

LAW No. 1280
LAW OF FEBRUARY 13, 2020

MÓNICA EVA COPA MURGA
PRESIDENT OF THE PLURINATIONAL LEGISLATIVE ASSEMBLY

Therefore, the Plurinational Legislative Assembly has passed the following Law:

THE PLURINATIONAL LEGISLATIVE ASSEMBLY,

DECREES:

LAW OF PREVENTION AND CONTROL
TO THE CONSUMPTION OF TOBACCO PRODUCTS

CHAPTER I
GENERAL PROVISIONS

ARTICLE 1. (OBJECT). The object of this Law is to establish the regulatory framework on the measures to protect the individual, the family, and the community against the health, social, environmental, and economic consequences of tobacco consumption and exposure to tobacco smoke.

ARTICLE 2. (PURPOSE). The purpose of this Law is to safeguard the right to health of present and future generations of Bolivians, protecting them from the health, social, environmental, and economic consequences caused by the consumption of tobacco products and exposure to tobacco smoke.

ARTICLE 3. (JURISDICTION). The present Law is developed within the framework of the exclusive competence referred to the Policies of the Health System, established in numeral 17 of Paragraph II of Article 298, and the concurrent jurisdiction of the Management of the Health System, established in numeral 2 of Paragraph II of Article 299, of the Political Constitution of the State.

ARTICLE 4. (SCOPE OF APPLICATION).

I. The provisions contained in this Law apply to all natural and legal persons, public and private, Bolivian or foreign, who are in Bolivian territory.

II. The use of tobacco in ancestral manifestations is not subject to the content of this Law.

ARTICLE 5. (COMPETENT AUTHORITY).

I. The Ministry of Health, in coordination with the autonomous territorial entities, is the competent authority for the prevention and control of tobacco products' consumption.

II. For the import of tobacco products, the competent authority shall issue the relevant authorization.

CHAPTER II
PRINCIPLES AND DEFINITIONS

ARTICLE 6. (PRINCIPLES). This Law is based on the following principles:

- a) Coordination. A harmonious relationship between the central level of the State and the autonomous territorial entities constitutes an obligation as a fundamental basis underpinning the regime of autonomies in order to guarantee the well-being and the right to health of the population.
- b) Ethics. Public servants shall act under moral principles, reflected in values of honesty, transparency, integrity, probity, responsibility, and efficiency.
- c) Integrality. It articulates the processes of disease prevention, health promotion, care, and rehabilitation, as well as measures of control, monitoring, and sanctions to the production, distribution, advertising, and sponsorship of tobacco products.
- d) Intersectorality. It assumes the interaction between different sectors of social, economic and cultural development, at all levels of management in the Plurinational State of Bolivia and the autonomous territorial entities with the participation of social organizations and civil society.
- e) Participation and Social Control. It recognizes the right of social organizations, organized civil society, and health institutions to make decisions in the planning, execution, administration, monitoring, and control of measures.
- f) Universality. Health is a fundamental and social universal human right that constitutes an inalienable public good guaranteed by the Plurinational State of Bolivia.
- g) Legality. Depending on the Political Constitution of the State, it is the fact that the justice administrator is subject to the Law of his jurisdiction and not to the will of the people.

ARTICLE 7. (DEFINITIONS). For the purposes of this Law, the following definitions apply:

- a) Additive. Refers to ingredients used to increase palatability (sugars and sweeteners such as glucose, molasses, honey, sorbitol, flavoring substances such as benzaldehyde, maltol, menthol, and vanilla or spices and herbs such as cinnamon, ginger, and mint), ingredients with coloring properties (inks and pigments such as titanium dioxide), ingredients used to give the impression that the products have benefits or represent reduced health risks.
- b) Health warnings. State-issued medical statements or graphic images placed on tobacco products, packaging, or advertisements.
- c) Tobacco control. It comprises various strategies or measures to prevent and control the consumption of tobacco products, intending to contribute to improving the health of the population by eliminating or reducing the consumption of tobacco products and exposure to tobacco smoke.
- d) Body of water. They are those streams, rivers, and lakes that make up the hydrographic system of a geographical area.
- e) Packaging and labeling. It is the container, package, or wrapper in which a tobacco product is sold or displayed, including the box or carton containing smaller packs.

