

THE CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

EXECUTIVE AGREEMENT No. 05-2011

WHEREAS: Pursuant to Article 145 of the Constitution of the Republic: “The right to health protection is hereby recognized. It is the duty of all to participate in the promotion and preservation of personal and community health. The State will preserve the proper environment to protect the health of the people.”

WHEREAS: Article 331 of the Constitution of the Republic establishes: “The State recognizes, guarantees and fosters the freedoms of use, savings, investment, occupation, initiative, commerce, industry, company hiring and any other that may emanate from the principles informed by this Constitution. Nevertheless, the exercise of these liberties may not be contrary to the social interest or detrimental to morals, health or the public safety.”

WHEREAS: The Constitution of the Republic in Article 148 creates the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), which is the guiding governmental body on public policies for research, prevention, treatment, rehabilitation and the reintegration of people affected by the use of tobacco products.

WHEREAS: Article 1 of the Health Code, Decree No. 65-91, also establishes: “Health, considered to be a comprehensive biological, psychological, social and ecological state of wellbeing, is an inalienable human right, and the State, as well as all individuals and legal entities, should promote its protection, recovery and rehabilitation.”

WHEREAS: On May 21, 2003, the 56th World Health Assembly unanimously adopted the WHO Framework Convention on Tobacco Control. This Convention was opened to signing for a period of one year, from June 16 to 22, 2003, at the WHO headquarters in Geneva, and subsequently from June 30, 2003, to June 29, 2004, at United Nations Headquarters in New York. On November 10, 2004, the National Congress of the Republic ratified the World Health Organization Framework Convention on Tobacco Control, Decree Number 192-2004, published in the Official Gazette, “La Gaceta”, on January 25, 2005.

WHEREAS: On June 9, 2010, the National Congress approved the Special Law on Tobacco Control (LECT), Legislative Decree Number 92-2010, and it was published in the Official Gazette “La Gaceta”, No. 32,296, on Saturday, August 21, 2010.

WHEREAS: The damaging effects on health and addictive psychoactive effects caused by tobacco use have been proven.

WHEREAS: Effective application of the Special Law on Tobacco Control (LECT) unavoidably demands that its general regulation be issued pursuant to the provisions of Article 69.

THEREFORE: Pursuant to Articles 61, 145, 146, 148, 331 and 245 Number 11 of the Constitution of the Republic; 1 of the Health Code, 7, 8, 9, 10, 11, 12, 13, 14 and others applicable from the WHO Framework Convention on Tobacco Control; 7, 118 Number 2) of the General Law on Public Administration; 1, 3 and 11 subsection ñ) of the IHADFA Law and 69 of the Special Law on Tobacco Control (LECT).

HEREBY AGREES:

ONE: To approve the following:

REGULATION TO THE SPECIAL LAW ON TOBACCO CONTROL (RLECT)

TITLE I

GENERAL PROVISIONS

CHAPTER I

PURPOSE OF THE REGULATION

ARTICLE 1. – PURPOSE OF THE REGULATION. – The purpose of this Regulation is to regulate the production, distribution, marketing, importation, consumption, advertising, promotion, guidance, education and prevention to warn of health risks and damage, and to prevent and dishabituate the consumption of tobacco products and to determine authority competencies for the application of its regulations and sanctions.

CHAPTER II

SCOPE AND OBJECTIVES

ARTICLE 2. NATURE OF THE REGULATION. This regulation is of a public order and social interest, and its provisions are for obligatory and irrevocable application throughout the land and other spaces where Honduran sovereignty is exercised.

ARTICLE 3. – OBJECTIVES OF THE REGULATION. The objectives of this Regulation are:

- 1). – To regulate the provisions of the Special Law on Tobacco Control (LECT); and,
- 2). – To regulate the procedures for applying the Special Law on Tobacco Control (LECT).

CHAPTER III

BINDING GUIDING PRINCIPLES AND DEFINITIONS

ARTICLE 4. - BINDING GUIDING PRINCIPLES. – Binding guiding principles of this Regulation, in addition to those established in the Special Law on Tobacco Control (LECT) are:

- 1) The right of Hondurans, foreign residents and those passing through the country to equality before the law.
- 2) The WHO Framework Convention on Tobacco Control, of which Honduras is a party, being ratified by the National Congress on November 10, 2004.

ARTICLE 5.- DEFINITIONS. - In addition to the definitions established in Article 5 of the Special Law on Tobacco Control (LECT) for the purposes of this Regulation the following shall be understood:

- 1) **OBLIGATORY APPLICATION:** The strict fulfillment of the provisions of the Special Law on Tobacco Control (LECT), this Regulation and other applicable provisions.
- 2) **FCTC:** WHO Framework Convention on Tobacco Control.
- 3) **DIRECTORATE GENERAL:** The executive body of the Directorate General of IHADFA.
- 4) **TECHNICAL DIVISION:** The division of IHADFA made up of the Research Department, the Department of Education, the Document Center and the Department of Advertising Production, Social Media and Events.
- 5) **DGRS:** The initials for the Directorate General of Health Regulations for the Ministry of Health.
- 6) **PRIVATE COMPANY:** An organization or institution dedicated to activities or the pursuit of financial or commercial goals, legitimately organized for such goals.
- 7) **TGR-1 FORM:** The FORM issued by the Ministry of Finance through the General Treasury of the Republic for receipt of the payment of current revenue.
- 8) **BOARD:** The senior administrative body that guides the general administration of IHADFA.
- 9) **GOVERNMENT BODY:** Any body of the Central Government, Deconcentrated Bodies and Decentralized Institutions.
- 10) **LECT:** The initials identifying the Special Law on Tobacco Control.

11) MUNICIPALITY: Represents the Municipal Corporation, which is the governmental and administrative body of the Municipality, endowed with the legal status of public law and whose purpose is to achieve the wellbeing of the inhabitants, to promote their comprehensive wellbeing and environmental conservation with the powers granted by the Constitution of the Republic and other laws.

12) REGULATION: The Regulation to the Special Law on Tobacco Control approved by the IHADFA Board and issued through Agreement by the President.

13) MINISTRY OF HEALTH: The Federal Health Department.

15) CIVIL SOCIETY: Any non-profit organization representing citizen society, private in nature, with humanitarian and social objectives defined by its founders.

15) OFFICE OF THE DEPUTY DIRECTOR: The executive office that assists the IHADFA Directorate General.

16) HEALTH ESTABLISHMENT SHOPS: This concept includes shops set up in public and private health establishments, including, for instance, rural health clinics with only a nurse, health centers with a doctor and dentist, hospitals, pharmacies, the sale of medicines, medical clinics, dental clinics, clinical analysis laboratories and centers for alternative medicine.

17) OVERSIGHT: The act of supervising application of the provisions of this Regulation to the Special Law on Tobacco Control (LECT) and other applicable provisions.

TITLE II

FRAMEWORK OF DUTIES AND POWERS

CHAPTER I

COMPETENCIES FOR ADMINISTRATION OF THE REGULATION

DUTIES AND POWERS

ARTICLE 6. – SECTOR RESPONSIBILITY. – The guiding institution for the sector responsibility stipulated in the LECT is the Ministry of Health, its ancillary bodies and offices, in the exercise of its respective competencies. - The formulation and execution of policies and strategies will be those that ensure the correct application of the LECT and the WHO Framework Convention on Tobacco Control, and it will have the support and cooperation of other public entities and Municipal Corporations.

For such purposes it also will have the coordination of the Ministry of Education, the Ministry of Security, the Public Ministry, the Ministry of the Interior and Population, the Ministry of Industry and Commerce, the Ministry of Finance and other centralized, deconcentrated and decentralized government bodies to achieve these objectives.

ARTICLE 7. – FIRST ACTIONS. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) is responsible for carrying out first actions through the Treatment Division, in coordination with the Ministry of Health and Civil Society, concerning developing, coordinating, executing and assessing public policies related to the prevention and control of tobacco use, together with assessment services on its cessation, for which it shall establish smoking cessation programs under the responsibility of the Ministry of Health's available centers and other private institutions or, in their absence, those which IHADFA shall establish under its exclusive charge.

Notwithstanding the powers given to other authorities determined in the LECT and this Regulation, the Directorate General of IHADFA will exert the following powers in order to ensure the correct execution of the first actions under its responsibility:

1). – Accept and address reports or complaints filed by individuals or legal entities in cases of noncompliance with the LECT and this Regulation and other provisions of mandatory observance. – It will duly make the National Telephone Report Service, the Internet and possibly mailboxes installed in public and private offices available with the understanding that the installations of such mailboxes will be at the cost of government, non-governmental or private companies when they adopt this method of accepting reports, in which case it is recommended that such mailboxes have the following measurements: Eighteen (18) centimeters high by thirty-five (35) centimeters wide and that they be installed in places accessible to the public;

2) - Keep a national registry of offenders, whose purpose will be to record, process and document the identifying information on offenders and the sanctions applied;

3). – Establish oversight procedures for the obligatory compliance with LECT provisions through opinion surveys, control and statistical analysis of reports and surveys on the prevalence of tobacco use;

4). - Impose the safety measures and, with a hearing of the offender(s), the penalties and fines determined for failing to comply with the LECT, this Regulation and other applicable provisions within the area of their competency;

5) – Publish agreements, decisions and orders regarding the characteristics of images or pictograms and the texts of health warning messages to which the LECT refers and that the companies and agencies, manufacturers, importers or distributors of cigarettes and other tobacco products will be responsible for printing on the packages, boxes and wrappers of such products;

6). – Establish the characteristics that non-smoking spaces must have, as shown in Article 26 of the LECT, in order to reach that objective;

7). – In order to control tobacco products, based on its internal regulatory system, IHADFA will study, approve, execute, assess, accept and assess an opinion or doctrine upon the request of the competent authority to deduce the corresponding administrative, civil and criminal responsibility before third parties, including the compensation or benefit for restoration of the emerging damage and loss of earnings, where applicable;

8). – Strengthen the Legal Department Inspectors Unit, which will be responsible for doing the necessary nationwide inspections to oversee compliance with the LECT, this Regulation and that has the powers described in the Regulation to the IHADFA Law, Executive Agreement 2213. Hence, for per diems, lodging, food and fuel in order to meet the provisions of

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this numeral, the provisions shall be applied from Articles 4 and 5 of the Special Regulation on Regulating and Controlling Wholesalers, Warehousemen or Distributors of Spirits and Liquors.

