September 2001 on the access to public information (O.J. No 112 item 1198 with further amendments) as well as it shall be also displayed in places generally accessible in the organizational unit carrying out the recruitment procedure.

Art. 3. b

Information about the candidates applying for the position within the framework of the competition shall constitute public information in so far as it is stipulated in the requirements defined in the job offer.

Art. 3. c

The deadline for submitting documents, stipulated in the job offer, can not be shorter than 14 days from the date of its publication in the Journal of Public Information.

Art 3. d

1. The list of candidates meeting formal criteria defined in the job offer shall be made public immediately after the deadline for submitting documents, stipulated in the job offer, by displaying it in a place generally accessible in the organizational unit carrying out the recruitment procedure. It should be also published in the Journal of Public Information.
2. The list, referred to in paragraph 1, shall include the candidate's name, surname, address of residence within the meaning of the provisions of the Civil Code.

Art. 3. e

1. A protocol on the recruitment procedure for vacancies in the Agency shall be written down.
2. The protocol should include in particular:
 - 1) the description of the position concerning which the recruitment procedure was carried out as well as the number, names, surnames and addresses of no more than 5 best candidates listed in accordance with the level of their fulfillment of requirements stipulated in the job offer;
 - 2) information about applied recruitment methods and techniques
 - 3) justification of the selection decision.

Art. 3. f

1. Information on the results of the recruitment procedure shall be disseminated within 14 days from the date of the employment of the selected candidate or the closure of the recruitment procedure failing the employment of any candidate.
2. The information, referred to in paragraph 1 shall include:
 - 1) name and address of the office;
 - 2) description of the position;
 - 3) name and surname of the selected candidate as well as his/her address of residence within the meaning of the provisions of the Civil Code;
 - 4) justification of the decision concerning the selection of a candidate or the failure to employ any candidate.
3. The information on the results of the recruitment procedure shall be disseminated in Journal of Public Information or displayed in a place generally accessible in the organizational unit carrying out the recruitment procedure.

Art. 3.g

In case of the termination of the employment contract of a person selected under the recruitment procedure within 3 months from the commencement of the employment contract, another person from the list of the best candidates included in the protocol on the recruitment may be employed. The provisions of article 3.f shall apply accordingly.

Art. 4.

1. The regional (voivodship) self-governments shall implement the tasks specified in art. 1 and art. 2 above in the form of the Regional Programme of Prevention and Resolving Alcohol-related Problems that shall constitute part of the regional (voivodship) strategy of social policy.
2. The Regional Administrations shall take responsibility for co-ordinating the development and implementation of the programmes referred to in par. 1 above, provide professional assistance to organisations and individuals involved in the implementation of the tasks included in those programmes, and co-operate with other public administration authorities in resolving alcohol-related problems.
3. The programme referred to in par. 1 above shall be implemented by a regional social policy centre, referred to in the regulations on social assistance, or by another entity the programme may specify. The Regional Administration may appoint a plenipotentiary for the purposes of implementing the programme.
4. Funds to finance this activities referred to in par. 2. above shall be provided for in the budgets of voivodeships.

Art. 4[1].

1. Activities relating to prevention and resolution of alcohol-related problems, and to social integration of alcohol dependant persons shall constitute own tasks of the local communities. In particular, those tasks shall include:
 1. increasing access to treatment and rehabilitation for persons dependent on alcohol;
 2. providing psychosocial and legal assistance to families troubled with alcohol-related problems, focusing in particular on protection them against domestic violence;
 3. conducting preventive informational and educational activities with regard to resolution of alcohol-related problems and counteracting drug addiction, particularly addressed to children and youths, including provision of extracurricular sports activities and of supplementary alimentation of children participating in extracurricular care and education, and socio-therapeutic programme activities;
 4. repealed,
 5. supporting activities of organisations, associations and individuals involved in resolving alcohol-related problems;
 6. undertaking interventions in cases of breach of the regulations specified in art. 13[1] and art. 15 of this Act and acting before courts in the capacity of a public prosecutor; and
 7. supporting social employment through organisation and funding of social integration centres.
2. The tasks referred to in par. 1. above shall be executed by way of implementation of the Local Community Programme of Prevention and Resolving Alcohol-related Problems, forming part of the social policy strategy adopted by the Local Community

Council on annual basis. The programme shall be implemented by the social assistance centre, referred to in the social assistance regulations, or by another entity the programme may specify. A prefect [wójt] (mayor, city president) may appoint a plenipotentiary for purposes of executing the programme.

3. Prefects (mayors, city presidents) shall appoint Local Community Commissions for Resolving Alcohol-related Problems which shall, in particular, initiate actions to the extent specified in par. 1 above and undertake actions aimed at assessment of obligatory treatment at alcoholism treatment centres of alcohol-dependant persons.
4. Members of the Local Community Commissions for Resolving Alcohol-related Problems shall be trained in prevention and resolving alcohol-related problems.
5. Rules of remuneration of members of the Local Community Commissions for Resolving Alcohol-related Problems shall be determined by the Local Community Councils in the Local Community Programmes of Prevention and Resolving Alcohol-related Problems.

Art. 5.

The minister competent in matters of education shall consider the subject of sobriety and abstinence as one of the goals of education and incorporate teaching on the harmful effects of alcoholism to individuals, families, and societies in the school curricula.

Art. 6.

The minister competent in matters of health and the minister competent in matters of higher education, as well as the minister competent in matters of education shall provide a necessary number of specialists with a training in preventive and therapeutic activities, and undertaking the research on alcohol and problems thereto related.

Art. 7.

The minister competent in matters of culture and national heritage preservation, the minister competent in matters of higher education, the public radio and television broadcasters, and other competent bodies and organisations shall undertake adequate measures in order to develop and support various forms of informational, cultural and scientific activities aimed at promoting the awareness on the harmful effects of alcohol abuse to individuals, families and social life, at fostering sobriety and abstinence, and eradicating harmful customs and patterns of alcohol consumption.

Art. 8.

repealed

Art.9.

1. Domestic wholesale trading in alcoholic beverages of more than 18% alcohol content shall require a permit issued by the minister competent in matters of economy.
2. Domestic wholesale trading in alcoholic beverages of up to 18% alcohol content shall require a permit issued solely by the regional (voivodship) marshal.
3. The authority referred to in par. 2 above shall issue such wholesale trade permits to businesses with seats registered in the respective regions.

3. a. Permits, referred to in par. 1 and par. 2 above, shall be issued upon a written application of an entrepreneur.
3. b. Any application for such a permit shall include the following:
 1. company name,
 2. company seat and address,
 3. company commercial register reference number,
 4. place of the company's business,
 5. applied-for limit – applicable only to applications for permits referred to in par. 1 above, and
 6. applied-for permit duration.
3. c. The minister competent in matters of economy or the respective regional marshal may issue duplicates of permits referred to in par. 1 and par. 2 above in the events of loss or damage of such permits.
4. The minister competent in matters of economy shall determine, by way of an ordinance, the types of documents required to be submitted at application for permit for wholesale trade in alcoholic beverages, the standard application forms, and the standard notices on sale of alcoholic beverages.