- f) Smoking. It is the act of being in possession or control of a burning tobacco product, regardless of whether the smoke is being actively inhaled or exhaled.
- g) Tobacco smoke. It is the smoke from the burning end of a cigarette or other tobacco products, usually combined with the smoke exhaled by the smoker.
- h) Tobacco industry. Includes manufacturers, distributors, wholesalers, importers, and exporters of tobacco products.
- i) Public places. All accessible areas in general or sites for collective use, regardless of who owns them or the right to access them.
- j) Workplaces. Any place used by persons during their employment or work and covers paid work and voluntary work of the kind that is normally remunerated. Besides, "workplaces" include not only those where work is performed, but also all related or annexed locations that workers typically use in the performance of their employment, including, for example, corridors, elevators, stairwells, lobbies, joint facilities, cafeterias, toilets, lounges, dining rooms, and buildings. Vehicles used in the course of work are workplaces and should be specifically identified as such.
- k) Tobacco sponsorship. It is understood as any form of contribution to any act, activity with the aim, effect, or possible effect of promoting, directly or indirectly, a tobacco product or tobacco use.
- l) Comprehensive prevention of tobacco consumption. It is an active process of implementation of initiatives aimed at modifying and improving the extensive training and quality of life of individuals, promoting individual self-control and collective resistance to the offer, diminishing the negative consequences on those individuals who use tobacco, who have problems of abuse or dependence, through therapeutic approaches.
- m) Tobacco products. It covers products prepared in whole or in part from tobacco leaves as raw material and intended to be smoked, inhaled, chewed, aspirated, sucked, snorted or otherwise consumed, such as manufactured cigarettes, handmade, pipes, cigars, water pipe (narghile-shisha), bidi, roll-your-own, pipe tobacco, electronic nicotine delivery system, heated tobacco products, dry or wet snuff, and others.
- n) Tobacco advertising and promotion. Any form of commercial communication, recommendation or action with the aim, effect, or potential effect of promoting, directly or indirectly, a tobacco product or tobacco use.
- o) Point of sale. Any place where tobacco products are sold, whether indoors or outdoors.p) Electronic Nicotine Delivery System. It is a product, or any of its components, including cartridges and the cartridge-free device, that can be used for the consumption of nicotine-containing vapor through a mouthpiece.
- q) Tobacco. Plant of the *Nicotiana Tabacum* species that can cause addiction if its leaves are consumed, either naturally or industrially transformed.
- r) Passive smoking. Inhaling smoke from a cigarette, cigar, pipe, or other tobacco products produced by another individual.

s) Public transport. Public transport is defined to include any vehicle used to carry the general public, usually for commercial purposes or for remuneration.

CHAPTER III
POLICIES AND MEASURES FOR PREVENTION AND PROTECTION
TO THE CONSUMPTION OF TOBACCO PRODUCTS

ARTICLE 8. (TOBACCO POLICIES). The Ministry of Health will implement and coordinate strategies to reduce the consumption of tobacco products within the framework of the National Health Policy in order to:

- a) Safeguard the right to health of the Bolivian population.
- b) Prevent the consumption of tobacco products.
- c) Reduce the consumption of tobacco products.
- d) Protect from exposure to tobacco smoke.
- e) Promote comprehensive actions aimed at facilitating quitting.

ARTICLE 9. (SMOKING BAN).