9). – Supervise that the legal procedure for the application of sanctions is carried out pursuant to the provisions of the IHADFA Law and its Regulation, in the LECT and this Regulation; and,

10) Other powers emanating from other laws, regulations and other applicable legal provisions.

ARTICLE 8. – COMPETENCIES ON EDUCATIONAL MATTERS. – The competent institution on educational matters, as stipulated in Article 8 of the LECT, is the Ministry of Education. That Ministry will act in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Technical Division via the Department of Education; the Ministry of Health; the National Autonomous University of Honduras (UNAH); the Council of Higher Education; the Francisco Morazán National Pedagogical University; the Medical Society of Honduras; Magistrate Societies; the Association of Retired Teachers; the Association of Private Universities of Honduras; and the Rectorate of Private Universities.

The main objective of these institutions is to develop the academic curricula for the educational programs at all levels of the teaching/learning process, such as: Prebasic, Basic, Middle, Technical and Upper, that will be shared at public and private educational centers, covering postgraduate training in the area of medical science as well as nursing, dentistry, psychology, pedagogy, social work, sociology, anthropology and history. Contents will deal with the use of tobacco products with knowledge and scientific information favoring the development of research projects that illustrate the serious threat it represents to people's health from the bio-psycho-social and cultural points of view. Thus, the institutions named in this Article will have the following powers:

a). – Identify contents in the National Basic Curriculum where it is feasible to include topics on preventing the consumption of tobacco products;

b). – Include information related to the harmful effects of tobacco use on the Ministry of Education education portal;

c). – Include National Anti-Tobacco Week on the Official Academic Calendar so that activities aimed at fighting smoking will be undertaken in educational centers at all levels. This will be held the last week of May every year;

d). – Establish the requirement that students will carry out Social Educational Work (TES) to spend at least ten (10) hours performing preventive activities, mitigation and reduction of tobacco use by focusing their work on the public needs they are to address;

e). – Institute the requirement in 9th grade for Basic Education to cover at least ten (10) hours of social work in their communities aimed at preventing tobacco use; and,

f). – Disseminate the contents of our country's prevailing Education Laws and their regulation regarding the ban on tobacco use to the student body.

ARTICLE 9. – COMPETENCIES ON MATTERS OF POPULATION AND CULTURE. -

The institution responsible for competency on population and culture matters, as stipulated in Article 9 of the LECT, is the Ministry of the Interior and Population, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Technical Division via the Ministry of Education, the Ministry of Education, the Ministry of Culture, Arts and Sports, the Ministry of Development for Indigenous Peoples, Afro-Hondurans and Civil Society.

The main goal will be to prepare and carry out the approach strategy by promoting their active participation through the adaptation of measures that promote the development of programs aimed at the preparation, execution and assessment of social and cultural activities to control the use of tobacco products among the ethnic communities that are appropriate for their needs and perspectives.

ARTICLE 10. – COMPETENCIES ON FISCAL POLICY. – The institution with competency on fiscal policy, as stipulated in Article 10 of the LECT, is the Ministry of Finance, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for the preparation and regulation of tax and fiscal policies designed to control, reduce and possibly eradicate tobacco products and secure sources of financing to provide IHADFA at least a budgetary allocation of no less than ten million Lempiras (L. 10,000,000.00), notwithstanding increases caused from applying the LECT and from performing prevention, research and tobacco treatment programs.

ARTICLE 11. – ENVIRONMENTAL COMPETENCIES. – The institution responsible for environmental competencies, as stipulated in Article 11 of the LECT, is the Ministry of Natural Resources and Environment (SERNA) in coordination with the Directorate General of Environmental Management; the Institute of Forestry Conservation (ICF); the Ministry of Agriculture and Livestock (SAG); the Ministry of Industry and Commerce (SIC); the Public Ministry through the Special Office of Environmental Oversight; and the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), and to design and follow up public policies meant to protect the environment, related to the prevention of tobacco product use and the identification of alternative crops for tobacco producers.

ARTICLE 12. - POLICIES ON WOMEN, FAMILY AND CHILDREN. -

The institutions responsible for policies on women, family and children, as stipulated in Article 12 of the LECT, will each be coordinated in the matter of their competence by the National Women's Institute (INAM) and the Honduran Institute for Child and Family (IHNFA); respectively, in coordination with the Ministry of Health and the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Technical Division via the Ministry of Education; the Treatment Division and Division of Private Collaborative Bodies; and the Public Ministry through the Special Prosecutor's Office for Women and the Special Prosecutor's Office for Children, regarding formulating public policies to carry out gender identity programs aimed at prevention and control of the use of tobacco products meant to strengthen the family, women and children.

ARTICLE 13. – PROTECTION OF THE ENVIRONMENT IN THE PROCESS OF DESTROYING TOBACCO PRODUCTS. – The institution responsible for protecting the environment, as stipulated in Article 13 of the LECT, is the Ministry of Natural Resources and Environment (SERNA) in coordination with the Honduran Institute for the Prevention of

Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Legal Department Inspectors Unit; the Public Ministry through the Special Prosecutor for the Environment; and the Attorney General's Office for the Environment and Natural Resources (PARN), with respect to following up compliance with the requirement to take proper measures and use appropriate methods to protect the environment in the process of destroying previously seized tobacco products.

TITLE III

GENERAL AND SPECIAL REGULATIONS

CHAPTER I

COMMERCE

ARTICLE 14. - BAN ON VENDING MACHINES AND SELF-SERVICE DISPLAYS. – The institution responsible for overseeing compliance with the ban on using vending machines and self-service displays, as stipulated in Article 14 of the LECT, is the Ministry of Industry and Commerce through the Directorate General of Consumer Protection in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), who will do so through the Legal Department Inspectors Unit and Public Ministry through the Office of the Prosecutor for Consumer and Elderly Protection in order to follow up on the ban throughout the country on using automatic vending machines and/or self-service dispensers for tobacco products and the ban on sales over the internet, delivered through the mail or messengers or any other indirect means to deliver tobacco products. Automatic vending machines and self-service dispensers for tobacco products must be withdrawn when this Regulation takes effect.

Vending machines and self-service displays that were withdrawn when this Regulation was applied will be returned to those verifying their legitimate ownership under the ban on installing or using them in other places and with the warning that they will be sanctioned for the crime of disobeying authority, pursuant to the prevailing criminal laws, if they do not heed this ban, notwithstanding the payment of the fine established in Article 54 of this Regulation.

ARTICLE 15. - ARTICLES AND TOYS RESEMBLING TOBACCO PRODUCTS.

The institution responsible for overseeing compliance with the ban on articles and toys resembling tobacco products, as stipulated in Article 15 of the LECT, is the Ministry of Finance through the Executive Office of Revenue (DEI), in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Legal Department Inspectors Unit and the Public Ministry through the Office of the Prosecutor for Consumer and Elderly Protection.

The performance of this competency through the Executive Office of Revenue (DEI) regards the ban on manufacturing, importing, selling and freely distributing candy, snacks, toys or other similar objects in the shape of tobacco products that may be attractive to people under the age of twenty-one (21). – In applying the laws on customs, taxes and international treaties ratified by Honduras, the DEI is authorized to proceed with the seizure of toys, candy, snacks or other similar objects in the shape of tobacco products and remand them to the competent authority.

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Pursuant to the laws of international public order, entry into the country or the sale of such articles and toys is banned, in which case they are contraband, thus classified in Honduran criminal and tax laws. Therefore, they shall be remanded to the legal authorities in order that through due process, the proper principal and accessory penalties may be applied.

The DEI will also apply the applicable monetary sanctions and demand payment of omitted taxes, contributions, fees, fines or surcharges, pursuant to applicable laws.

ARTICLE 16. - BAN ON SALES OR GIFTS TO MINORS. -

The institution responsible for overseeing compliance with the ban on sales or gifts to minors, as stipulated in Article 16 of the LECT, is the Ministry of Industry and Commerce through the Directorate General of Consumer Protection in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Legal Department Inspectors Unit, Municipal City Halls, the Public Ministry through the Special Prosecutor for Children, the Office of the Prosecutor for Consumer and Elderly Protection and the Honduran Institute for Child and Family (IHNFA) on matters concerning follow up with compliance with the stated ban.

The following measures shall be adopted in order to ensure observance of such a ban:

- 1) – All sellers of tobacco product will display on a sign that clearly, visibly, legibly and prominently states the ban on tobacco product sales to minors, with the following message: **“NO TOBACCO PRODUCTS SOLD TO MINORS UNDER 21 YEARS OF AGE.”** The size of the sign will fill at least the space corresponding to the measurements of an official sheet of paper (21.59 cm x 35.56 cm) located in a visible place and with no distracter that makes seeing it impossible or minimized. It must be made from a resistant material like FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that exist or may be used in the future;
- 2). – In case of any question about age, the purchaser will be asked for his/her identity card or passport;
- 3). – No company, importers, distributors or marketers may have tobacco products in places directly accessible by the end user, notwithstanding the provisions of Article 14 of this Regulation, and,
- 4). – The design for the sign mentioned in numeral 1) of this Regulation will be previously approved by IHADFA and authorized for manufacturers, importers, distributors and sellers of tobacco products and under no circumstances may be modified.

ARTICLE 17. - EXCLUSIVE SALE IN PACKAGES OF 10 UNITS. -

The institution responsible for overseeing compliance with the ban on loose cigarette sales and packages with less than ten (10) cigarette units and the ban on the sale of tobacco and its associated tobacco products in the shops of health or educational establishments, libraries, museums, cultural and sports establishments, as stipulated in Article 17 of the LECT, is the Ministry of Industry and Commerce through the Directorate General of Consumer Protection in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Legal Department Inspectors Unit, the Public Ministry through the Office of the Prosecutor for Consumer and Elderly Protection, the Ministry of Health, the Ministry of Education, the Ministry of Culture, Arts and Sports and the Ministry of Tourism, in order to follow up on compliance with the stated ban.

