

Upbringing in Sobriety and Counteracting Alcoholism.

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THE ACT

of 26 October 1982

on Upbringing in Sobriety and Counteracting Alcoholism

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

Chapter 1**General Provisions****Article 1.**

1. Government administration authorities and local government units shall be obliged to undertake activities aimed at limiting the consumption of alcoholic beverages and changing the structure of alcohol consumption, as well as initiating and supporting actions directed at changing alcoholic beverage consumption habits, promoting sobriety at the workplace, counteracting alcohol abuse and eliminating its consequences, as well as supporting the activity of social organisations and employers within this scope.
2. The authorities referred to in par. 1 shall also support the establishment and development of social organisations whose aim is to promote sobriety and abstinence, to influence persons abusing alcohol, to assist their families, and they shall provide conditions conducive to the activity of such organisations.
3. The authorities referred to in par. 1, shall also cooperate with the Catholic Church and other churches and religious associations within the scope of upbringing in sobriety and counteracting alcoholism.

Article. 2.

1. The activities relating to counteracting alcoholism shall be performed by establishing appropriate social policies, in particular, by:
 - 1) creating conditions conducive the fulfilment of needs, satisfaction of which shall motivate one to abstain from consuming alcohol;
 - 2) conducting educational and informational activities;

- 3) determining the appropriate level and correct structure of the production of alcoholic beverages destined for consumption in Poland;
- 4) reducing alcohol availability;
- 5) providing alcohol-dependent persons with treatment, rehabilitation and reintegration;
- 6) preventing the negative effects of alcohol abuse and remedying them;
- 7) counteracting domestic violence;
- 8) supporting social employment by funding social integration centres.

2. The activities referred to in par. 1 are implemented in compliance with the National Health Programme referred to in Article 9 par. 1 of the Act of 11 September 2015 on Public Health (Journal of Laws of 2018, item 1492), hereinafter referred to as the “National Health Programme”.

Article 2¹.

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

- 1) the nearest vicinity of a point of sale of alcoholic beverages – the area measured from the border 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 to the point of sale, as well as prevents of eye and voice contact with the point of sale, a wall without any passages or a watercourse without any crossings in the vicinity of the point of sale;
- 2) promotion of alcoholic beverages – public tasting of alcoholic beverages, free distribution of accessories associated with alcoholic beverages, organisation of sales promotions of alcoholic beverages, as well as any other forms of public encouragement to purchase alcoholic beverages;
- 3) advertising of alcoholic beverages – public promotion of alcoholic beverage trademarks and graphic symbols connected with such beverages, as well as the public promotion of names and graphic symbols of entrepreneurs producing alcoholic beverages, which do not differ from the names and graphic symbols of alcoholic beverages and are used in order to promote alcoholic beverage trademarks; information used for trading purposes by entrepreneurs professionally engaged in the production, wholesale turnover and retail trading of alcoholic beverages shall not be considered an advertisement;
- 4) sponsorship – direct or indirect financing or co-financing of the activity of natural persons, legal entities or organisational units without legal personality for the purpose of promoting, reinforcing or enhancing the reputation of the name, producer or distributor, trademark or any other mark discerning the entrepreneur, his activity, goods or services, in return for information about the sponsorship;
- 5) informing about the sponsorship – presenting information including the name of the sponsor or the trademark of the sponsor with regard to the sponsorship;
- 6) separate stand – a stand separated from the remaining space of the point of sales, a shopping arcade or a counter;
- 7) wholesale turnover of alcoholic beverages – purchase of alcoholic beverages with the purpose of reselling them to entrepreneurs with relevant licences;

- 8) sales value – the amount due to the seller for sold alcoholic beverages, including the value added tax and excise duty;
- 9) specialist store selling alcoholic beverages – an establishment, where the annual sales value of alcoholic beverages amounts to not less than 70% of total sales value of goods;
- 10) reintegration – professional and social reintegration pursuant to the provisions on social employment.

2. Whenever a feldsher is referred to herein – it is also understood as a senior feldsher.

Article 3.

1. Preventing and resolving alcohol-related problems is the aim of the State Agency for Prevention of Alcohol-Related Problems, hereinafter referred to as the “Agency”.
2. The Agency is subordinate to the Minister of Health.
3. The activities of the Agency include, especially:
 - 1) (repealed);
 - 2) issuing opinions and preparing bills and action plans regarding policies on alcohol and alcohol-related problems;
 - 3) carrying out informative and educational activity, preparing expert opinions, as well as developing and implementing new methods of preventing and resolving alcohol-related problems;
 - 4) providing substantial support to local authorities, institutions, associations and natural persons who implement tasks connected with preventing and resolving alcohol-related problems, as well as commissioning and financing such activities;
 - 5) cooperating with the voivodeship government authorities and plenipotentiaries referred to in Article 4 par. 3;
 - 6) coordinating and initiating activities aimed at increasing the effectiveness and accessibility of withdrawal treatment;
 - 7) commissioning and financing tasks connected with resolving alcohol-related problems;
 - 8) cooperating with international organisations and institutions concerned with solving alcohol-related problems;
 - 9) intervening in cases of infringement of the provisions stipulated in Article 13¹ and 15 of the Act and appearing before courts as a public prosecutor.
4. The Agency is a state budget entity.
5. The Agency is managed by Director appointed by the Minister of Health from among persons selected in an open and competitive recruitment process. The Minister of Health shall dismiss the Director of the Agency.
- 5a. The person appointed as the Director of the Agency should meet the following requirements:
 - 1) hold a master’s or equal degree;
 - 2) be a citizen of Poland;
 - 3) enjoy full civil rights;

- 4) not have been validly convicted for a wilful offence or a wilful tax offence;
- 5) have managerial competences;
- 6) have at least a 6-year-long employment record, including at least 3 years of employment on a managerial position;
- 7) have education and expertise within the scope of issues with which the Agency is concerned.

5b. Information about the process of selecting the Director of the Agency shall be made available by placing the announcement in a publicly accessible location at the office of the Agency and publishing it in the Public Information Bulletin referred to in the Act on Access to Public Information of 6 September 2001 (Journal of Laws of 2018, items 1330 and 1669), and the Public Information Bulletin of the Chancellery of the Prime Minister. The announcement should include:

- 1) the name and address of the Agency;
- 2) position title;
- 3) requirements for the position resulting from provisions of law;
- 4) scope of activities performed by the person assigned to the position;
- 5) list of required documents;
- 6) date and place of document submission;
- 7) information about recruitment methods and techniques.

5c. The time period referred to in par. 5b point 6 cannot be shorter than 10 days from the date of publishing the announcement in the Public Information Bulletin of the Chancellery of the Council of Ministers.

5d. The process of selecting the Director of the Agency is carried out by a team appointed by the Minister of Health, composed of at least 3 persons whose knowledge and expertise guarantee recruiting the best candidates. During the selection process the professional expertise of the candidate, the knowledge necessary for performing activities connected with the given position and managerial competences are assessed.

5e. At the request of the team, the assessment of the knowledge and managerial competences referred to in par. 5d may be carried out by a person who is not a member of the team and who has the appropriate qualifications for carrying out the evaluation.

5f. The member of the team and the person referred to in par. 5e are obliged to keep in secret all information regarding persons applying for the post obtained during the recruitment process.

5g. During the recruitment process the team selects not more than 3 candidates, who are then presented to the Minister of Health.

5h. The team drafts a recruitment process protocol confirming:

- 1) the name and address of the Agency;
- 2) the title of the position, for which the recruitment process was carried out, and the number of candidates;
- 3) first names, surnames and addresses of not more than 3 best candidates listed according to the level in which the candidates meet the requirements specified in the announcement;
- 4) information about the adopted recruitment methods and techniques;
- 5) justification of the candidate choice or reasons for not selecting a candidate;
- 6) composition of the team.

5i. The results of the recruitment process shall be announced immediately by way of publishing them in the Public Information Bulletins referred to in par. 5b. Information about the results of the selection process shall include:

- 1) the name and address of the Agency;
- 2) the title of the position, for which the recruitment process was carried out;
- 3) first names, surnames of selected candidates and their addresses of residence pursuant to the provisions of the Civil Code or information about not selecting a candidate.

5j. Publishing the announcement and results of the recruitment process in the Public Information Bulletin of the Chancellery of the Prime Minister is free of charge.

6. The organisation of the Agency is specified in its statute, which is provided by the Minister of Health.

Article 3a.

1. The process of selecting candidates for the vacancy in the Agency shall be open and competitive.
2. The announcement about the recruitment process shall be published in the Public Information Bulletin referred to in the Act on Access to Public Information of 6 September 2001, and in a publicly accessible place at the organisational unit where the recruitment process is conducted.

Article 3b.

Information about the candidates who have applied for the post is public information within the scope subject to the requirements specified in the announcement.

Article 3c.

The time period for submitting the documents specified in the announcement cannot be shorter than 14 days from the date of publishing the announcement in the Public Information Bulletin.

Article 3d.

1. After the final date of document submission specified in the recruitment announcement, the list of candidates meeting the formal requirements specified in the recruitment announcement shall be immediately made available by placing it in a publicly accessible place at the organisational unit where the recruitment process is conducted, as well as publishing it in the Public Information Bulletin.
2. The list referred to in par. 1 shall include the candidate's first name, surname and address of residence pursuant to the provisions of the Civil Code.

Article 3e.

1. A protocol on the conducted process of selecting candidates for the vacancy in the Agency shall be drafted.

2. The protocol shall include especially:

- 1) the title of the position for which the recruitment process was carried out, the number of candidates and first names, surnames and addresses of not more than 5 best candidates listed accordingly to the level in which they met the requirements specified in the announcement;
- 2) information about the adopted recruitment methods and techniques;
- 3) justification of the results of the selection process.

Article 3f.

1. Information about the results of the selection process shall be made publicly available within 14 days from the date of employing the selected candidate or, in the case of not employing any candidate, from the date of closing the recruitment procedure.

2. The information referred to in par. 1 shall include:

- 1) the name and address of the office;
- 2) job position title;
- 3) the candidate's first name, surname and address of residence pursuant to the provisions of the Civil Code;
- 4) justification of the candidate choice or reasons for not selecting any candidate.

3. The information about the results of the recruitment process shall be published in the Public Information Bulletin and in a publicly accessible place at the organisational unit where the recruitment process was conducted.

Article 3g.

If the employment relation with the person selected in the recruitment process ceased within 3 months from employment relation's commencement, it is possible to employ a person selected from among the best candidates listed in the protocol of the given recruitment process for that position. The provisions of Article 3f shall apply respectively.

Article 4.

1. The Voivodeship Self-Government carries out the activities referred to in Articles 1 and 2, in the form of the voivodeship programme for prevention and resolving alcohol-related problems, which constitutes part of the voivodeship strategy within the scope of social policy and which includes operational objectives regarding counteracting alcohol dependency stipulated in the National Health Programme.

2. The Voivodeship Government shall be responsible for coordinating the preparation and realisation of the programme referred to in par. 1 and shall provide substantial support to institutions and natural persons performing activities covered by this programme and cooperate with other public administration authorities within the scope of resolving alcohol-related problems.

3. The programme referred to in par. 1 is realised by the regional social policy centre specified in the provisions regarding social aid, or any other entity specified in the programme. In order to realise the programme the Voivodeship Government may appoint a plenipotentiary.
4. The funds allocated for carrying out the activities referred to in par. 2 shall be included in the budget of the voivodeship.

Article 4¹.