Art. 9[1].

1. The permits referred to in art. 9 par. 1 and par. 2 shall be issued separately for wholesale trading in each of the following alcoholic beverage categories:
 1. with alcohol content below 4.5% and beer,
 2. with alcohol content from 4.5% up to 18%, excluding beer,
 3. with alcohol content over 18%.
2. The wholesale trade permits shall be issued for specified time:
 1. for alcoholic beverages referred to in par. 1 items 1 and 2 for a period not exceeding 2 years,
 2. for alcoholic beverages referred to in par. 1 item 3 for a period not exceeding one year.
3. For permits referred to in par. 1 item 3. the minimum limit shall be 500 thousand litres of 100% alcohol per year.
3. a. Any limit referred to in par. 3 above may be increased at the entrepreneur's motion submitted not later than within 30 days after the expiry date of the limit laid down in the permit.
4. The provision of par. 3 above shall not apply to the entrepreneurs supplying ships, trains or aircraft. The maximum limit is herewith set for such entrepreneurs at 2 thousand litres of 100% alcohol per year.
5. Any alcoholic beverage manufacturer shall be obliged to acquire the alcoholic beverage wholesale trade permit if the same sells its product to any business that does not hold a permit referred to in art. 18 par. 1.

Art. 9[2].

1. A fee shall be charged against the issuance of any permits referred to in art. 9 par. 1 and par. 2, any decision to the effect of amended permit, and any permit duplicate.

2. Any fee referred to in par. 1 above shall be paid in advance of the permit or decision issuance to an account of the permit issuing body, subject to reservation of the following par. 5.
3. The permit issuance fee referred to in art. 91 par. 1 item 1 and item 2 is herewith set at PLN 4,000 for any business that applies for the permit for the first time and for any business with the sales value in the year preceding the permit expiry of PLN 1,000,000 or less.
4. In the event of a business with the value of alcoholic beverage wholesales in the year preceding the permit expiry in excess of PLN 1,000,000, the permit issuance fee referred to in art. 91 par. 1 item 1 and item 2 is hereby set at 0.4% of the preceding year's sales value rounded to PLN 100.
5. Any fee referred to in par. 3 shall be paid to an account of the permit issuing body after the submittal of a written statement on the value of the alcoholic beverage wholesale sales made in the preceding calendar year.
6. The value of alcoholic beverage wholesale sales shall be calculated for each beverage category separately.
7. The permit issuance fee referred to in art. 91 par. 1 item 3 is herewith set at PLN 45,000 for 500 thousand litres of 100% alcohol, subject to the reservation of the following par. 8.
8. The permit issuance fee amount referred to in art. 91 par. 1 item 3, for the entrepreneurs supplying ships, trains and/or aircraft shall be set appropriately to the declared sales volume.
9. The amount of the fee for a decision issuance to the effect of a new place of business, or of a number of such places increased over that specified in the issued permit referred to in art. 91 par. 1, shall equal to 50% of the rate set for the permit as of the issuance date thereof.
10. The amount of the fee for a decision issuance to the effect of any other amendment to a permit shall be PLN 200.
11. The amount of the fee for the issuance of a permit for clearance sale of an existing stock of alcoholic beverages with alcohol content of up to 18% shall be PLN 1,000.
12. The fee for the issuance of a permit for clearance sale of the existing stock of alcoholic beverages with alcohol content of over 18% shall be charged [in an amount] depending on the number of litres of 1000 alcohol declared in the statement pro rata to the fee amount determined in par. 7 above.
13. The fee for a limit increase referred to in art. 9[1] par. 3 shall be charged [in an amount] depending on the number of litres of 1000 alcohol declared in the statement pro rata to the fee amount determined in par. 7 above.
14. The amount of the fee for the issuance of a permit duplicate referred to in art. 9 par. 1 and par. 2 shall be PLN 50.
15. Neither permit nor decision referred to in paragraphs 9-14 and art. 9 par. 1 and par. 2, shall be subject to stamp duty.

Art. 9[3]

1. Fees referred to in art. 9[2] par. 1 may be used by the Regional Administrations for funding tasks specified in art. 4 par. 1 only.
2. Regional Administrations may commission, by means of agreements, the district (powiat) self-government units to implement alcohol-related problem prevention and resolution tasks and provide funds for implementation thereof.

Art. 9[4].

Conducting business under permits referred to in art. 9[1] par. 1 shall be subject to the following conditions:

1. provision of the permit issuing body with information on the alcoholic beverage sales volume as of each year by January 31 of the subsequent year;
2. sale of the alcoholic beverages indicated in the permit only, and only to holders of permit for wholesale trade in the same beverages or of permit for retail sale of alcoholic beverages;
3. wholesale trading only in the alcoholic beverages marked with excise stamps, provided that such marking thereof are required under other regulations;
4. procurement of the alcoholic beverages indicated in the permit from manufacturers and/or businesses permitted to wholesale trade in such beverages;
5. holding a legal title to use of a stationary warehouse adapted for storage of alcoholic beverages;
6. not being in arrears with tax, social or health insurance premium liabilities payable by the company;
7. conducting business to the extent covered in the permit and only by the party and at the places therein indicated;
8. notifying the minister competent in matters of economy or the respective regional marshal of any change in the company's factual or legal status with regard to data contained in the permit within 14 days of occurrence of each such change;
9. meeting other requirements provided for by the law.

Art. 9[5].

1. Any permit referred to in art. 9[1] par. 1 may be withdrawn by the minister competent in matters of economy or the respective regional marshal in the event of:
 1. non-compliance with requirements specified in art. 9[4] items 3, 4 and 7;
 2. marketing of alcoholic beverage from an illegal source;
 3. perpetration of a criminal offence in pursuit of a property gain by a person responsible for business of the permit holding party;
 4. misrepresentation as to the condition referred to in this art. 9[2] par. 5;
 5. decision with regard to the permit holding party, being a natural person, or with regard to a person responsible for business of the permit holding company, to the effect of ban to conduct the permit-covered business;
 6. commissioning by the permit holding party, subject to agreement, of other parties to wholesale trade in alcoholic beverages.
2. Any permit referred to in art. 9[1] par. 1 may be withdrawn by the minister competent in matters of economy or the respective regional marshal in the event of:
 1. non-compliance with requirements specified in art. 9[4] items 1, 2, 5, 6, 8, and 9,
 2. repeated breach of the public order at the place of trading.
3. Any permit referred to in art. 9[1] par. 1 shall expire in the event of:
 1. liquidation of the business or notice of termination of the wholesale alcoholic beverage business;
 2. expiration of the permit validity period;
 3. change in partnership composition.

4. At motion of a party holding a permit that expired for reasons listed in par. 3 above the . 8 minister competent in matters of economy or the respective regional marshal shall issue a permit with a deadline for clearance sale of the existing alcoholic beverage stock. No deadline allowed in a permit for clearance sale shall be further ahead than 6 months from the respective permit expiration date.
5. Any withdrawn permit holding party may apply for reissue of the permit referred to in art. 9[1] par. 1 but not earlier than in three years after the withdrawing decision date.

