

Presidency of the Oriental Republic of Uruguay

MINISTRY OF THE INTERIOR
MINISTRY OF FOREIGN AFFAIRS
MINISTRY OF ECONOMY AND FINANCES
MINISTRY OF NATIONAL DEFENCE
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 FISHERY
MINISTRY OF TOURISM
MINISTRY OF HOUSING AND REGIONAL PLANNING
MINISTRY OF SOCIAL DEVELOPMENT
MINISTRY OF THE ENVIRONMENT

Montevideo, March 3^d, 2021

Regarding: the prohibition of the commercialization, import, registration as a trademark or patent, and advertising of any electronic smoking device provided by Decree No. 534/009, of November 23, 2009;

Whereas: i) that by means of the aforementioned decree the prohibition of the commercialization, import, registration as trademark or patent or advertising of any electronic smoking device known as "electronic cigarettes," "e-cigarettes," "e-ciggy," "e-cigar", among others, was provided;

ii) that said prohibition is based on the lack of scientific data demonstrating the efficacy and safety of the use of any electronic smoking device known as "electronic cigarette;"

iii) that there has been further development of the electronic smoking device industry, which has resulted in growing diversity and

availability of products that use different technologies that are, in turn, distinguishable in terms of the risks associated with their consumption;

iv) that electronic smoking devices commonly known as “electronic cigarettes,” “e-cigarettes,” “e-ciggy,” “e-cigar” and the like, typically employ a technology by which a liquid nicotine solution is vaporized for consumption by inhaling through the mouth into the lungs;

v) that, in this sense, there are electronic devices for the administration of nicotine that use a technology by which dry tobacco is heated, in regard to which there is scientific data that indicates that they result in less exposure of users to toxic substances associated with traditional tobacco use;

Whereas: i) it is the State’s responsibility to ensure the health of its population, looking for tools to respond to the tobacco epidemic, including the alternatives that arise from the development of new technologies.

ii) that the constant technological advances and the growing diversity and availability of new products make it necessary to be more precise regarding the scope of the aforementioned prohibition, in order to facilitate and improve the implementation and control of the prohibition of the commercialization, import, registration as a trademark or patent and advertising in force;

iii) that, by virtue of the foregoing, it is considered that the electronic devices referred to in Whereas V) have sufficient scientific validation that justifies their exclusion from the prohibition provided in Decree No. 534/009, thus their commercialization will be covered by the regime set forth by Law No. 18,526 of March 6, 2008, as well as by Decree No. 284/008 of June 9, 2008.

In view of: i) what was previously indicated, and what is set forth in Law No. 17.793 of July 16, 2004, Law No. 18,256 of March 6, 2008, Decree No. 284/008 of June 9, 2008, Decree No. 534/009 of November 23, 2009, as amended

Unofficial Translation

by Decree No. 299/017 of October 16, 2017 and other additional legal rules;

THE PRESIDENT OF THE REPUBLIC

Acting on the Council of Ministers

Decrees:

Article 1º. For the purposes of the prohibition set forth in Article 1 of Decree No. 534/009 of November 23, 2009, as amended by Article 1 of Decree No. 299/017 of October 16, 2017, “electronic smoking device, known as ‘electronic cigarettes,’ ‘e-cigarettes,’ ‘e-ciggy,’ ‘e-cigar’, among others, including those that are offered as an alternative in the treatment of smoking” are those electronic devices that vaporize liquid solutions for their inhalation to the lungs. Such solutions may have variable amounts of liquid nicotine, essential tobacco oils, aromatizing substances, propylene glycol, glycerol and other substances.

Article 2º. Electronic devices for nicotine administration employing a heated tobacco technology will be regulated by what is set forth in Law No. 18,526 of March 6, 2008 and its amending laws, as well as by Decree No. 284/008 of June 9, 2008.

Article 3º. Be it hereby communicated and published.

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