1. Carrying out activities connected with the prevention and resolving alcohol-related problems and social integration of alcohol-dependent persons belongs to the own tasks of communes. These tasks include especially:

- 1) increasing accessibility of therapeutic and rehabilitation aid for alcohol-dependent persons;
- 2) providing families in which alcohol-related problems occur with psychological, social and legal support, especially regarding protection against domestic violence;
- 3) carrying out preventive measures involving informative and educational activity within the scope of solving alcohol-related problems and counteracting drug abuse, especially activity aimed at children and youth, including extra-curricular sports classes, as well as acting to the benefit of nutrition programmes for children participating in care and educational and socio-therapeutic programmes;
- 4) (repealed);
- 5) supporting the activity of institutions, associations and natural persons who contribute to the resolving of alcohol-related problems;
- 6) intervening in cases of infringement of the provisions stipulated in Article 13¹ and 15 of the Act and appearing before courts as a public prosecutor;
- 7) supporting social employment by organizing and financing social integration centres.

2. The activities referred to in par. 1 shall be carried out in the form of a communal programme for the prevention and resolving alcohol-related problems which shall constitute a part of the strategy for solving social problems adopted annually by the Commune Council, including the operational objectives regarding the prevention and resolving alcohol-related problems stipulated in the National Health Programme. The communal programme shall be realised by the social aid centre specified in the provisions regarding social aid or any other entity specified in the programme. In order to realise the programme the Head of the Commune (Mayor, President of the City) may appoint a plenipotentiary.

3. The Heads of Communes (Mayors, Presidents of Cities) shall convene communal committees on resolving alcohol-related problems, especially committees initiating activities within the scope specified in par. 1 and taking actions aimed at issuing decisions on imposing the obligation to undergo treatment at a withdrawal treatment facility on an alcohol-dependent person.

4. The communal committees on resolving alcohol-related problems shall be composed of persons trained in prevention and resolving alcohol-related problems.

5. The remuneration rules and regulations regarding members of communal committees on resolving alcohol-related problems shall be determined by the Commune Council within communal programmes for resolving alcohol-related problems.

Article 5.

The Minister of Education shall include the issue of sobriety and abstinence in the aims of education policies and shall ensure that information about the harmfulness of alcoholism to individuals and family and social life is included in educational programmes.

Article 6.

The Minister of Health, the Minister of Higher Education, as well as the Minister of Education, shall ensure that a sufficient number of experts is trained in prevention and treatment activities, and research on alcohol and alcohol-related problems is conducted.

Article 7.

The Minister of Culture and National Heritage, the Minister of Higher Education, public radio and television entities as well as other competent bodies and institutions shall take appropriate actions within the scope of developing and supporting various forms of informative, cultural and scientific activity aimed at promoting knowledge about the harmfulness of alcohol abuse for individuals and family and social life, promoting sobriety and abstinence and eliminating harmful habits and ways of drinking alcohol.

Article 8.

(repealed).

Article 9.

1. Wholesale turnover of alcoholic beverages containing above 18% of alcohol may be conducted in Poland only on the basis of a permit issued by the Minister of the Economy.

2. Wholesale turnover of alcoholic beverages containing above 18% of alcohol may be conducted in Poland only on the basis of a permit issued by the Marshal of the Voivodeship.

2a. (repealed).

3. The body referred to in par. 2 shall issue permits for wholesale turnover to entrepreneurs with registered offices in the territory of the voivodeship.

3a. The permits referred to in par. 1 and 2 shall be issued on the basis of an application of the entrepreneur.

3b. Application for the issuance of a permit shall include:

- 1) identification of the entrepreneur;

- 2) the registered office and address of the entrepreneur;
 - 3) number under which the entrepreneur is entered in the National Court Register, if he has one, and the tax identification number (TIN);
 - 4) addresses of stationary warehouses adjusted to storing alcohol beverages, if the entrepreneur uses such warehouses;
 - 5) the requested limit – refers only to the application for the issuance of the permit referred to in par. 1;
 - 6) requested permit's validity date;
 - 7) declaration on the sales value of alcoholic beverages in the last calendar year:
 - a) beverages containing less than 4.5% of alcohol and beer,
 - b) beverages containing between 4.5% and 18% of alcohol, with the exception of beer;
 - 8) declaration on holding a legal title to use the real estates for purposes of storing alcoholic beverages, addresses of which are included in the application in compliance with point 4.
- 3c. The Minister of the Economy or the competent Marshal of the Voivodship may issue duplicates of the permits specified in par. 1 and 2 in the case of their loss or damage.
- 3d. The application for the issuance of permits referred to in par. 1 and 2 should be attached with a proof of payment for issuing the permit referred to in Article 9² par. 1.
- 3e. The declaration referred to in par. 3b point 8 is made under penalty of perjury. The person making the declaration is obliged to include a clause of the following wording: "I am aware of the penalty of perjury." This clause replaces the instruction of the authorised body to hear the declaration on the penalty of perjury.
4. (repealed).

Article 9¹.

1. The permits referred to in Article 9 par. 1 and 2 shall be issued separately for wholesale turnover of the following types of alcoholic beverages:
 - 1) beverages containing less than 4.5% of alcohol and beer;
 - 2) beverages containing between 4.5% and 18% of alcohol, with the exception of beer;
 - 3) beverages containing more than 18 % of alcohol.
2. Permits for wholesale turnover shall be issued for a fixed period of time:
 - 1) for alcoholic beverages specified in par. 1 point 1 and 2 – not longer than 2 years;
 - 2) for alcoholic beverages specified in par. 1 point 3 – not longer than 1 year;
3. In the case of the permits specified in par. 1 point 3, a limit of minimum 500,000 litres of 100% alcohol annually shall be established.
 - 3a. The limit referred to in par. 3 may be increased at the request of the entrepreneur submitted not later than within 30 days from the date of using up the limit specified in the permit.
4. The provisions of par. 3 shall not apply in relation to entrepreneurs conducting turnover of alcoholic beverages containing above 18% of alcohol, consisting only in supplying ships, trains and aircrafts. The maximum limit for such entrepreneurs shall amount to 2,000 litres of 100% alcohol annually.

5. Producers of alcoholic beverages shall be obliged to obtain a permit for wholesale turnover of alcoholic beverages, if they sell their products to entrepreneurs holding the permits specified in Article 18 par. 1.

Article 9².

1. The issuance of the permits referred to in Article 9 par. 1 and 2, as well as the issuance of decisions amending the permits and duplicates of permits shall be subject to a fee.

1a. The issuance of permits referred to in Article 9 par. 2, as well as the issuance of decisions amending the permits and duplicates of permits belong to the own tasks of voivodeships.

2. The fees referred to in par. 1 shall be paid prior to permit or decision issuance to the account of the authority issuing the permit, subject to par. 5.

3. The fees for the issuance of permits referred to in Article 9¹ par. 1 point 1 and 2, shall amount to PLN 4,000 for entrepreneurs applying for permits for the first time and for entrepreneurs, whose sales value for the year preceding the expiry of the permit did not exceed PLN 1,000,000.

4. In the case of entrepreneurs whose wholesale turnover value for alcoholic beverages in the year preceding the expiry of the permit exceeded PLN 1,000,000, the fee for the issuance of permits specified in Article 9¹ par. 1 points 1 and 2 shall equal 0.4% of the sales value for the previous year, rounded up to PLN 100.

5. The fee referred to in par. 3 shall be paid to the account of the authority issuing the permit after the submission of a written statement on the alcoholic beverages wholesale value for the previous calendar year.

6. The alcoholic beverages wholesale value should be calculated separately for each type of beverage.

7. The fee for the issuance of the permit referred to in Article 9¹ par. 1 point 3 shall amount to PLN 22,500 for 250,000 litres of 100% alcohol, subject to par. 8.

8. In the case of entrepreneurs conducting turnover of alcoholic beverages containing above 18% of alcohol, consisting only in supplying ships, trains and aircrafts, the fee for the issuance of the permit referred to in Article 9¹ par. 1 point 3 shall be determined in accordance with the declared turnover.

8a. In the case of entrepreneurs authorised to produce or bottle spirit drinks in the amount up to 10,000 litres of 100% alcohol per year, the fee for the issuance of the permit referred to in Article 9¹ par. 1 point 3 shall be determined in accordance with the declared annual turnover of own goods.

9. The fee for issuing a decision on including a new place of pursuing economic activity, increasing the number of seats in relation to the issued permits specified in Article 9¹ par. 1, shall equal 50% of the rate specified for the permit on its issuance date.

10. The fee for issuance of other decisions introducing amendments to the permits shall amount to PLN 200.

11. The fee for the issuance of a permit for the sale of reserves of alcoholic beverages containing up to 18% of alcohol amounts to PLN 1,000.

12. The fee for the issuance of a permit for the sales of alcoholic beverages containing more than 18% of alcohol shall be calculated in accordance with the amount of litres of 100% of alcohol declared in the application, proportionally to the fee specified in par. 7.

13. The fee for increasing the limit referred to in Article 9¹ par. 3, shall be calculated depending on the number of litres of 100% alcohol declared in the application, proportionally to the fee specified in par. 7.

14. The fee for the issuance of duplicates of permits referred to in Article 9 par. 1 and 2 shall equal PLN 50.

15. The permits and decisions referred to in par. 9–14 and Article 9 par. 1 and 2 shall not be subject to stamp duties.

Article 9³.

1. The fees referred to in Article 9² par. 1, may be allocated by Voivodeship Governments solely to the financing of:

- 1) tasks specified in Article 4 par. 1 of the Act;
- 2) tasks specified in the Voivodeship Programme referred to in Article 9 par. 1 of the Act on Counteracting Drug Addiction of 29 July 2005 (Journal of Laws of 2018, items 1030, 1490 and 1669);
- 3) tasks executed by a daily support centre referred to in provisions on family support and foster family system, within the voivodeship programmes for prevention and resolving alcohol-related problems and the Voivodeship Programme referred to in Article 9 par. 1 of the Act on Counteracting Drug Addiction of 29 July 2005.

2. The Voivodeship Governments may commission, by way of making agreements, tasks within the scope of preventing and resolving alcohol-related problems to poviats self-government entities and transfer funds for the performance of these tasks.

Article 9⁴.

In order to pursue activity on the basis of the permits mentioned in Article 9¹ par. 1, the following conditions must be met:

- 1) (repealed);
- 2) the entrepreneur shall be obliged to sell the alcoholic beverages specified in the permit only to entrepreneurs holding permits for conducting wholesale turnover of such beverages or permits for carrying out retail sales of alcoholic beverages;
- 3) the entrepreneur shall be obliged to conduct wholesale turnover only of alcoholic beverages bearing an excise stamp, on condition that the requirement to place such markings on the beverages results from other provisions;
- 4) the entrepreneur shall be obliged to obtain alcoholic beverages specified in the permit from producers and entrepreneurs holding permits for conducting wholesale turnover of such beverages;
- 5) the entrepreneur shall be obliged to hold the legal title to use the warehouse adjusted for storing alcoholic beverages, if the entrepreneur uses such warehouse;
- 6) (repealed);

- 7) the entrepreneur shall be obliged to be the only entity pursuing economic activity within the scope covered by the permit and to pursue activity solely at the locations listed in the permit;
- 8) the entrepreneur shall be obliged to report any changes in the factual and legal status in relation to the data included in the permit to the Minister of the Economy or the competent Marshal of the Voivodeship within 14 days from the date of the change;
- 9) (repealed);

Article 9⁵.