Art. 9[6].

Alcoholic beverages with alcohol content of over 4.5% (excluding beer) shall be sold in retail for consumption outside place of sale at the following points of sales:

1. speciality liquor shop;
2. separate department at a self-service retail outlet of over 200 m² retail floor area;
3. other self-service retail outlets and other retail outlets, where alcoholic beverages are sold directly by shop personnel.

Art. 10.

Legal acts with an impact on the structure of alcoholic beverage prices should foster reduction of consumption of such beverages and change in the structure thereof in favour of low alcohol content beverages.

Art. 11.

1. Funds in the amount of 1% of income from alcoholic beverage excise taxation shall be allocated every year in the State budget to expenditures related with implementation of the National Programme of Prevention and Resolving Alcohol-Related Problems.
2. Funds referred to in par. 1 above shall be in particular allocated toward various forms of assistance to the alcohol-dependant and members of their families, to informational and educational activities, training of specialists, and research of alcohol-related problems.
3. repealed

Art. 11[1].

1. In order to procure additional funds to finance the tasks specified in art. 4[1] par. 1 above any local community shall charge a fee for a permit to sell alcoholic beverages referred to in art. 18.
2. The fees referred to in par. 1 above shall be paid to an account of the local community, prior to issuance of the permit, in the following amounts:
 1. PLN 525 - for permit to sell alcoholic beverages of alcohol content up to 4.5% and beer,
 2. PLN 525 - for permit to sell alcoholic beverages of alcohol content from 4.5% up to 18% (excluding beer),
 3. PLN 2,100 - for permit to sell alcoholic beverages of alcohol content over 18%.

3. The fees referred to in the above par. 2 shall apply to parties that commence business of this scope.
4. Any entrepreneurs that sell alcoholic beverages a year earlier shall be obliged to submit by January 31 [of each year] a written statement on the value of sales of each alcoholic beverage category at its point of sale in the preceding year.
5. The fee referred to in par. 1 above shall be paid by any party selling alcoholic beverages at a point of sale in the total value of the alcoholic beverage sales in the preceding year in excess of:
 1. PLN 37,500 in sales of alcoholic beverages of alcohol content up to 4.5% and beer - shall be paid in the amount of 1.4% of the total value of sales of such beverages in the preceding year;
 2. PLN 37,500 in sales of alcoholic beverages of alcohol content from 4.5% up to 18% (excluding beer) - shall be paid in the amount of 1.4% of the total value of sales of such beverages in the preceding year;
 3. PLN 77,000 in sales of alcoholic beverages of alcohol content over 18% - shall be paid in the amount of 2.7% of the total value of sales of such beverages in the preceding year.
6. Any entrepreneurs with the value of annual sales of each alcoholic beverage category below the value referred to in the above par. 5 shall pay the fee in the amount set in par. 2 above.
7. Any fee referred to in par. 1 above shall be paid to an account of the local community for every calendar year covered by the permit in three equal installments by January 31, May 31, and September 30 of each calendar year, respectively.
8. In the year of issuance or expiration of a permit the fees referred to in paragraphs 1-5 shall be paid in the amounts pro-rata to the permit validity period duration.
9. The sales value shall be calculated separately for each alcoholic beverage category.
10. No permit referred to in art. 18, 18[1], and 18[4], shall be subject to stamp duty.

Art. 12.

1. Each Local Community Council shall by resolution determine the number of points of sale of alcoholic beverages with alcohol content of over 4.5% (excluding beer) intended for the consumption off premises and on premises for the territory of the local community (rural or urban).
2. Each Local Community Council shall adopt by resolution the rules of locating in the local community territory of the points of sale and serving of alcoholic beverages.
3. In localities where military unit are stationed, the number of points of alcoholic beverage sales for the consumption off premises and on premises as well as locations where alcoholic beverages are sold, served and consumed shall be determined by the Local Community Council in consultation with relevant garrison commanders.
4. Number of points of sale referred to in par. 1 and the locations of points of sale, serving, and consumption of alcoholic beverages shall comply with the requirement to curtail alcohol availability, as set forth in the Local Community Programme of Prevention And Resolving Alcohol-related Problems.

Art. 13.

1. Any alcoholic beverage shall be delivered to the place of sale only in sealed containers marked with the manufacturer's brand, the beverage type and volume, and the alcohol content.

2. A notice on harmful effects of alcohol consumption shall be displayed at every alcoholic beverages sale and/or serving outlet.
3. repealed

Art. 13[1].

1. advertisement and promotion in the territory of the country of any alcoholic beverage shall be prohibited, except for beer, advertisement and promotion of which shall be permitted provided that the same:
 1. is not targeted at the under aged,
 2. does not present the under aged,
 3. does not associate drinking alcohol with physical fitness or vehicle driving,
 4. does not include any statements that alcohol is a medical, stimulating, calming drug or a mean to resolve personal problems,
 5. does not promote excessive alcohol drinking,
 6. does not present abstinence or reasonable alcohol drinking in a negative way,
 7. does not promote the high percentage of alcohol content in alcoholic beverages as a feature improving their quality,
 8. does not form any associations with:
 9. sexual attractiveness,
 10. relaxation or leisure,
 11. learning or work,
 12. personal or professional success.
2. Neither advertisement of beer, nor promotion thereof, referred to in par. 1 above shall be executed:
 1. on television, the radio, at the cinema or the theatre between 6 a.m. and 8 p.m. except advertisement provided by an organizer of a qualified or professional sports event during such an event,
 2. on video cassettes and other media,
 3. in press for the youth and children,
 4. on a newspaper or magazine cover,
 5. on posts, billboards, and other fixed and mobile advertisement displays, unless 20% of the advertisement area is covered with visible and legible notices on the harmful effects of alcohol consumption or of ban of alcohol sale to the under aged,
 6. with participation of the under aged.
3. Advertisement and promotion of any product and/or service, the brand, trade mark, graphic layout, or packaging which exploits similarity or is identical to marking of an alcoholic beverage or any other symbol that objectively refers to an alcoholic beverage, shall be prohibited .
4. Advertisement and promotion of any business and/or another party that in the advertising image thereof uses a brand, trade mark, graphic layout, or packaging related with an alcoholic beverage, and/or a manufacturer and/or distributor thereof, shall be prohibited .
5. It shall be forbidden to inform of sponsoring a sport event, music show, or another mass event by any beverage manufacturer and/or distributor, the principal business of which is manufacturing or sale of any alcoholic beverage with alcohol content from 8% to 18%, in any manner other than publishing the manufacturer's/distributor's brand and logotype, inside a newspaper or magazine, on an invitation, entrance ticket,

poster, information product or billboard relative to a specific event, subject to reservation of the following par. 6.