ARTICLE 18. – CONSIGNMENT AND DECLARATION OF PRODUCTS. -

The institution responsible for overseeing compliance with the obligation for consignment and declaration of products, as stipulated in Article 18 of the LECT, is the Ministry of Industry and Commerce through the Directorate General of Consumer Protection in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Legal Department Inspectors Unit, the Ministry of Health through the Directorate General of Health Regulation (DGRS) to follow up this obligation that all tobacco products sold in the country must record the following data prominently and be free from adulteration:

- 1). – Statement and information about the geographic area where its sale is authorized, and,
- 2). – Dates of preparation and expiration.

CHAPTER II

APPEARANCE, WARNINGS AND PACKAGING

ARTICLE 19. – WARNINGS. – The institution responsible for design and oversight of compliance with the requirement to print warnings on tobacco product packages, as stipulated in Article 19 of the LECT, is the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General, the Ministry of Administration, the Legal Department, and the Technical Division through the Department of Advertising Production, Social Media and Events, in order to follow up compliance with said obligation on proposing and reviewing every six months the images or pictograms and texts of the scientifically validated health warning messages that the manufacturer must be responsible for reporting about the damage caused by the use of tobacco products, specifying their contents, components and harmful emissions. In addition to the provisions in Articles 18, 20, 21 and 29 of this Regulation, the Directorate General of IHADFA will perform the corresponding control of author's rights for the stated images or pictograms and the texts of the scientifically validated health warning messages under discussion and the custody of the respective data bank.

ARTICLE 20. – FALSE OR DECEPTIVE INFORMATION. – The institution responsible for overseeing compliance with the obligation not to print false or deceptive information on tobacco product packages, as stipulated in this Article of this Regulation, is the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Directorate General, the Ministry of Administration, the Legal Department, and the Technical Division through the Department of Advertising Production, Social Media and Events, referring to the ban established in Article 20 of the LECT, that tobacco product packages and wrappers printed with false, erroneous, deceptive, incomplete or hidden information that may lead to error about their characteristics, risks or harmful effects on health concerning the contents of the components and emissions that may have the direct or indirect effect of creating the false expectation that a particular tobacco product is less harmful than another or the printing of phrases such as: "low tar content", "light", "ultra light", "smooth".

The Directorate General of IHADFA will conduct periodic research and analysis on the contents of tobacco product components and emissions having the direct or indirect effect of creating the false expectation that a particular tobacco product is less harmful than another, pursuant to the stipulations in Article 45 of the Regulation to the Law from the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), Executive Agreement Number 2213, published on November 22, 1991, in "La Gaceta" Number 26,599.

ARTICLE 21. – SPACES FOR THE PRINTING OF WARNINGS. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and Technical Division via the Department of Advertising Production, Social Media and Events, is the institution responsible for overseeing compliance with the obligation for spaces to print warnings on tobacco product packages, as stipulated in Article 21 of the LECT, that manufacturing companies and agencies, importers or distributors of cigarettes and other tobacco products for sale in Honduras, are required to print messages combined with images or pictograms on fifty percent (50%) of both main panels of packs, boxes and wrappers that will be rotated and modified annually.

The specification on the qualitative information about nicotine, tar and carbon monoxide must be printed visibly on one of the side portions of the packages, boxes and wrappers in condensed bold Helvetica font, pursuant to the Special Law on Tobacco Control and this Regulation.

Health warnings will be written in Spanish and printed clearly, visibly and legibly on packs, boxes and wrappers. They must be rotating and modified annually and will occupy at least twenty-five (25%) [*sic*] of the area dedicated to the message. Both the health messages and health warnings will be printed on the package and not on the discardable outside wrapper, such as cellophane, or by using adhesive labels or similar that may come off, notwithstanding the provisions of Article 37 of this Regulation.

The Directorate General of IHADFA must perform the corresponding control of author's rights for the stated images or pictograms and scientifically validated health warning messages in question, as well as custody of the respective data bank. IHADFA is obliged to design the health warnings and images or pictograms in high resolution, and it is required of the manufacturing companies and agencies, importers or distributors of cigarettes and other tobacco products must cover any type of cost related to the separation of colors for the stated health warnings and images or pictograms, along with the costs of printing them and any other type of related cost.

Health warning messages and image or pictogram designs discussed in the preceding paragraph must be presented to the Directorate General of IHADFA before including them in the production process or before being printed on the packs, packages and wrappers for their respective review and pre-approval until final approval.

A grace period of sixty (60) calendar days is conceded when this Regulation takes effect for manufacturing companies and agencies, importers or distributors of cigarettes and other tobacco products to exhaust existing supplies of those products. – When the grace period is up, no packs, boxes or wrappers without the new health warning messages, images or pictograms to which Article 21 of this regulation refers may be circulated.

ARTICLE 22. – STANDARDS OF MEASUREMENT. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General, and the Technical Division through the Department of Advertising Production and Events, is the institution responsible for overseeing compliance with the standards of measurement requirement, as stipulated in Article 22 of the LECT, pursuant to WHO guidelines in order to establish standards of measurement and the corresponding contents analyses on the components and emissions of tobacco products for which all standards or measurement and methods from the International Organization for Standardization (ISO) or other certifications issued by qualified organizations are accepted and adopted.

Manufacturing companies and agencies, importers or distributors of cigarettes and other tobacco products for sale in Honduras are required to meet all standards of measurement established by

the International Organization for Standardization (ISO) or other certifications issued by qualified organizations and accredited by the competent national and international authority, so that in the area of processing and storage there will be no concentration of particles not allowed by the norm that could damage the health of exposed workers.

The analysis of components must be done in a laboratory that does not belong to the tobacco industry or is directly or indirectly under its control and that is accredited and approved by IHADFA, which will be the subject of special regulation.

CHAPTER III

ADVERTISING

ARTICLE 23. COMMERCIAL IDENTIFICATION AND BAN ON ADVERTISING.

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the General Directorate of the Technical Division through the Department of Advertising Production, Social Media and Events, is the institution responsible for overseeing compliance with the provisions of Article 23 of the LECT.

The requirement for commercial identification of tobacco product packages shall refer solely to the manufacturer, distributor, the brand name, business logo or brand name, the type of product, its contents and warnings in text, graphics or pictograms that mention or allude to the harmful effect of active or passive tobacco consumption.

Therefore, the following is forbidden:

- a) - Using commercial identification elements associated with, combined with or superimposed over images of healthy persons, texts or any other means of transmission or rational or subconscious perception that may lead to the use of tobacco or that allude to personal or environmental states of wellbeing;
- b). – Using any form of advertising on radio, television, written media or billboards for tobacco products, in all cases meeting the provisions of Article 23, Paragraph 2, of the Special Law on Tobacco Control, and
- c). – Carrying out or organizing advertising sponsorships related to minors under the age of 21.

ARTICLE 24. – SIGNING CONVENTIONS. – The Ministry of Foreign Affairs is the institution responsible for signing and overseeing compliance with the requirement to sign bilateral and multilateral conventions, as stipulated in Article 24 of the LECT, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), international bodies, the Ministry of the Interior and Population, the Ministry of Industry and Commerce through the Directorate General of Consumer Protection, the Public Ministry through the Office of the Prosecutor for Consumer Protection, the Ministry of Finance through the Executive Office of Revenue (DEI), the Attorney General's Office of the Republic (PGR) and the Ministry of Security and the National Telecommunications Commission (CONATEL).

Unofficial Translation

This requirement is meant to eradicate illegal trade, advertising, promotion and cross-border sponsorship of tobacco products.

ARTICLE 25. - WITHDRAWAL OF NON-ALLOWED ADVERTISING. -

The National Telecommunications Commission (CONATEL) is the institution responsible for following up on compliance with requirements established in Articles 14 and 25 of the LECT in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), the Ministry of the Interior and Population, the Ministry of Industry and Commerce through the Directorate General for Consumer Protection, the Public Ministry through the Office of the Prosecutor for Consumer Protection, the Ministry of Finance through the Executive Revenue Office (DEI) and the Municipalities regarding actions requiring the tobacco industry to withdraw or suspend any type of advertising, sponsorships or promotion or commercial identification through any media, including internet or text messages, not meeting the requirement shown in the LECT and this Regulation, within a period of no more than ninety (90) calendar days from when the LECT takes effect.

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) will oversee, regulate and manage cross-border advertising of tobacco products in coordination with the institutions described in this Article.

The National Telecommunications Commission (CONATEL) will regulate and oversee compliance with the requirements referenced in this Article and Article 14 of this Regulation in the media, and, in turn, the Municipalities will oversee compliance with this Article regarding advertising in their municipal districts.

CHAPTER IV

CONSUMPTION

ARTICLE 26. - NON-SMOKING SPACES. – The institution responsible for overseeing compliance with the requirement for non-smoking spaces, as stipulated in Article 26 of the LECT, is the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the General Directorate and the Legal Department Inspectors Unit and the Ministry of Administration in coordination with the Ministry of Industry and Commerce through the Directorate General for Consumer Protection, the Ministry of Natural Resources and Environment (SERNA); the Public Ministry through the Office of the Prosecutor for the Environment and Office of the Prosecutor for Consumer Protection; the Ministry of Security; the Ministry of Labor and Social Welfare; the Ministry of Health; the Ministry of Education; the Honduran Association of Municipalities; with respect to following up on compliance with the legal and regulatory norms concerning the ban on the use of tobacco products in the following public and private establishments:

1). - Spaces designed for the functioning of offices in the public and private sectors, such as buildings, shopping centers, parking lots, offices and any sort of work place;

2). - Centers designed for entertainment, sports and culture;

3). - Public and private educational centers;

4). - Medical care centers, pharmacies and any other health care center;

5). - Means of public and private transportation, including their terminals;

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- 6). - Fuel service stations and their consumer stores;
- 7), - At all grocery stores, business establishments, banking, financial and cooperative agencies;
- 8). - At any other establishment or facility where people gather or pass through. Excluded from this ban are cigar factories, where one can smoke in rooms especially constructed for the purpose; and,
- 9). - In any open public or private space at fewer than two (2) meters from where people gather or pass through.