I. Smoking or keeping a tobacco product lit is prohibited in enclosed public places, indoor workplaces such as:

- a) Health establishments, whether public or private, establishments of the Plurinational Educational System, and events of an educational nature, including closed and open environments, and at a distance of one hundred (100) meters from such establishments.
- b) Dependencies of public institutions at their different levels of government and public companies, including closed and open environments.
- c) Private companies destined for any type of industrial, commercial, and service activity, including their customer service areas and waiting rooms.
- d) Closed facilities of shopping centers, stores, galleries, supermarkets, and markets.
- e) Closed air, land, water, and mass transit terminal facilities.
- f) Means of public transport.
- g) Closed facilities of libraries, reading rooms, museums, and internet rooms.
- h) Elevators, telephone booths, and ATMs.
- i) Closed and open facilities of companies providing lodging services.
- j) Theaters, cinemas, and other closed public spaces where shows are held.
- k) Closed and open environments for the sale or consumption of food, alcoholic beverages, nightlife, and entertainment.
- l) Closed and open facilities where sporting and cultural events are held.

m) Closed and open facilities where flammable material or substances are stored, produced, marketed, and handled.

n) Public and private spaces for the recreation of girls, boys, and adolescents.

o) Protected areas, forest areas, tourist areas, and at a distance of one hundred (100) meters from water bodies.

II. It is forbidden to enable smoking spaces in the places established in the preceding paragraph.

ARTICLE 10. (SIGNALLING). In the places established in Paragraph I of Article 9 of the present Law, they must have graphic and written signs that indicate the inscription: "100 % TOBACCO SMOKE-FREE ENVIRONMENT"; according to regulations.

ARTICLE 11. (PACKAGING AND LABELING OF TOBACCO PRODUCTS).

I. The content of health and environmental warnings on the packaging and external labeling of all tobacco products sold in Bolivia shall include images, photographs, graphic illustrations and warning phrases that alert the population to the risks of consuming tobacco products, as well as the risk of exposure to the harmful effects of tobacco smoke and environmental hazards.

II. The size and location of the health warnings indicated in the preceding paragraph must cover a space of at least sixty percent (60 %) of the main faces and will be located at the upper part of each face. They should not be obstructed by any means, except in cases of soft packs that require some support element in their assembly.

III. The content of the health warnings established in Paragraph I of this Article will be prepared, approved and provided by the Ministry of Health, in addition to being subject to control by said Ministry, in coordination with the Autonomous Municipal Governments, according to regulations.

ARTICLE 12. (MARKETING, IMPORTATION AND SALE PROHIBITIONS). It is prohibited:

a) The distribution and sale of cigarettes, either individually or in bulk.

b) The marketing and sale of tobacco products to persons under eighteen (18) years of age.

c) The distribution and direct or indirect sale of tobacco products within one hundred (100) meters of health establishments and establishments of the Plurinational Educational System, whether public or private, as well as inside their facilities.

d) Display tobacco products in places that allow the user or consumer to take them directly or that are within reach of children.

e) Commercialize or sell any tobacco product through automatic vending machines.

f) Include content descriptions of yield figures, numbers, or percentages about contents and emissions of any substance anywhere on the package or product, inside or outside it.

ARTICLE 13. (PROHIBITION OF ADVERTISING, PROMOTION, AND SPONSORSHIP).

I. All forms of advertising, promotion, and sponsorship, by any means of diffusion and at street sales points, of tobacco products are directly or indirectly prohibited.

II. The prohibition outlined in the preceding paragraph does not apply to advertising, promotion, and sponsorship of tobacco products at points of sale of tobacco products where they are not visible from the outside, restricted to persons under the age of eighteen (18), and directly to persons one by one when the consumer over the age of eighteen (18) requests to receive information. This exception shall be subject to regulation.

ARTICLE 14. (ELECTRONIC AND NON-COMBUSTIBLE TOBACCO PRODUCTS). The production, import, distribution, and commercialization, as well as the regulation or prohibition of the use of electronic nicotine delivery systems, similar non-nicotine systems, heated tobacco products, non-combustible products, and others, shall be subject to regulation.

ARTICLE 15. (CESSATION AND TREATMENT OF TOBACCO DEPENDENCE). The Ministry of Health will elaborate care protocols, guidelines, and other measures, in coordination with the autonomous territorial entities, to:

- a) Promote the cessation or abandonment of tobacco consumption in all its forms.
- b) Diagnose, protect, and support tobacco users to eliminate their addiction.