1. The permits referred to in Article 9¹ par. 1, may be withdrawn by the Minister of the Economy or the competent Marshal of the Voivodeship in the following cases:
 - 1) failure to observe the conditions specified in Article 9⁴ points 3, 4 and 7;
 - 2) putting alcoholic beverages obtained from illegal sources on the market;
 - 3) committing an offence for financial gain by the person responsible for the activity of the entrepreneur holding the permit;
 - 4) presenting false data in the declaration referred to in Article 9² par. 5;
 - 5) the issuance of a decision banning the entrepreneur being a natural person or the person responsible for the activity of the entrepreneur holding the permit from pursuing economic activity covered by the permit;
 - 6) commissioning by the entrepreneur, on the basis of agreements, conducting wholesale turnover in alcoholic beverages to other entrepreneurs.
2. The permits referred to in Article 9¹ par. 1, may be withdrawn by the Minister of the Economy or the competent Marshal of the Voivodeship in the following cases:
 - 1) failure to observe the conditions specified in Article 9⁴ points 2, 5 and 8;
 - 2) repeated disturbance of public order in the point of trading.
3. The permits referred to in Article 9¹ par. 1, shall expire in the following cases:
 - 1) liquidation of the enterprise or notification about cessation of wholesale turnover of alcoholic beverages;
 - 2) permit expiry;
 - 3) change in the composition of shareholder structure in the civil law partnership.
4. At the request of the entrepreneur whose permit expired for reasons listed in par. 3, the Minister of the Economy or the competent Marshal of the Voivodeship may issue a permit specifying the date of sales of alcoholic beverages reserves. The time period specified in the sales permit may not be longer than 6 months from the day of permit expiry.
 - 4a. The Minister of Economy shall stipulate the template of the application referred to in par. 4, in the form of an electronic document pursuant to the Act on informatisation of the activity of entities that perform public tasks of 17 February 2005 (Journal of Laws of 2017, item 570 and of 2018, items 1000, 1544 and 1669).
5. The entrepreneur whose permit was withdrawn may request the reissuance of the permits specified in Article 9¹ par. 1 not earlier than after 3 years from the date of issuing the decision on permit withdrawal.

Article 9⁶.

1. The retail sale of alcoholic beverages containing more than 4.5% of alcohol (except for beer) destined for off-site consumption, shall be carried out in points of sale which are:

- 1) specialist shops selling alcoholic beverages;
- 2) separate stands – at self-service sales outlets with sales space exceeding 200 m²;
- 3) other self-service facilities and other sales facilities where the seller carries out direct sales of alcoholic beverages.

2. Producers stipulated in Article 17 par. 3 of the Act on production, bottling and trading of wine products and organisation of the wine market of 12 May 2011 (Journal of Laws of 2018, items 1159 and 1629) may carry out retail sale of grape wine produced in own vineyards for consumption at the point of sale or outside the point of sale, that is, location at the place of producing wine from grapes produced in own vineyards.

Article 10.

Legal acts influencing the pricing structure of alcoholic beverages should serve the purpose of limiting alcohol beverage consumption and amending the structure of alcohol consumption to the benefit of beverages with low percentage of alcohol.

Article 11.

(repealed).

Article 11¹.

1. In order to obtain additional funds for the financing of the tasks specified in Article 4¹ par. 1, communes shall collect fees for using the alcoholic beverages sales permits referred to in Article 18.

2. The fees referred to in par. 1 shall be paid to the account of the commune prior to permit issuance, in the amount of:

- 1) PLN 525 for the sales of beverages containing up to 4.5% of alcohol and beer;
- 2) PLN 525 for the sales of beverages containing between 4.5% and 18% of alcohol (with the exception of beer);
- 3) PLN 2,100 for the sales of beverages containing more than 18% of alcohol.

3. The fees referred to in par. 2 concern entrepreneurs commencing business activity within this scope.

4. Entrepreneurs who carried out sales of alcoholic beverages in the previous year shall be obliged to submit, by 31st January, a written statement about the sales value of the particular types of alcoholic beverages at the point of sales for the previous year.

5. In the case of entrepreneurs carrying out sales of alcoholic beverages at points of sale where the annual sales value of alcoholic beverages in the previous year exceeded:
 - 1) PLN 37,500 for alcoholic beverages containing up to 4.5% of alcohol and beer – the fee referred to in par. 1 shall equal 1.4% of the total sales value of these beverages for the previous year;
 - 2) PLN 37,500 for alcoholic beverages containing between 4.5% and 18% of alcohol (except for beer) – the fee referred to in par. 1 shall equal 1.4% of the total sales value of these beverages for the previous year;
 - 3) PLN 77,000 for alcoholic beverages containing more than 18% of alcohol – the fee referred to in par. 1 shall equal 2.7% of the total sales value of these beverages for the previous year.
6. Entrepreneurs whose annual sales value of particular types of alcoholic beverages did not exceed the values specified in par. 5 shall be obliged to pay the fee in the amount specified in par. 2.
7. Each calendar year covered by the permit the entrepreneur shall pay the fee referred to in par. 1 to the account of the commune in three equal instalments by 31st January, 31st May and 30th September of the given calendar year or in a single payment by 31st January of the given calendar year.
8. In the year of obtaining the permit or its expiry, the fees referred to in par. 1–5 shall be paid in the amount proportional to the validity period of the permit.
9. The sales value should be calculated separately for each type of alcoholic beverage.
10. The permits referred to in Articles 18, 18¹ and 18⁴ shall not be subject to stamp duties.

Article 12.

1. The Commune Council shall determine, by way of a resolution the maximum number of alcoholic beverages sales permits in the territory of the commune (city), separately for:
 - 1) particular types of alcoholic beverages referred to in Article 18 par. 3;
 - 2) sales permits for alcoholic beverages destined for on premise consumption;
 - 3) sales permits for alcoholic beverages destined for off premise consumption.
2. The Commune Council may establish, by way of a resolution, the maximum number of permits referred to in par. 1, separately for particular auxiliary entities of the commune.
3. The Commune Council shall establish, by way of a resolution, the principles of situating points of sale and points of serving alcohol on the territory of the commune.
4. The Commune Council may establish, by way of a resolution, for the territory of the commune or indicated auxiliary entities of the commune, limits in night time sales of alcoholic beverages destined for off premise consumption. The limits may concern the sales carried out between 10.00 p.m. and 6.00 a.m.
5. Before passing resolutions referred to in par. 1-4, the Commune Council consults the auxiliary entity of the commune.
6. In localities where army units are deployed, the maximum number of permits referred to in par. 1, the location of points of sale, serving and consuming alcoholic beverages and hours of selling alcoholic beverages shall be determined by the Commune Council in consultation with the relevant heads of garrisons.

7. The maximum number of the permits referred to in par. 1, the location of the points of sale, serving and consuming alcoholic beverages and the hours of selling alcoholic beverages take into consideration the provisions of commune programmes for prevention and resolving alcohol-related problems.

Article 13.

1. Alcoholic beverages shall be delivered to points of sale only in sealed containers bearing the name of the producer and information about the type and alcohol content of the delivered beverage.
2. A visible sign informing about the harmfulness of alcohol consumption should be placed at points of sale and serving alcoholic beverages.
3. (repealed).

Article 13¹.

1. It is prohibited to advertise and promote alcoholic beverages in Poland, except for advertising and promoting beer, provided that the beer advertisements:
 - 1) are not aimed at minors;
 - 2) do not depict minors;
 - 3) do not link alcohol consumption with physical fitness or driving;
 - 4) do not contain statements about medicinal, stimulating or calming properties of alcohol, or present alcohol as means of resolving personal conflicts;
 - 5) do not encourage excessive use of alcohol;
 - 6) do not present abstinence or moderate alcohol consumption in a negative way;
 - 7) do not highlight high alcohol content of beverages as a factor positively influencing their quality;
 - 8) do not evoke associations with:
 - a) sexual attractiveness,
 - b) relaxation or resting,
 - c) education or work,
 - d) personal or professional success.
2. Advertising and promoting beer, as specified in par. 1, cannot be conducted:
 - 1) on the television and radio, in the cinema and theatre between 6.00 a.m. and 8.00 p.m., with the exception of advertisements presented by the organiser of a competitive or professional sport event during the event itself;
 - 2) on videotapes and other media;
 - 3) in press aimed at children and teenagers;
 - 4) on covers of daily newspapers and magazines;
 - 5) on advertising pillars and billboards, as well as on other immobile or mobile spaces which can be used for advertising purposes, unless 20% of the advertisement's surface is covered with visible and legible written information about the harmful effects of alcohol consumption or the ban on selling alcoholic beverages to minors;

- 6) cannot involve minors.
3. It is prohibited to advertise and promote products and services whose names, trademarks, graphic layouts or packaging exploit the similarities with or are identical to markings of alcoholic beverages or any symbols which objectively refer to alcoholic beverages.
 4. It is prohibited to advertise and promote business or any other party which in their advertising use names, trademarks, graphic layouts or packaging connected with alcoholic beverages, their manufacturers and distributors.
 5. It is prohibited to inform about the sponsoring of sports events, music concerts and other mass events by manufacturers and distributors whose core business activity consists in production or sale of alcoholic beverages with alcohol content between 8% and 18% in any other form than by placing the names of the manufacturers or distributors and their trademarks inside daily newspapers and magazines, on invitations, tickets, posters, products or information boards connected with a particular event, subject to par. 6.
 6. Information about sponsorship may be distributed via radio and television, provided that it will be limited solely to providing the name of a manufacturer or distributor of alcoholic beverages containing up to 18% of alcohol, and provided that this information shall not be presented on television by an individual or in a way that employs an image of an individual.
 7. It is prohibited for manufacturers and distributors whose core business activity consists in producing or selling alcoholic beverages with alcohol content between 8% and 18% to inform about other forms of sponsoring than those specified in par. 5, as well as to inform about sponsorship provided by manufacturers and distributors of alcoholic beverages with alcohol content over 18%.
 8. The prohibition specified in par. 1 shall also apply to advertising and promotional publications distributed by manufacturers, distributors or entities selling alcoholic beverages to retail customers.
 9. The prohibitions specified in par. 1-8 shall not apply to the advertisements and promotions of alcoholic beverages placed on the premises of wholesalers, separate stands or points of sale selling only alcoholic beverages, as well as on the premises of the points that sell alcoholic beverages for on premise consumption.
 10. Prohibitions specified in par. 1-8 apply to any natural person, legal entity or organisational unit without legal personality who take part in advertising as contracting or contracted party, regardless of the manner and form of its presentation.
 11. The Minister of Health shall specify, by way of regulation, the size, content, design and manner of incorporating written information about the harmful effects of alcohol consumption or the ban on selling alcoholic beverages to minors into the advertisements specified in par. 2 point 5, in consideration of alcohol consumption reduction and counteracting alcoholism among the youth.

Article 13².

1. Entities providing services which consist in advertising alcoholic beverages shall pay a fee amounting to 10 % of the value added tax base on the taxable goods and services resulting from this service to a dedicated account established for this purpose by the Minister of Physical Culture and Sports.

2. Entities referred to in par. 1 shall prepare monthly recapitulative statements according to the prescribed format pursuant to par. 4 and deliver them by the 20th day of the month succeeding the month in which the obligation to issue an invoice for the remuneration or part of the remuneration arose, in accordance with provisions on value added tax.
3. Statements referred to in par. 2 shall be delivered to the tax office to which the entity delivers the tax statements concerning goods and services resulting from the service specified in par. 1.
4. The Minister of Physical Culture and Sports together with the Minister of Finance shall specify, by way of an ordinance, the form of a monthly recapitulative statement on the fee specified in par. 1, and detailed scope of the data it should contain, taking into consideration the necessity of collecting data necessary for establishing the amount of the due fee referred to in par. 1.
5. The fee referred to in par. 1 shall be paid not later than by the last day of the month in which the obligation to submit a monthly recapitulative statement arose, pursuant to specifications of par. 2.
6. For the entity obliged to cover the fee referred to in par. 1, the fee shall constitute tax deductible expenses pursuant to Article 15 par. 1 of the Act on Corporate Income Tax of 15 February 1992 (Journal of Laws of 2018, items 1036, 1162, 1291, 1629, 1669 and 1693) or Article 22 par. 1 of the Act on Personal Income Tax of 26 July 1991 (Journal of Laws of 2018, items 1509, 1540, 1552, 1629, 1669 and 1693).
7. Relevant provisions of the Act of 29 August 1997 – the Tax Ordinance (Journal of Laws of 2018, item 800, as amended) shall apply to all matters not regulated in respect to the fee specified in par. 1.
8. (repealed).
9. (repealed).
10. (repealed).