6. A sponsoring information may be broadcast on the radio and/or television provided that the same shall be limited to communicating the brand of a manufacturer and/or distributor of a beverage with up to 18% alcohol content or the logotype thereof only, and no such information shall be provided on television by an individual or using the image of an individual.
7. It shall be forbidden to inform of any other than specified in the above par. 5 sponsoring by a producer and/or distributor of an alcohol beverage, the principal business of which is manufacturing or sale of any alcoholic beverage with alcohol content from 8% to 18%, and to inform of sponsoring by any manufacturer and/or distributor of any beverage with over 18% alcohol content.
8. The ban provided for in par. 1 above shall also apply to any promotional/ advertising publication supplied by an alcoholic beverage manufacturer and/or distributor to retail customers.
9. No ban provided for in the above par. 1-8 shall apply to advertisement and promotion of any alcoholic beverage provided inside premises of a wholesaler, a separate department, or a point of sale of alcoholic beverage only, and at a point of sale of alcoholic beverages for consumption at place of sale.
10. Any ban provided for in par. 1-8 shall apply to any individual, legal person, or organisational unit without legal personality that participates in provision of advertisement as a customer or a contractor, regardless of the manner and form of such provision.
11. The minister competent in matters of health shall determine by way of regulation the size, content, blueprint and manner of incorporating in the advertisement referred to in the above par. 2 item 5 notices on the harmful effects of alcohol consumption or of ban on alcohol sale to the under aged, in consideration of alcohol consumption reduction and counteracting alcoholism among the youth.

Art. 13[2].

1. Any entity that provides any service, the subject of which is advertisement rendered in compliance with provisions of this Act, shall pay to a dedicated account established for this purpose by the minister competent in matters of physical culture and sports a fee in the amount of 10% of the contractual net remuneration for the service of alcoholic beverage advertising.
2. Any entity obliged to pay the fee referred to in par. 1 shall execute a statement according to a format laid down pursuant to the following par. 4. and deliver it due to the obliged entity's seat, by the 20th day of the month in which, according to an agreement of VAT, falls a payment date of the remuneration, or a part thereof.
3. The statements referred to in par. 2 shall be delivered to the same internal revenue service office as the statement regarding VAT tax, in the sphere of the provided service referred to in par. 1.
4. The minister competent in matters of physical culture and sports in consultation with the minister competent in matters of public finances shall determine by way of regulation the format of the statement concerning the fee referred to in par. 1 and the detailed scope of data to be included therein, having in particular considered the name and surname or name (firm) of the entity obliged to pay the fee, the domicile or seat address thereof, the tax identification reference number, and data concerning the

contract, out of which directly follows the amount of the fee, referred to in par. 1, to be paid.

5. The fee referred to in par. 1 above shall be paid not later than on the last day of the month, in which, according to the above par. 2, the duty to submit the statement arose.
6. The fee referred to in par. 1 above shall constitute the cost of income incurred by the entity obliged to pay the same as construed in art. 15 par. 1 of the February 15, 1992 act on corporate income tax (O.J. No54/2000, item 654, with further amendments), or art. 22 par. 1 of the July 26, 1991 act on personal income tax (O.J. No14/2000, item 176, with further amendments).
7. To any matter not provided for with regard to the fee referred to in par. 1 the relevant provisions of the August 29, 1997 act of the general tax law (O.J. of 2005 No 8 item 60, with further amendments) shall apply.
8. repealed
9. repealed
10. repealed

Art. 13[3].

1. The Fund of Leisure and Sport Activities for Students, hereinafter referred to as the “Fund”, which is administered by the minister competent in matters of physical culture and sports shall be established.
2. The Fund is a national intentional fund.
3. The incomes of the Fund come from the payments, referred to in art.13 [2] par. 1.
4. The allowances of the Fund shall be designated exclusively for granting the sport and leisure activities for students, conducted under the supervision of physical culture societies and other non governmental organizations, which statute actions include the objective of wide spreading physical culture and sport among children and the youth, or organized by the local governments’ units.
5. The minister competent in matters of physical culture and sports in consultation with the minister competent in matters of public finances shall determine by way of regulation:
 1. the rules the implementation of the tasks, considering the equal chances in the availability of the sport and leisure activities,
 2. the mode of application submittal and information, which should be included in the application form, considering the extent of the necessary data on the applying subject, as well as the information about sport and leisure activities
 3. the mode of fund transfer, considering the dates which where planned for the sport and leisure activities,
 4. the amount of the grants, whereas the maximum amount of the grant in case of the societies of the physical culture and other non governmental organizations is up to 80%, and in case of the activities organized by the local governments’ units – 50% of the planned costs of the activities implementation.

Art. 14.

1. It shall be forbidden to sell, serve, or consume any alcohol beverage:
 1. within premises of a school or other educational and/or guardian establishment, or a student home,
 2. within premises of an employed work enterprise and of an employees cafeteria,
 3. at a venue of and during a mass gathering,

4. in a vehicle and at a facility of public transport,
 5. repealed,
 6. within premises occupied by military and/or police forces, as well as in the area of barracks or temporary quarters of military units.
- 2.
1. a. (repealed).
 2. (repealed).

2a. It shall be forbidden to consume alcoholic beverages on streets, squares and in parks save for premises designated for alcohol consumption in place, i.e. in the points selling such beverages.

3. It shall be forbidden to sell, serve, or consume an alcoholic beverage of over 18% alcohol content within premises of a training centre.
4. It shall be forbidden to sell, serve, or consume an alcoholic beverage of over 18% alcohol content within premises of a holiday home.
5. Any beverage of over 4.5% alcohol content shall be sold, served, or consumed at an open air event only if permitted and only in a venue designated therefor.
6. Each Local Community Council may impose temporary or permanent ban on sale, serving, consumption of, and bringing in, any alcoholic beverage over any not specified place, or facility, or over a specified area of the local community because of the characteristics thereof.
7. The minister competent in matters of transport and the minister competent in matters of maritime economy shall determine by way of regulation the rules, terms and conditions of sale, serving, and consumption of alcoholic beverages on board of sea commercial ships in international navigation, trains and aircraft in international transport, and at international seaports and airports.
8. The minister competent in foreign affairs shall determine by way of regulation the events and circumstances in which, in consideration of international customs, serving and consuming small quantities of alcoholic beverages shall be allowed.

Art. 15.

1. It shall be forbidden to sell and/or serve any alcohol beverage:
 1. to any person, the behaviour of whom indicates the person is in a condition of intoxication,
 2. to any person under 18 years of age,
 3. on credit or against a pledge.
2. In doubts as to a purchaser's full legal age, any seller or server of an alcoholic beverage shall be entitled to demand producing a document evidencing the purchaser's age.

Art. 16.

1. It shall be forbidden to bring any alcoholic beverage into premises of an employed work, a facility listed in the above art. 14 par. 1 item 6, as well as a stadium or another venue of mass sports and/or entertainment events, and also any facility or location subject to ban on bringing in of alcoholic beverages.

