

Acts of the Executive Branch

DECREE N. 8.262, OF MAY 31, 2014

Amends Decree nº 2.018, of October 1, 1996, which regulates Law nº 9.294, of July 15, 1996.

THE PRESIDENT OF THE REPUBLIC, in the exercise of the authority conferred upon her by Art. 84, heading, sub-paragraph IV, of the Constitution, and bearing in mind what is set forth in Law nº 9.294, of July 15, 1996, in Art. 50 of Law nº12.546, of December 14, 2011, and in Decree nº 5.658, of January 2, 2006,

DECREES:

Art. 1 Decree nº 2.018, of October 1, 1996, is to take effect with the following amendments:

"Art. 2

I – ENCLOSED COMMON AREA – a public or private place, accessible to the general public or for common use, totally or partially enclosed on any of its sides by a wall, partition, roof, awning or covering, whether of a permanent or temporary nature;

.....

V – PLACE OF SALE – an area or fixed space physically set apart, located on the inside of a commercial establishment and intended for the display and sale of smoking products, whether or not they are tobacco derivatives; and

VI – PACKAGING OF SMOKING PRODUCTS, WHETHER TOBACCO DERIVATIVES OR NOT – wrapping, receptacle, or any kind of packaging intended to package or pack smoking products, whether or not they are tobacco derivatives, that are sold directly to the consumer.

"Art. 3 The use of cigarettes, cigarillos, cigars, pipes, water pipes or other smoking products, whether or not they are tobacco derivatives, in an enclosed common area.

§ 1 The ban stated in the heading includes aircraft and public transportation vehicles.

§ 2 The following are excluded from the prohibition set forth in the heading:

I – Places of religious worship in whose rituals the use of smoking products, whether or not they are tobacco derivatives, has a role;

II - Establishments specifically intended for the commercialization of smoking products, whether or not they are tobacco derivatives, as long as this status is clearly announced at the entrance, or as long as it is in a place reserved for the sampling of products

endowed with conditions of isolation, ventilation or removal of air that prevent the contamination of other spaces;

III – Studios and shooting locations for the recording of audiovisual productions, when necessary to the production of the work;

IV – Places intended for research and the development of smoking products, whether or not they are tobacco derivatives; and

V – Health care institutions where patients are authorized to smoke by their attending physician.

§ 3 In the places indicated in § 2 it shall be necessary to establish conditions of isolation, ventilation and removal of air, as well as measures for the protection of workers from exposure to smoke, pursuant to the terms of supplementary regulations published by the Ministries of Health and of Labor and Employment." (NR)

"Art. 7 Commercial advertising for cigarettes, cigarillos, cigars, pipes, water pipes or any other smoking products, whether or not they are tobacco derivatives, is prohibited in all of the national territory, with the exception only of the display of the aforesaid products at places of sale, observing the following:

I – The display of smoking products at places of sale, whether or not they are tobacco derivatives, can only occur on the wrapping of the packages of the products in display stands or sample cases set up inside the place of sale;

II – The sample case or display stand shall contain the following health warnings:

a) A written warning on the harmful effects of smoking, in statements established by the Ministry of Health, used sequentially, on a simultaneous or rotating basis;

b) Images or figures that illustrate the meaning of the warning messages referred to in item a; and

c) Other health messages and the prohibition of selling to minors under the age of eighteen;

III – The statements, images and health messages indicated in sub-paragraph II shall occupy twenty percent of the area of each one of the surfaces of the sample displays or cases that are visible to the public; and

IV – The case or sample display shall also contain the table of prices, which must include the minimum retail price of cigarettes as classified in Code 2402.20.00 of the Table for the Imposition of Industrialized Products – (TIPI – *Tabela de Incidência do Imposto sobre Produtos Industrializados*) in force."(NR)

"Art. 7-A. Packages of smoking products, whether or not they are tobacco derivatives, shall contain the following:

I – A written warning on the harmful effects of smoking, following statements established by the Ministry of Health, used sequentially, simultaneously or on a rotating basis;

II - Images or figures illustrating the meaning of the warning messages referred to in sub-paragraph I; and

III – Other health messages and the prohibition of sale to minors under the age of eighteen.

§ 1 Packages of smoking products, whether or not they are tobacco derivatives, shall not contain words, symbols, sound devices, drawings or images that could:

I - Directly induce consumption;

II – Suggest exaggerated or irresponsible consumption;

III – Induce consumption in hazardous or illegal places or situations;

IV – Suggest or induce wellbeing or health;

V – Create the false impression that one brand is less harmful to health than another;

VI – Attribute to products calmative or stimulating properties, that reduce fatigue or tension, or produce similar effects;

VII – Insinuate an increase of male virility or female vitality, or associate the idea or image of greater sexual success with people who smoke;

VIII – Associate the use of the product with cultural or athletic activities, or with civic or religious celebrations; and

IX – Be conducive to mistaken conclusions regarding the characteristics and composition of the product, and with regard to the risks to health inherent to its use.

§ 2 On packages of smoking products, whether or not they are tobacco derivatives, the warning clauses and images referred to in the sub-paragraphs of the heading of this article are to be sequentially used simultaneously or on a rotating basis and, in the latter case, they are to be varied at most every five months, inserted in a legible and prominently displayed manner on one hundred percent of the rear surface of the package, and on one of its sides.

§ 3 As of January 1, 2016, in addition to the warning clauses and images referred to in the sub-paragraphs of the heading of this article, there must also be printed an

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additional warning text occupying thirty percent of the lower part of the front surface on packages of smoking products, whether or not they are tobacco derivatives, that are sold directly to the consumer."(NR)

Art. 2 This Decree shall enter into force one hundred and eighty days after its publication.

Art. 3 Sub-paragraph IV in the heading of Art. 2, and Art. 4 and Art. 5 of Decree nº 2.018, de October 1, 1996, are hereby rescinded.

Brasília, May 31, 2014; 193rd year of Independence and 126th year of the Republic.

DILMA ROUSSEFF

Arthur Chioro