

*Ministry of Public Health*

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 AND SPORTS

MINISTRY OF HOUSING, REGIONAL PLANNING, AND THE ENVIRONMENT;

MINISTRY OF SOCIAL DEVELOPMENT

Montevideo, 23 NOV. 2009

**REGARDING:** Laws No. 17793 of July 16, 2004, and No. 18256 of March 6, 2008, and Decree No. 284/008 of June 9, 2008;

**WHEREAS:** I) that, Article 1 of Law No. 18256 states that "everyone has the right to the enjoyment of the highest attainable standard of health, to the improvement of all aspects of occupational hygiene and the environment, as well as to the prevention, treatment and rehabilitation of diseases, in accordance with the provisions of various international conventions, pacts, declarations, protocols and conventions ratified by law";

II) that, Article 10 of Law No. 18256 establishes that, "the basic services available for the treatment of tobacco dependence shall be adequately published, including pharmaceutical products, whether these are medicines, products used to administer medications and diagnostic means when appropriate ";

III) that, Article 8 of Decree No. 284/008 states that it is prohibited to "manufacture or sell food, sweets, toys, and other objects with the appearance of tobacco products and may be attractive to minors";

IV) that, these provisions aim to eliminate the promotion of tobacco consumption in any way, the social acceptance of smoking, in accordance with the provisions of the Framework Convention on Tobacco Control of the World Health Organization, ratified by the Oriental Republic of Uruguay by Law No. 17793 of 16 July 2004;

V) that, in accordance with the provisions of Article 14, paragraph B) of Law No. 17164 of September 2, 1999, "Inventions contrary to public order, good customs, public health, nutrition of the population, safety or the environment" are not patentable;

**TAKING INTO CONSIDERATION:** I) that, in accordance with the provisions of Article 44 of the Constitution of the Republic, the State is responsible for legislating in all matters related to public health and hygiene, seeking the physical, moral, and social improvement of all the inhabitants of the country;

II) the absence of scientific data showing the efficacy and safety of the use of any electronic smoking device known as an "electronic cigarette";

**WITH REGARD TO:** 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; Article 14 paragraph B) of Law No. 17164 of September 2, 1999; 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.-** To prohibit the commercialization, importation, registration as a 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.

**Article 2.-** The prohibition includes any accessory or element intended for use in any electronic smoking device.

**Article 3.-** Violation of the provisions of this law empowers the Ministry of Public Health to impose sanctions provided for in the regulations in force in its capacity as "health police" of the State.

**Article 4.-** This Decree shall enter into force immediately upon its publication.

**Article 5.-** Be it hereby communicated and published.

Decree Official Gazette No.  
Decree No. 534/009  
Ref. No  
CR/af

**Dr. TABARÉ VÁZQUEZ**  
**President of the Republic**