2. Any person in possession of an alcoholic beverage shall be obliged to leave it for deposit under pain of refusal of admission or removal from a facility or location referred to in the above par. 1.
3. Any alcoholic beverage brought in by a soldier into any facility listed in the above art. 14 par. 1 item 6 shall be seized and left for deposit.
4. Minister of National Defence and the minister competent in matters of internal affairs, in consultation with the relevant ministers, each in his/her order of reference, by way of regulation, shall determine the detailed rules and mode of proceeding in any event referred to in the above par. 2 and 3, and an amount of the alcoholic beverage deposit storage fee.

Art. 17.

1. The manager of an employed work enterprise or any person thereby authorised shall be obliged to prevent from work any employee who may be reasonably suspected of attendance to work in a condition affected by alcohol consumption, or of alcohol consumption during work. Such an employee shall be notified of the circumstances providing grounds for such a decision.
2. The employed work enterprise manager rights referred to in par. 1 above shall be also vested with any body superior to the enterprise and with any body entitled to inspect the same.
3. At request of any employee referred to in par. 1, the enterprise manager or the person thereby authorized shall be obliged to ensure examination of the employee's sobriety status.

Art. 18.

1. No alcoholic beverage shall be sold for consumption on or off premises unless under permit issued by the prefect (mayor, city president) competent with regard to the point of sale location, hereinafter referred to as the "permitting body".
 1. a. repealed.
 2. Any permit referred to in par. 1 above shall be issued upon a written application by an entrepreneur.
 3. Any permits referred to in par. 1 above shall be issued separately with regard to each of the following alcoholic beverage types:
 1. with up to 4.5% alcohol content and beer,
 2. with from 4.5% up to 18% alcohol content (excluding beer),
 3. with over 18% alcohol content.
3. a. Any permitting body shall issue any permit referred to in the above par. 3 only upon positive assessment by the Local Community Commission for Resolving Alcohol-related Problems of the compliance of the proposed point of sale location with the Local Community Council resolutions referred to in art. 12 par. 1 and 2
4. No alcoholic beverage shall be either sold or served at any location controlled by the military or an organisational unit of the ministry of interior, situated off limits of any facility specified in the above art. 14 par. 1 item 6, unless under the permit referred to in the above par. 1, and in addition subject to consent by any military entity designated by Minister of National Defence or any organisational unit of the ministry of interior designated by the minister competent in matters of internal affairs.

5. Any application for permit shall include the following:
 1. indication of the applied-for permit type,
 2. indication of the applicant, applicant seat and address, names and surnames and domicile addresses of proxies, if any,
 3. commercial register or individual businesses register reference number,
 4. subject of business,
 5. point of sale address,
 6. address of point of alcoholic beverage storage (distribution warehouse).
6. Any such application for permit shall be enclosed with the following documents:
 1. certificate of entry to individual business register or a copy from the commercial register,
 2. document of the applicant's legal title to the premises that constitute the point of alcoholic beverage sale,
 3. written consent of the building owner, tenant, manager, or administrator if the point of sale shall be facilitated in an apartment building,
 4. decision of the competent district (poviat) sanitary inspector on the point of sale's compliance with sanitary requirements, referred to in art. 65 par. 1 item 2 of the Act of 25 August 2006 on the food and feeding safety (O.J. No 171 item 1225).
7. Any alcoholic beverage sale for consumption on or off premises shall be subject to the following conditions:
 1. permit referred to in par. 1 held,
 2. fee referred to in art. 11[1] paid,
 3. procurement of alcoholic beverage from manufacturers and companies dully permitted to wholesale trade in the alcohol beverage,
 4. by February 1, June 1, October 1 of each calendar year under the permit, producing to any supplier of alcoholic beverage to a given point of sale a relevant certificate of payment of the fee referred to in the above art. 11[1], issued by the local community,
 5. a legal title to use the premises that constitute the point of sale held,
 6. business activity performed to the extent covered under the permit and only by the party and at the place therein indicated,
 7. notification to the permitting body of any change in the factual and/or legal status with regard to the data contained in the permit within 14 days after the change occurred,
 8. sales at a point of sale that is compliant with requirements laid down by the Local Community Council pursuant to the above art. 12 par. 1 and par. 2,
 9. compliance with other rules and requirements provided for in the law.
7. a. (repealed.)
8. A permitting body or, upon the authorization thereby, the local community guards or members of the Local Community Commission for Resolving Alcohol-related Problems shall inspect observance of rules and terms and conditions of the permit.
9. Any permit referred to in par. 1 shall be issued for a definite period, of minimum 4 years, or, in case of alcoholic beverage sale for consumption off-place of sale, of minimum 2 years.
10. A permitting body shall withdraw any permit referred to in par. 1 in the event of:
 1. non-compliance with any alcoholic beverage sale rule laid down in this Act, and in particular, the following:

- a. sale and/or serving an alcoholic beverages to a youth, an intoxicated person, on credit or under lien,
 - b. sale and/or serving an alcoholic beverages in breach of any ban specified in the above art. 14 par. 3 and par. 4,
 2. non-compliance with any alcoholic beverage sale term or condition laid down in this Act,
 3. repeated at least twice in 6 months breach of the peace at a place of sale or direct surroundings thereof in relation with alcoholic beverage sales by a given point of sale, provided that the party in charge of the point failed to notify a public peace and order enforcement agency,
 4. marketing of any alcoholic beverage procured from an illegal source,
 5. misrepresentation as to any data in the statement referred to in art. 11[1] par. 4,
 6. perpetration of a criminal offence in pursuit of a property gain by a person responsible for business of the permit holding party,
 7. decision with regard to the permit holding party, which is a natural person, or with regard to a person responsible for business of the permit holding company, to the effect of ban to conduct the permit covered business.
11. Any withdrawn permit holding party may apply for reissue of the permit not earlier than three years after the withdrawal decision date.
 12. Any permit referred to in par. 1 above shall expire in the event of:
 1. liquidation of the point of sale,
 2. expiry of the permit validity period,
 3. change in the point of sale type of business,
 4. change in partnership composition,
 5. failure to submit a statement referred to in the above art. 11[1] par. 4, or to pay a fee in an amount set in the above art. 11[1] par. 2 and par. 5, on time referred to in art. 11[1] par. 7.
 13. Any entrepreneur a permit that expired because of a reason specified in the above par. 12 item 5 may apply for reissue of the permit but not earlier than six months after the expiry decision date.
 14. Any entrepreneurs that serves and/or sells various alcoholic beverages blended after a formula held with any alcoholic beverage of alcohol content over 18%, shall be obliged to hold permit referred to in the above par. 3 item 3.

Art. 18[1].

1. A one-time permit to sell alcohol beverage, to which provisions of art. 18 par. 4, par. 5 item 5, par. 6, par. 7 items 4 and 6, and par. 9-14 shall not apply, may be issued to any party holding permit to sell alcoholic beverage and to any Voluntary Firefighters Brigades units.
2. Any permit referred to in par. 1 above shall be issued for a period of up to 2 days.
3. A fee for such one-time permit referred to in par. 1 above shall be paid to an account of the local community prior to issuing the permit in the amount equal to 1/12 of the yearly payment for each type of permit referred to in art. 11[1] par. 2 and art. 18 par. 3.
4. A permit to sell alcoholic beverage may be issued for a period of up to two years to any party, the business of which is catering to parties. No provision of art. 18 par. 5 item 5, par. 6 items 2-4, par. 7 items 4, 5 and 7, par. 9, par. 10 item 3, and par. 12 items 1 and 3. shall apply to any such permit.

