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<p>REGULATES ACTIVITIES IT INDICATES RELATED TO TOBACCO</p> <p>Taking into consideration that the Hon. National Congress has given its approval to the following</p> <p>Draft Law:</p>	
<p>Article 1.- This law regulates the activities it refers to and that involve tobacco products for human consumption.</p> <p>Article 2.- For all legal purposes, the following terms are to be understood as follows:</p> <p>a) Advertising for tobacco: Any kind of promotion, communication, recommendation, publicity, information or action with the purpose or effect of promoting a product made with tobacco or tobacco consumption;</p> <p>b) Tobacco industry: Includes manufacturers, retail distributors and importers of tobacco products;</p> <p>c) Tobacco products: products prepared totally or in part using tobacco leaf as a raw material, and intended to be smoked, sucked, chewed or sniffed;</p> <p>d) Indoor or enclosed space: Any space that is covered by a roof or is enclosed within one or more walls or partitions, regardless of the material used, the presence of doors or windows or whether the structure is permanent or temporary, and</p> <p>e) Additive: Any substance, with the exception of tobacco leaf or another natural or unprocessed part of the tobacco plant, used in the preparation of a tobacco product and that is present in the final product, even if its form has been altered, including paper, filters, imprints and adhesives.</p> <p>NOTE</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Article 3°.- Advertising for tobacco and</p>	<p>Law 20660 SOLE Art. N° 1 D.O. 08.02.2013</p> <p>LAW 20105 Art. 1 N° 1 D.O. 16.05.2006</p> <p>NOTE</p> <p>Law 20660 SOLE Art. N° 2 a) b) c) D.O. 08.02.2013</p>

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<p>elements of the brands related to such products is hereby prohibited.</p>	<p>Law 20660 SOLE Art. N° 3 D.O. 08.02.2013</p>
<p>The prohibition indicated extends in the same terms and with the same effects to indirect advertising done by product placement, where the consumption of tobacco products or brands of products made of tobacco is shown.</p>	
<p>By the same token, on programs broadcast live on TV or radio during the hours allowed for minors the appearance of persons smoking or giving a favorable impression of tobacco consumption is prohibited.</p>	
<p>Furthermore, advertising is prohibited on international channels broadcasted in Chile or Internet sites whose Internet domains have the ending ".cl".</p>	
<p>Tobacco companies must annually report to the Ministry of Health an itemized breakdown of donations made, as well as expenses incurred as a result of agreements with public institutions, athletic or community organizations, academic or cultural institutions, and non-governmental organizations.</p>	<p>LAW 20105 Art. 1 N° 3 D.O. 16.05.2006 and Law 20660</p>
<p>Article 4.- The commercialization, offering, distribution or giving away for free of tobacco products to persons under the age of 18 is prohibited. Automated machines for the sale of this kind of product can only be installed in establishments, places or premises to which, by provision of the law, minors do not have access.</p>	
<p>The sale of these products in places located at a distance of less than one hundred meters from elementary and secondary educational institutions is prohibited. This distance is to be measured from every access door of the respective establishments, via sidewalks, streets and spaces of public use.</p>	
<p>The sale of tobacco products inside health establishments, whether public or private, is prohibited.</p>	<p>LAW 20105 Art. 1 N° 4 D.O. 16.05.2006</p>
<p>In no case may cigarettes be sold individually or in packs that contain less than ten cigarettes.</p>	<p>Law 20660</p>
<p>NOTE:</p>	<p>SOLE Art. N° 4 a) D.O. 08.02.2013</p>
<p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p>	<p>Law 20660 SOLE Art. N° 4 b) D.O. 08.02.2013</p>
<p>Article 5°.- It is prohibited to offer or provide any compensation, directly or indirectly, for the purchase of tobacco products, such as a donation, premium or cash rebate, or the right to participate in a game, lottery or contest, as well as the distribution of such products without monetary compensation.</p>	<p>SOLE Art. N° 4 c) D.O. 08.02.2013</p>
	<p>LAW 20105 Art. 1 N° 4 D.O. 16.05.2006 Law 20660</p>

