

Decree No. 299/017

AMENDMENT OF ART. 1° OF THE DECREE 534/009, RELATIVE TO THE COMMERCIALIZATION, IMPORT, REGISTRATION AS TRADEMARK OR PATENT, AND PUBLICITY OF ANY ELECTRONIC SMOKING DEVICE.

CM/546

CASE NO.95.-

MINISTRY OF THE INTERIOR

MINISTRY OF FOREIGN AFFAIRS

MINISTRY OF 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 LABOUR AND SOCIAL SECURITY

MINISTRY OF PUBLIC HEALTH

MINISTRY OF LIVESTOCK, AGRICULTURE, AND FISHERIES

MINISTRY OF TOURISM

MINISTRY OF HOUSING, REGIONAL PLANNING, AND

THE ENVIRONMENT

MINISTRY OF SOCIAL DEVELOPMENT

Montevideo, October 16, 2017

Enactment: 10/16/2017

Publication: 10/24/2017

REGARDING: the provisions of the Executive Branch Decree No. 534/009 of November 23, 2009;

WHEREAS: I) that by it, it has been prohibited "the commercialization, import, registration as a trademark or patent, and advertising of any electronic smoking device, known as electronic cigarette, e-cigarettes,

Unofficial Translation

e-ciggy, ecigar, among others, including those that are offered as an alternative in the treatment of smoking";

II) that despite this, electronic cigarettes have been seen in the marketplace and they are used in "enclosed" places for the understanding of the anti-smoking regulations;

III) that the progress of the tobacco industry has focused on electronic cigarettes and vaporizers, as a way of expanding the business and as an entry for new users of its products;

TAKING INTO CONSIDERATION: I) that it is understood that there is a need to revise the abovementioned regulations and to expressly prohibit the use of these products in places considered closed, notwithstanding to the previous prohibitions established;

II) that in order to do so, it is necessary to assimilate to the rest of the legislation defining what a closed area is and to ban the use of the products, adjusting them to the rest of the tobacco products;

III) that the amendment of Article 1 of the Decree cited in the Regarding is proposed, extending to these products, all those prohibitions included in Law No. 18256 of March 6, 2008, established concerning tobacco products in general;

IV) that by virtue of the information given, it is appropriate to proceed accordingly;

IN VIEW OF: the aforementioned and the provisions of Article 44 of the Constitution of the Republic, the World Health Organization Framework Convention on Tobacco Control, ratified by Law No. 17793 of July 16, 2004, Article 2 of Law No. 9202 of January 12, 1934 (Public Health Organic Law), Articles 1 and 10 of Law No. 18256 of March 6, 2008,

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Article 14 (B) of Law No. 17164 of September 2, 1999, and the provisions of Article 8 of Decree No. 284/008 of June 9, 2008 and other amending and concordant provisions;

THE PRESIDENT OF THE REPUBLIC

Acting on the Council of Ministers

DECREES:

Article 1: Replace Article 1 of the Executive Branch Decree No. 534/009 of November 23, 2009, which shall read as follows: "Prohibit the commercialization, importation, registration as trademark or patent and advertising, of any electronic smoking device, known as 'electronic cigarette', 'e-cigarettes', 'e-ciggy', 'e-cigar', among others, including those that are offered as an alternative in the treatment of smoking. Likewise, all those prohibitions included in Law No. 18256 of March 6, 2008, established concerning tobacco products in general, are extended to this type of tobacco products."

Article 2: Be it hereby communicated and published.

Internal Decree No.

Executive Branch Decree No.

Ref. No. 001-3/5185/2017.

ST.

TABARÉ VÁZQUEZ - EDUARDO BONOMI - RODOLFO NIN NOVOA - DANILO ASTORI - JORGE MENÉNDEZ - MARÍA JULIA MUÑOZ - VÍCTOR ROSSI - CAROLINA COSSE - ERNESTO MURRO - JORGE BASSO - ENZO BENECH - LILIAM KGEUCENDEND - JECGE MARECHKSIAN -