5. Any payment for permit referred to in par. 4 shall be paid to an account of the local community prior to issuing the permit in the amount set in the above art. 11[1] par. 2 and 5.

Art. 18[2].

Income from fees for any permit issued pursuant to the above art. 18 or art. 18[1] and from any fees specified in the above art. 11[1] shall be used for the implementation of the Local Community Programme of Prevention and Resolving Alcohol-related Problems, and Community Programmes, referred to in art. 10 paragraph 2 of the Act of 29 July 2005 on counteracting drug taking and can not be spent for any other purposes.

Art. 18[3].

To any permit referred to in art. 9, 18 and 18 [1] and any fee referred to in art. 11[1] the relevant provisions of the November 19, 1999 act on the business law (O.J. No101/1999 item 1178, with further amendments) shall respectively apply unless provisions of this Act provide otherwise.

Art. 18[4].

1. At the motion of any party holding a permit that expired because of a reason specified in the above art. 18 par. 12, the permitting body may issue a permit with designation of a period for clearance sale of the existing, documented alcoholic beverage stock. No such period so designated in any such clearance sale permit shall be longer than 6 months after the permit expiry date.
2. A fee for permit to sell an existing documented alcoholic beverage stock shall be paid to an account of the local community in the following amounts:
 1. 1.4% of the value of a documented stock of beverages with alcohol content up to 4.5% and beer,
 2. 1.4% of the value of a documented stock of beverages with alcohol content from 4.5% up to 18% (excluding beer),
 3. 2.7% of the value of a documented stock of beverages with alcohol content over 18%.
3. Any entrepreneur that was granted a permit for clearance sale of an existing documented alcoholic beverage stock may apply for a new permit to sell alcoholic beverage but not earlier than 12 months after the validity period expiry date of the permit referred to in the above par. 1

Art. 19.

1. Because of security and public order considerations, the Council of Ministers may impose, by way of regulation, for a definite period, over the entire country or a part thereof, a complete or partial ban on alcoholic beverage sale and/or serving.
2. Under any circumstance that requires prompt action, the Council of Ministers may impose the ban referred to in par. 1 in another mode.

Art. 20.

The Council of Ministers shall submit to the Parliament an annual account of implementation of this Act.



Chapter 2

Treatment of Persons Abusing Alcohol

Art. 21.

1. Alcohol-dependent patients shall be treated at inpatient and/or outpatient dependence treatment centres, and/or other healthcare establishments.
2. Dependence treatment shall be voluntary. Exceptions from this rule are provided for in this Act.
3. No fee shall be charged on any alcohol-dependent patient for any dependence treatment provided by any healthcare establishment.

Art. 22.

1. Each Regional Administration shall organize within its region (voivodship) dependence treatment centres with around-the-clock operation and a regional therapy centre for treatment of dependence and co-dependence.
 1. a. Each head of a county (starosta) shall organise in the district (powiat) dependence treatment centres other than specified in the above par. 1.
2. The minister competent in matters of health shall determine by way of regulation:
 1. organisation, personnel qualifications, operating rules, and types of dependence treatment centres, as well as of other healthcare establishments providing care to persons dependent on alcohol, and rules of co-operation to this extent with public institutions and non-governmental organisations;
 2. requirements to be met by any establishment providing healthcare to alcohol-dependent patients outside the public healthcare sector;
 3. rules of inpatient dependence treatment centres and social welfare homes for alcohol-dependant patients, in consultation with the minister competent in matters of justice.

Art. 23.

1. Family members of a person dependent on alcohol, affected by consequences of the individual's alcohol abuse, shall receive from a public healthcare establishment healthcare services to the extent of co-dependency therapy and rehabilitation and prevention. No fee shall be charged on any aforementioned person.
2. Children of a person dependent on alcohol, affected by consequences of the parent's alcohol abuse, shall receive psychological and socio-therapeutic aid from a public healthcare establishment and a public specialist outpatient health centre, as well as from a guardian/educational and social reintegration unit.
3. Any such care may be provided by any such individual or organisation to any child against the will of the child's parents or guardians in the state intoxication.

Art. 24.

Any person who, in relation with alcohol abuse, causes disintegration of family life and/or depravation of a youth, evades work, or systematically breaches the peace or public order, shall be referred for examination by an expert in order to issue an opinion in the matter of alcohol dependency and designation of a healthcare establishment type.

Art. 25.

For an examination referred to in the above art. 24 one shall be referred by the Local Community Commission for Resolving Alcohol-related Problems competent for the place of permanent or temporary residence of the person concerned with the proceedings, at the motion of the person concerned or at own initiative thereof.

Art. 26.

1. Any person referred to in the above art. 24, if the same is alcohol-dependant, may be made obliged to submit to treatment at an inpatient or outpatient dependence treatment centre.
2. Obligatory submittal to treatment at a dependence treatment centre shall be ordered by the district court having jurisdiction over the place of permanent or temporary residence of the person concerned with the proceedings, in a non-litigious procedure.
3. A court shall institute proceedings at a motion of a Local Community Commission for Resolving Alcohol-related Problems, or a prosecutor. Any such motion shall be enclosed with an assessment by an expert if an expert assessment was conducted.

Art. 27.

1. In the event that with regard to a person concerned with the proceedings there is no an expert's opinion on alcohol dependency, a court shall order subjecting the person to adequate examination.
2. A court may, if based on an expert's opinion the same finds it necessary, order subjecting any examined person to observation at a treatment centre over a period not longer than 2 weeks. In an exceptional case a court may, at the motion of the establishment, extend such period up to 6 weeks.
3. Prior to any such ruling a court shall hear a person concerned with the proceedings.
4. Any ruling to the effect of such referral to observation may be complained against.

Art. 28.

1. In the event of a court ruling to the effect of examination by an expert or submittal to observation at a treatment centre, a person concerned by the proceedings shall be obliged to submit to psychological and psychiatric examination and any procedure necessary to carry out basic laboratory tests, provided that the same shall be performed by dully entitled healthcare personnel, subject to medical knowledge indications and shall pose no risk to the person's health.
2. (repealed)

Art.28 a

The minister competent in matters of health in consultation with the Minister of Justice shall determine by way of regulation the mode of appointing experts, rules of opinion formulation, and terms and conditions of performance of examinations concerning alcohol dependence, respecting the protection of personal data of the person subject to examination.

Art. 29.

Any ruling to the effect of obligatory submittal to therapy shall be passed after a complete trial that should be held within one month after the application filing date.

Art. 30.