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<p>NOTE:</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Article 6.- Any package of tobacco products, whether national or imported that is intended for distribution within the national territory must include a clear and precise warning of the harm, diseases or effects that are caused to human health by their consumption, or by exposure to tobacco smoke. This warning must have a minimum period of effectiveness of twelve months and a maximum of twenty-four months, it should be designed by the Ministry of Health, and established through a Supreme Decree of this Ministry, and it is to be printed on cigarette packs or on any packaging and may not under any circumstances be removable. In the case of imported products, the warning must be adhered to packaging in such a way that it cannot easily be peeled off.</p> <p>In the case of packs of cigarettes or cigars, bags or packages of tobacco products, this warning must appear on the two main surfaces, and occupy 50% of each one of them. The warning is to be placed in the lower part of each surface.</p> <p>The decree in question shall establish between two and six warnings, which can be illustrated with drawings or photographs and captions. The decree in question shall enter into force three months after its publication. During the period indicated in the first sub-paragraph, these must appear simultaneously on all national and imported production intended for distribution within the national territory.</p> <p>Producers, sellers or distributors must add these warnings in similar percentages on all tobacco products that each one of them produces, sells or distributes. To such end, at the beginning of the period of effectiveness of the warnings, they are to report in writing to the Ministry of Health the respective amounts of tobacco products and the distribution of the warnings on them. Any modification of the information in question must be communicated to the Ministry of Health immediately.</p> <p>If when the new warnings enter into force, there are leftover supplies in storage with the former warnings, in order for them to be distributed, permission must be requested from the Health Authority that corresponds to the main office of the manufacturer or importer. This exception can only reach up to an amount equivalent to the production distributed during the previous month.</p> <p>The health warnings must always be visible at points of sale for tobacco products.</p> <p>NOTE:</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Article 7°.- Plans and programs of study of</p>	<p>SOLE Art. N° 5 D.O. 08.02.2013 NOTE</p> <p>LAW 20105 Art. 1 N° 5 D.O. 16.05.2006 NOTE Law 20660 SOLE Art. N° 6 a), b) D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 6 c) D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 6 d) D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 6 e) D.O. 08.02.2013</p>
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<p>General Elementary Education and Secondary Education at both levels must consider objectives and content intended to instruct students on the harm caused to the organism by the consumption of tobacco products and exposure to tobacco smoke, as well as their addictive character.</p> <p>There will be a national plan of education on tobacco and its harmful effects, which is to be updated at least every five years.</p> <p>NOTE:</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Article 8°.- It is prohibited to include in the name or properties associated with a brand of cigars or cigarettes terms such as "light," "smooth," "mild," "low in tar, nicotine, carbon monoxide," or the like.</p> <p>NOTE:</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Article 9.- The main office of manufacturers or importers of tobacco products must annually report to the Ministry of Health, in a manner that the latter shall determine, on the ingredients and additives that are included in such products, in terms of quality and quantity, as well as the substances used for the processing of the tobacco. Tobacco products containing additives that have not been previously reported to the Ministry of Health cannot be sold.</p> <p>The Ministry of Health can prohibit the use of additives and substances that are added to tobacco in the process of manufacture of the products addressed by this law that are intended to be sold in the national territory, when such additives and substances increase levels of addiction, harm or risk to the consumers of said products. Furthermore, in the cases mentioned previously, it is possible to establish the maximum limits allowed for substances contained in tobacco products. Moreover, it shall establish the rules for the dissemination of information concerning additives and substances added to tobacco and their effects on the health of consumers.</p> <p>Cigarette packages must state clearly and visibly on one of their lateral surfaces the main components of such product pursuant to the terms established by the Ministry of Health.</p> <p>Article 10.- It is prohibited to smoke in the following places:</p>	<p>LAW 20105 Art. 1 N° 6 D.O. 16.05.2006 NOTE Law 20660 SOLE Art. N° 7 a) and b) D.O. 08.02.2013</p> <p>LAW 20105 Art. 1 N° 7 D.O. 16.05.2006 NOTE</p> <p>Law 20660 SOLE Art. N° 8 D.O. 08.02.2013</p> <p>Law 20660</p>