Article 13³.

1. The Fund of Sports Activities for Students, hereinafter referred to as the “Fund”, shall be established. The Minister of Physical Culture and Sports shall be the disposer of the Fund.
2. The Fund is a state purpose fund.
3. The revenues of the Fund shall be constituted by inflows from the fees specified in Article 13² par. 1.
4. The resources of the Fund shall only be used for financing sports activities for students, organised by sports clubs operating as associations or other non-governmental organisations whose statutory activities also cover tasks in the field of popularising physical culture among children and young people, as well as activities organised by local government units and tasks stipulated in the provisions regarding public health in the scope of physical activity.
5. The Minister of Physical Culture and Sports together with the Minister of Finance and the Minister of Health shall specify by way of an ordinance:
 - 1) conditions and procedure of granting financial support for funding sports activities for students and tasks stipulated in the provisions on public health;
 - 2) procedure of submitting applications and data which should be included in the application for granting financial support, taking into consideration the scope of necessary data regarding the

entity applying therefor, as well as information about sports activities for students or implemented tasks stipulated in provisions on public health;

3) procedure of transferring funds, with consideration for the dates of the planned sports activities for students or implementation of tasks stipulated in provisions on public health;

4) amount of granted co-financing for sports activities for students, where the maximum amount of financing in the case of classes conducted by sports clubs operating as associations and other non-governmental organisations cannot be higher than 80%, and in the case of activities organised by local government units – cannot exceed 50% of the planned costs of the activities

- guided by the necessity of ensuring effective use of the Fund.

Article 14.

1. It is prohibited to sell, serve and consume alcoholic beverages:

1) on the premises of schools and other establishments and educational institutions, care centres and students' dormitories;

2) in workplaces and at employees' cafeterias;

3) at the venue of and during mass gatherings;

4) in vehicles and facilities of public transportation, with the exception of:

a) dining cars and canteens in national communication trains, where it is permitted to sell, serve and consume alcoholic beverages containing up to 4.5% of alcohol and beer,

b) international communication trains, where it is permitted to sell, serve and consume:

– alcohol beverages containing up to 4.5% alcohol and beer in dining cars and canteens, as well as sleeping cars and cars with places for lying down,

– alcohol beverages containing more than 4.5% alcohol at tables in dining cars, including beverages containing above 18% alcohol only with meals,

c) international airports and international communication planes,

d) ships and sea ports;

5) (repealed);

6) on the premises occupied by military forces and internal affairs authorities, as well as in barracks and temporary military quarters.

1a. (repealed).

2. (repealed).

2a. It is prohibited to consume alcoholic beverages in public places, with the exception of places designated for on-premises alcohol consumption, at the points of sale.

2b. The Commune Council may introduce, by way of a resolution, a deviation from the ban on consuming alcoholic beverages in a specific public place, in the territory of the commune, if it decides that it shall not have a negative impact on proper development of social policy in the scope of counteracting alcoholism referred to in Article 2 par. 1, and it shall not disturb public safety and order.

3. It is prohibited to sell, serve or consume beverages containing more than 18% of alcohol in training centres.

4. It is prohibited to sell or consume beverages containing more than 18% of alcohol in holiday resorts.

5. Sale, serving and consumption of beverages containing more than 4.5% of alcohol can take place during open-air events, on stadiums and other sports facilities only with permission and only in the areas designated for this purpose.
6. The Commune Council can introduce permanent or temporary ban on selling, serving, consuming and bringing in alcoholic beverages in other unspecified places, premises or particular territory of a given commune.
7. (repealed).
8. The Minister of Foreign Affairs shall specify, by way of regulation, conditions and circumstances in which, with respect to international customs, serving and consumption of limited amount of alcoholic beverages shall be permitted.

Article 15.

1. It is prohibited to sell and serve alcoholic beverages:
 - 1) to individuals whose behaviour indicates that they are under the influence of alcohol;
 - 2) to persons under the age of 18;
 - 3) on credit or in pledge.
2. In case of doubts as to whether a customer is of legal drinking age, persons serving or selling alcoholic beverages shall be entitled to demand a document confirming their age from the customer.

Article 16.

1. It is prohibited to bring any alcoholic beverages into workplace premises, stadiums and other places where mass sport and entertainment events take place, as well as any facilities or places where bringing in alcoholic beverages is banned.
 - 1a. The manager of the workplace or a person authorised by him or her refuse admitting into the premises of the workplace a person with regard to whom they entertain a justified suspicion that the person has not adhered to the ban referred to in par. 1, unless the control conducted upon the request of the given person shall not confirm such suspicion.
2. (repealed).
3. (repealed).
4. (repealed).

Article 17.

1. The manager of the workplace or a person appointed by him/her for this purpose shall be obliged to prevent an employee from work, if there is a reasonable suspicion that the employee arrived at work under the influence of alcohol or consumed alcohol during work. The employee shall be informed of the reasons for such a decision.
2. The powers vested in the manager of the workplace, as specified in par. 1, shall also be vested in the body to which the workplace is subordinate and to the body entitled to supervise the workplace.

3. Upon the request of the manager of the workplace or a person appointed by him/her for this purpose, as well as upon the request of the employee referred to in par. 1, the employee's sobriety shall be examined by the authorised body appointed for the purposes of law enforcement. Blood is taken by a person with relevant professional qualifications. Provisions issued on the grounds of Article 47 par. 2 apply to the sobriety examination.

Article 18.

1. Alcoholic beverages for on premise and off premise consumption can only be sold on the basis of a permit issued by the Head of Commune (Mayor, President of the City) with jurisdiction over the location of the given point of sale, hereinafter referred to as "the Permitting Body".

1a. (repealed).

2. The permit referred to in par. 1 shall be issued on the basis of an application submitted by the entrepreneur.

3. The permits referred to in par. 1 shall be issued separately for the type of alcoholic beverages:

- 1) beverages containing less than 4.5% of alcohol and beer;
- 2) beverages containing between 4.5% and 18% of alcohol (with the exception of beer);
- 3) beverages containing over 18% of alcohol.

3a. The permits referred to in par. 3 shall be issued by the Permitting Body after the Communal Commission for Resolving Alcohol-related Problems gives a positive opinion on the compliance of the location of the point of sale with communal regulations referred to in Article 12 par. 1-3.

3b. In case the number of applications for issuing a permit exceeds their maximum number referred to in Article 12 par. 1, the permit is firstly issued with a consideration of the criterion of the largest distance of the to-be-point of sale of alcoholic beverages from the nearest operating point of sale of alcoholic beverages measured with the shortest route of reaching the point along public roads and then, the criterion of running by the applicant the smallest number of the points of sale.

4. Alcoholic beverages in locations controlled by military or organisational units of the Ministry of Interior – situated outside the premises of places enumerated in Article 14 par. 1 point 6 – can only be sold and served on the basis of the permit referred to in par. 1 and with the consent of military bodies specified by the Minister of National Defence or relevant bodies specified by the Minister of Internal Affairs.

5. The application for issuance of permit shall include:

- 1) information about the requested permit type;
- 2) identification of the entrepreneur, the registered office and address, and in the case of plenipotentiaries – their first names, surnames and places of residence;
- 3) number under which the entrepreneur is entered in the Register of Entrepreneurs in the National Court Register, if he has one, and the tax identification number (TIN);
- 4) scope of business activity;
- 5) address of the point of sale;
- 6) address of point of storage of alcoholic beverages (distribution warehouse).

6. The following documents should be included in the application:

- 1) (repealed);
 - 2) a document confirming the applicant's legal title to the property which is to become the point of sale of alcoholic beverages;
 - 3) written consent of the owner, user, manager or administrator of the building, if the point of sale is to be located in a multi-family residential building;
 - 4) decision of the relevant state sanitary inspector on the compliance of the point of sale with sanitary requirements, as described in Article 65 par. 1 point 2 of the Act on Safety of Food and Nutrition of 25 August 2006 (Journal of Laws of 2018, items 1541 and 1669).
- 6a. The Minister of Economy shall stipulate the template of the application for issuing a permit in the form of an electronic document pursuant to the Act on informatisation of the activity of entities that perform public tasks of 17 February 2005.
7. The conditions for selling alcoholic beverages for on premise or off premise consumption are as follows:
- 1) possession of the permit specified in par. 1;
 - 2) payment of the fee specified in par. 11¹;
 - 3) acquiring alcoholic beverages from manufacturers and companies who have appropriate permits for wholesale of alcoholic beverages;
 - 4) presenting the entrepreneur supplying the point of sale with alcoholic beverages a relevant payment confirmation of the fee specified in par. 11¹ by 1st February, 1st June and 1st October of the calendar year covered by the permit;
 - 5) possession of the document confirming the applicant's right to the property which constitutes the premises of the point of sale;
 - 6) conducting business activities within the scope specified by the permit and only by the entrepreneur and in the place indicated in the permit;
 - 7) notifying 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) conducting sales at the point of sale which is compliant with the requirements of the commune, as specified in Article 12 par. 1-3;
 - 9) compliance with other rules and provisions of law.
- 7a. (repealed).
8. The Permitting Body or, upon its authorisation, municipal police or members of the Communal Commission for Resolving Alcohol-related Problems shall verify compliance with regulations and conditions of the permit.
9. The permit referred to in par. 1 shall be issued for a fixed period of time, for a minimum of 4 years, or, in the case of alcoholic beverage sales for off premise consumption, for a minimum of 2 years.
10. The permit referred to in par. 1 may be by withdrawn the Permitting Body:
- 1) if the rules of selling alcoholic beverages specified in this Act are not adhered to, especially the ones concerning:
 - a) selling and serving alcoholic beverages to minors or people under the influence of alcohol, or selling and serving alcoholic beverages on credit or in pledge;
 - b) selling and serving alcoholic beverages in breach of bans enumerated in Article 14 par. 3 and 4;

- 2) if the conditions of selling alcoholic beverages specified in this Act are not adhered to;
 - 3) if, due to alcoholic beverage sales, peace is disturbed at the point of sale or in its nearest surroundings at least twice within 6 months, and the manager of the point fails to notify the authorities responsible for the protection of public order;
 - 4) if alcoholic beverages obtained from illegal sources are sold at the point of sale;
 - 5) if any of the information provided in the statement described in Article 11¹ par. 4 proves false;
 - 6) if the person responsible for conducting business activity of the entrepreneur holding the permit commits an offence for private financial gain;
 - 7) the issuance of a decision banning the entrepreneur being a natural person or the person responsible for the activity of the entrepreneur holding the permit from pursuing economic activity covered by the permit.
11. The entrepreneur whose permit was withdrawn may request the reissuance of the permit not earlier than after 3 years from the date of issuing the decision on permit withdrawal.
12. The permit referred to in par. 1, shall expire in the following cases:
- 1) point of sale is liquidated;
 - 2) permit expires;
 - 3) the character of business activity conducted at the point of sale changes;
 - 4) change in the composition of shareholder structure in the civil law partnership;
 - 5) failure to meet the following obligations on time:
 - a) submitting a statement referred to in Article 11¹ par. 4, or
 - b) paying a fee in the amount specified in Article 11¹ par. 2 and 5.
- 12a. In the case referred to in par. 12 point 5 letter a, the permit expires upon a lapse of 30 days from the day of the lapse of the period of time for meeting the obligation to submit the statement referred to in Article 11¹ par. 4, if, within 30 days as of the lapse of period of time to act in compliance with par. 12 point 5 letter a, the entrepreneur fails to submit the statement and to pay the additional fee in the amount of 30% of the fee stipulated in Article 11¹ par. 2.
- 12b. In the case referred to in par. 12 point 5 letter b, the permit expires upon a lapse of 30 days from the day of the lapse of the period of time for meeting the obligation to pay the fee in the amount stipulated in Article 11¹ par. 2 and 5, if, within 30 days as of the lapse of period of time to act in compliance with par. 12 point 5 letter b, the entrepreneur fails to pay the instalment of the fee stipulated in Article 11¹ par. 2 or 5, increased by 30% of this fee.
13. Entrepreneurs whose permits expired for the reasons mentioned in par. 12 point 5 may request the reissuance of permit not earlier than after 6 months from the date of issuing the decision on permit expiry.
14. Entrepreneurs who serve or sell various mixes of alcoholic beverages prepared on the basis of their recipes and with the use of beverages containing over 18% of alcohol shall be obliged to obtain the permits mentioned in par. 3 point 3.