1. In the event of an inexcusable failure to appear for trial or evasion of an ordered submittal to examination by an expert or observation at a treatment centre, a court may order bringing to the same under constraint by a Police force.
2. If an order of bringing under constraint concerns a soldier, the same shall be executed by Military Police or a peace and order enforcement military unit.

Art. 31.

1. While ordering obligatory submittal to therapy, a court may appoint a probation officer supervision for duration of the duty.
2. Any person, with regard to whom such probation officer was appointed, shall be obliged to turn up at any summon of the court or the probation officer, and to follow any order of the same that concerns any such conduct during the probation period that may contribute to shortening of the obligatory treatment duration.
3. The Minister of Justice and the minister competent in matters of health shall determine by way of regulation the detailed rules and mode of providing supervision referred to in the above par. 1.

Art. 32.

1. A court shall summon any person, with regard to whom obligation to submit to dependence treatment was validly adjudicated, to appear voluntarily on a designated date and at a designated dependence treatment centre establishment in order to submit to therapy, under the threat of duress in the event of evading fulfilment of the duty.
2. No person, with regard to whom obligation was adjudicated to submit to dependence treatment involving a stay at an inpatient dependence treatment centre, shall leave premises of the centre unless permitted by the establishment manager.
3. A court shall order bringing in any person evading fulfilment of the duty referred to in par. 1 above and 2 under Police force constraint.
4. If an order of bringing under duress concerns a soldier, the same shall be executed by Military Police or a peace and order enforcement military unit.

Art 32[1].

Inpatient and/or outpatient dependence treatment centers referred to in art. 21 par. 1 shall admit patients referred to in art. 26 with the obligatory submittal to the therapy as the first in

turn, up to 20 % of the whole amount of the number of patients destined to dependence treatment in the dependent treatment centers.

Art. 33.

1. The Police, Military Police or a peace and order enforcement military unit, while executing an order of bringing under duress referred to in art. 30 and art. 32 par. 3 and 4, shall be entitled to arrest only if necessary and for duration necessary to execute the order.
2. The minister competent in matters of interior in consultation with the Minister of Justice and the minister competent in matters of health shall determine by way of regulation the rules and mode of bringing individuals in referred to in art. 30 par. 1 and art. 32 par. 3.
3. (repealed)

Art. 34.

1. An effective period of duty to submit to therapy shall last as long as required by therapeutic objective, not longer than 2 years after the order validity date whatsoever.
2. During an effective period of duty to submit to therapy, a court may, at the probation officer's motion and upon drawing opinion of the relevant treatment centre, or at a motion thereof, amend the order to the extent of the dependence treatment centre type.
3. During an effective period of duty to submit to treatment at an inpatient dependence treatment centre may, because of therapeutic consideration, direct an obliged person to another establishment to continue dependence treatment, notifying the court accordingly.
4. A court shall decide on termination of duty to submit to therapy before the period indicated in par. 1 above is expired at a motion of a person concerned, a relevant treatment centre, a probation officer, a prosecutor, or ex officio upon drawing opinion of the centre at which the treated person is staying.
5. In the event of termination of duty to submit to therapy, no such duty may be re-enforced with regard to the same earlier than three months after the termination date.

Art. 35.

1. A court that imposed the duty to submit to dependence treatment a person dependent on alcohol, if finds that resulting from such dependency the complete incapacitation is needed, shall notify a competent prosecutor accordingly.
2. In the event of declaring incapacitation a guardianship court, while determining a manner of guardianship provision, shall order placing such person in a social aid centre for persons dependent on alcohol, unless another permanent care shall be feasible.
3. Relevant provisions concerning responsibilities of a probation officer referred to in the above art. 31 shall apply to responsibilities of a probation officer of an incapacitated person.

Art. 36.

1. A judge shall have the right to access an inpatient dependence treatment centre and/or a social welfare home at any time in order to inspect legal grounds for placing in and

staying at such centre and/or home of any individual, on whom the duty was imposed to submit to dependence treatment, and conditions of such individual's stay.

2. The Minister of Justice in consultation with the minister competent in matters of health shall determine by way of regulation the detailed rules and mode of providing inspection referred to in the above par. 1, determining the detailed scope of issues subject to inspection, the form of inspection performance, the manner of documenting inspection course and results, and the follow-up procedures, including transfer of inspection results to concerned entities, and especially to inspected organisational units and units thereto superior.
3. No provision of the above par. 1 and 2 shall infringe the relevant prosecutor rights.

Art. 37.

1. Any person dependent on alcohol placed in a correction centre or an under aged' detention centre shall be obliged to submit to an ordered dependence treatment.
2. Such disaccustoming therapy shall be ordered by administration of a establishment or detention centre with regard to a youth subject to the statutory representative consent, and in the no-consent event as well as with regard to an adult - under permission of the order executing court, granted upon drawing opinion by an expert.
3. The Minister of Justice in consultation with the minister competent in matters of health shall determine by way of regulation the detailed rules and mode of proceedings in the matter of dependence treatment of individuals referred to in the above par. 1.

Art. 38.

The Minister of Justice in consultation with the minister competent in matters of health shall determine by way of regulation the rules and mode of proceedings in the matter of dependence treatment of individuals committed to a penal institution, detention on remand, and social adjustment centre.

Art. 39.

Self-governmental bodies in any town of more than 50,000 population or a district (powiat) authority may organise and operate sobering-up stations.

Art. 40.

1. A person who is stayed after use of alcohol, whose behaviour gives rise to outrage in a public place or at a place of work, who remains under circumstances that endanger his/her life or health and/or endanger another individual's life or health, may be brought to a sobering-up station, a healthcare establishment, or another appropriate establishment created or designated by a self-governmental unit or to the place of permanent or temporary residence.
2. Where there is no sobering-up station available, any such person may be brought to a police station.
3. Any person brought to a sobering-up station or a police station shall stay there until sobered, not longer than 24 hours whatsoever. Any youth aged under 18 shall be placed in a separate room different than those for adults.

3. a. Any person brought to a sobering-up station , a police station , a healthcare establishment, or another appropriate establishment created or designated by a self-governmental unit under conditions referred to in the above par. 1, shall be entitled to file a complaint with a court. In such complaint such brought in or detained person may request examination of the factual and legal grounds of bringing him/her in, as well as of the decision to detain him/her and regularity of execution thereof.
3. b. A complaint shall be delivered to a district court having jurisdiction over the bringing in or detention location within 7 days after the bringing in or detention date. In consideration of such claim provisions of the Penal Procedure Code shall apply.
3. c. In the event of bringing in or detention found factually and/or legally groundless or any grave irregularity ascertained in relation with performance thereof, a district court shall accordingly notify a prosecutor and any authority of higher rank than that, which executed bringing in or detention.
4. If a person referred to in par. 1 above is a soldier, the same shall be transferred to the Military Police or a peace and order enforcement military unit.
5. Any case that justifies instituting proceedings concerning obligatory submittal to dependence treatment shall be promptly notified to a relevant local community committee for resolving alcohol-related problems
6. Any placing in an emergency detoxification centre shall be promptly notified to:
 1. in case of a youth - the parents or guardians and a guardianship court,
 2. in another case - at request of the patient concerned , to any person thereby designated.