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<p>a) Any enclosed space that is a place accessible to the public or for shared commercial use, regardless of who the owner may be or who may have the right of access to such place.</p> <p>b) Spaces, whether enclosed or open, public or private, that comprise part of the outbuildings of:</p> <ol style="list-style-type: none"> 1. Pre-school, primary and secondary educational institutions. 2. Facilities where fuel is consumed. 3. Places where explosives, inflammable materials, medications or foods are manufactured, processed, stored, or handled. 4. In galleries, platforms and other spaces intended for the public in athletic facilities, gymnasiums or stadiums. This prohibition extends to the playing field and to the entire area encompassed within the perimeter consisting of such galleries, platforms and other spaces, except in places where smoking is specially authorized that may be included in such premises. <p>c) Public or shared means of transportation, including elevators."</p>	<p>SOLE Art. Nº 9 D.O. 08.02.2013</p>
<p>Article 11.- Without impairment to what is set forth in the foregoing Article, it is prohibited to smoke in the following places, except in their courtyards and open air spaces:</p> <ol style="list-style-type: none"> a) Public and private institutions of higher education. b) Airports and bus and train stations. c) Theaters and cinemas. d) Centers for the provision of service or facilities open to the general public. e) Supermarkets, shopping centers and other similar establishments with free public access. f) Public and private health institutions, except for hospitals for psychiatric admission that do not have open air spaces or whose patients cannot have access to them. g) Facilities of Government agencies. h) Pubs, restaurants, discotheques and gaming casinos. <p>In courtyards and open air spaces, when they exist, it shall be necessary to authorize special places for smokers in the cases indicated in letters f) and g) of the preceding sub-paragraph. To such end, the director of the institution, or general manager thereof, shall be responsible for establishing an area that is clearly</p>	<p>Law 20660 SOLE Art. Nº 10 D.O. 08.02.2013</p>

<p>demarcated, always seeing to it that any tobacco smoke generated does not reach the inner premises of the establishments in question. However, the director of the institution or general manager thereof can always determine that smoking is prohibited in the open areas of the institutions they direct or manage.</p> <p>Article 12.- RESCINDED.</p>	<p>Law 20660 SOLE Art. N° 11</p>
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<p>Article 13.- RESCINDED.</p> <p>Article 14.- In places accessible to the public, warnings prohibiting smoking must be posted, and they must be prominently visible and comprehensible.</p> <p>The agencies administering Law N° 16.744 are to collaborate with associated companies advising them with respect to the content of the information that they are to provide to their workers and users on the harmful effects caused to the organism by the consumption tobacco products or exposure to smoke of such products, as well as on the benefits of cultivating a healthy lifestyle and environment.</p> <p>Article 15.- The Health Authority shall enforce compliance with this law and, in the event that any infractions are ascertained, it shall report the matter to the competent Local Police Magistrate, pursuant to what is set forth in the third sub-paragraph.</p> <p>The inspectors of the respective municipality shall also oversee compliance with this law, and shall prosecute any infractions they discover before the tribunals indicated in the foregoing sub-paragraph.</p> <p>The respective local police magistrate shall be authorized to impose the appropriate sanction, and appeals allowed for by law may be filed against such rulings. Proceedings shall be subject to what is established in Law N°18.287.</p> <p>In no case shall it be possible to demand prior payment of a fine, which shall always be for municipal benefit.</p> <p>Article 16.