

Sesquicentennial anniversary of the national epic 1864-1870

**REPUBLIC OF PARAGUAY**

**PRESIDENT'S OFFICE OF THE REPUBLIC OF PARAGUAY**

**MINISTRY OF PUBLIC HEALTH AND SOCIAL WELFARE**

**Decree No. 4624**

**AMENDING ARTICLE 3 OF DECREE NO. 7605/2017, «WHEREBY ARTICLES 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 AND 31 OF LAW NO. 5538 OF DECEMBER 23, 2015 ARE REGULATED, «WHICH AMENDS LAW NO. 4045/2010, “WHICH AMENDS LAW NO. 125/1991, AMENDED BY LAW NO. 2421/2004, ABOUT THE TAX REGIME, REGULATING TOBACCO-RELATED ACTIVITIES AND ESTABLISHING HEALTH PROTECTION MEASURES FOR THE POPULATION.»**

Asuncion, December 29, 2020

**HAVING REGARD TO:** The presentation made by the Ministry of Public Health and Social Welfare and identified as file SIMESE No. 0177474/2020.

That Article 238, section 3, of the Constitution grants power to the Executive Power in the formation, regulation, execution and control over the compliance with the legal norms.

Decree No. 7605/2017, «whereby Articles 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 and 31 of Law No. 5538 of December 23, 2015 are regulated, «which amends Law No. 125/1991, amended by Law No. 2421/2004, about the tax regime, that regulates tobacco-related activities and establishes health protection measures for the population.»; and

**WHEREAS:** That Article 238, sections 1 and 3, of the Constitution empowers whoever holds the Presidency of the Republic to direct the general administration of the country and to regulate and control the compliance of legal norms.

The World Health Organization (WHO) Framework Convention on Tobacco Control aims to protect current and future generations against the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties on a national, regional, and international levels, in order to continuously and substantially reduce the prevalence of tobacco use and exposure to tobacco smoke.

Sesquicentennial anniversary of the national epic 1864-1870

**REPUBLIC OF PARAGUAY**

**PRESIDENT'S OFFICE OF THE REPUBLIC OF PARAGUAY  
MINISTRY OF PUBLIC HEALTH AND SOCIAL WELFARE**

**DECREE NO. 4624**

**AMENDING ARTICLE 3 OF DECREE NO. 7605/2017, «WHEREBY ARTICLES 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 AND 31 OF LAW NO. 5538 OF DECEMBER 23, 2015 ARE REGULATED, «WHICH AMENDS LAW NO. 4045/2010, “WHICH AMENDS LAW NO. 125/1991, AMENDED BY LAW NO. 2421/2004, ABOUT THE TAX REGIME, REGULATING TOBACCO-RELATED ACTIVITIES AND ESTABLISHING HEALTH PROTECTION MEASURES FOR THE POPULATION. »**

-2-

That Law No. 5538, «which amends Law No. 4045/2010, “which amends Law No. 125/1991, amended by Law No. 24211/2004, about the tax regime, that regulates tobacco-related activities and establishes health protection measures for the population,” in Article 1 sets forth “On the purpose of the law. This law is of public order and its purpose is to set out the necessary measures to protect people's health from the health, social, environmental and economic consequences of tobacco consumption and exposure to smoke from tobacco products. This law regulates the measures that the State will implement to instrumentalize the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC), approved and ratified by Law No. 2969/2006.”

That Decree No. 7605/2017 regulates Articles 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 and 31 of the Law No. 5538/2015.

That the pandemic caused by Covid-19, declared on March 11, 2020, by the World Health Organization, has highlighted respiratory and cardiovascular diseases by conditioning a worse prognosis of the disease in this group of patients.

Sesquicentennial anniversary of the national epic 1864-1870

**REPUBLIC OF PARAGUAY**

**PRESIDENT'S OFFICE OF THE REPUBLIC OF PARAGUAY  
MINISTRY OF PUBLIC HEALTH AND SOCIAL WELFARE**

**DECREE NO. 4624**

**AMENDING ARTICLE 3 OF DECREE NO. 7605/2017, «WHEREBY ARTICLES 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 AND 31 OF LAW NO. 5538 OF DECEMBER 23, 2015 ARE REGULATED, «WHICH AMENDS LAW NO. 4045/2010, “WHICH AMENDS LAW NO. 125/1991, AMENDED BY LAW NO. 2421/2004, ABOUT THE TAX REGIME, REGULATING TOBACCO-RELATED ACTIVITIES AND ESTABLISHING HEALTH PROTECTION MEASURES FOR THE POPULATION. »**

-3-

That pursuant to the current high incidence of cases nationwide, this predisposes that there exist smokers who are asymptotically carrying covid-19 who, when exhaling smoke during the act of smoking or vaping, can spread the virus in the immediate environment, thus predisposing the population at large to contagion.

That the current amendment will allow better compliance with Article 9 of Law No. 5538/2015 about the smoke-free environments, and place Paraguay on an equal footing with the other countries in the region in terms of protecting the health of its population.

THEREFORE, in exercise of its constitutional powers,

**THE PRESIDENT OF THE REPUBLIC OF PARAGUAY**

**DECREES:**

Art. 1. Amend Article 3 of the Decree No. 7605/2020, which is worded as follows:

CEXTER/6129/2020

Sesquicentennial anniversary of the national epic 1864-1870

**REPUBLIC OF PARAGUAY**

**PRESIDENT'S OFFICE OF THE REPUBLIC OF PARAGUAY  
MINISTRY OF PUBLIC HEALTH AND SOCIAL WELFARE**

**DECREE NO. 4624**

**AMENDING ARTICLE 3 OF DECREE NO. 7605/2017, «WHEREBY ARTICLES 4, 9, 10, 11, 12, 13, 14, 15, 16, 18, 25, 26, 27, 28, 29, 30 AND 31 OF LAW NO. 5538 OF DECEMBER 23, 2015 ARE REGULATED, «WHICH AMENDS LAW NO. 4045/2010, “WHICH AMENDS LAW NO. 125/1991, AMENDED BY LAW NO. 2421/2004, ABOUT THE TAX REGIME, REGULATING TOBACCO-RELATED ACTIVITIES AND ESTABLISHING HEALTH PROTECTION MEASURES FOR THE POPULATION. »**

-4-

«For the purposes of the exception provided for in Article 9 of Law No. 5538/2015, it deems authorized places to smoke, vaporize, vape or smoke electronically, or to keep tobacco products lit, including Heated Tobacco Products, outdoor sites or areas where there are no crowds or gathering of people and that are not passageways for non-smokers, non-vaporizers, non-vapers or non-users of electronic devices, with or without nicotine, including Heated Tobacco Products.»

Art. 2. This decree will be endorsed by the Ministry of Public Health and Social Welfare.

Art. 3. Be it hereby communicated, published, and entered into the Official Gazette.

CEXTER/6129/2020