Art. 41.

1. repealed
2. Any money, valuables, and alcoholic beverages in possession of any person referred to in the above art. 40 par. 1 shall be retained for deposit.
3. A sobering-up station may set off liability due to fee for stay against any such monetary deposit.
4. A sobering-up station shall have the statutory right of lien on any and all other things so retained for deposit in order to secure such liability.

Art. 42.

1. With regard to any person admitted to a sobering-up station, who poses a threat to his/her own and/or another person's life or health, and/or damages things in his/her surroundings, direct coercion may be applied involving holding down or immobilising.
2. Holding down shall be a temporary, lasting only a short time, immobilisation of an individual using physical force.
3. Immobilising is a longer lasting overpowerment of an individual using straps, clamps, sheets or a straightjacket.
4. Direct coercion may only last as long as reasons for application thereof last.
5. A fee shall be charged for bringing in and stay at a sobering-up station or a police station.

5. a. Payment of a fee referred to in the above par. 5 shall be enforceable subject to provisions of enforcement procedure in administration.
6. The minister competent in matters of health in consultation with the minister competent in matters of internal affairs shall determine by way of regulation the mode of bringing a person referred to in the above art. 40 in and admitting the same to a sobering-up station, a police station, or another establishment created or designated by a local self-governmental unit, and of releasing from any such sobering-up station, police station, or establishment, as well as organisation of such sobering-up stations and other establishments with consideration of requirements concerning qualifications of personnel and technical condition of premises, scope of healthcare of persons brought therein, and the maximum amount of fees related to stay at a sobering-up station, another establishment created or designated by a local self-governmental unit, or a police station.



Chapter 3 **Penal Regulations**

Art. 43.

1. Anyone who sells or serves an alcoholic beverage in any event when the same is prohibited, or without a required permit or contrary to the terms and conditions thereof, shall be liable to fine.
2. The manager of a retail or catering establishment who fails to fulfil the duty of supervision allowing thereby for perpetration of an offence specified in par. 1 above shall be liable to the same penalty.
3. In the event of perpetration of an offence specified in par. 1 above or par. 2, forfeiture of alcoholic beverages may be adjudicated, even if the same is not owned by the perpetrator, and also a ban on conducting business of alcoholic beverage sale and/or serving may be adjudicated.
4. Any case related to an offence specified in the above items 1 and 2 shall be adjudged pursuant to provisions of criminal proceedings.

Art. 43[1].

1. Anyone who consumes an alcoholic beverage contrary to a ban specified in the above art. 14 par. 1 and 2a-6, or purchases and/or consumes an alcoholic beverage at a place of illegal sale, or consumes an alcoholic beverage brought in by the same or another person at a place designated to alcoholic beverage sale or serving, shall be liable to fine.
2. Any attempt to commit a misdemeanour specified in par. 1 above shall be punishable.
3. In the event of commitment of a misdemeanour specified in the above par. 1, forfeiture of alcoholic beverage may be adjudicated, even if the same is not owned by the perpetrator.

Art. 44.

Anyone who contrary to particular duty of supervision resorts to sale, serving, or consumption of an alcoholic beverage within premises of an establishment of employed work, as well as

having been notified of sale, serving, or consumption of any such beverage within premises of an establishment of employed work abstains from undertaking an action provided for by the law, shall be liable to fine.

Art. 45.

Anyone who contrary to provisions stipulated in the above art. 13 par. 1 and 2:

1. supplies an alcoholic beverage to a place of sale, or
2. fails to display a notice of harm of alcohol consumption, shall be liable to fine.

Art. 45[1].

Any case related to an act specified in the above art. 43[1]-45 shall be adjudged pursuant to provisions of proceedings in misdemeanour cases.

Art. 45[2].

1. Anyone who contrary to provisions contained in the above art. 13[1] provides advertisement or promotion of an alcohol beverage, or informs of sponsoring a mass event, subject to reservation of the above art. 13[1] par. 5 and 6, shall be liable to fine in an amount from PLN 10,000 up to PLN 500,000.
2. Any case related to an act specified in par. 1 above shall be adjudged pursuant to provisions of penal proceedings.
3. If an act specified in par. 1 above was committed within the scope of business of an enterprise, an individual responsible for ordering or providing such alcoholic beverage advertisement shall be found guilty of such prohibited act.

Art. 45[3].

1. Anyone who with no valid permit or contrary to terms and conditions there of wholesale trades in an alcohol beverage shall be liable to fine in an amount from PLN 10,000 up to PLN 500,000.
1. a. In the event of commitment of a criminal offence specified in the above par. 1, forfeiture of alcoholic beverages may be adjudicated, even if the same is not owned by the perpetrator, and also a ban on conducting business of wholesale trade in an alcoholic beverage may be adjudicated.
2. In any minor event a perpetrator of an act specified in par. 1 above shall be liable to a fine in an amount of up to PLN 5,000.
3. Any case related to an act specified in par. 1 above shall be adjudged pursuant to provisions of criminal proceedings.
4. If an act specified in par. 1 above was committed within the scope of business of an enterprise, an individual responsible for wholesale marketing of such alcoholic beverage shall be found guilty of such prohibited act

Art. 46.

1. In the meaning of this Act, an alcoholic beverage is any product destined for consumption with a content of ethyl alcohol of an agricultural origin in excess of 0.5% of the volume thereof.
2. State after use of alcohol occurs when the alcohol content in his/her organism accounts for or leads to the following:
 1. alcohol concentration in blood from 0.2‰ up to 0.5‰, or
 2. alcohol presence in expired air from 0.1 mg up to 0.25 mg per 1 dm
3. State of intoxication occurs when the alcohol content in his/her organism accounts for or leads to the following:
 1. alcohol concentration in over 0.5‰, or
 2. alcohol presence in expired air over 0.25 mg per 1 dm

Art. 47.

1. If an offence or a misdemeanour was allegedly committed after alcohol consumption, a suspected individual may be subjected to any examination necessary to establish the alcohol content in the organism, in particular to a blood sampling procedure. Any blood sampling procedure shall be performed by a competent medical personnel.
2. The minister competent in matters of health in consultation with Minister of Justice, the minister competent in matters of internal affairs, and the minister competent in matters of labour shall determine by way of regulation the terms and conditions, and the mode of performance of the tests referred to in par. 1 and art. 17 par. 3.

TOP

Chapter 4 Interim and Final Provisions

Art. 48.

1. The term “stayed after use of alcohol” used in the existing provisions shall be construed as condition affected by alcohol consumption.
2. (omitted)

Art. 49.

Herewith the December 10, 1959 act on counteracting alcoholism (O. J. No 69/1969 item 434, No 13/1969 item 95, and No 12/1971 item 115) shall cease being in force.

Art. 50.

(omitted)

Art. 51.

This Act shall enter into force 6 months after the publication thereof.

TOP