Article 18¹.

1. One-off permits for sales of alcoholic beverages may be granted to entrepreneurs holding alcohol sales permits and Voluntary Fire Service units. In the case of one-off permits, the provisions of Article 18 par. 3a, par. 4, par. 5 point 5, par. 6, par. 7 points 4 and 6, and par. 9-14 shall not apply.
2. The permits specified in par. 1 shall be issued for a period of time not exceeding two days.
3. The fee for the one-off permits specified in par. 1 shall be paid to the account of the commune prior to permit issuance and shall amount to 1/12 of the annual fee for the particular types of permits specified in Article 11¹ par. 2 and Article 18 par. 3.
4. Alcoholic beverages sales permits for the period of time not exceeding two years may be granted to entrepreneurs whose business activity consists in providing catering to closed events organised at the time and place specified by the customer, on the grounds of a concluded agreement. In the case of such permits, Article 18 par. 3a, par. 5 point 5, par. 6 points 2-4, par. 7 points 4, 5 and 7, par. 9, par. 10 point 3 and par. 12 points 1 and 3 shall not apply.
5. The fee for the permits specified in par. 4 shall be paid to the account of the commune prior to permit issuance and shall equal the amount specified in Article 11¹ par. 2 and 5.
6. The Minister of Economy shall stipulate templates of applications for issuing permits referred to in par. 1 and 4, in the form of electronic documents pursuant to the Act on informatisation of the activity of entities that perform public tasks of 17 February 2005.

Article 18^{1a}.

Issuance of permits pursuant to Article 18 and Article 18¹ belongs to own tasks of the commune.

Article 18².

Incomes from the fees for permits issued on the basis of Article 18 or Article 18¹ and incomes from fees stipulated in Article 11¹ shall be allocated to the execution of:

- 1) communal programmes for prevention and resolving alcohol-related programmes and Communal Programmes referred to in Article 10 par. 2 of the Act on the Act of Counteracting Drug Addiction of 29 July 2005,
 - 2) tasks executed by a daily support centre referred to in provisions on family support and foster family system, within the communal programme for prevention and resolving alcohol-related problems and the Communal Programmes referred to in Article 10 par. 2 of the Act on Counteracting Drug Addiction of 29 July 2005
- and cannot be allocated to other purposes.

Article 18³.

The provisions of Chapter 5 of the Act of 6 March 2018 – the Entrepreneurs Law (Journal of Laws items 646, 1479, 1629 and 1633) shall apply to the control of business activity of the entrepreneur specified in Article 9, Article 18 and Article 18¹.

Article 18⁴.

1. At the request of an entrepreneur whose permit expired due to the reasons specified in Article 18 par. 12, the authority issuing the permits may grant a permit for a fixed period of time for the sales of alcoholic beverage reserves, which are owned by the entrepreneur and included in the inventory. The period of time specified in the sales permit cannot exceed 6 months from the date of permit expiry.
2. The fee for issuing a permit for the sales of alcoholic beverage reserves, which are owned by the entrepreneur and included in the inventory, shall be paid to the account of the commune, and shall amount to:
 - 1) 1.4% of the sales value of beverages included in the inventory and containing up to 4.5% of alcohol and beer;
 - 2) 1.4% of the sales value of beverages included in the inventory and containing between 4.5% and 18% of alcohol (except for beer);
 - 3) 2.7% of the sales value of beverages included in the inventory and containing more than 18% of alcohol.
3. Entrepreneurs who have obtained sales permits for alcoholic beverage reserves, which are owned by the entrepreneurs and included in the inventory, may apply for the issuance of a new permit for the sales of alcoholic beverages not earlier than after 12 months from the expiry date of the permit specified in par. 1.
4. The Minister of Economy shall stipulate the template of the application referred to in par. 1 in the form of an electronic document pursuant to the Act on informatisation of the activity of entities that perform public tasks of 17 February 2005.

Article 18⁵.

(repealed).

Article 18⁶.

Relevant provisions of this Chapter on the activity of the entrepreneur shall apply to the activity of the entity referred to in Article 17 par. 3 of the Act on production, bottling and trading of wine products and organisation of the wine market of 12 May 2011 in the scope of sale of grape wine produced in own vineyards for consumption at the point of sale or outside the point of sale.

Article 19.

1. The Council of Ministers, taking into account public safety and order, by way of an ordinance, may introduce a full or partial ban on selling and serving of alcoholic beverages for a fixed period of time in the whole country or in selected areas.
2. In situations requiring immediate action, the Council of Ministers may introduce the ban specified in par. 1 in a different mode.

Article 20.

(repealed).

Chapter 2
Procedure for Treatment of Alcohol-Abusing Persons

Article 21.

1. The withdrawal treatment of alcohol-dependent persons shall be provided by medical institutions of 24-hour inpatient and outpatient health care facilities pursuant to the provisions on healthcare activity, hereinafter referred to as “medical institutions”.
2. Undergoing withdrawal treatment shall be voluntary. The Act shall specify exceptions to this rule.
3. Alcohol-dependent persons shall not be obliged to cover the cost of health care services within the withdrawal treatment received at the medical institutions.

Article 22.

1. The Voivodeship Government shall establish and run healthcare facilities providing healthcare services within the 24-hour inpatient withdrawal treatment in the territory of the voivodeship, as well as a voivodeship centre for treatment of alcohol dependent and co-dependent persons.
2. The Head of the Poviats shall establish withdrawal treatment facilities other than those listed in par. 1 on the territory of the poviat.
3. The Minister of Health shall specify by way of an ordinance the organisation, staff qualifications, operating rules and types of healthcare facilities providing 24-hour inpatient and outpatient services within treatment of alcohol dependent persons and shall establish the rules of cooperating with public institutions and social organisations within this scope, considering the need to provide alcohol-dependent persons with withdrawal treatment and members of their families, including children, with services stipulated in Article 23 par. 1 and 2.

Article 23.

1. The family of the alcohol-dependent person suffering from the consequences of alcohol abuse on behalf of the alcohol-dependent person, shall receive health care services in facilities stipulated in Article 22 par. 1 and 2 in the scope of therapy for co-dependency and co-dependency treatment and prevention. The healthcare services shall be provided free of charge.
2. The children of alcohol-dependent persons suffering from consequences of alcohol abuse on behalf of their parents shall receive free psychological and socio-therapeutic help in health care facilities stipulated in Article 22 par. 1, specialist counselling centres and educational and care facilities and resocialisation centres.
3. The children may be provided with aid by persons or institutions against the will of parents or guardians who are in a state of intoxication.

Article 24.

Persons who due to alcohol abuse have a destructive impact on family life, demoralize minors, evade the responsibility for providing for the family or regularly disrupt peace or public order, shall be referred for examination by an expert in order to issue an opinion on alcohol dependency and establishing the type of health care facility needed.

Article 25.

The referral specified in Article 24 shall be issued by a communal commission for resolving alcohol-related problems with jurisdiction over the place of residence or stay of the person subject to the procedure, at the request of the alcohol-dependent person or upon own initiative.

Article 25a.

1. Members of the communal commission for resolving alcohol-related problems, in the scope necessary for the performance of tasks related to the procedure of obliging to undergo withdrawal treatment, may process information on persons referred to in Article 24, without the consent and knowledge of such persons, regarding health condition, addictions, convictions, fines, judgements imposing penalty, as well as other judgements issued in court or administrative proceedings with a consideration of the following data:

- 1) first name (names) and surname;
- 2) date and place of birth;
- 3) sex;
- 4) PESEL (Personal Identification Number), and in case the person does not have PESEL – a series and number of a document confirming identity;
- 5) marital status;
- 6) date of contracting marriage, if applies;
- 7) date of cessation of marriage, if applies;
- 8) education;
- 9) profession;
- 10) place of work or study;
- 11) degree of inability to work, holding a certificate of disability and degree of disability;
- 12) address of the place of residence or the place of stay;
- 13) correspondence address;
- 14) email address;
- 15) telephone number.

2. Members of the communal commission for resolving alcohol-related problems, in the scope necessary for the performance of tasks related to the procedure of obliging to undergo withdrawal treatment of persons referred to in Article 24, may process data on their family members in the following scope:

- 1) first name (names) and surname;
 - 2) date and place of birth;
 - 3) sex;
 - 4) degree of consanguinity or affinity;
 - 5) correspondence address, telephone number or email address.
3. Members of the communal commission for resolving alcohol-related problems are obliged to keep confidential all information and data they received in performance of tasks related to the procedure of obliging to undergo withdrawal treatment. This obligation also extends to the period upon cessation of membership in the communal commission for resolving alcohol-related problems.
4. Before starting performance of activities related to the procedure of obliging to undergo withdrawal treatment, members of the communal commission for resolving alcohol-related problems submit to the Head of the Commune (Mayor, President of the City) a written statement of the following wording:
- “I hereby declare that I shall keep confidential the information and data I have received during performance of tasks related to the procedure of obliging to undergo withdrawal treatment and that I know the provisions on criminal liability for sharing personal data or making it available to unauthorised persons.”

Article 25b.¹⁵

The Head (Mayor, President of the City) is the administrator of data referred to in Article 25a par. 1 and 2, processed by appointed by him communal commission for resolving alcohol-related problems.

Article 26.

1. The persons specified in Article 24, if they are addicted to alcohol, may be obliged to undergo treatment at an inpatient or outpatient withdrawal treatment facility.
2. The district court with jurisdiction over the place of residence or stay of the person subject to the proceedings shall decide in non-litigious proceedings whether the alcohol-dependent person shall be obliged to undergo treatment at the withdrawal treatment facility.
3. The court shall commence proceedings at the request of the communal commission for resolving alcohol-related problems or the prosecutor. The request shall include the collected documentation and the expert opinion, if an examination had been conducted by a specialist.

Article 27.

1. If no expert opinion regarding the alcohol-dependency of the person concerned had been issued, the court orders the person to undergo appropriate examinations.
2. If the court considers it necessary on the basis of the expert opinion, the court may order the examined person to undergo observation at the treatment facility for a period of time not exceeding 2 weeks. In exceptional cases, at the request of the facility, the court may prolong the observation period to 6 weeks.

3. Prior to issuing a decision, the court hears the person concerned.
4. The decision ordering the person to undergo observation at the facility shall be subject to a grievance.