The smoking ban warning at these establishments will be shown on signs and in visible places. – Responsible for obeying these provisions will be employers, owners or their representatives, administrators or those in charge, with the understanding that included are those who for any reason at all use these places at all the establishments and sites described in the previous sections. The sign design will be prepared exclusively by IHADFA and given to all individuals or legal entities, who will assume the printing and its cost. In no event may it be modified. It will also be available at website www.ihadfa.hn.

To comply with the ban described in Article 26 of the LECT, civil and military authorities, government entities and private business, civil society and any establishment or facility where people gather or pass through will proceed to remove ashtrays and any other object used for tobacco use from such offices. They must also put up signs in all public and private establishments described in Article 26 of the LECT with preventive messages that read thus:

a). – DESCRIPTION OF SIGN ONE: “THE USE OF TOBACCO PRODUCTS IS FORBIDDEN”. This sign will measure 30 cm x 21 cm and be designed in 31 POINT ARIAL font and made of FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that currently exist or will be used in the future. This sign will also be used by the hotel industry made in a speaker box design measuring 30 cm x 21 cm, horizontally shaped, to be installed in visible places for guest rooms, convention and event halls, gymnasium areas, lobbies, bars, restaurants, casinos, dance halls and any other hotel space;

b). – DESCRIPTION OF SIGN TWO: “THE USE OF TOBACCO PRODUCTS IS FORBIDDEN”. This sign will measure 37 cm x 31 cm and be designed in 41 POINT ARIAL font and made of FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that currently exist or will be used in the future. This sign will also be used by the hotel industry made to measure 37 cm x 31 cm and be designed in 41 POINT CALIBRI font to be installed in visible places in hallways, elevators and stairways, grassy areas, swimming pools, parking lots, green areas and also in any other emergency hotel space and hotel space, plus in public institutions and other private establishments.

c). – DESCRIPTION OF SIGN THREE: “TOBACCO SMOKE FREE WORK PLACE, A CLEAN SPACE AND HEALTHY ENVIRONMENT”. This sign will measure 30 cm x 21 cm and be designed in 31 POINT ARIAL font and made of FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that currently exist or will be used in the future. This sign will also be used by the hotel industry measuring 30 cm x 21 cm and be designed in 31 POINT CALIBRI font to be installed in visible places in guest rooms, convention and event halls, gymnasium areas, lobbies, bars, restaurants, casinos, dance halls and any other hotel space;

d). – DESCRIPTION OF SIGN FOUR: “NO SMOKING”. This sign will measure 17 cm x 17 cm and be designed in 18 POINT ARIAL font and made of FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that currently exist or will be used in the future. This sign will also be used by the hotel industry measuring 17 cm x 17 cm and be designed in 18 POINT ARIAL font to be installed in visible places at all hotel doorways, including guest rooms and also any other hotel space;

e). – DESCRIPTION OF SIGN FIVE: “TOBACCO SMOKE FREE SPACE. THE USE OF TOBACCO PRODUCTS IS FORBIDDEN IN PUBLIC AND PRIVATE ESTABLISHMENTS OR PLACES”. This sign will measure 21-1/2 cm x 28 cm and be designed in 31 POINT ARIAL font and made of FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others that currently exist or may be used in the future. This sign will also be used by the hotel industry measuring 21-1/2 cm x 28 cm and be designed in 31 POINT ARIAL font to be installed in visible places at all hotel reception desks, including at all writing desks in guest rooms and in offices and any other work place named in Article 26 of the LECT;

f). – OTHER SIGNS: IHADFA through the Technical Division through the Department of Advertising Production, Social Media and Events, may design other signs upon request and addressing its creativity or art from government bodies, private companies, civil society and any other establishment or facility where people gather. It is understood that the costs of production and installation are the responsibility of the solicitor. These will be made from FOAM, VINYL, ACRYLIC, MICA, NEON LIGHTS, WOOD or SHEET METAL, among others which currently exist or may be used in the future; and,

g). – LOGOS: All the previously described signs and any others designed according to the LECT stipulations will be printed bearing the international No Smoking logo, that of IHADFA and of the institution or corresponding company. Also included will be the expression “Decree No. 92-2010, Articles 26 and 44 of the Regulation to the Special Law on Tobacco Control”. As a result, their dimensions will be increased proportionately to ensure the visibility of these logos.

ARTICLE 27. - SCOPE OF THE SMOKING BAN. – All institutions actively participating in complying with the LECT and this Regulation must act with absolute respect for human rights, equality before the law and with due process, which includes observance of the stipulations contained in domestic labor regulations.

Therefore, the smoking ban applies equally to every individual, regardless of investiture or hierarchical ranking, academic level, economic, political or social condition, race, religion, sex or culture, who for any reason or consideration must remain at the facilities named in the first paragraph of Article 27 of the LECT.

Likewise, the provisions of Article 61 of the Constitution of the Republic will be kept in mind concerning its guarantee to Hondurans and foreigners residing in or passing through the country to the right to equality before the law and the obligatory nature of the LECT and this Regulation. It therefore becomes necessary for each government body, private company, civil society and all establishments or facilities where people gather to carry out activities of disclosure and awareness in training sessions for public servants, employees and workers with the support of IHADFA in

order to foster a culture of respect for Constitutional rights and faithful obedience to the laws with an emphasis on the LECT and its Regulations.

ARTICLE 28. - OTHER BANS ON MINORS. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Legal Department Inspectors Unit is the institution responsible for overseeing compliance with the bans on minors, as contained in Article 28 of the LECT, in coordination with the Ministry of Labor and Social Welfare; the Public Ministry through the Office of the Prosecutor for Children; the Honduran Institute for Child and Family (IHNFA); the Ministry of Education; the Ministry of the Interior and Population; and the Ministry of Industry and Commerce through the Directorate General for Consumer Protection concerning follow up on minors not being employed or used for the sale of tobacco products or entering special places.

The State of Honduras must comply with the ban in Convention No. 182 of the International Labor Organization concerning the worst forms of child labor, in Article 1, Subsection 1), which sets forth: “Work that by its nature or by the conditions under which it is performed is likely to damage health...”.

CHAPTER V

PREVENTION, HEALTH PROMOTION AND DISHABITUATION

ARTICLE 29. – PROTECTION OF NON-SMOKERS. – Scientific evidence has shown that tobacco use and the exposure to tobacco smoke causes morbidity, disability and death. Therefore, the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Technical Division via the Department of Advertising Production, Social Media and Event, is the institution that will prepare prevention campaigns with the collaboration of other entities in order to publicize the provisions of the LECT and this Regulation.

ARTICLE 30. – PREVENTION POLICY. – The institution responsible for overseeing compliance with the requirement to protect non-smokers, pursuant to the stipulations of Article 30 of the LECT, is the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) in coordination with the Ministry of Health, the Ministry of Education, the Council on Higher Education and Civil Society, in order to follow up on the requirement set forth in the stated Article concerning Pre-Basic, Basic, Middle, Technical and Higher Education’s designing plans and programs on health promotion, the prevention of tobacco use and training of the non-smoking culture and preeminently putting them in motion.

The Ministry of Health through the respective departments will design and preeminently put into motion plans and programs on health promotion, the prevention of tobacco use and training of the non-smoking culture aimed at all personnel in the health sector and users of such services nationally through permanent prevention campaigns and various promotion workshops on this Regulation and the LECT.

The Ministry of Education through the respective departments will design and preeminently put into motion plans and programs on health the prevention of tobacco use and training of the non-smoking culture aimed at all personnel in the educational sector and users of such services nationally through teacher manuals and student primers, including permanent prevention campaigns and various promotional workshops on this Regulation and the LECT.

Unofficial Translation

Actions regulated in the preceding paragraphs will emphasize the need to protect the health of mothers and children against the damages from tobacco.

ARTICLE 31. – TREATMENT PROGRAMS. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Treatment Division is the institution responsible for following up compliance with the requirement established in Article 31 of the LECT in coordination with the Ministry of Health about including in both institutions the provision of diagnostic, treatment and assessment services on quitting, tobacco use cessation and setting up smoking cessation programs in Ministry health care centers by providing the access to treatments, including drug products, in view of the directives of Article 14 of the FCTC, approved at the Conference of the Parties.

It is the responsibility of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Division of Treatment and Rehabilitation to prepare health service protocols on the diagnosis, treatment and rehabilitation of people who use tobacco products. These will be of a mandatory nature in Ministry of Health health care centers and in decentralized and deconcentrated institutions in the health sector that offer such services and in private collaborative bodies. Such protocols will thus be approved by the Directorate General of IHADFA and created by Executive Agreement.

It is also incumbent upon IHADFA through the Treatment Division and with the support of the Division of Private Collaborative Bodies to regulate, coordinate and oversee, monitor, assess, recommend, advise and follow up on the execution of these programs and treatment centers devoted to such a purpose.

ARTICLE 32. – ELECTRONIC INFORMATION SYSTEM. -

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) is the institution responsible for overseeing compliance with the requirement to operate an electronic information system, as mandated in Article 32 of the LECT, through the Directorate General, the Office of the Deputy Director, the Technical Division via the Ministry of Education, Department of Advertising Production, Social Media and Events, the Research Department and Document Center, as well as the Ministry of Public Relations, the Ministry of Administration, the Department of Planning and Foreign Cooperation, the Legal Department, the Division for Treatment and Rehabilitation and the Division of Private Collaborative Bodies.

