

MINISTRY OF PUBLIC HEALTH

MINISTRY OF THE INTERIOR

MINISTRY OF FOREIGN AFFAIRS

MINISTRY OF THE ECONOMY AND FINANCE

MINISTRY OF NATIONAL DEFENSE

MINISTRY OF EDUCATION AND CULTURE

MINISTRY OF TRANSPORTATION AND PUBLIC WORKS

MINISTRY OF INDUSTRY, ENERGY AND MINING

MINISTRY OF LABOR AND SOCIAL SECURITY

MINISTRY OF PUBLIC HEALTH

MINISTRY OF LIVESTOCK, AGRICULTURE AND FISHING

MINISTRY OF TOURISM AND SPORT

MINISTRY OF HOUSING, LAND USE AND ENVIRONMENT

MINISTRY OF SOCIAL DEVELOPMENT

Montevideo,

WHEREAS: There is a need to regulate Law No. 18,256 of March 6, 2008;

THEREFORE: I) The stated provision sets forth measures for tobacco control in order to continuously and substantially reduce its use and the exposure to tobacco smoke;

II) It also aims to eliminate its promotion by any means, pursuant to the provisions of the World Health Organization's Framework Convention on Tobacco Control, ratified by the Republic through Law No. 17,793 of July 16, 2004;

WHEREAS: I) Tobacco nicotine is a highly addictive drug;

II) The chronic consumption of tobacco constitutes a dependence or addiction;

III) Tobacco smoke is a Type A carcinogen;

IV) The Ministry of Public Health has express and implicit duties and powers contained in its Organic Law which also empower it to stipulate all measures that lead to the maintenance of public health;

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IN VIEW OF: That expounded above and the provisions of Articles 44 and 168, Numeral 4, of the Constitution of the Republic and in Organic Law No. 9,202 from the Ministry of Public Health, dated January 12, 1934;

THE PRESIDENT OF THE REPUBLIC

Acting on behalf of the Council of Ministers

HEREBY DECREES:

Article 1. - Included in this regulation are cigarettes, cigars, tobaccos and other products of similar use, prepared totally or in part by using tobacco leaves as raw material and designed to be smoked, inhaled, sucked, chewed or used as snuff.

Article 2. - Companies which prepare or import the products enumerated in Article 1 must register with the Ministry of Public Health, National Tobacco Control Program, and attach the following documentation: -

- a) 2 (two) Notarized copies of the company's constitution which is recorded in the Public Business Registry
- b) Proof of legal address in the Republic.
- c) Identification from the responsible authority.

Article 3. - At the time registration is requested, declaration must be made of what type of products enumerated in Article 1 they are preparing or importing, the corresponding brand names and the number of units per individual package for sale to the public.

Whenever new brands are launched on the market or the number of units per individual package for sale to the public is changed, or whenever the latter are withdrawn from the market or modified in any way, this must be communicated in advance by act of process and service

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of writ to the Ministry of Public Health, National Tobacco Control Program.

Article 4. - Pursuant to the provisions of Article 3 of Law No. 18,256, "enclosed spaces" is defined as those physical units which are delimited at their perimeter and their height by exterior or interior walls and a roof. The material with which these enclosures are constructed, whether they are temporary or permanent, and whether they have doors, windows or independent ventilation, are irrelevant.

The Ministry of Public Health is hereby empowered to carry out quality controls designed to identify air pollution from tobacco smoke in every place or space of public use or work place, even when these may be closed to the public.

Outdoor spaces that are prepared for smoking must be located outside the building area. When they have a roof, the lateral enclosure may not exceed 50% of the roofed perimeter and must be separated from another roof or exterior wall by an area that must be larger in size than the roofed area. In those cases where it is necessary as a result of a difference in level or some other circumstance, a lateral protection may be positioned, which must be of a hand rail or grill type with wide openings.

Vehicles such as taxis, ambulances, school buses and other road transportation, trains, planes, etc. with or without passengers, are also included under the term "place or work space".

Article 5. - In public offices or on public premises, the highest ranking leader from each area, division or service will be responsible for ensuring fulfillment of the smoking ban by the officials under his charge, notwithstanding other existing responsibilities. The failure to comply with this regulation

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by officials, regardless of rank and seniority, will give rise to the instruction of disciplinary procedures and the application of prevailing sanctions at each body or premises. Failure to observe the control of this regulation by hierarchical staff will give rise to application of the sanction for non-performance of job duties. Insofar as users and the general public who visit the public offices or premises, the authorities of each establishment will define the type of control to comply with the ban on smoking in those divisions, notwithstanding the sanctions established by Articles 16, 17 and 19 of Law No. 18,256.

Article 6. - Companies doing preparation and exportation must file a sworn statement with the Ministry of Public Health every quarter that is directed to the National Tobacco Control Program of said Office of Secretary of State in which a report is given on the presence of the toxic substances established by the Ministry of Public Health. Dissemination of the information mentioned earlier will be made through print publications in two newspapers in the capital.