Article 28.

1. Should the person concerned be obliged to undergo specialist examination or observation at a treatment facility by a court decision, the person concerned shall be obliged to undergo psychological and psychiatric clinical examinations, as well as treatment necessary for performing basic laboratory examinations on condition that the examinations are carried out by authorised medical personnel in compliance with medical recommendations and shall not pose a threat to the health of the person concerned.
2. (repealed).

Article 28a.

The Minister of Health, in consultation with the Minister of Justice, shall specify, by way of an ordinance, the mode of appointing alcohol dependence specialists, the manner of drafting expert opinions and the procedure of performing examinations necessary for issuing opinions regarding alcohol dependency, taking into account the protection of personal rights of the person concerned.

Article 29.

The opinion on the obligation to undergo treatment shall be issued after the court case, which should be held within one month from the date of the request submission.

Article 30.

1. In the case of an unexcused absence at the hearing or avoidance of undergoing the ordered expert examination or observation at the health care facility, the court may issue a bench warrant requiring the Police to bring the person concerned into court.
2. If the bench warrant concerns a soldier, the warrant is executed by the Military Gendarmerie or a military order unit.

Article 30a.

The court can order conducting an inquiry at domicile by a court-appointed custodian in order to determine the circumstances indicating abusing alcohol by the person concerned and disturbing the peace or public order, as well as family relations of the person concerned, their behaviour towards minors and attitude to work.

Article 31.

1. When issuing the opinion on the obligation to undergo treatment, the court may establish supervision of the court-appointed custodian for the time of fulfilling this obligation.
2. The person subject to supervision of the court-appointed custodian shall be obliged to appear before court or report to the court-appointed custodian at their request and carry out their orders regarding the proceedings during supervision, which may contribute to shortening the duration of the obligation to undergo treatment.
 - 2a. The supervision is executed by the court-appointed custodian enforcing decisions issued in cases regarding family and minors.
3. (repealed).
4. The head of the team of court-appointed custodians entrusts the supervision to the court-appointed custodian with relevant experience in the scope of proceeding with alcohol dependent persons. The supervision shall be entrusted immediately upon receiving the decision to be enforced.
5. While exercising the supervision over the person with regard to whom the obligation to undergo withdrawal treatment has been imposed, the court-appointed custodian organises and conducts activities aimed at helping the obliged person in achieving the objectives of the treatment.
6. While exercising the supervision over the person with regard to whom the obligation to undergo withdrawal treatment has been imposed, the court-appointed custodian, in particular:
 - 1) undertakes measures necessary for the person obliged to undergo the withdrawal treatment to adjust to the court decision;
 - 2) maintains a regular contact with the person obliged to undergo the withdrawal treatment and provides them with necessary aid in solving hardships, especially in starting and continuing withdrawal treatment;
 - 3) familiarise themselves with the results of the withdrawal treatment and cooperates with the withdrawal treatment facility in order to achieve the withdrawal treatment objectives;
 - 4) motivates the person undergoing withdrawal treatment to establish contact with relevant medical institutions and organisations or self-help groups for alcohol dependent persons;
 - 5) maintains contact with family members of the person obliged to undergo withdrawal treatment living in the same household as the alcohol dependent person;
 - 6) influences the environment in which the person obliged to undergo withdrawal treatment lives or is about to return to, especially establishes proper attitude to such person;
 - 7) submits written statements on the course of the withdrawal treatment to court on dates specified by the court, however, not less frequently than every 2 months;
 - 8) if necessary, cooperates with local government bodies and social organisations in order to provide the person obliged to undergo withdrawal treatment or their families with relevant aid consisting in, in particular, facilitating employment, providing temporary accommodation and financial benefits;
 - 9) if necessary, cooperates with the employer in order to perform the obligations imposed on the person obliged to undergo withdrawal treatment.
7. Furthermore, the obligations of the professional court-appointed custodian include applying to the court for amending the decision on the type of withdrawal treatment facility and for issuance of a decision on cessation of the obligation to undergo withdrawal treatment, as well as notifying the court of the necessity to undertake other necessary measures.

Article 32.

1. The court shall summon the person obliged to undergo withdrawal treatment on the basis of a valid court decision, to voluntarily appear at the specified withdrawal treatment facility on the specified date to undergo treatment. Should the person concerned fail to fulfil this obligation, the court shall have the right to issue a bench warrant.
2. The person obliged to undergo withdrawal treatment connected with a stay at an inpatient withdrawal treatment facility on the basis of the court decision cannot leave the premises of the facility without the consent of the head of the facility.
3. The court shall issue a bench warrant for the person avoiding the fulfilment of obligations specified in par. 1 and 2 at the healthcare facility by the Police.
4. If the bench warrant concerns a soldier, the warrant is executed by the Military Gendarmerie or a military order unit.

Article 32¹.

Medical institutions accept persons obliged to undergo withdrawal treatment out of turn pursuant to Article 26 until reaching the limit amounting to 20% of the total number of beds allocated for withdrawal treatment at the medical institution.

Article 33.

1. When carrying out the bench warrant the Police, Military Gendarmerie and the military unit responsible for maintaining order may arrest the persons specified in Article 30 and Article 32 par. 3 and 4 only in cases in which it is necessary and only for the time necessary to carry out the bench warrant.
2. (repealed).
3. (repealed).

Article 33a.

1. The Police executes the bench warrant referred to in Article 30 par. 1 and Article 32 par. 3, on the grounds of the court order and in compliance with its provisions.
2. The person brought to the court is deprived of objects that could cause self-harm or threaten the life or health of other persons.
3. The person brought to the court is obliged to follow the order of the Police officer necessary for the enforced appearance at the court.
4. Direct coercion in the form of holding or immobilization, with regard to which provisions of Article 42 apply in the scope relevant for the Police unit, can be applied against the person brought to the court who resists or is aggressive.
5. Bringing to court is confirmed by the entity indicated in the bench warrant.

6. The person brought to court who is under the influence of alcohol can be placed for the time necessary to sober up in a sobering station, a facility referred to in Article 39 par. 3, or in a Police unit. After sobering up of the person concerned, the Police executes the court order.
7. In case of impossibility to execute the court order the Police notifies the relevant court.

Article 34.

1. The obligation to undergo treatment shall remain valid for as long as it is required to achieve the aim of the treatment, however, the obligation cannot be valid for more than 2 years from the date of entering into force of the obligation.
2. While the withdrawal treatment obligation is in force, the court may, at the request of the person with regard to whom the obligation of undergoing withdrawal treatment has been validly imposed or the court-appointed custodian, and after obtaining the opinion of the head of the health care facility or at his request, amend the decision on the type of administered withdrawal treatment.
3. While the treatment obligation is in force, the inpatient healthcare facility may, for medical reasons, refer the person concerned to a different facility so as to continue treatment. The health care facility shall notify the court about the change.
4. The court shall decide about the cessation of the obligation to undergo treatment before the time period specified in par. 1. The decision shall be met at the request of the obliged person, the treatment facility, the court-appointed custodian, the prosecutor or ex officio, after obtaining the opinion of the facility, whereat the person is treated.
- 4a. To matters referred to par. 2 and 4, provision of Article 30a shall apply respectively.
5. In case of the expiry of the obligation to undergo treatment, this obligation cannot be imposed on the same person within 3 months from its cessation.

Article 35.

1. If the court which imposed the obligation to undergo withdrawal treatment on the alcohol-dependent person decides that due to the person's alcohol dependence it is necessary to incapacitate the person, the court shall notify the relevant prosecutor.
2. If the family court decides on the incapacitation specifying the manner of executing care, the court also issues a decision on placing the person at a social aid house for alcohol-dependent persons, unless there are other possibilities of providing the person concerned with constant care.
- 2a. The person accepted at the social aid house is subjected to periodical examinations of health condition in the scope justifying their stay at the social aid house. Examinations are conducted at least once every 6 months.
- 2b. The person accepted at the social aid house, also including an incapacitated person, their statutory representative, spouse, relatives in the direct line, siblings and a person exercising factual care over such person, can apply to the custodian court for amending the decision on acceptance at the social aid house.

2c. The application referred to in par. 2b can also be submitted by the head of the social aid house, if they deem the circumstances justifying the decision on accepting the person concerned at the social aid house to have changed.

3. The provisions regarding the duties and obligations of the court-appointed custodian specified in Article 31 shall also apply to the duties and obligations of the guardian of the incapacitated person.

Article 36.

1. The judge has the right to access the health care centre and social aid house at any time in order to monitor the lawfulness of referring and admitting the persons obliged to undergo withdrawal treatment to the facilities and to control the conditions in which they are staying.

2. The legality of the referral and stay at medical institutions or social aid houses of persons obliged to undergo withdrawal treatment and conditions in which they are staying is controlled by the judge appointed by the Regional Court President, within the region of which the given medical institution or social aid house is situated.

3. The control referred to in par. 1 covers, in particular:

- 1) correctness of the documentation constituting basis for referral and stay in a medical institution or social aid house of persons obliged to undergo withdrawal treatment;
- 2) adherence to the rights and obligations of persons staying in a medical institution or social aid house, especially in the scope in which infringement of these rights may entail penal or disciplinary liability;
- 3) organising free time of persons staying in a medical institution or social aid house and especially, cultural and educational, as well as recreational activities;
- 4) activity of the head of the medical institution or the head of the social aid house in the scope of cooperation with the court and court-appointed custodians supervising persons staying in such entities;
- 5) cooperation of the head of the medical institution or the head of the social aid house with local government authorities in providing necessary support to persons undergoing withdrawal treatment and their families, if necessary;
- 6) cooperation of the head of the medical institution or the head of the social aid house with social organisations, workplaces and families of persons undergoing withdrawal treatment;
- 7) correctness and timeliness of considering complaints and requests of persons staying in a medical institution or a social aid house.

4. The judge immediately informs the head of the medical institution or the head of the social aid house of initiating control activities.

5. During the control, the judge provides, if necessary, relevant support especially in the scope of interpretation and application of legal provisions.

6. The judge performs activities within the limits of powers conferred on him or her referred to in par. 1, by:

- 1) periodical controls covering all matters subject to control or control conducted ad hoc, covering only some issues in this scope;

- 2) issuing post-control recommendations and verifying the correctness and timeliness of performance thereof;
 - 3) undertaking other activities aimed at removing negligence and preventing occurrence thereof, if necessary.
7. Upon completing the control, the judge notifies of results thereof the head of the medical institution or the head of the social aid house enabling them to take a position with regard to the findings and propositions of post-control recommendations. If necessary, the head organises a post-control consultation, in which other employees of the medical institution or the social aid house can also participate.
 8. The head notifies the authority conducting supervision over the medical institution or the social aid house of the time and subject of the post-control consultation.
 9. The judge draws up a report on the course of the control. The report includes: data regarding the scope of the control, the assessment of the manner of executing recommendations related to the previous control, concise findings of the conducted control, the information on the position of the head of the medical institution or the head of the social aid house on the said findings and issued post-control recommendations.
 10. The report is stored in the relevant regional court. The Regional Court President sends a copy of the report within 14 days as of the day of ending the control to the head of the medical institution or the head of the social aid house and the authority conducting supervision over the given entity or house.
 11. In case of stating gross negligence in the activity of the medical institution or the social aid house, the Regional Court President sends the copy of the report to the Minister of Health or relevant Voivode – in case of a control at the social aid house.
 12. The head of the medical institution or the head of the social aid house or the authority conducting supervision over a given entity may, within 14 days as of the day of receiving the report, submit to the Regional Court President reservations or requests regarding the findings and post-control recommendations.
 13. Upon the judge's request, the head of the medical institution or the head of the social aid house or the authority conducting the supervision over the given entity submits within 14 days as of the day of receiving the request, the information regarding the scope and manner of implementing post-control recommendations.
 14. In order to ensure correct execution of control and proper implementation of post-control recommendations, the Regional Court President may organise consultations with the participation of judges supervising medical institutions and social aid houses with the participation of heads of these entities and houses.