- Infractions of the provisions of this law shall be sanctioned in accordance with the following rules:</p> <p>1) A fine of 3 to 50 monthly tax units, and from 30 to 300 monthly tax units, if the infraction is committed by a natural or juridical person belonging to the tobacco industry, for the sale, purchase for sale, commercialization of any kind, distribution, transportation and storage of tobacco products, of any kind, class or nature, that do not comply with legal obligations with respect to health, customs, tax or intellectual property matters. In such cases, the fine shall be valid without impairment to such penal sanctions as may be applicable. Furthermore, in the event of a repeat offense, the closing shall be decreed of the establishment, store or place where the infraction shall have been committed for a period of fifteen days.</p> <p>2) A fine of 500 to 1,000 monthly tax units and seizure of the proceeds of the infraction, for contravention of what is established in the second sub-paragraph of Article 9, using additives or substances prohibited by the Ministry of Health, or exceeding the maximum permissible limits for substances contained in tobacco products.</p> <p>3) A fine of 1 to 50 monthly tax units, and of 101 to 500 monthly tax units if the infraction is committed by a natural or juridical person belonging to the tobacco industry, in addition to the seizure of the goods involved in the infraction, in the following cases:</p> <p>a. Sale of tobacco products in places located</p>	<p>D.O. 08.02.2013 Law 20660 SOLE Art. N° 12 D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 13 a) and b) D.O. 08.02.2013</p> <p>LAW 20227 Art. 8 N° 1 and 2 D.O. 15.11.2007 Law 20660 SOLE Art. N° 14 a) D.O. 08.02.2013 Law 20660 SOLE Art. N° 14 b) D.O. 08.02.2013 SOLE Art. N° 14 c) D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 15 b) i. D.O. 08.02.2013 Law 20660 SOLE Art. N° 15 a) D.O. 08.02.2013</p>
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at a distance of less than 100 meters from establishments of primary and secondary education, with the	
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<p>infraction of what is set forth in the second sub-paragraph of Article 4. Furthermore, in cases of repeat offenses, it shall be possible to decree the closing of the establishment, store or place where the offense was committed for a period of fifteen days.</p> <p>b. Advertising for tobacco or for elements of the brand related to said product.</p> <p>c. Offering or providing any compensation, direct or indirect, for the purchase of tobacco products, in contravention of what is set forth in Article 5.</p> <p>d. Transgressing the rules regarding the distribution percentages for warnings on tobacco products, pursuant to what is established in the fourth sub-paragraph of Article 6.</p> <p>4) A fine of 101 a 500 monthly tax units and seizure of the proceeds of the infraction in the following cases:</p> <p>a. Omitting the warning required by Article 6, or providing the warning with a different image, in different places or in proportions less than those indicated therein, on packages of national or imported tobacco products intended for distribution within the national territory.</p> <p>b. Engaging in advertising activities for tobacco products, whether national or imported, intended for distribution within the national territory, whatever the manner or medium in which it is done, omitting the warning required by Article 6.</p> <p>c. Not stating clearly and visibly on one of the lateral surfaces of a package of cigarettes the main components of the product, in accordance with the terms established by the Ministry of Health pursuant to the third sub-paragraph of Article 9.</p> <p>d. Infringing the rules on the disclosure of information regarding additives and substances added to tobacco and their effects on the health of consumers established in accordance with Article 9.</p> <p>5) A fine of 101 to 500 monthly tax units for failing to report to the Ministry of Health on the ingredients and additives added to tobacco products, or on the substances used in tobacco processing, in accordance with the first sub-paragraph of Article 9.</p> <p>6) A fine of 3 to 50 monthly tax units and of 30 to 300 monthly tax units if the infraction is committed by a natural or juridical person belonging to the tobacco industry, in addition to the seizure of the goods involved in the infraction of selling, offering, distributing or giving away tobacco products for free to minors under the age of 18, in contravention of what is set forth in the first sub-paragraph of Article 4. Furthermore, in the event of a repeat offense, the closing of the establishment, store or place where the infraction was committed may be decreed for a period of fifteen days.</p> <p>7) A fine of 50 to 250 monthly tax units for an infraction of the rules concerning authorization, surface area and ventilation of spaces intended for smokers and spaces reserved for non-smokers, established in Articles 12 and 13.</p> <p>8) A fine of 10 to 100 monthly tax units for the installation of automatic vending machines for tobacco products in establishments, places or premises where access to minors is not prohibited by legal provision, in contravention of what is set forth in the first sub-paragraph of Article 4. Furthermore, in the event of a</p>	<p>Law 20660 SOLE Art. N° 15 b) ii. D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 15 b) ii. D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 15 b) iii.</p>