To achieve the goals proposed in this Article, IHADFA will schedule and perform the following actions:

a). – Manage free spaces in the media with the support of CONATEL to create efficient and effective mechanisms aimed at promoting the LECT and its Regulation;

b). – Design and install an information center with an electronic network linked to the Ministry of Health, the Ministry of Education, the Ministry of Security, the Honduran Institute of Social Welfare, the Public Ministry, the Judiciary and other public and private institutions, pursuant to the provisions of the LECT and this Regulation, to accept and exchange data, opinions and suggestions for effective compliance with the statutes on tobacco control, forms of prevention and therapy for the rehabilitation of addicted and/or disabled people;

c). – Install and permanently update the website www.ihadfa.hn and emails ihadfahonduras@gmail.com and ihadfahonduras@yahoo.com to link the public to IHADFA activities, guiding people on the damaging effects of using tobacco products and also to provide all types of information concerning other sites of similar interest to keep the attention of net users;

d). – Also, all scientific and legal information related to tobacco control, smoking, rehabilitation and recovery methods for one's state of health, special protection for children and teenagers, workers and anyone who might suffer harm from their direct or indirect contact with the use of tobacco products;

e). – IHADFA through the methods shown above in subsections 1, 2 and 3 will also design, install and operate an electronic information system on a website or other internet sites or through similar and written media to disclose notes, warnings, contacts or recommendations about the objectives of the LECT and its Regulation.

For compliance with the provisions of this Article, IHADFA will manage national and international cooperation or some other type of donations.

CHAPTER VI

PARTICIPATION OF SOCIETY

ARTICLE 34. – SOCIETAL AUDITING. – The Honduran Institute for the Prevention of Alcoholism, Drug Addition and Drug Dependency (IHADFA), through the General Directorate is the institution responsible for following up compliance with the obligation established in Article 33 of the LECT. It will follow up the proposal by Civil Society on training and sensitization programs and projects about controlling tobacco products aimed at professionals in the health areas, promotion and social work, communications and teaching at all educational levels, plus officials and subordinate staff of the three (3) government branches and develop a broad, comprehensive program and efficient education in order to achieve public awareness with activities that include media campaigns.

ARTICLE 34. – SOCIAL AUDITING. – The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General is the institution responsible for overseeing compliance with the requirement for societal auditing, as stipulated in Article 34 of the LECT, in coordination with Civil Society and the National Committee on Anti-Tobacco Protection (CONAPROCTA) regarding including an Ad-Honorem Honor Court and a Societal Auditing Commission to perform the corresponding societal auditing every year for the basic purpose of follow-up, monitoring and verifying compliance with the LECT and its Regulation.

IHADFA and CONAPROCTA will make up the Ad-Honorem Honor Court, composed as follows: Three (3) proprietary members and their replacements, appointed by IHADFA's Director General and two (2) proprietary members and their replacements, appointed by CONAPROCTA. – The Court thus made up will prepare and approve their respective internal regulations.

The Honor Court and aforesaid Commission must prepare the report on the societal auditing documents that were made and send it to the IHADFA Board, the Supreme General Accountability Office (TSC) and the Institute of Public Information Access (IAIP).

CHAPTER VII

ECONOMIC RECONVERSION AND FISCAL MEASURES

ARTICLE 35.- TRANSITION OF TOBACCO CULTIVATION. – The Ministry of Agriculture and Livestock (SAG) is the institution responsible for overseeing compliance with the requirement to transition tobacco crops as regulated in Article 35 of the LECT by coordinating

actions with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the General Directorate and the Ministry of Industry and Commerce regarding follow up on the implementation of employment and/or alternative cultivation programs aimed at growers or workers in the tobacco industry, as a result of the LECT going into effect this Regulation and subject to the guidelines approved by the WHO Conference of the Parties.

ARTICLE 36.- BAN IN FREE TRADE ZONES. –

The sale, distribution and marketing of tax-free tobacco products are strictly forbidden in duty free zones throughout the country, including those under special systems. The area where this ban applies includes ports and domestic and international airports, maritime ships anchored in territorial waters, airplanes with the Honduran flag or any other if it crosses into national air space or has landed on national territory and also at land and sea borders.

The institution responsible for overseeing compliance with this ban is the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), as stipulated in Article 36 of the LECT, through the Directorate General in coordination with the Ministry of Finance through the Executive Office of Revenue; the Ministry of Industry and Commerce through the Directorate General for Consumer Protection; the Public Ministry through the Office of the Prosecutor for Consumer Protection; and the Ministry of Security.

ARTICLE 37.- ILLEGAL TRADE AND SMUGGLING. IMPORTATION FEES.

The institution responsible for overseeing compliance with the ban on illegal trade and smuggling and importation fees, as stipulated in Article 37 of the LECT, is the Ministry of Finance in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Directorate General; the Ministry of Security; the Ministry of Industry and Commerce through the National Office of Consumer Protection; and the Public Ministry through the Office of the Special Prosecutor for Consumer and Elderly Protection, to follow up on the ban established in the cited Article regarding establishing the plan with measures for oversight and control of smuggling and other types of illegal trade in smuggled products.

The Ad-Honorem Commission is created to achieve the objectives established in this Article. It will be composed of members representing the named institutions who are empowered to regulate its organization and functioning pursuant to the provisions of this Regulation.

It is understood that the institutions named in this Article, along with other authorities whose participation may be requested, will collaborate with the Ad-Honorem Commission named above.

For fulfillment of its duties the Ad-Honorem Commission will have the following powers:

1). – Verify that all packages, boxes and wrappers of tobacco products for sale at retail and wholesale bear the following printed statement: **“SALE AUTHORIZED ONLY IN HONDURAS”**, which must be written in the Spanish language, visible without affecting the images or pictograms or health warnings, and on the boxes used to transport them. The above is based on the provisions of Article 27 of the Law to Strengthen Revenue, Social Equality and Rationalization of Public Expense, Decree No. 17-2010;

2). – With due diligence according to law, practice and suitability investigate the possibility of instituting a practical system for follow up or action or localization that will better give or permit more of a guarantee to the distribution system and help or assist in the investigation of illegal trade in tobacco products;

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3). – Require all parties in Customs operations to act in compliance with their obligations, with due diligence according to law, practice and subject to the Guidelines and/or Protocol approved by the WHO Conference of the Parties, with the possibility of instituting a practical system of follow up or action or localization that will better give or permit more of a guarantee to the distribution system and help or assist in the investigation of illegal trade of tobacco products;

4). – Do a follow up on cross-border trade of tobacco products, illegal trade included, by gathering data on the matter. Also exchange information with Customs, tax and other corresponding authorities according to law or appropriateness and with national legislation or with applicable appropriate bilateral or multilateral accords.

5). – Enact or strengthen national legislation with sanctions, fines and appropriate resources against the illegal trade of tobacco products, including cigarettes from fraudulent, altered, smuggled, electronic or other tobacco that may appear on the market;

6). – Issue measures to guarantee that people's health and the environment are ensured and protected, that all cigarettes and other fraudulent or smuggled tobacco products and all their manufacturing equipment be seized and destroyed using methods that do no harm to the environment whenever possible or that are eliminated according what is stated in national legislation;

7.- Apply measures to oversee, document and control the storage and distribution of tobacco products found in or moved to their jurisdiction under the system of suspension of taxes or rights;

8.) – Adopt provisions coming from the competent authorities to facilitate and make possible the confiscation or taking possession of the benefits derived from the illegal trade of tobacco products;

9. – Promote, as necessary, according to national legislation, collaboration between national, regional and international government institutions concerning investigations and legal procedures intended to eradicate the illegal trade of tobacco products;

10). – Special attention will be given to regional cooperation in order to fight the illegal trade of tobacco;

11). – Adopt additional provisions, such as the issuance of licenses where applicable for the purpose of controlling, regulating the production and distribution of tobacco products and preventing their illegal trade; and,

12). – Any others empowered by other laws and regulations, where applicable.

TITLE IV

APPLICATION OF THE REGULATION

CHAPTER I

VIOLATIONS AND SANCTIONS

ARTICLE 38. – SANCTIONS ON SMOKERS. – The Ministry of Security is the institution responsible for sanctioning smokers, according to the stipulations of Article 38 of the LECT.

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the General Directorate and the Legal Department Inspectors Unit; the Municipalities; the Ministry of Finance; the Public Ministry through the Office of the Prosecutor for the Environment; and the Office of the Prosecutor for Consumer and Elderly Protection; the Ministry of Industry and Commerce through the Directorate for Consumer Protection will carry out the performance of this competency.

The fundamental duty of the responsible institution and those cooperating is to follow up on the application of sanctions against smokers, as established in the LECT, who will act with discretion and apply these rules by taking the personal situation of the offender into consideration in cases of proven non-compliance in breach of LECT provisions and other laws or legal orders, warnings, contempt, disobedience and resistance to authority or for recurrence regarding the places where tobacco use is not allowed and other restrictions. These will be sanctioned by the police authority for each event, according to the following order:

- 1) - Verbal or written warning;
- 2). – Removal from the public place or space where it is found, according to Article 26 of the LECT;
- 3). – Seizure of products used;
- 4). – Preventive detention;
- 5). – Payment of fines as shown in Article 44 of the LECT before being freed; and,
- 6). – Other sanctions established by Law.

Offenders will be heard according to the principles of legality, due process and defense and will be subject to possible claims and legal actions by those who deem themselves harmed by their irresponsible action.

The police authority must sanction offenders, send the respective report on the case immediately to the chief, who will be obliged to take control of the duly paginated file on them and then apply the sanction to which this Article refers. As a result, the individual or legal entity that has been sanctioned or their legal representative will make the payment on the receipt of current revenue that the Municipality extends for such a purpose to the Municipal Treasury of that municipality within a period of thirty (30) calendar days from the date of the respective notification.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Municipality authorities who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 39.- SANCTION FOR EMPLOYING MINORS UNDER THE AGE OF TWENTY-ONE (21).

The Ministry of Labor and Social Welfare is the institution responsible for sanctioning companies, businesses or individuals who hire, induce, use and/or employ minors under the age of twenty-one (21), pursuant to the stipulations of Article 39 of the LECT.