Article 37.

1. In juvenile detention facilities and juvenile shelters for minors withdrawal treatment for alcohol-dependent minors is provided with available methods and means, in compliance with the current knowledge, by persons professionally qualified to use such methods and means, and measures related to prevention and resolving alcohol-related problems are undertaken.

2. Alcohol-dependent minors committed to juvenile detention facilities and juvenile shelters shall be obliged to undergo the ordered withdrawal treatment.
3. The withdrawal treatment referred to in par. 2 is ordered by the director of the juvenile detention facility or juvenile shelter in the case of minors upon the consent of a statutory representative, and in the case of a lack of such a consent, or in the case of adults – upon permission of the court issuing the statement after receiving the expert opinion.

Article 38.

In correction and detention units withdrawal treatment and rehabilitation of alcohol-dependent persons committed to these units, as well as activities related with prevention and resolving alcohol-related problems are conducted.

Article 39.

1. Local government authorities in cities with more than 50,000 residents and poviats authorities may establish and manage sobering stations.
2. Tasks of a sobering station include:
 - 1) taking care of persons under the influence of alcohol;
 - 2) providing hygiene and sanitary services for persons under the influence of alcohol;
 - 3) providing first aid to persons under the influence of alcohol;
 - 4) detoxification, if the sobering station has an appropriate facility, devices, equipment and qualified personnel stipulated in provisions issued pursuant to Article 42³ par. 5;
 - 5) informing persons accepted to the sobering station of the danger of consuming alcohol and motivating them to undergo a withdrawal treatment;
 - 6) cooperation with relevant communal commissions for resolving alcohol-related problems, entities stipulated in Article 21 par. 1 and other institutions and organisations, activity of which is aimed at preventing alcohol problems and consequences thereof.
3. A local government unit may commission performance of tasks of a sobering station to other facility or establish such a facility, hereinafter referred to as the “facility”.
4. Each year, until 1st March, the director of the sobering station or the head of the facility submits to the Minister of Health a statement for the previous year including, in particular, information on the number of persons placed in a sobering station or a facility, respectively, with a consideration of their sex and division into adults and minors, including the number of persons staying at a station or facility at least three times a year.

Article 39¹.

1. A sobering station or a facility keeps a register and documentation of persons brought thereto.
2. Within the conducted documentation, the sobering station or the facility may process data of brought persons in the following scope:
 - 1) information allowing determination of identity, including:

- a) first name and surname, first names of parents,
 - b) name and number of the identity document,
 - c) date and place of birth or age,
 - d) PESEL (Personal Identification Number), if applies,
 - e) marital status,
 - f) address of residence or place of stay;
- 2) health condition, including provided health services;
 - 3) addictions;
 - 4) social and family situation.
3. The provisions of the Act on Patients' Rights and Patients' Rights Ombudsman of 6 November 2008 (Journal of Laws of 2017, items 1318 and 1524 and of 2018, items 1115 and 1515), with the exception of the obligation to keep it in an electronic form, apply to the documentation regarding health condition of the brought person and information on provided health services in the scope of keeping, sharing and storing, respectively.
4. In case of a liquidation of the sobering station or facility, the documentation stipulated in par. 3 is stored by the local government unit.

Article 40.

- 1. Intoxicated persons behaving scandalously in a public place or at their workplace, whose life or health are under threat or who pose a threat to the life or health of third persons, may be placed at sobering stations or a facility, a medical institution or brought to their place of residence or stay.
- 2. In the case of a lack of a sobering station or a facility, persons referred to in par. 1 may be taken to a Police station.
- 3. The Police officer or municipal police officer bringing such intoxicated person to the sobering station, facility, Police station, medical institution or place of residence or stay, hereinafter referred to as the "bringing a person" draws up a report of bringing for the purposes of sobering. This report includes:
 - 1) first name and surname, unit and business telephone number of the bringing person;
 - 2) date and hour of bringing;
 - 3) place, circumstances and description of the intervention;
 - 4) first name and surname, first names of parents of the person brought to the sobering station, facility or Police station and age of this person;
 - 5) type and number of the identity document and the description of the person brought to the sobering station, facility or Police station;
 - 6) address of residence or place of stay of the person brought to the sobering station, facility or the Police station;
 - 7) description of behaviour of the person brought to the sobering station, facility or Police station during intervention and transport, with a consideration of the circumstances preventing from bringing the person to the place of residence or stay;
 - 8) list of belongings of the person brought to the sobering station, facility or Police station;

- 9) information on the circumstances stipulated in Article 40¹, constituting grounds for admitting at the sobering station, facility or Police station;
 - 10) disposition regarding further proceeding with the person brought to the sobering station, facility or Police station after sobering;
 - 11) the place to which the person has been brought and the decision of the director of the sobering station, the head of the facility or the commandant of the Police unit on the admission or refusal to admit the said person.
4. In case of justified doubts regarding the identity of the person brought to the sobering station, facility or Police unit, data of such person is immediately verified and confirmed by the bringing person.
 5. The person brought to the sobering station, facility or Police unit shall remain there until they become sober and not longer than for 24 hours. Persons under 18 are placed in separate rooms, in isolation from adults.
 6. The person brought to the sobering station, facility, Police unit or medical institution in circumstances specified in par. 1 has the right to submit a grievance to the regional court with jurisdiction over the place of bringing the said person. In the grievance the brought person may request that the justification and legal basis for the proceedings be examined, which also applies to the decision on admitting or arresting the person concerned and the correctness of performing the procedures.
 7. In the case the grievance is submitted through the agency of the sobering station, facility or Police unit, this entity immediately forwards the grievance to the court specified in par. 6. The grievance shall be considered pursuant to the provision of the Act of 6 June 1997 – the Criminal Procedure Code (Journal of Laws of 2018, item 1987). The person submitting the grievance has the right to participate in the court sitting.
 8. If it is found that bringing, admitting or arresting were unjustified or illegal, or that gross irregularities occurred during their performance, the court specified in par. 6 shall notify the prosecutor and superior of the bringing person or superiors of persons bringing or arresting the person concerned.
 9. If the person specified in par. 1 is a soldier, then the person shall be transmitted to the Military Gendarmerie or a military unit responsible for maintaining order.
 10. The director of the sobering station, the head of the facility or the Police unit shall immediately notify the relevant communal commission for resolving alcohol-related problems of events justifying the initiation of proceedings on fulfilling the obligation to undergo the withdrawal treatment.
 11. The following persons shall be immediately notified about committing a given person to a sobering station, facility or Police station:
 - 1) in the case of minors – their parents or guardians and the family court;
 - 2) in the case of other persons – upon their request, the persons indicated by them.

Article 40¹.

1. The basis for admitting a person brought to the sobering station, facility or Police unit consists in the result of this person's breathalyser test indicating intoxication.

2. The test referred to in par. 1 is conducted upon the consent of the person brought to the sobering station, facility or Police unit.
3. In the case of a lack of consent to undergo the test referred to in par. 1, the brought person is admitted to the sobering station or facility, or detained at the Police unit solely in case there are symptoms indicating intoxication confirmed in writing by a doctor or a feldsher of the sobering station or facility and in case of persons brought to the Police unit - by the authorised Police officer.

Article 40².

1. The person brought to the sobering station or facility shall be immediately subjected to medical examinations.
2. The person brought to the sobering station or facility may be subjected to the examination referred to in par. 1, also in case of a lack of consent thereto, if behaviour of such person indicates that he or she can be a threat to their life or health or pose a threat to the life or health of others, or if there is a justified need to provide him or her with necessary health benefits. In this case, provisions of Article 42 apply.
3. The person brought to the sobering station or facility is given, if so required due to his or her health condition, medicinal products the list of which is stipulated in provisions issued pursuant to Article 42³ par. 5 point 7.
4. If the admitted person requires hospitalization, he or she is immediately transported to a medical institution. Transport, depending on the health condition of a given person, is conducted by Police units, municipal police, entities providing sanitary transport or emergency medical services.
5. The person admitted to the sobering station or facility, hereinafter referred to as the “admitted person” is subjected to, upon his or her consent, detoxification.

Article 40³.

1. Admission or refusal to admit to the sobering station or facility or detention at the Police unit is decided by, respectively:
 - 1) director of the sobering station;
 - 2) head of the facility;
 - 3) commandant of the Police unit.
- 1a. The director of the sobering station, the head of the facility and the commandant of the Police unit may authorise other persons to take decisions in matters specified in par. 1.
2. The director of the sobering station or the head of the facility informs the Police unit or the municipal police of a lack of vacant beds at the station or facility.
3. If the sobering station’s or facility’s employee suspects that the brought person committed an offence, or stating that the person:
 - 1) has bodily injuries,
 - 2) has a gun,

- 3) has tools or other objects with regard to which there may be a suspicion that they were used or might be used to commit an offence or originate from an offence and in case of other circumstances justifying the suspicion that an offence has been committed
- the station or facility immediately notifies the Police unit and gives the period of time when the person concerned shall stay at the station or facility.

Article 40⁴.

A minor brought to the sobering station, facility or Police unit may be released immediately upon providing him or her with necessary health benefits, upon written application of parents or guardians.

Article 41.

Money or other objects are taken from the person admitted or detained at the Police unit and transferred to the deposit.

Article 42.

1. In the case of a person admitted or detained at the Police unit and posing a threat to their own life or health, or the life or health of other person, destroying items in their immediate vicinity, direct coercion may be applied.
2. Direct coercion is applied in:
 - 1) the sobering station or facility – it consists in holding, immobilisation, forced administration of a medicinal product or isolation;
 - 2) Police unit – it consists in holding, immobilisation or isolation.
3. Application of direct coercion referred to in par. 2 point 1 and cessation thereof is decided on by a doctor or feldsher, who stipulates the type of applied form of direct coercion and supervises performance thereof in person.
4. In Police units, application of direct coercion referred to in par. 2 point 2 and cessation thereof is decided on by a commandant of the Police unit or a person authorised by him or her and during their absence – an officer on duty at the Police unit.
5. In case it is not possible to obtain an immediate decision of persons referred to in par. 4, the application of direct coercion is decided on and performed by the Police officer. The Police officer immediately informs persons referred to in par. 4 about applying direct coercion.
6. The person against whom the coercion is to be applied is warned before applying direct coercion. The form of direct coercion, which is the least arduous for the person against whom the coercion is to be applied, is administered. While applying direct coercion, special caution and care for the wellbeing of the person concerned should be preserved.
7. Applying direct coercion provided for in other provisions is acceptable only upon ineffective use of direct coercion provided for in the Act or, if use thereof would be inadvisable.
8. Direct coercion in the form of:

- 1) holding – consists in temporary, short-term immobilisation of the person with the use of physical force;
 - 2) immobilisation – consists in longer overpowering of the person with the use of straps, holds, sheets or a straitjacket;
 - 3) forced administration of a medicinal product – consists in temporary or foreseen in the treatment plan introduction of the medicinal product into the person's organism;
 - 4) isolation – consists in placing the person in a closed room alone.
9. Direct coercion in the form of immobilisation or isolation cannot be applied for longer than 4 hours. If needed, direct coercion executed in these forms can be prolonged for consecutive periods of time, not longer than 6 hour periods.
10. The employee appointed by the director of the sobering station or the head of the facility, or the Police officer appointed by the commandant of the Police unit or by a person authorised by the commandant, and during his or her absence – an officer on duty at the Police unit, is obliged to control the health condition of the person with regard to whom direct coercion has been applied in the form of immobilisation or isolation, at least every 15 minutes, also while the person is sleeping and immediately upon cessation of the direct coercion.
11. Direct coercion may last only until the time the reasons for applying it cease.
12. A closed room intended for isolation shall be equipped with monitoring enabling permanent supervision over the person placed therein and control of the performance of activities related to the means of direct coercion.
13. The monitoring view of premises or a part thereof for sanitary and hygiene purposes is transmitted in a manner hindering viewing intimate body parts and intimate physiological functions.
14. The data saved with monitoring devices is processed solely by persons having a written authorisation issued by the data administrator in order to perform tasks stipulated in the Act. Those persons are obliged to keep this data confidential.
15. The monitoring footage is stored for at least 30 days, however, not longer than 60 days as of the day of registration, unless it is secured as evidence in case of pending proceedings. Upon a lapse of the storage period, the footage is deleted in a manner hindering its recovery. A report is drawn up on the footage deletion, in which the date of this activity and the first name and surname of the person deleting the footage should be noted down. It is acceptable to delete the footage on the monitoring device by its automatic overwriting in case technical conditions of this device hinder storing the footage for the period of time stipulated in the first sentence.

