

SECRETARIAT OF HEALTH

DECREE amending, adding, and repealing several General Law for Tobacco Control provisions.

There is a stamp bearing the National Coat of Arms in the margin, which reads: United Mexican States. - Presidency of the Republic.

ANDRÉS MANUEL LÓPEZ OBRADOR, President of the United Mexican States, inform its inhabitants:

That the Honorable Congress of the Union has submitted to me the following

DECREE

"THE GENERAL CONGRESS OF THE UNITED MEXICAN STATES DECREES:

AMENDING, ADDING, AND REPEALING SEVERAL GENERAL LAW FOR THE TOBACCO CONTROL PROVISIONS

Single article.- Section II of article 5; section X of article 6; sections VII and VIII of article 12; article 23; the first paragraph of article 26; article 27; article 28; article 29; section I of article 35; and article 44 are amended; sections X Bis, X Ter and X Quater are added to article 6; and the second and third paragraphs of article 23; and sections I and II of article 27 of the General Law for Tobacco Control are repealed, to read as follows:

Article 5. This Law has the following purposes:

I. ...

II. To protect the rights of non-smokers to live and coexist in 100 percent smoke-free and emission-free places;

III. to IX.

Article 6. For the purposes of this Law, it is understood by:

I. to IX. ...

X. 100 percent smoke-free and emission-free places: That physical area with access to the public, any place of work, public transportation, or space of collective gathering, in which for reasons of public order and social interest it is prohibited to smoke, consume or have any tobacco or nicotine product lit;

X Bis. Space for collective gathering: Any space intended for public access for the development of sports, artistic, cultural, and entertainment activities, both public and private, regardless of whether it is covered by a roof and confined by walls or whether the structure is permanent or temporary;

Unofficial Translation

X Ter. Workplace: All places used by people during their work. It includes not only those where the work is performed but also all related and annexed places that workers usually use in the performance of their jobs, as well as vehicles used while performing the work;

X Quater. Public transportation: That individual or collective vehicle circulating by land, air, or water used to transport persons, generally for commercial, labor, school, or other purposes, for which remuneration is regularly obtained, including terminals, stations, stops, and other related urban furniture facilities;

XI. to XXVI. ...

Article 12. The powers of the Secretariat, in accordance with the provisions of this Law, its regulations, and other applicable provisions, are as follows:

I. to VI. ...

VII. To formulate the provisions related to 100 percent smoke-free and emission-free places;

VIII. To promote 100 percent smoke-free and emission-free places and education programs for a smoke-free environment;

IX. to XI. ...

Article 23. It is prohibited to carry out any form of advertising, promotion, and sponsorship of tobacco products, directly or indirectly, through any means of dissemination or communication that intends to position the elements of the brand of these products, that encourages the purchase, consumption, or preference on the part of the population.

Article 26. It is prohibited for any person to consume or have lit any tobacco product and nicotine in 100 percent smoke-free and emission-free places, in enclosed spaces, workplaces, public transportation, spaces of collective gathering, public and private schools at all educational levels and in any other place accessible to the public expressly so established by the Secretariat.

...

Article 27. In places with free or restricted access to the public, workplaces with or without attention to the public, either public or private, there may be areas exclusively for smoking, which shall be located only in open-air spaces in accordance with the provisions established by the Secretariat.

Article 28. The owner, manager, or person in charge of a 100 percent smoke-free and emission-free place, shall be obliged to enforce compliance with the smoke-free environments established in the preceding articles.

Article 29. In all the 100 percent smoke-free and emission-free places, and in the areas reserved exclusively for smoking, signs will be posted in a visible place clearly indicating their nature, and a telephone number must be included to report non-compliance with this Law, its regulations, and other applicable provisions.

Article 35. The Secretariat shall promote the participation of the civil society in the prevention of smoking and the control of tobacco products in the following actions:

I. Promotion of 100 percent smoke-free and emission-free places;

II. to VII. ...

Article 44. The Secretariat will set in operation a toll-free telephone line for citizens to file complaints, denunciations, and suggestions on 100 percent smoke-free and emission-free places, as well as regarding non-compliance with this Law, its regulations, and other applicable provisions.

Temporary provisions

First. This Decree shall enter into force on the day following its publication in the Official Gazette of the Federation.

Second. In accordance with that provided for in Articles 26 and 27 of this Decree, the owners, managers, or persons in charge of the establishments or places with access to the public, work areas, public and private, must locate the exclusive smoking areas in non-indoor, outdoor spaces within a period of no more than 60 days after the publication of this Decree in the Official Gazette of the Federation.

Third. The governments of the Federal Entities and of the municipalities shall adequate their laws, regulations, ordinances, and other legal provisions, in accordance with the competencies that each one has so that they are congruent with the provisions of this Decree.

Unofficial Translation

Mexico City, December 14, 2021.- Deputy Sergio Carlos Gutiérrez Luna, Chairman.- Senator Olga Sánchez Cordero Dávila, Chairman.- Deputy Fuensanta Guadalupe Guerrero Esquivel, Secretary.- Senator Verónica Noemí Camino Farjat, Secretary.- Signatures".

In compliance with the provisions of Section I of Article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I hereby issue this Decree in the Residence of the Federal Executive Power, in Mexico City, on February 15, 2022.- **Andrés Manuel López Obrador.- Signature.- The Secretary of the Interior, Mr. Adán Augusto López Hernández.- Signature.**