This institution will exercise its competency with the coordination of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the General Directorate and the Legal Department Inspectors Unit; the Municipalities; the Ministry of Safety; the Public Ministry through the Office of the Prosecutor for Children and the Honduran Institute for Child and Family.

The responsible institution's main objective is to oversee application of the sanctions due to violating the ban on hiring minors under twenty-one (21) years of age, pursuant to the provisions of the Article concerning companies or businesses that deal with the sale and distribution of tobacco products that cannot hire people of minor age to perform such activities.

Persons who induce, use and/or employ minors under the age of twenty-one (21) for the sale and distribution of tobacco products incur responsibility and will be sanctioned pursuant to the provisions of the Constitution of the Republic, Code on Children and Teenagers, Labor Code, the LECT and its regulation.

Public servants that are departments of the Ministry of Labor and Social Welfare who sanction companies, businesses or individuals will send the respective report on the case immediately to the chief, who will be obliged to take control of the duly paginated file on them and then apply the sanction to which the cited Article refers.

The individual or legal entity that has been sanctioned will pay the fine personally or through their legal representative or power of attorney within the imposed period of thirty (30) [days], doing so at the General Treasury of the Republic, who will issue the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Public servants in departments of the Ministry of Labor and Social Welfare who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 40.- SANCTIONS FOR NOT POSTING WARNINGS. -

The Ministry of the Interior and Population through the Municipalities is the institution responsible for sanctioning businesses, agencies, manufacturers, importers or distributors of cigarettes and other tobacco products for the violation of not posting text and image or pictogram health warnings on the tobacco product packages that specify their harmful contents, components and emissions, pursuant to the stipulations of Article 40 of the LECT.

To comply with its obligation, the responsible institution will do so with the inter-institutional cooperation of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

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Their main activity is aimed at following up on compliance with the sanctions ensuing from not posting warnings, as established in Article 40 of the LECT. Therefore, the Ministry of the Interior and Population through the Municipalities will sanction the violation of the provisions of Article 19 of the LECT with one hundred (100) minimum monthly salaries and seizure and destruction of objects without the prevailing text, image or pictogram health warning.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The individual or legal entity that has been sanctioned will pay the fine personally or through their legal representative or power of attorney within the imposed period of thirty (30) calendar days, counted from the date of notification of the charge imposed upon them, and paying it at the General Treasury of the Republic, who will issue the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Public servants in Municipality departments who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 41.- SANCTION FOR NON-WITHDRAWAL OF ADVERTISING.-

The Ministry of the Interior and Population through the Municipalities is the institution responsible for sanctioning companies, agencies, manufacturers, importers or distributors of cigarettes and other tobacco products in violation of not withdrawing advertising, as established in Article 41 of the LECT.

To comply with its requirement, the responsible institution will do so with the coordination of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

Its main activity is aimed at following up on compliance with the sanctions to be imposed on companies, agencies, manufacturers, importers or distributors of cigarettes and other tobacco products when they do not proceed to withdraw advertising, as provided in the provisions of Article 41 of the LECT.

The Ministry of the Interior and Population through the Municipalities is responsible for sanctioning the failure to comply with the provisions of Article 25 of the LECT with one hundred (100) minimum monthly salaries, plus seizure and destruction of that advertising.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The individual or legal entity that has been sanctioned will pay the fine personally or through their legal representative or power of attorney within the period of thirty (30) calendar

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days, counted from the date of notification of the charge imposed upon him, and pay it at the General Treasury of the Republic, who will issue the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Public servants in Municipality departments who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 42.- SANCTION FOR ALLOWING THE ENTRY OF MINORS. -

The Ministry of the Interior and Population through the Municipalities is the institution responsible for sanctioning the violation of allowing the entry of minors, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security; and the Public Ministry through the Office of the Prosecutor for Children.

Their main activity is aimed at following up the application of sanctions for allowing the entry of minors, pursuant to the provisions of Article 42 of the LECT.

The Ministry of the Interior and Population through the Municipalities is competent to sanction non-compliance with the provisions of Article 28 of the LECT with a fine of three and a half (3-1/2) minimum monthly salaries.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The individual or legal entity that has been sanctioned will pay the fine personally or through their legal representative or power of attorney within the period of thirty (30) calendar days, counted from the date of notification of the charge imposed upon him, and pay it at the General Treasury of the Republic, who will issue the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Public servants in Municipality departments who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 43. – SANCTION FOR REFUSING INFORMATION. - The Ministry of the Interior and Population through the Municipalities is the institution responsible for sanctioning the violation for refusing information, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security; and the Public Ministry.

Their main activity is aimed at following up application of the sanctions that ensue regarding the tobacco industry that refuses to provide periodic information as established in

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Article 19 of the LECT or provides false information to those doing the supervision, and they will be sanctioned as follows:

- 1) The first time with a fine of twenty (20) minimum monthly salaries and seizure and destruction of the product;
- 2) The second time with thirty (30) minimum monthly salaries, seizure and destruction of the product and temporary closure for at least thirty (30) days and suspension of the operating permit, in the case of importers; and
- 3) Recurrence shall be sanctioned with fifty (50) minimum monthly salaries, seizure of the product and final closure of the business and final cancellation of the operating permit.

The competent authority is obliged to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

ARTICLE 44.- SANCTION FOR SMOKING IN PLACES WHERE IT IS PROHIBITED. - Municipalities are the institutions responsible for sanctioning the violation for smoking in places where it is prohibited in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

Their main obligation is to follow up application of the sanction for smoking in places where it is prohibited, as established in Article 44 of the LECT.

Municipalities are competent to sanction people who use tobacco products in places forbidden by the LECT with a fine equivalent to one (1) minimum daily salary, pursuant to the provisions of Article 26 of this Law.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The sanctioned individual will pay the fine through his legal representative or power of attorney within the period of thirty calendar days, counted from the date of the respective notification, at the General Treasury of the Republic, who will issue the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Municipality authorities who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 45.- SANCTIONS FOR ALLOWING SMOKING IN PLACES WHERE IT IS PROHIBITED. - Municipalities are the institutions responsible for sanctioning the violation for smoking in places where it is prohibited in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the

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Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry, with regard to following up on compliance with the sanction for allowing smoking in places where it is prohibited, as established in Article 45 of the LECT.

Municipalities are competent to sanction the owners or proprietors of the public and private places and establishments named in Article 26 of the LECT with a fine of two (2) minimum monthly salaries.

In the event of recurrence, the operating permit will be revoked.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The sanctioned individual or legal entity will pay the fine through his legal representative or power of attorney within the period of thirty calendar days, counted from the date of the respective notification, at the General Treasury of the Republic, who will issue him the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Municipality authorities who impose this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 46.- SANCTION FOR PRODUCING OR MARKETING PROHIBITED ARTICLES. - The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation for producing or marketing prohibited articles, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

The Ministry of Industry and Commerce is competent concerning following up compliance with the sanction for producing or marketing prohibited articles, as established in Article 46 of the LECT.

Said Ministry, through Directorate General for Consumer Protection, is empowered to impose the following sanctions:

- a). – A fine of ten (10) minimum monthly salaries;
- b). – Seizure and destruction of said products; and,
- c). – Closure of operations for thirty (30) days, pursuant to the provisions of Article 46 of the LECT.

Public servants are required to apply the stated sanctions on behalf of the Directorate General for Consumer Protection, send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

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The sanctioned individual or legal entity will make payment on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, through legal representative or power of attorney, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Directorate General for Consumer Protection who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 47.- SANCTION FOR SMOKING ON MEANS OF TRANSPORTATION. - Municipalities are the institutions responsible for sanctioning the violation for smoking on means of transportation in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Safety and the Public Ministry through the Office of the Prosecutor for Consumer and Elderly Protection.

Their main activity is aimed at following up compliance with the sanction for smoking on means of public transportation, as established in Article 47 of the LECT.

The General Office of Transportation is empowered to sanction the owners of any type of transportation where there is smoking or where smoking is allowed in such units with a fine of one (1) minimum daily salary for each violation.

The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Public servants from the Ministry of Transportation who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

The installation of No Smoking warnings will be made on all units of transportation via print or decals, depending on what IHADFA requests of the transportation unit owners, pursuant to the provisions of Article 26 of this Regulation.

ARTICLE 48.- SANCTION FOR ALLOWING SMOKING AT GAS STATIONS. - Municipalities are the institutions responsible for sanctioning the violation for smoking at gas stations in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry, with regard to following up on compliance with the sanction for allowing smoking at gas stations, as established in Article 48 of the LECT.

Municipalities are competent to sanction the owners or proprietors of fuel service stations who allow the use of tobacco products therein with a fine of three and one-half (3-1/2) minimum monthly salaries.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

The sanctioned individual or legal entity may pay the fine personally or through his legal representative or power of attorney within the period of thirty (30) calendar days, counted from the date of the respective notification, at the General Treasury of the Republic, who will issue him the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Municipality authorities who sanction this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 49.- SANCTION BY MUNICIPALITIES. - Municipalities are the institutions responsible for sanctioning, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry and the Public Ministry, with regard to following up on compliance with the sanction by Municipalities, as established in Article 49 of the LECT.

Municipalities are competent to sanction those who breach the ban established in Article 14 of the LECT with the following measures:

- 1) Ten (10) minimum monthly salaries the first time; and
- 2). - Recurrence with twenty (20) minimum monthly salaries plus closure of the company for thirty (30) calendar days.

The competent authority is required to sanction on behalf of the Municipalities, send the respective report on the case to his immediate superior, who will be required to take control of the duly paginated file concerning it and proceed to apply the penalty referenced in this Article.

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The sanctioned individual or legal entity may pay the fine personally or through his legal representative or power of attorney within the period of thirty (30) calendar days, counted from the date of the respective notification, at the General Treasury of the Republic, who will issue him the receipt for current revenue on Form TGR-1.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Municipality authorities who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 50.- SANCTION FOR TAX-FREE SALES. -

The Executive Office of Revenue (DEI) is the institution responsible for sanctioning the violation for tax-free sales in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

Their main activity is to follow up application of the imposition of the sanction for tax-free sales, as established in Article 50 of the LECT.