ARTICLE 16. (EDUCATION, PREVENTION, TRAINING, AND PUBLIC AWARENESS).

I. The Ministry of Education, in coordination with the Ministry of Health, will incorporate, through its different curricular and programmatic structures, into the Plurinational Educational System, programs for the prevention and control of tobacco consumption, according to regulations.

II. The Ministry of Health, in coordination with autonomous territorial entities, social organizations, and organized civil society, will establish health promotion and tobacco use prevention strategies with a comprehensive, intersectoral and intercultural approach, involving mobilization of the family and the community.

III. Any type of incentive from the Tobacco Industry towards tobacco prevention, training, treatment, or cessation programs is expressly excluded.

ARTICLE 17. (SUBJECT TO ENVIRONMENTAL AND LABOR REGULATIONS). The cultivation of tobacco and the manufacture of tobacco products are subject to current environmental regulations and labor rights.

CHAPTER IV

TECHNICAL AND SCIENTIFIC COOPERATION

ARTICLE 18. (RESEARCH, MONITORING, AND EXCHANGE OF INFORMATION). The Ministry of Health will promote and coordinate with entities related to the topic, national and local research programs on tobacco consumption, establishing epidemiological surveillance mechanisms and indicators in the National Health Information System.

ARTICLE 19. (REPORTING). The Ministry of Health will issue reports at the request of the Secretariat of the Conference of the Parties to the Framework Convention on Tobacco Control, on the progress of implementation under the Convention, in coordination with the government institutions involved.

CHAPTER V

ALLOCATION OF RESPONSIBILITIES FOR THE PREVENTION AND CONTROL OF THE CONSUMPTION OF TOBACCO PRODUCTS

ARTICLE 20. (RESPONSIBILITIES OF THE CENTRAL STATE LEVEL). The central level of the State, through the Ministry of Health, has the following responsibilities:

- a) Develop, implement and regulate programs for the prevention and control of the consumption of tobacco products, in coordination with the autonomous territorial entities, within the framework of the national planning system, the policies, and principles of this Law.
- b) Promote the implementation of programs and projects for the prevention and control of the consumption of tobacco products, in coordination with the autonomous territorial entities and the productive sector.
- c) Provide technical assistance for the development of prevention and control of the consumption of tobacco products.
- d) Promote and develop programs concerning education, communication, science, technology, and research related to the prevention and control of the use of tobacco products.
- e) Elaborate technical regulations for the prevention and control of the consumption of tobacco products.

ARTICLE 21. (RESPONSIBILITIES OF THE AUTONOMOUS DEPARTMENTAL GOVERNMENTS).

I. The Autonomous Departmental Governments have the following responsibilities:

- a) Implement the national policy on the prevention and control of the consumption of tobacco products.
- b) Establish and implement departmental planning for the prevention and control of tobacco product consumption, following the policies and principles of this Law, and national planning.
- c) Include plans for the prevention and control of tobacco products' consumption, in the Departmental Development Planning.
- d) Promote the implementation of projects to prevent and control the consumption of tobacco products, in coordination with the different levels of government and the productive sector.
- e) Assist the Autonomous Municipal Governments of its Department in the actions they carry out to consolidate the sites identified for the implementation of prevention and control of the consumption of tobacco products.

f) Monitor effective compliance of the regulations for the prevention and control of the consumption of tobacco products.

g) Provide technical assistance in the prevention and control of the consumption of tobacco products.

II. The Autonomous Departmental Governments shall regulate and execute in their jurisdiction the responsibilities assigned in this Law.

ARTICLE 22. (RESPONSIBILITIES OF AUTONOMOUS MUNICIPAL GOVERNMENTS).

