



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

RESOLUTION NO. 2742
of August 21, 2017

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

WHEREAS:

Article 109 of the Political Constitution of the Republic of Panama establishes that it is a function of the State to safeguard the health of the Republic's population, understood as complete physical, mental, and social well-being;

Under Law 66 of November 10, 1947, which passed the Health Code of the Republic of Panama, the General Directorate of Public Health is responsible for the national public health in terms of direction, standards, regulation, inspection, and control;

The foregoing legal citation states that it is the responsibility of the Ministry of Health to resolve any situations not foreseen in the Health Code when they have a direct bearing on public health. The risks inherent in the use of electronic delivery systems, with or without nicotine, result in a number of significant pathological changes in those who use them, and they are associated in some way with the early initiation of tobacco use by youth and women;

Panamanian legislation establishes the principle of prevention in public health, based on the obligation of the State to protect the Panamanian population and residents of its national territory from exposure to potential risks to their health and lives;

Cabinet Decree 1 of January 15, 1969, creates the Ministry of Health to implement health promotion, protection, restoration, and rehabilitation activities, which by constitutional mandate are the responsibility of the State. As an entity of the executive branch, it will be in charge of determining and implementing the Government's country-wide health policy;

Law 13 of January 24, 2008, adopts measures for the control of tobacco and its harmful effects on health. In accordance with Article 19 of the aforementioned law, it establishes that the sale of tobacco products to minors is prohibited, in which regard it adopts a series of measures, including prohibiting the manufacture, import, and sale of candy, snacks, toys, and other objects in the shape or design of tobacco products, which may be attractive to minors;

Further, the FDA has notified health professionals and patients that laboratory analysis of samples of electronic cigarettes has found that they contain toxic and carcinogenic chemicals, such as diethylene glycol, which is used in antifreezes;



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Regarding electronic delivery systems with or without nicotine.

The FDA also stated that electronic cigarettes operated with batteries, also called “e-cigarettes,” are devices that contain nicotine, flavorings, and other chemical products. The electronic cigarette converts the nicotine, which is highly addictive, and other chemical products into a vapor that is inhaled by the user. These products are marketed and sold to youth and are available online and in shopping centers. They are also available in different flavors, such as chocolate and mint, which can be attractive to young people;

The FDA’s Division of Pharmaceutical Analysis analyzed the ingredients of a small sample of cartridges of the leading brands of electronic cigarettes. In one sample, the FDA analysis detected diethylene glycol, a chemical substance used in antifreeze that is toxic to human beings. In several other samples, the FDA analysis detected carcinogenic substances, including nitrosamines. These products do not contain health warnings comparable to those approved by the FDA, nor do they represent products that replace nicotine or conventional cigarettes;

The typical use of unadulterated electronic delivery systems, with or without nicotine (better known as electronic cigarettes), produces an aerosol that typically contains glycols, aldehydes, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons, nitrosamines, metals, silicate particles, and other components. Dicarboxyls (glyoxal, methylglyoxal, diacetyl) and hydroxycarbonyl (acetol) are also considered important compounds found in the aerosols. Many of these components, if not all, are toxic substances with known adverse effects on health. They cause a number of significant pathological changes that result in toxicity and disease in their users;

Aroma is one of various attractions that influence people’s willingness to try the electronic delivery systems with or without nicotine. Certain aromas, such as those of fruits, pastries, or similar to candy, cause children, youth who have never smoked, and young beginners to feel attracted, and thus can encourage them to experiment;

The inhalation of heated toasted-corn, cinnamon, and cherry flavorings is potentially dangerous, and the limited information available regarding their long-term use suggests that most flavorings, especially those with a sweet aroma, represent a considerable health risk. Many of these substances are irritants. They could increase inflammation of the respiratory tract, and some are more cytotoxic than unflavored aerosols;

Improving the palatability of the delivery systems, with or without nicotine, by incorporating flavorings is one of many strategies used by the industry to attract the most vulnerable populations and introduce them to it, even though it represents a potential risk to those users’ health;

For Panama, electronic delivery systems, with or without nicotine, are not tobacco products, but personal consumer goods. The components are made exclusively for these systems, so it would not be feasible to use them as electronic products for other goods;

As a result, commercialization involves a number of electronic delivery systems, with or without nicotine, entering our country and allowing their distributors to earn income, contrary to a situation intended solely for personal consumption and not for third parties;



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Regarding electronic delivery systems with or without nicotine.

Decree Law 1 of February 13, 2008, created the National Customs Authority and issued provisions concerning the customs regime, the exercise of customs authority, legal relationships between the entity responsible for customs activity and the natural or legal entities involved in the entry, presence, and departure of goods, persons, and transport in the national territory, as well as the customs regimes applicable to the goods and customs operations;

Article 6 of Decree Law 1 of February 13, 2008, establishes that the customs territory is made up of the national territory, including the geographic area of the State between borders and the terrestrial and maritime areas within which the customs authority has complete control in the exercise of its powers;

Article 98 of Decree Law 1 of February 13, 2008, establishes that the National Customs Authority exercises control, supervision, and monitoring in free or duty-free zones;

Since 2009, the General Directorate of Public Health issued Resolution 660 of August 11, in which it prohibits the commercialization of electronic cigarettes and similar products in the Panamanian market;

Public health regulations must conform to new terms and advances in WHO's deliberations and scientific recommendations, and to the guidelines of the Conference of the Parties to the Framework Convention on Tobacco Control, whose meetings issue important recommendations and decisions, as in the case of the last COP 7, held in New Delhi, India, in November 2016.

RESOLVED:

Article I: To establish that for the Republic of Panama, electronic delivery systems without or without nicotine, better known as electronic cigarettes, are not considered tobacco products;

Article II: To prohibit the commercialization of delivery systems with or without nicotine, better known as electronic cigarettes, and similar products in the Panamanian market, as they are noxious and harmful to people's health and the environment;

Article III: To prohibit the commercialization of any element that can be used as a component, spare part, or refill for the electronic delivery systems, with or without nicotine, better known as electronic cigarettes and similar products. Such is the case for batteries, nicotine cartridges, flavored cigarettes, and other elements that in the light of technological advances in their manufacture constitute intrinsic parts or accessories of these systems;

Article IV: To warn that with the introduction to the country of more than two (2) delivery systems with or without nicotine, better known as electronic cigarettes and similar products, that their components, accessories, and other parts, even when disposable, will be considered commercialization;

Article V: To inform the National Customs Authority of the content of this resolution;



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Regarding electronic delivery systems with or without nicotine.

To make all regional offices aware of the content of this resolution for its effective enforcement;

Article VII: This Resolution shall take effect as of its publication and repeals Resolution 660 of August 11, 2009.

Legal Basis: Political Constitution of the Republic of Panama, Law 66 of November 10, 1947, Cabinet Decree 1 of January 15, 1969, and Decree Law 1 of February 13, 2008.

Let it be known and executed.

Dr. ITZA BARAHONA DE MOSCA
Director General of Public Health



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