Article 42¹.

1. Releasing the admitted person from the sobering station or facility is decided on by the director of the sobering station, the head of the facility or an authorised person, respectively, on the grounds of a breathalyser test undergone by the released person, with a consideration of an opinion of a doctor or a feldsher.
2. Releasing the detained person from the Police unit is decided on by the commandant of the Police unit or an authorised person, on the grounds of a breathalyser test undergone by the released person, with a consideration of an opinion of a doctor or a feldsher, if necessary.

3. In case of a lack of consent of the released person to undergo the test referred to in par. 1, he or she is released on the grounds of an opinion of a doctor or a feldsher of the sobering station or facility.
4. After sobering the minor is handed over to parents or guardians and in case they do not turn up for the minor – to the nearest intervention facility.

Article 42².

1. A fee is charged due to the stay at the sobering station, facility or the Police unit of the admitted person.
2. Fee for stay:
 - 1) at the sobering station or facility – constitutes income of the local government unit;
 - 2) at the Police unit – constitutes income of the state budget.
3. The fee for stay at the sobering station or facility also includes provided health services, given medicinal products and detoxification.
4. The amount of the fee referred to in par. 1 is stipulated by:
 - 1) decision-making authorities of the local government unit under a resolution – with regard to the fees for stay at the sobering station or facility;
 - 2) Voivode under an order – with regard to the fee for stay at the Police unit.
5. While stipulating the amount of the fee, the decision-making authority of the local government unit or the Voivode includes an average cost of stay of an admitted person or a person detained at the Police unit.
6. The maximum amount of the fee for the stay at the sobering station, facility or the Police unit equals *PLN 309.01*.
7. The maximum amount of the fee for the stay at the sobering station, facility or the Police unit is subject to annual valorisation with the average-annual total consumer price index in the previous calendar year.
8. The average-annual total consumer price index referred to in par. 7 is determined on the grounds of the communication of the President of the Central Statistical Office announced in the Official Journal of the Republic of Poland "Monitor Polski", pursuant to Article 94 par. 1 point 1 letter a of the Act on pension benefits from the Social Insurance Fund (Journal of Laws of 2018, item 1270) of 17 December 1998.
9. The Minister of Health announces until 15th February, by publication in the Official Journal of the Republic of Poland "Monitor Polski", the maximum amount of the fee for stay at the sobering station, facility or the Police unit, after indexation.
10. In exceptional cases, in compliance with the special character of the facility, local government authorities may decide, under a resolution, to waive collecting charges by the facility.
11. The period of time for paying the fee due to the stay at the sobering station, facility or Police unit amounts to 14 days as of the day of serving the call for payment thereof. The provisions of the Act of 14 June 1960 – the Administrative Procedure Code (Journal of Laws of 2017, item 1257 and of 2018, items 149, 650, 1544 and 1629) shall apply to servings.
12. The claim for payment of the fee due to the stay at the sobering station, facility or Police unit is barred by the statute of limitations upon a lapse of 3 years as of the day of the payment deadline.

13. The obligation to pay the fee for the stay at the sobering station, facility or Police unit does not arise, if the call referred to in par. 11, has been served upon a lapse of 3 years as of the day of release from the sobering station, facility or Police unit.

Article 42³.

1. Rooms and equipment of the sobering station or facility are compliant with the requirements relevant to the performed tasks, including the system enabling observation of persons placed therein in order to ensure safety of such persons.
 2. A sobering station and a facility employ persons with qualifications relevant to the held position and having mental ability to work at the station or facility, including work in conditions requiring using direct coercion, confirmed with a psychological opinion.
 3. In case of a justified suspicion of losing the mental ability, the opinion stipulated in par. 2 is also issued upon the request of the director of the sobering station or the head of the facility.
 4. Provisions of par. 2 and 3 in the scope of the mental ability assessment do not apply to doctors and feldshers.
 5. The Minister of Health shall stipulate, under an ordinance:
 - 1) activities related to the operation of a deposit in sobering stations or facilities, including the manner of recording, accepting, storing and releasing deposited funds and objects,
 - 2) organisation of sobering stations and facilities, as well as the conditions their rooms and equipment should meet,
 - 3) composition and qualifications of the personnel of sobering stations and facilities,
 - 4) the manner of controlling health condition referred to in Article 42 par. 10,
 - 5) the manner of conducting the breathalyser test,
 - 6) the types and scope of kept register and documentation, including the template of a register card, taking into account keeping the register and documentation in a reliable manner and protection of data and information concerning the person brought to or admitted at sobering stations and facilities,
 - 7) a list of medicinal products and medical devices used in sobering stations and facilities
- taking into account the necessity to ensure respecting the rights of persons brought to sobering stations and facilities and persons admitted thereat, as well as providing them with due care with a consideration of the characteristics of sobering stations and facilities, including sobering stations using detoxification.

Chapter 3

Penal Provisions

Article 43.

1. Persons selling or serving alcoholic beverages in cases, in which it is prohibited, or without the required permit or not in accordance with the permit, shall be obliged to pay a fine.

2. Managers of the sales or catering facility who fail to fulfil the obligation to perform supervisory activities and therefor allow for the commitment of the offence specified in par. 1 shall also be obliged to pay a fine.
3. In the case of committing the offences specified in par. 1 or 2 a decision on the confiscation of the alcoholic beverages may be issued, even if they were not the property of the responsible party, the decision banning the pursuit of business activity consisting in the selling or serving of alcoholic beverages may be also issued.
4. Announcements of decisions on cases regarding the offences specified in par. 1 and 2 shall be made on the basis of provisions of the criminal procedure code.

Article 43¹.

1. Persons consuming alcoholic beverages in a way breaching the provisions of Article 14 par. 1 and 2a-6 or purchasing or consuming alcoholic beverages in points of illegal sale, or consuming alcoholic beverages brought by themselves or other persons in places allocated for their sale or serving, shall be obliged to pay a fine.
2. Attempting to commit the offence specified in par. 1 shall be a punishable offence.
3. In the case of committing the offence specified in par. 1, confiscation of alcoholic beverages may be declared, even if they do not constitute the property of the perpetrator, if the owner or other authorised person, without due diligence required in given circumstances, foresaw or could have foreseen that the alcoholic beverages could or would be used for committing the offence.

Article 44.

Persons selling, serving or consuming alcoholic beverages at the workplace despite the special supervisory obligation, or who fail to initiate the foreseen proceedings in case of learning about selling, serving or consuming alcoholic beverages on the premises of the workplace, shall be obliged to pay a fine.

Article 45.

The provisions of Article 13 par. 1 and 2 shall be breached by:

- 1) delivering alcoholic beverages to points of sale, or
- 2) not placing a visible sign informing about the harmfulness of alcohol consumption, and shall be subject to a fine.

Article 45¹.

Announcements of decisions on cases regarding the acts specified in Articles 43¹-45 shall be made on the basis of provisions of the petty offences procedure.

Article 45².

1. Persons who breach the provisions of Article 13¹ and advertise or promote alcoholic beverages or inform about the sponsorship of a mass event, subject to Article 13¹ par. 5 and 6, shall be obliged to pay a fine amounting to between PLN 10,000 and PLN 500,000.
2. Announcements of decisions on cases regarding the act specified in par. 1 shall be made on the basis of provisions of the criminal procedure.
3. If the act specified in par. 1 is committed within the scope of the entrepreneur's business activity, the person responsible for commissioning or managing the advertising of alcoholic beverages shall be the person responsible for committing the act.

Article 45³.

1. Persons who carry out wholesale turnover of alcoholic beverages without the required permit or breach the conditions specified in the permit, shall be obliged to pay a fine amounting to between PLN 10,000 and PLN 500,000.
 - 1a. In the case of committing the offence specified in par. 1 a decision on the confiscation of the alcoholic beverages may be issued, even if they were not the property of the responsible party, the decision banning the pursuit of business activity consisting in the wholesale turnover of alcoholic beverages may be also issued.
2. In cases of lesser significance, the party responsible for committing the act specified in par. 1 shall be obliged to pay a fine amounting to PLN 5,000.
3. Announcements of decisions on cases regarding the act specified in par. 1 shall be made on the basis of provisions of the criminal procedure.
4. If the act specified in par. 1 is committed within the scope of the entrepreneur's activity, then the person responsible for introducing alcoholic beverages to wholesale turnover shall be the person responsible for committing the act.

Article 46.

1. Pursuant to this Act, an alcoholic beverage is a beverage designated for consumption and containing agricultural ethanol, the concentration of which exceeds 0.5%.
2. A person is in the state after alcohol consumption when the alcohol content in the organism amounts to:
 - 1) blood alcohol content from 0.2‰ to 0.5‰ of alcohol, or
 - 2) concentration in exhaled air from 0.1 mg to 0.25 mg of alcohol in 1 dm³.
3. A person is in the state of intoxication when the alcohol content in the organism amounts to:
 - 1) blood alcohol content above 0.5‰ of alcohol, or
 - 2) concentration in exhaled air above 0.25 mg of alcohol in 1 dm³.

Article 47.

1. If the suspicion that a crime or offence was committed after the consumption of alcohol arises, the suspect may be obliged to undergo an examination determining the alcohol content in the organism, especially the collection of a blood sample. Blood is taken by a person with relevant professional qualifications.
2. The Minister of Health and the Minister of the Interior in consultation with the Minister of Justice and the Minister of Labour, by way of a resolution, shall specify the conditions and manner of carrying out the examinations in order to determine alcohol content in the organism, the manner of documentation and verification, having in mind the necessity to ensure carrying out examinations effectively and guaranteeing reliability of the results.

Chapter 4**Interim and Final Provisions****Article 48.**

1. The term “state indicating alcohol consumption” used in hitherto provisions shall be understood as the state after the consumption of alcohol.
2. The hitherto decisions on the coercive treatment issued on the basis of the Act on Counteracting Alcoholism of 10 December 1959 are deemed to be decisions on undergoing the treatment obligation within the meaning of this Act.

Article 49.

The Act on Counteracting Alcoholism of 10 December 1959 shall become invalid (Journal of Laws item 434, of 1969 item 95 and of 1971 item 115).

Article 50.

Until issuance of implementing provisions hereunder, the hitherto provisions remain in force, however, not longer than for 6 months as of the day of this Act entering into force.

Article 51.

The Act shall enter into force after 6 months from the date of its publication.