I. The Autonomous Municipal Governments have the following responsibilities, arranged in an enunciative and not restrictive way:

a) Implement a national policy on the prevention and control of the consumption of tobacco products.

b) Establish and enforce municipal planning for the prevention and control of tobacco product consumption, in accordance with the policies and principles of this Law, and departmental and national planning.

c) Include the prevention and control of tobacco products in the Municipal Development Planning.

d) Elaborate projects for the implementation of prevention and control programs for the consumption of tobacco products.

e) Implement and enforce projects to prevent and control the consumption of tobacco products.

f) Support the implementation of plans to prevent and control tobacco products' use in coordination with the different levels of government and the productive sector.

g) Elaborate, update, and disseminate information regarding the implementation of prevention and control of the use of tobacco products in their jurisdiction.

h) Implement measures to prevent and prohibit the consumption of tobacco by the provisions of this Law.

i) Establish strategies for the prevention and control of tobacco products' consumption with a comprehensive, intersectoral, and intercultural approach, which means mobilizing the family and the community.

j) Implement the regime of infringement and sanctions established in this Law.

II. The Municipal Autonomous Governments shall regulate and execute in their jurisdiction, the responsibilities assigned in this Law.

ARTICLE 23. (RESPONSIBILITIES OF INDIGENOUS NATIVE PEASANT AUTONOMY). The Indigenous Native Peasant Autonomy has the following responsibilities, arranged in an enunciative and not restrictive way:

a) Coordinate national policy on the prevention and control of the consumption of tobacco products.

b) Include the prevention and control of tobacco products in the planning of their activities.

ARTICLE 24. (RESPONSIBILITIES OF REGIONAL AUTONOMY). The Regional Autonomy has the following responsibilities, arranged in an enunciative and not restrictive way:

a) Coordinate national policy on the prevention and control of the consumption of tobacco products.

b) Coordinate the inclusion, prevention, and control of tobacco products in the planning of their activities.

CHAPTER VI SOURCE OF FUNDING

ARTICLE 25. SOURCES OF FUNDING For the fulfillment of the object and purposes of this Law:

a) The Ministry of Health will assign the resources necessary for its implementation within its Institutional Budget.

b) The Ministry of Health will channel technical and financial assistance from international intergovernmental organizations such as bilateral and multilateral cooperation agencies in coordination with other bodies of the Executive Branch.

c) The Autonomous Territorial Entities, within the framework of their powers, shall allocate resources in their institutional budget for the implementation of this Law.

CHAPTER VII INTER-INSTITUTIONAL TECHNICAL COMMITTEE FOR MONITORING TO THE FULFILMENT OF THE ESTABLISHED OBJECTIVES IN THE FRAMEWORK CONVENTION ON TOBACCO CONTROL

ARTICLE 26. (INTER-INSTITUTIONAL TECHNICAL COMMITTEE).

I. The Inter-institutional Technical Commission for the implementation of the Framework Convention on Tobacco Control is created.

II. The Inter-institutional Technical Commission for the implementation of the Framework Convention on Tobacco Control will be made up of all public and private institutions linked to the subject, excluding the participation of groups associated with the tobacco industry.

III. The structure, composition, and operation of the Inter-institutional Technical Commission for monitoring compliance with the objectives established in the Framework Convention on Tobacco Control shall be established in regulations.

IV. The Ministry of Health shall be the competent authority responsible for coordinating the activities established in this Chapter.

CHAPTER VIII INFRINGEMENT AND SANCTIONS

ARTICLE 27. (RESPONSIBLE AUTHORITIES). According to the infringement committed, the authorities responsible, within the framework of their powers and responsibilities, are the Ministry of Health, the autonomous regional authorities, and other public bodies established by the regulations in force.

ARTICLE 28. (INFRINGEMENT).

I. Failure to comply with the prohibitions and regulations established in this Law constitute infringements that are classified as:

- a) Minor;
- b) Serious;
- c) Very serious.

II. Supreme Decree shall regulate the infringements established in Paragraph I of the present Article.

ARTICLE 29. (SANCTIONS).

I. The types of penalties will be the following:

- a) Warnings;
- b) Financial fines;
- c) Forfeiture;
- d) Temporary suspension of the activity.