An “additive” is defined as any substance, with the exception of tobacco leaves or another natural and unprocessed part of the tobacco plant, that is used in preparing a tobacco product and which is present in the final product, even when its form has been altered, including paper, filters, print and adhesives. The products included in Article 1 of the Decree may not contain any ammonia.

Article 7. - Pursuant to the provisions of Article 7 of Law No. 18,256, the following definitions are made:

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- a) "Advertising and Promotion": Any form of commercial action, communication or recommendation by any medium with the goal, effect or possible effect of directly or indirectly promoting a tobacco product or the use of same.
- b) "Sponsorship": Any form of contribution to any act, activity, individual or public or private institution with the goal, effect or possible effect of directly or indirectly promoting a tobacco product or the use of tobacco. Donations are included in this definition.

Article 8. - Pursuant to the provisions of the preceding Article, the following is banned:

- The use of brand names or logos from products other than tobacco on tobacco products.
- The preparation and/or sale of foods, candies, toys and other objects having the shape of tobacco products and which may become attractive to minors.
- Advertising by SMS or any electronic medium.
- The delivery of printed advertising in the street, to an address or by mail.
- The use of direct or indirect incentives that promote the purchase of tobacco products by the public, such as making promotional discounts and giving away gifts when tobacco products are purchased, among others.
- Aerial advertising on balloons or airplanes, among others.

This enumeration is not exhaustive. Individuals or legal entities that market the merchandize defined in Article 1 of this regulation must include the health warnings set forth in Article 9 of Law No.

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18,256 in the advertising authorized by Law, as well as those set forth by the health authority.

Article 9. - The spaces available for advertising to which Article 7 of the Law being regulated makes reference must be within the interior of the places of sale. The area of the advertising and that designed for the information and/or health warning as established by the Ministry of Public Health will be of equal dimensions, area, visibility and placement, contiguous to the one utilized for advertising the tobacco products.

In businesses where the surface area is larger than 100 m², tobacco products may not be located in the cash register area or on racks, but instead must be placed in some section where they can be conveyed by personnel from the establishment.

A period of 45 (forty-five) days is hereby established after this Decree is enacted in which to make compliance with the provisions of this Article.

Article 10. - Pursuant to the provisions of Article 7 of this regulation, all individuals or legal entities are forbidden to undertake activities of a civil, commercial or industrial nature that market the merchandise included in Article 1, to convey prizes in cash or in kind to the consumers of their products, regardless of the procedure used for it.

Article 11. - It is forbidden to sell tobacco products at health centers, including pharmacies, and public and private educational centers of all levels. Their sale will also be banned in stadiums and establishments where sports are practiced, as well as in those places where their public is primarily young people and teenagers, such as amusement parks, cyber cafes and musical performances, among others.

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Article 12.- “Outside Packaging and Labeling” is understood to mean any wrapper and labeling used in the retail sale of tobacco products, including cigarette cartons.

Twelve (12) months are hereby established as the cycle for the rotation of health warnings, which must be approved by the Ministry of Public Health.

The presentations, sale and/or distribution of any element that may affect the visibility of the health warnings on tobacco product packages are banned.

It is forbidden to use terms, descriptive elements, manufacturers’ or business brand names, figurative symbols or those of any other kind, such as colors or combinations of colors, numbers or letters, that have the direct or indirect effect of creating the false impression that a particular tobacco product is less harmful than another.

Article 13. - All Health Organizations and/or Services with tobacco dependence diagnostic and treatment programs must report this to the National Tobacco Control Program at the Ministry of Public Health, as well as their cessation of such activities.

The Ministry of Public Health will publish the basic services available for the treatment of this dependence every year.

Health professionals must apply the recommendations set forth in the “National Smoking Approach Guide” from the Ministry of Public Health. The smoker’s condition, as well as the intervention made, must be on record in the clinical history of each patient. It is forbidden to promote or sell any unapproved device or drug as a treatment for smoking.

Article 14. - “Illicit Trade” is understood to mean any practice or behavior banned by Law related to production, shipment, receipt, possession, distribution,

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sale or purchase, including any practice or behavior designed to facilitate that activity.

Article 15. - Pursuant to the provisions of Article 22 of the Law being regulated, the Ministry of Health will open a bank checking account into which will be deposited the percentage collected from fines. In order to make collection of the assigned percentages effective, the legal entities established in subsections C) and D) of Article 22 of Law No. 18,256 must file a plan regarding tobacco control, which must be approved by the Ministry of Public Health, who will also carry out the corresponding audit and receive the results that will be sent to the National Tobacco Control Program of said Office of Secretary of State.

Article 16. - Let it be known and published.

Internal Decree No.

Official Gazette Decree No.

Ref. No. 001-1541/2008

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Dr. Tabaré Vázquez
President of the Republic

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