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<p>involved in the infraction of selling cigarettes individually, or in packs containing fewer than ten cigarettes.</p> <p>10) A fine of 2 to 20 monthly tax units imposed upon the owner, director or administrator of the establishment, in the following cases:</p> <p>a. RESCINDED.</p> <p>b. Infraction of the rules on the warnings that must be exhibited concerning the prohibition of smoking, in accordance with what is set forth in Article 14.</p> <p>11) A fine of 2 monthly tax units imposed for each offender, the owner, director or administrator of the respective establishment, for the offense of [not] prohibiting smoking in unauthorized places. However, the owner, director or administrator may exempt himself from having to pay the fine by proving that he tried to get the smoker to comply with the law or depart from the premises, and subsequently issued the respective complaint to the law enforcement authorities. In such cases it will be possible to request the assistance of law enforcement authorities to re-establish the dominion of the law.</p> <p>12) A fine of 2 monthly tax units, imposed on smokers who infringe the prohibition of smoking established in Articles 10 and 11. To determine the amount of the fine to be applied pursuant to this Article, the circumstances of the offense and, especially, the economic capacity of the offender are to be taken into consideration.</p> <p>In the event of a repeat offense, the fine may be doubled. Recurring failures to comply with any of the provisions of this law, that is to say, two or more offenses committed within a period of less than a year counting from the first offense shall be considered repeat offenses.</p> <p>Products seized in accordance with this Article shall be handed over to the Health Authority in order that it may undertake their destruction or neutralization.</p> <p>For purposes of proving age in cases of uncertainty, in order to avoid committing an offense, owners, directors or administrators of establishments and places regulated by this law, or their delegates, may require the showing of the respective identification document.</p> <p>Article 17.- If an infraction is committed by an agency of the Government, the Health Authority must, moreover, bring the matter to the attention of the respective law enforcement body in order for it to adopt such administrative measures as may be appropriate, sending a copy of such notification to the Under Secretary of Public Health, who shall draw up a public record of such measures.</p> <p>NOTE:</p> <p>Art. 2 of LAW 20105, published on 16.05.2006, establishes that the modifications introduced into this Article shall enter into force 90 days after their publication in the <i>Diario Oficial</i>.</p> <p>Santiago, September 22, 1995.- EDUARDO FREI RUIZ-TAGLE, President of the Republic.- Carlos Massad</p>	<p>Law 20660 SOLE Art. N° 15 b) vi. D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 15 b) vii. D.O. 08.02.2013 Law 20660 SOLE Art. N° 15 b) viii and ix. D.O. 08.02.2013</p> <p>Law 20660 SOLE Art. N° 15 d) D.O. 08.02.2013</p> <p>LAW 20105 Art. 1 N° 13. D.O. 16.05.2006 NOTE</p>
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<p>Abud, Minister of Health.- Sergio Molina Silva, Minister of Education.</p> <p>Which I forward to you for your appreciation.</p> <p>Greetings to you, Fernando Muñoz Porras, Under Secretary of Health.</p>	
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<p>Constitutional Tribunal</p> <p>Draft Law on restrictions of activities relating to tobacco</p> <p>The Secretary of the Constitutional Tribunal, who signs below, certifies that the Honorable Senate sent the draft law indicated in the heading, passed by the National Congress, in order for this Tribunal to institute oversight of the constitutionality of Articles 5 and 9, and by judgment issued on September 5 1995, declared them constitutional.</p> <p>Santiago, September 6, 1995.- Rafael Larraín Cruz, Secretario</p>	
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