

Law 315
June 30, 2022

prohibiting the use, importation, and commercialization of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, in the Republic of Panama

THE NATIONAL ASSEMBLY
DECREES:

Article 1. The use of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, is prohibited in places where the consumption of tobacco products is not permitted.

The commercialization of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, is prohibited throughout the territory of the Republic of Panama. Excepted from this prohibition is the importation of these products in the duty-free zones and free zones or special economic areas duly established in the country, whose purpose is the exportation and re-exportation to a third country.

Article 2. It is prohibited the purchase or marketing through the Internet of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, in the Republic of Panama.

The natural or legal persons that carry out activities of sale and marketing of these devices in the Republic of Panama will be sanctioned according to what is established in the Sanitary Code.

Article 3. The National Customs Authority (Autoridad Nacional de Aduanas) is hereby authorized to inspect, stop, seize, and suspend the sale and commercialization of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, in the territory of the Republic of Panama.

Article 4. The Ministry of Health shall be the authority in charge of informing about the harmful effects on human beings and the environment generated by the acquisition of harmful habits and lifestyles related to the use of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, as well as about the provisions set forth in this Law.

Article 5. The Ministry of Health shall ensure the compliance and application of this Law in the national territory and shall apply the necessary sanctions in case of non-compliance.

Article 6. The following actions constitute violations of the provisions of this Law:

Unofficial Translation

1. Allowing the commercialization in the national territory of nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices with or without nicotine.
2. Using nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices with or without nicotine, in places where there is a total prohibition for their use.
3. Not informing at the entrance of the establishments the prohibition of the use of nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices with or without nicotine, in places where there is a total prohibition for their use.

Article 7. Violations of the present Law may be denounced by any person before the competent authorities and shall be sanctioned by the Ministry of Health in accordance with the provisions of the Sanitary Code.

Article 8. The owners, managers, or administrators of public and private environments, open or closed, where the use of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, is prohibited, in order to guarantee compliance with the duty to ensure that the general public and their employees abide by the provisions of Articles 1, 2, 3, 3, 4, and 5 of this Law, shall:

1. Post signs in visible places with the following message: "THE USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS, ELECTRONIC CIGARETTES, VAPORIZERS, TOBACCO HEATERS, AND OTHER SIMILAR DEVICES, WITH OR WITHOUT NICOTINE, IS PROHIBITED (LAW OF THE REPUBLIC) REPORTS TO 311".
2. Adopt policies and procedures to be followed by employers to prevent the use of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine. In case an employee uses them in violation of this Law, the manager or person in charge shall take the corresponding disciplinary measures.
3. Request any person who is using the aforementioned devices in prohibited places to abstain from such action for being in violation of this Law. Upon refusal of this request, require the offender to leave the premises and, if necessary, request assistance from the National Police to enforce the requirement to leave.

Special Paragraph. The owners and/or managers of the establishments shall indicate to blind persons the prohibition of the use of electronic nicotine delivery systems, electronic cigarettes, vaporizers, tobacco heaters, and other similar devices, with or without nicotine, advertised in the establishment.

Article 9. The warning sign referred to in numeral 1 of the preceding article shall have the following characteristics:

1. The size must be, at least, 8 1/2 by 14 inches and be placed at a height of 1.5 meters high from the ground.
2. It must be placed at all main and secondary entrances of the establishment, as well as in those specific areas where prohibition is established in accordance with this Law.

Unofficial Translation

3. It must include the universal no smoking logo, replacing the image of the normal cigarette with that of the electronic cigarette.
4. The following warning: "THE USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS, ELECTRONIC CIGARETTES, VAPORIZERS, TOBACCO HEATERS, AND OTHER SIMILAR DEVICES, WITH OR WITHOUT NICOTINE, IS PROHIBITED (LAW OF THE REPUBLIC) REPORTS TO 311" must be printed using contrasting colors, Arial font size No. 30, with black color, highlighted in bold, with sustained capital letters.
5. The legal grounds must be printed in Arial font size No. 30, in black, highlighted in bold, with initial capital letters in each word.
6. The reference to the telephone line assigned by the Ministry of Health for complaints shall be printed in Arial font size No. 30, with capital letters, highlighted in bold and contrasting colors.

Article 10. This Law shall be regulated by the Executive Branch within a term of up to ninety days, counted as of its promulgation.

Article 11. This Law shall become effective as of its enactment.

TO BE COMMUNICATED AND COMPLIED WITH

Bill 178 of 2019 was approved in the third debate in the Justo Arosemena Palace, City of Panama, on the eighth day of the month of July of the year two thousand twenty-one.

The President,
[Signature]
Crispiano Adames Navarro

The Secretary-General,
[Signature]
Quibian T. Panay G.

NATIONAL EXECUTIVE BODY. PRESIDENCY OF THE REPUBLIC OF PANAMA, THE REPUBLIC OF PANAMA, JUNE 30, 2022

[Signature]
LAURENTINO CORTIZO COHEN
President of the Republic

[Signature]
LUIS FRANCISCO SUCRE MEJÍA
Ministry of Health