The Executive Office of Revenue (DEI) is empowered to sanction non-compliance with the ban established in Article 36 of the LECT. For this case it may impose the following sanctions on offenders:

- a). – A fine of fifty (50) minimum monthly salaries; plus,
- b). – Seizure and destruction of said products.

The competent authority who sanctions on behalf of the Executive Office of Revenue (DEI) is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Executive Office of Revenue who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 51- SANCTION FOR DECEPTIVE OR OMITTED WARNINGS. -

The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation for deceptive or omitted warnings, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

Their main activity is to follow up compliance with the sanction for deceptive or omitted warnings, as established in Article 51 of the LECT.

The Ministry of Industry and Commerce through the Directorate General for Consumer Protection has competency to sanction as follows:

With a fine of one hundred (100) minimum monthly salaries for those charged with violations pursuant to Articles 18, 19, 20, 22 and 29 of the LECT.

The Ministry of Industry and Commerce through the Directorate General for Consumer Protection will proceed pursuant to its powers to apply said sanction, observing the principle of legality, the right to a hearing and defense.

The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Directorate General for Consumer Protection who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 52.- SANCTIONS FOR MAKING DISALLOWED ADVERTISING. -

The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation of making disallowed advertising, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

The main activity of this institution is to follow up on compliance with the sanction for making disallowed advertising, as established in Article 52 of the LECT.

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The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is competent to sanction non-compliance with the provisions of Article 23 of the LECT with the following measures:

- 1). – A fine of one hundred (100) minimum monthly salaries; plus,
- 2). – Seizure and destruction of said product by the corresponding tax authorities.

The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Directorate General for Consumer Protection who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 53. – SANCTION FOR NOT POSTING WARNINGS. - The Executive Office of Revenue (DEI) is the institution responsible for sanctioning the violation for not posting warnings in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

The main activity of this institution is to follow up on compliance with the sanction for not posting warnings, as established in Article 53 of the LECT.

The Executive Office of Revenue (DEI) is competent in sanctioning non-compliance as provided in Article 26 of the LECT with the following measures:

- a). – A fine of seventeen (17) minimum monthly salaries; plus,
- b). – Seizure and destruction of said product by the corresponding authorities.

The competent authority who sanctions on behalf of the Executive Office of Revenue (DEI) is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

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The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Executive Office of Revenue who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 54.- SANCTION FOR NON-COMPLIANCE WITH SALES RESTRICTIONS. - The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation for non-compliance with sales restrictions, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

The main activity of this institution is to follow up on compliance with the sanction for non-compliance with sales restrictions, as established in Article 54 of the LECT with the following measures:

- 1). – A fine of ten (10) minimum monthly salaries; plus,
- 2). – Closure of the business.

The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Executive Office of Revenue who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 55. – SANCTION FOR RETAIL SALES. - The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation for retail sales, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security and the Public Ministry.

The main activity of this institution is to follow up on compliance with the sanction for retail sales, as established in Article 55 of the LECT.

The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is competent to sanction for non-compliance with the ban established in Article 17 of this law in the following manner:

- 1) One (1) minimum daily salary and seizure and destruction of the product; and
- 2) Its recurrence with two (2) minimum daily salaries, seizure and destruction of the product and closure of the business.

The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Executive Office of Revenue who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 56.- SANCTION FOR THE USE OF MINORS IN SALES ACTIVITIES.
- The Ministry of Industry and Commerce through the General Office of Consumer Protection is the institution responsible for sanctioning the violation for the use of minors in sales activities, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit at the Ministries of Labor and Social Welfare (STSS); the Ministry of Security; the Honduran Institute of Child and Family (IHNFA) and the Office of the Prosecutor for Minors and the . Disabled.

The main activity of this institution is to follow up compliance with the sanction on using minors in sales activities, as established in Article 56 of the LECT.

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The Ministry of Industry and Commerce (SIC) in coordination with the Honduran Institute of Child and Family (IHNFA) and the Office of the Prosecutor for Minors and the Disabled will sanction those who disobey the provisions of Article 14 of the LECT with the following measures:

- a). - A fine of fifty (50) minimum monthly salaries; and in addition
- b).- The product will be seized and destroyed.

The Directorate General for Consumer Protection is authorized to sanction individuals or legal entities based on the provisions of this Article in this Regulation. The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will be obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Directorate General for Consumer Protection who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 57. – SANCTION FOR EMPLOYING MINORS. - The Ministry of Labor and Social Welfare is the institution responsible for sanctioning the violation of employing minors, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security; and the Office of the Prosecutor for Minors and the Disabled.

The main activity of the responsible authority is to follow up compliance with the sanction for employing minors, as established in Article 57 of the LECT.

The Ministry of Labor and Social Welfare, in coordination with the Office of the Prosecutor for Minors and the Disabled, have competency to sanction non-compliance with Article 28 of the LECT, with the following measures:

A fine of ten (10) minimum monthly salaries, notwithstanding the criminal responsibility it may entail.

The competent authority who sanctions on behalf of the Ministry of Labor and Social Welfare is required to send the respective report on the case immediately to his superior, who will be

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obliged to take control of the duly paginated file on same and then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Ministry of Labor and Social Welfare who sanction this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 58. – SANCTIONS FOR ILLEGAL TRADE. – The Judiciary through the respective courts is the institution responsible for sanctioning the violation for illegal trade, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security; the Ministry of Finance through the Executive Office of Revenue (DEI), the Public Ministry and the Ministry of Industry and Commerce through the Directorate General for Consumer Protection.

The Judiciary has full powers to follow up compliance with the sanctions for illegal trade, pursuant to the provisions of Article 58 of the LECT.

The Judiciary in the performance of its competency within the framework of independence granted by the Constitution, will seek the correct application of proper sanctions resulting from the illegal trade of tobacco products and that they are regulated pursuant to the provisions of Chapter XIII-A, Article 392-A, for Crimes of Smuggling and Tax Fraud and Their Penalties, found in the prevailing Criminal Code.

ARTICLE 59.- SANCTION FOR NON-COMPLIANCE WITH SALES RESTRICTIONS. - The Ministry of Industry and Commerce through the Directorate General for Consumer Protection is the institution responsible for sanctioning the violation for non-compliance with sales restrictions, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), through the Directorate General and the Legal Department Inspectors Unit; the Ministry of Security; the Honduran Institute of Child and Family (IHNFA) and the Office of the Prosecutor for Minors and the Disabled.

The main activity of this institution is to follow up compliance with the sanction for non-compliance with sales restrictions, as established in Article 59 of the LECT.

The Ministry of Industry and Commerce in coordination with the Honduran Institute of Child and Family (IHNFA) and the Office of the Prosecutor for Minors and the Disabled are competent to apply the corresponding sanction on those who violate the provisions of Article 21 of the LECT, and they will be sanctioned with the following measures:

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- 1) - The first time, with a fine of one hundred (100) minimum monthly salaries; and
- 2) - For recurrence, they will be sanctioned with two hundred (200) minimum monthly salaries and closure of the business.

The Directorate General for Consumer Protection is authorized to sanction individuals or legal entities based on the provisions of this Article in this Regulation. The competent authority who sanctions on behalf of the Directorate General for Consumer Protection is required to send the respective report on the case immediately to his superior, who will then apply the sanction to which this Article refers.

The sanctioned individual or legal entity may make payment personally or through legal representative or power of attorney on FORM TGR-1 issued by the Ministry of Finance through the General Treasury of the Republic within the period of thirty (30) calendar days counted from the date of the respective notification, and he will be issued the receipt for payment of current revenue, using Code No. 12499 of that form for fines and assorted penalties. The acronym IHADFA must be printed as well as that code.

A delay will result in the automatic surcharge of legal interest and payment through legal proceedings for collection, as set forth in the Law of Administrative Procedure.

Authorities from the Directorate General for Consumer Protection who apply this type of sanction must send a full copy of said payment receipt that is signed, sealed and unadulterated, to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) for its respective filing in compliance with the provisions of Article 61 of the LECT.

ARTICLE 60.- PROCEDURES FOR THE DESTRUCTION OF SEIZED MATERIALS. -

The Honduran Institute for the Prevention of Alcoholism, Drug Addition and Drug Dependency (IHADFA) is the institution responsible for overseeing procedures for the destruction of seized tobacco products pursuant to the provisions of Article 60 of the LECT, in coordination with the Ministry of Health and the Ministry of Industry and Commerce through the Directorate General for Consumer Protection, the Executive Office of Revenue (DEI), the Municipalities, the Public Ministry and the Ministry of Security and the Judiciary.

The main activity of the responsible institution is to follow up compliance with the sanction for destruction of seized materials, as established in Article 60 of the LECT.

The Ministry of Health through the Directorate General for Consumer Protection in coordination with the Executive Office of Revenue (DEI), the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), Municipalities and the Judiciary shall proceed pursuant to their powers to seize and destroy all tobacco products that are in circulation without the provisions established in the LECT.

To impose such sanctions, the procedures established in the laws and regulations of the prevailing Positive Law, the LECT and this Regulation, as well as the legal corpus established in Article 72 of this Regulation will be observed.

Accredited representatives from the respective institutional authorities stated in this Article will sign the corresponding document or documents.

ARTICLE 61. – DISPOSITION OF FINES. – The Supreme General Accountability Office (TSC) is the institution responsible for auditing the disposition of fines, pursuant to the provisions of Article 61 of the LECT, in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA); the Ministry of Finance through the General Treasury of the Republic; and the Ministry of the Interior and Population through the Municipalities.

The main activity of the responsible authority is to follow up compliance on the disposition of fines, as established in Article 61 of the LECT, that the sums collected from fines must go into the General Treasury of the Republic or Municipal Treasuries.

Each yearly Income and Expenditures Budget shall make allocations to the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) in an amount comparable to the fines collected by the General Treasury of the Republic during the preceding year with the goal of targeting and giving priority to centers with prevention, education, research, treatment and/or cessation, recovery and rehabilitation programs for victims of tobacco product use.

