



**REPUBLIC OF PANAMA
MINISTRY OF HEALTH
DIRECTORATE GENERAL OF PUBLIC HEALTH**

RESOLUTION NO. 0554
8 of March [March] 2018.

That establishes that water pipes, narguiles, hookahs, shishas, cachimbas, or by whatever other name they may be known in the future, are tobacco products, and issues other provisions.

THE DIRECTOR GENERAL OF PUBLIC HEALTH
In exercise of her legal powers,

WHEREAS:

It is an essential function of the State to safeguard the health of the Republic's population. The individual, as part of the community, has the right to the promotion, protection, preservation, restoration, and rehabilitation of health, and the obligation to preserve it, understood as complete physical, mental, and social well-being;

Additionally, it is a fundamental duty of the State to ensure that the population lives in an environment that is healthy and free of pollution, in which the air meets the requirements for appropriate human development;

Cabinet Decree 1 of January 15, 1969, creates the Ministry of Health to implement health promotion, protection, restoration, and rehabilitation activities that by constitutional mandate are the responsibility of the State. As an entity of the executive branch, the Ministry of Health shall be responsible for determining and implementing the State's health policy;

Law 40 of July 7, 2004, ratifies the Framework Agreement on Tobacco Control of the World Health Organization (WHO), establishing parameters to which all tobacco products must conform, and defines tobacco advertising and promotion;

The guidelines issued by the Conference of the Parties for Tobacco Control are intended to help the Parties to fulfill their obligations, according to the provisions of the Convention and reflect uniform decisions with respect to different aspects of its application, in order to promote national practices and legal standards for the governments;

Law 40 of 2004, as with Law 13 of 2008, indicates that tobacco products includes products either wholly or in part prepared using tobacco leaves as a raw ingredient and intended to be rolled, sucked, chewed, or used as snuff;

Law 13 of January 24, 2008, Article 14, completely prohibits the advertising, promotion, and sponsorship of tobacco and its products, even through mediums indirectly or subliminally directed at minors or adults;

It is important to note that WHO's Framework Convention on Tobacco Control covers all tobacco products, including water pipes;

Law 40 of 2004 and Law 13 of 2008 define advertising and promotion of tobacco as a form of communication recommendation, or commercial activity for the purpose of or with the possible effect of directly or indirectly promoting a tobacco product or its use;

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It is important to emphasize that the products that are incorporated into the devices called water pipes, narguiles, hookahs, shishas, cachimbas, water pipes [sic] or by whatever other name they may be known in the future, are all tobacco products, which likewise may not be advertised or promoted;

That the display of narguiles, water pipes, hookahs, shishas, cachimbas, or any other name by which they may be known in the future and the products incorporated into them to engage in smoking, constitute forms of publicity, promotion, and commercial activity that are completely prohibited within the legal regulations in force in Panama for control of the use of tobacco products;

Smoking tobacco in water pipes, narguiles, hookahs, shishas, cachimbas, or by whatever other name they may be known in the future, is a way of consuming flavored or unflavored tobacco, using a device with one or more tubes designed so that the tobacco passes through water, alcohol, or another liquid before reaching the smoker;

Information provided by the World Health Organization indicates that the smoke from water pipes is toxic;

The smoke from water pipes is toxic. Laboratory analyses of the smoke from water pipes provide evidence of quantifiable levels of carcinogenic substances, in particular, tobacco-specific nitrosamines, polycyclic aromatic hydrocarbons (PAHs), volatile aldehydes, such as formaldehyde and benzene, and toxic substances such as nitric oxide and heavy metals. In addition, burning carbon produces high levels of carbon monoxide (CO) and carcinogenic PAHs;

These toxic substances have been linked to addiction, lung and heart diseases, and cancer in cigarette smokers, and can have similar consequences for water pipes users if the body absorbs these toxic substances in significant quantities;

Furthermore, burning carbon itself produces high levels of carbon monoxide (CO), creating a greater risk of heart disease and carcinogenic PAHs;

The smoke from water pipes produces a large quantity of ultrafine, breathable particles known as PM 1 and PM 2.5. These cause deterioration in the respiratory functioning of those who smoke tobacco with a water pipe or are exposed to the smoke;

The toxic substances previously cited have been linked to addiction, pulmonary and cardiac diseases, various types of cancers occurring in cigarette smokers, and can have similar consequences for smokers of narguiles, hookahs, shishas, cachimbas, water pipes, or by whatever other name they may be known in the future;

Various studies document that consumers of tobacco who use water pipes have higher heart rates and blood pressure and suffer from other acute cardiovascular events, pulmonary deficiency, lower exercise capacity, increased lung inflammation, syncopes, and acute carbon monoxide poisoning;