II. Supreme Decree shall regulate the sanctions established in Paragraph I of the present Article.

III. Until the Autonomous Territorial Communities have adopted their regulations, they may apply the provisions of the sanctioning regime established in this Law on a supplementary basis.

ARTICLE 30. (VALUATION CRITERIA). The valuation of the sanctions shall be determined based on the following criteria:

- a) Seriousness of the infringement;
- b) Level of participation;
- c) Recidivism of the offenders;
- d) The intentionality of the infringement.

ARTICLE 31. (PROCEDURE). The legal provisions in Law No. 2341 of April 23, 2002, on the Administrative Procedure and its regulations shall apply to the present regime of sanctions.

ARTICLE 32. (DESTINATION OF RESOURCES). The resources collected from sanctions imposed by the Ministry of Health or the competent entities will be allocated to comprehensive programs and projects for the prevention, cessation, and treatment of dependence on tobacco consumption.

TRANSITORY PROVISIONS

FIRST. Within a period of one hundred and eighty (180) calendar days from the publication of this Law, the Executive Branch, on the proposal of the Ministry of Health, shall approve the Supreme Regulatory Decree within the framework of this Law and Law No. 3029, which ratifies the "Framework Convention on Tobacco Control".

SECOND. Until the Supreme Regulatory Decree is approved, Supreme Decree No. 29376 of December 12, 2007 shall remain in force for its application, in all respects, not contrary to this Law.

THIRD.

I. Within one hundred and eighty (180) calendar days from the publication of the Supreme Regulatory Decree of this Law, the tobacco industries, as well as the owners, administrators, employers and employees of public and private places and points of sale, shall apply all necessary measures to adapt their activities to comply with this Law.

II. A period of up to one (1) calendar year from the publication of the new health warnings is granted to the natural and legal persons that manufacture in the national territory or import tobacco products to adapt to the regulations established in Article 11 of the present Law.

FINAL PROVISIONS

FIRST. The implementation of this Law shall not represent additional resources of the General Treasury of the Nation.

SECOND. For the purposes of this Law, the Ministry of Health, within the framework of its competences, shall coordinate with the autonomous territorial entities, the implementation of measures that reduce the consumption of tobacco products and protect from exposure to tobacco smoke, through intergovernmental agreements and conventions.

REPEALING AND ABROGATING PROVISIONS

FIRST. The following are repealed:

a) The third paragraph of article 41 of Act No. 1333 of April 27, 1992, on the Environment.b) Article 124 of Decree-Law No. 15629 of July 18, 1978, "Health Code".

SECOND. All provisions contrary to this Law are repealed and abrogated.

Refer to the Executive Branch for constitutional purposes.

It is given in the Session Room of the Plurinational Legislative Assembly, on the first day of October of the year two thousand nineteen.

Signed: Adriana Salvatierra Arriaza, Víctor Ezequiel Borda Belzu, Omar Paul Aguilar Condo, Eliana Mercier Herrera, Sandra Cartagena López, Nelly Lenz Roso.

Therefore, in the exercise of the power conferred by numeral 12, Article 163 of the Political Constitution of the State, I promulgate it, so that it may be held and complied with as a Law of the Plurinational State of Bolivia.

Presidency of the Plurinational Legislative Assembly, city of La Paz, on the thirteenth day of February of the year two thousand and twenty.

**SIGNED BY MÓNICA EVA COPA MURGA
PRESIDENT OF THE PLURINATIONAL LEGISLATIVE ASSEMBLY**

MANDATORY SUBSCRIPTION

SUPREME DECREE No. 690

NOVEMBER 3RD, 2010.- It provides for the mandatory subscription, without exception, of all public sector entities that make up the organizational structure of the Executive Branch, as well as public bodies and companies that are under its dependence or supervision, to the Official Gazette of Bolivia, dependent on the Ministry of the Presidency, for the physical obtaining of Laws, Decrees and Supreme Resolutions.

CONSULTATION TEXT

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