

“Bicentennial of National Independence: 1811 – 2011”

[EMBLEM: REPUBLIC OF PARAGUAY]

*Presidency of the Republic
Ministry of Public Health and Social Welfare*

Decree No. 4.174. –

	WHEREBY REGULATION IS ISSUED FOR ARTICLE 8 OF LAW NO. 2969/06, WHICH APPROVES THE FRAMEWORK CONVENTION ON TOBACCO CONTROL OF THE WORLD HEALTH ORGANIZATION (WHO) <i>Asunción, April 7, 2010</i>	
Nº. <u>743</u>	IN LIGHT OF: WHEREAS:	<p><i>The presentation of the Ministry of Health and Social Welfare, whereby it requests regulation of Article 8 of Law No. 2969/2006, “Which approves the Framework Convention on Tobacco Control of the World Health Organization (WHO);” and</i></p> <p><i>The National Constitution, in its Article 68 – The Right to Health,” states: “The State shall protect and promote health as a fundamental right of the person and in the interest of the community.”</i></p> <p><i>Article 8 of the Framework Convention establishes: “Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.”</i></p> <p><i>Scientific evidence and the Framework Convention for Tobacco Control of the World Health Organization (WHO), approved by the Republic of Paraguay through Law No. 2969/2006, reveal that exposure to tobacco smoke is the cause of death, illness and disability;</i></p>

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Paraguay, as one of the States Party of the WHO, signatories of the aforesaid International Treaty, has undertaken to ensure that closed spaces accessible to the public, defined by the Guidelines issued by the Conference of the Parties of said International Body on protection against Exposure to Tobacco Smoke, as: “Space covered by a roof or enclosed between one or more walls or partitions, regardless of the material use for the roof, walls or partitions, and whether the structure is permanent or temporary;” or those spaces that constitute workplaces, defined by the same document as: “Any place used by persons during their employment or work,” must be a space that is one hundred percent Free of Tobacco Smoke for the purpose of protecting the health of non-smokers, encouraging quitting and reduction of the amount of tobacco consumed by those who do consume it, and to put off the start of consumption of tobacco products by young people.

NOW THEREFORE, in the exercise of his constitutional duties,

THE PRESIDENT OF THE REPUBLIC OF PARAGUAY HEREBY

DECREES:

- Art. 1. -*** Article 8 of Law No. 2969/06, “Approving the Framework Convention for Tobacco Control of the World Health Organization (WHO),” is to be regulated.
- Art. 2. -*** Any enclosed space that is accessible to the public or that is a work place, as well as public transportation vehicles, throughout the National territory, are declared to be Spaces that are One hundred percent Free of Tobacco Smoke

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- Art. 3. -*** *The Ministry of Public Health and Social Welfare is to be entrusted with oversight and enforcement of sanctions for non-compliance with this Decree, in the exercise of the attributions conferred upon it by the Organic Charter of Public Health and Law No. 836/80 of the Health Code.*
- Art. 4. -*** *It is established that this provision is to take effect starting on April 7, 2010, World Health Day.*
- Art. 5. -*** *This Decree is to be endorsed by the Ministry of Public Health and Social Welfare.*
- Art. 6. -*** *Let notification be given hereof, and let it be published and conveyed to the Official Register.*

Office of Decrees and Laws
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