Systematic reviews of existing research point to important associations between smoking tobacco with water pipes and lung cancer, periodontal disease, and low birth weight;

Some more recent data show a possible relationship with cancer of the mouth, esophagus, stomach, and bladder, as well as with chronic obstructive pulmonary disease, cardiovascular diseases, chronic rhinitis, male infertility, gastroesophageal reflux, and deterioration in mental health;



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Nicotine is the addictive substance in tobacco and is present in significant quantities in the smoke from water pipes;

It has been shown that users of water pipes have an increase in plasma nicotine levels after smoking, and in turn, show behaviors symptomatic of nicotine dependence. The data indicate that consumption of tobacco with water pipes creates addiction;

Exposure to second-hand smoke from water pipes is harmful, since studies have documented the presence of significant quantities of CO, aldehydes, PAHs, and ultra-fine, breathable particles in the ambient second-hand smoke coming from water pipes;

Use of tobacco in a water pipe generates higher emissions of CO, PAHs, and volatile aldehydes than the use of cigarettes;

In addition, the direct emissions of toxic substances from water pipes prepared without tobacco are equal to or greater than those of water pipes prepared with tobacco. Therefore, smoke from water pipes prepared without tobacco is dangerous, and with the exception of nicotine, has the same toxic content and the same biological activity as products prepared with tobacco;

According to the report issued by the World Health Organization for the Seventh Conference of the Parties (COP7), tobacco smoke from water pipes contains toxic substances that cause diseases, and at least some of those substances are inhaled by the users;

The global tobacco survey among young people 13 to 15 years of age conducted in Panama in 2012 estimated a prevalence of 6% for those smoking tobacco products other than cigarettes, which is 1% higher than for cigarettes smokers;

Water pipes, narguiles, hookahs, shishas, cachimbas, or by whatever other name they may be known in the future, are devices which perfect the smoking of this type of tobacco product, and therefore, their use is prohibited in all the places indicated in the legal regulations in force;

Water pipes, narguiles, hookahs, shishas, cachimbas, or by whatever other name they may be known in the future, must have health warning labels. The labeling of the packages of tobacco for these products is insufficient, since the smokers do not always see the package, especially if they smoke it in establishments such as cafes, bars, restaurants, or similar settings;

The Ministry of Health is responsible, under Law 66 of 1947, which contains the Health Code, to resolve any issues that are directly related to public health.

In light of the foregoing,

RESOLVE:

Article I: To establish that water pipes, cachimbas, narguiles, hookahs, shishas, or by whatever other name they may be known in the future, are tobacco products;

Article II: To warn that as tobacco products, advertising, promotion, and sponsorship of water pipes, cachimbas, narguiles, hookahs, shishas, or by whatever other name they may be known in the future, is completely prohibited;

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Article III: To indicate that water pipes, cachimbas, narguiles, hookahs, shishas, or by whatever other name they may be known in the future, must have the following health warning: SMOKING THIS TYPE OF PRODUCT CAN CAUSE DEATH;

This health warning must be placed on a self-adhesive, vinyl sticker that is water and heat-resistant. It must cover the entire circumference of the vessel or container that holds the water or other liquid used in the narguile, hookah, shisha, cachimba, water pipes, or by whatever other name they may be known by at present or in the future;

The background of the vinyl, self-adhesive sticker must be white, and the message should be written in black letters, in Arial font, closed capital letters, with a size proportional to the size of the vessel that contains the water or other liquid used;

Article IV: To communicate that importers of narguiles, hookahs, shishas, cachimbas, hookahs, water pipes, or by whatever other name they may be known in the future, must have previous approval from the Directorate General of Public Health before marketing this type of product in order to ensure that they comply with the legal regulations in force;

Article V: To warn that all tobacco products in paste form that are incorporated into water pipes, narguiles, hookahs, shishas, cachimbas, or by whatever other name they may be known in the future, must have the health warnings established by the legal regulations in force;

Article VI: To indicate that cigarette paper used to wrap shredded tobacco must have all the health warnings in Spanish on all packaging, in accordance with the legal provisions in force;

Article VII: To punish any infraction of the contents of this resolution in accordance with Law 66 of 1947, modified by Law 40 of 2006.

Article VIII: This Resolution to take effect on the day following its publication.

LEGAL BASIS: Political Constitution of the Republic of Panama, Law 66 of November 10, 1947, modified by Law 40 of 2006; Cabinet Decree 1 of January 15, 1969, Law 40 of July 7, 2004, Law 13 of January 24, 2008, and Executive Decree 230 of May 6, 2008.

LET IT BE KNOWN AND EXECUTED

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Dr. ITZA BARAHONA DE MOSCA
Director General of Public Health

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Dra. ITZA BARAHONA DE MOSCA
Directora General de Salud Pública


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