Municipalities that sanction and collect fines will allocate those resources for investment in projects related to the anti-tobacco fight.

ARTICLE 62. – TIME PERIOD FOR PAYMENT OF FINES. - The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), in cooperation with the Supreme General Accountability Office; the Ministry of Security; the Directorate General for Consumer Protection; the Executive Office of Revenue; the Public Ministry; the Municipalities; and the Judiciary will give follow up to compliance with the time period for payment of fines, as established in Article 62 of the LECT, regarding which the monetary sanctions established in the LECT must be paid within a period no greater than thirty (30) days from their application, notwithstanding administrative and criminal actions generated by the omission of payment.

CHAPTER II

HEALTH AND MANDATE OVERSIGHT

ARTICLE 63. - INSPECTIONS - The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), in cooperation with the Ministry of Health; Ministry of Security; the Public Ministry and the World Health Organization (WHO) will follow up the requirement to perform inspections, as established in the Article 63 of the LECT, since the Ministry of Health has competency in coordination with the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) with the support of the World Health Organization (WHO) to perform periodic verification inspections on the contents of tobacco product components and emissions. It must also require the tobacco industry to disclose in writing and with exactitude such information every six (6) months to the Directorate General of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA). This will be disclosed nationally. The National Police are the authorities who will oversee compliance with the mandate and social harmony from application of the LECT and this Regulation, notwithstanding provisions of the Traffic Law and its Regulation, the Police and Social Coexistence Law and other applicable provisions.

In order to exert control over compliance with the LECT and this Regulation, the Directorate General of IHADFA is invested with broad and sufficient power to:

Unofficial Translation

- 1). – Perform periodic inspections to verify the contents of components and emissions of tobacco products;
- 2). – Require the tobacco industry every six (6) months to disclose in writing and with exactness the information established in this Article; and,
- 3). – Do analyses in specialized laboratories, whose cost will be borne by the tobacco industry.

Authorities from the Ministry of Health will collaborate in the area of their competency along with international cooperation agencies.

CHAPTER III

LEGAL RESPONSIBILITIES

ARTICLE 64. – RESPONSIBILITIES. - The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), in cooperation with the Public Ministry; and the Judiciary will do follow up on the provisions as responsibilities in Article 64 of the LECT, that people who by their actions do not fulfill the provisions of the LECT or cause damage to third parties through negligence, action or omission, or when they have not created the notices and proper warnings ordered by the LECT will incur administrative, civil or criminal responsibility.

ARTICLE 65. – REPORTS AND ACTIONS AGAINST SMOKERS WHO EXPOSE NON-SMOKERS TO RISK. – The Ministry of Security through the National Police is the institution responsible for enforcing the provisions of Article 65 of the LECT and this Regulation concerning reports and actions against smokers who expose non-smokers to risk along with relatives or individuals who may report and lodge claims with the police authorities against smokers who expose them to the inhalation of tobacco smoke in private locations or in family residences. – For such purposes the police authorities will apply the provisions of Articles 38, 44 and 67 of the LECT and others determined in the Police and Social Coexistence Law and other applicable laws.

To apply Article 65 of the LECT, individuals or legal entities will duly make their oral or written reports in the report format set forth in Article 67 of this Regulation and must follow the corresponding legal procedure.

IHADFA, in cooperation with the Public Ministry and the Ministry of Security, will follow up on the provisions for reports and actions against smokers who expose non-smokers to risk, as established in Article 65 of the LECT and this Regulation.

ARTICLE 66. - FILED ACTIONS. - The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), in cooperation with the Ministry of Security; the Public Ministry; and the Judiciary through the Directorate General for Public Defense, will do follow up on the provisions on filed actions, as established in Article 66 of the LECT, that anyone is entitled to legal action or subsequent claim against the tobacco industry for damages it caused against the health of the general population or one person in particular caused by the active or passive use of tobacco products when that industry has put out false or incomplete information or has omitted or hidden information about the effects and consequences of tobacco use, notwithstanding that those affected may exercise the corresponding actions or legal appeals before the competent authorities.

ARTICLE 67. – REPORTS. - The Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA), in cooperation with Municipalities, the Firemen’s Corps, National Police, Armed Forces, Ministry of Natural Resources and Environment (SERNA) and the Public Ministry’s Office of the Special Prosecutor for the Environment will follow up on the provisions of Article 67 of the LECT that any individual or legal entity is empowered to make a report to the nearest authority, such as: Municipalities, Firemen’s Corps, Police, Armed Forces, Ministry of Natural Resources and Environment (SERNA) and to the Public Ministry through the Office of Special Prosecutor for the Environment and Natural Resources on any person who tosses a lit cigar or cigarette butt capable of causing attempted arson or a forest fire.

IHADFA is responsible for such purposes for setting up the National Telephone Report Services for service by the general public and by internet at the website www.ihadfa.hn or any other suitable means of communication.

The offices of governmental bodies and private business, non-governmental organizations and all types of establishments may set up lines or ways of collecting reports or complaints. They may even install mailboxes in such offices measuring eighteen (18) centimeters high by thirty-five (35) centimeters wide in a visible place where people gather, when deemed appropriate, to accept the respective reports based on the LECT and this Regulation.

Reports will be taken orally or in writing according the following format:

- 1). – First and last names of the person making the report;
- 2). – Identity card of the person making the report;
- 3). – Mobile phone or landline of the person making the report;
- 4). – Description of the events or offense he is reporting;
- 5). – Name of the individual or business name of the legal entity being reported;
- 6). – Mobile phone or landline of the individual or business name of the legal entity being reported, if these are known;
- 7). – Address of the individual or legal entity being reported, if this are known; and,
- 8). – Place, date, time and signature or fingerprint of the person making the report.

Likewise, the offices of governmental bodies and private business, non-governmental organizations and all kind of establishments may, when deemed appropriate and where people gather, put copies of the aforementioned format together with the indicated mailboxes. – Once they have been written, they must be referred to the competent authority, where appropriate. Notwithstanding requesting explicit support from the corresponding authority when necessary through any means of communication.

IHADFA is obliged to accept and heed the reports or complaints filed for non-compliance with the Special Law on Tobacco Control (LECT), this Regulation and other applicable provisions, and must thus heed those for which it is responsible pursuant to law and refer them to the competent authority, where appropriate.

When the oral or written report has been referred and accepted by the competent authority, it must use the information from that report on the established report form carried by the institution responsible for doing the follow up and having the duly paginated record in its file, and it must sent its monthly report to IHADFA for its respective statistical analysis.

CHAPTER IV

FINAL PROVISIONS

ARTICLE 68. – ACTIONS FOR REGULATORY APPLICATION. - Supervision of the application of this Regulation corresponds to the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) as the guiding entity on public research matters, the prevention of tobacco product use and treatment and rehabilitation of people affect by the use of such products with the support of the Municipalities and all government bodies, as well as private business, civil society and international bodies in their respective areas of competency.

ARTICLE 69. – RESPONSIBILTY FOR NON-SMOKING SPACES. - The heads of governmental bodies, as well as the owners, administrators or responsible persons from a non-smoking space in the public and private sectors will contribute to the required application of compliance with the LECT, this Regulation and other applicable provisions.

Whenever they find irregularities which in their judgment constitute violations, they will inform the Directorate General of IHADFA so that the competent authority can apply the corresponding sanctions and fines in the area of its competency.

ARTICLE 70. – IHADFA’S ADVISORY DUTY. – All investigative documents concerning smoking as a risk factor to human health from the use of tobacco products for creation or execution in the country by an individual or legal entity must be submitted for the advice and approval of the Honduran Institute for the Prevention of Alcoholism, Drug Addiction and Drug Dependency (IHADFA) after receiving the technical opinion from the IHADFA Research Department.

ARTICLE 71. – The entities mentioned in this Regulation will maintain communication through the use of electronic or written media or meetings, which should be held if necessary to reach consensus on the actions designed to achieve the goals that proposed to optimize the application of and compliance with the LECT and this Regulation.

ARTICLE 72. – SOURCES OF LAW. – Sources of law for compliance with this Regulation are the Constitution of the Republic, the (WHO) Framework Convention on Tobacco Control (WHA56.1 of May 21, 2003), including the guidelines and protocols of the Conferences of Parties; the International Treaties ratified by Honduras, including Decree Number 192-2004 on the Ratification of the WHO Framework Convention on Tobacco Control; the Special Law for Tobacco Control (LECT) and all the regulatory norms or provisions therefrom derived; IHADFA Law Legislative Decree Number 136-89 and its Regulation Executive Agreement Number 2213; the Special Regulation on Advertising of Alcoholic Beverages, Tobacco Products and Other Drugs, Executive Agreement Number 03-95; the Health Code; the Police and Social Coexistence Law; the Law on Municipalities; the Labor Code; the General Law of Public Administration; the prevailing Criminal Code; the Public Ministry Law; the Tax Code; other special administrative

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laws; prevailing special and general laws of the Republic; the regulations that are issued to apply the laws; remaining general and special regulations; administrative case law; the general principles of public law; and national inter-institutional conventions.

TWO: Article 6, Subsection b) of the Special Regulation on Advertising of Alcoholic Beverages, Tobacco Products and Other Drugs, Executive Agreement Number 03-95, published in La Gaceta No. 27,782 on October 17, 1995 is hereby repealed. Likewise, the ASSERTION OF MISPRINT from La Gaceta No. 28,193, published on February 21, 1997, referring to Article 6 of the Special Regulation on Advertising of Alcoholic Beverages, Tobacco Products and Other Drugs, Executive Agreement No. 03-95 published in La Gaceta No. 27,782 of October 17, 1995, hereby stands repealed.

THREE: EFFECTIVE PERIOD: This law will take effect six months after the date of its publication in the Official Gazette, "La Gaceta".

Issued in the City of Tegucigalpa, Municipality of the Central District, on the seventh day of June in the year two thousand eleven.

LET IT BE KNOWN AND PUBLISHED.

PORFIRIO LOBO SOSA
Constitutional President of the Republic

ARTURO BENDAÑA PINEL
Minister of Health