

**Law No. 18,256**

**SMOKING CONTROL  
REGULATIONS**

**The Senate and House of Representatives of the Eastern Republic of Uruguay, gathered together in Plenary Assembly,  
HEREBY DECREE:**

**CHAPTER I**

**GENERAL PROVISIONS**

Article 1. (General principal).- All persons have the right to enjoy the highest possible level of health, to the improvement in all aspects of job and environmental hygiene, and the prevention, treatment and rehabilitation of sickness, pursuant to the provisions of various international agreements, pacts, statements, protocols and conventions ratified by law.

Article 2. (Purpose).- This law is of a public order, and its purpose is to protect inhabitants of the country from the devastating health, social, environmental and economic consequences of tobacco consumption and tobacco smoke exposure.

In this regard, measures furthering tobacco control are stipulated in order to continuously and substantially reduce the prevalence of its consumption and exposure to its smoke, pursuant to the provision of the World Health Organization's Framework Convention on Tobacco Control, ratified through Law No. 17,793 on July 16, 2004.

**CHAPTER II**

**MEASURES RELATED TO  
REDUCTION IN THE DEMAND FOR TOBACCO**

Article 3. (Protection of spaces).- It is prohibited to smoke or keep tobacco products lit in:

- A) Enclosed spaces which are a place of public use.
- B) Enclosed spaces which are a workplace.
- C) Enclosed or open spaces, public or private, which pertain to premises of:
  - i. Health establishments and health-related institutions of any type or nature.
  - ii. Instructional centers and institutions wherein the practice of teaching takes place in any of its forms.

Article 4. (Obligated subjects).- The owner, or whoever has operations, ownership or obtains some benefit from the use of spaces included in Article 3 of this law, according to its legal nature and as needed, must adopt all measures necessary for its effective compliance.

In this regard, establishments included in the above article shall be required to place allusive, understandable notices in the Spanish language that may or may not contain images and that contain the caption "No Smoking. 100% Tobacco Smoke-Free Environment". Likewise, the existence of ashtrays or elements of similar use will be banned in such establishments.

Article 5. (Content and Emissions).- The Ministry of Public Health is hereby authorized to adopt guidelines on the analysis and measurement of the content and emissions of tobacco products and the regulation of those contents and emissions recommended by the Conference of the Parties, pursuant to the provisions of Article 9 of the above Framework Convention.

Article 6. (Information).- Tobacco product manufacturers and importers must render an account to the Ministry of Health, under the conditions established by regulation, of all the information judged necessary concerning the tobacco products' contents and emissions.

Manufacturers and importers of tobacco products sold in the country are required to disclose information in the principal communications media related to the toxic components in tobacco products and the emissions they can produce every three months.

Regulations issued by the Executive Branch, based on guidelines to that regard recommended by the Conference of the Parties (Article 9 of the WHO Framework Convention on Tobacco Control) will establish the rules on the circulation of information concerning additives and substances incorporated into tobacco and their effects on users' health. It may also ban the use of additives or substances that increase the damage or risk to the consumer of such products.

Article 7. (Advertising, promotion and sponsorship).- All forms of tobacco product advertising, promotion and sponsorship by the different media are hereby banned: Radio, television, newspapers, or via public or other printed media.

The premises where these products are sold are exempt from the provisions in the above section. For those purposes the regulatory decree shall establish the conditions for the spaces available, as well as for the information from the Ministry of Public Health that will warn about the damage caused by tobacco product consumption and smoke.

The ban set forth in section one includes sponsorship of national or international, cultural, sports or any other kinds of activities or of their participants by the tobacco industry.

Article 8. (Packaging and labeling).- It is forbidden for tobacco product packages and labels to promote themselves in a false, erroneous or deceptive manner or that might lead to error regarding their characteristics, health effects, risks or emissions.

It is also forbidden to use terms, descriptive elements, trademarks or business names, figurative symbols, or anything else that may have the direct or indirect effect of creating the false impression that a specific tobacco product is less harmful than others.

Article 9. (Health warnings).- All tobacco product packages and wrappers and all their outside packaging and labeling must show health warnings and images or pictograms that describe the harmful effects of tobacco consumption or other appropriate messages. Such warnings and messages must be approved by the Ministry of Public Health, be clear, visible and legible and fill at least 50% (fifty percent) of the total exposed principal surfaces. These warnings must be periodically modified pursuant to regulatory provisions.

In addition to the warnings specified in the preceding section, all tobacco product packages and wrappers and all their outside packaging and labeling shall contain information on the entirety of the tobacco product components and their emissions, pursuant to Ministry of Public Health provisions.

Article 10. (Promotion).- The Executive Branch must design, carry out and assess the various anti-tobacco consumption programs, projects and campaigns.

Public and private health services shall incorporate tobacco dependency diagnosis and treatment into their national primary health care programs, plans and strategies by promoting rehabilitation and dependency treatments. They shall also properly publish the basic services available for tobacco dependency treatment, including pharmaceutical products, be these drugs, products used to administer medications or diagnostic methods, as the case may be.

### **CHAPTER III MEASURES RELATED TO REDUCTION IN THE DEMAND FOR TOBACCO**

Article 11. (Bans).- The following are forbidden:

- A) The sale of tobacco products to and by minors under eighteen years of age. Such a ban must appear in a prominent, clear notice, both inside and outside the premises. When there is any question about the age of the purchaser of these products, pertinent proof through the identity document must be requested.
- B) The sale of tobacco products through vending machines.
- C) The sale of cigarettes loose or in packages containing fewer than 10 (ten) units.
- D) The free distribution of tobacco products.

Article 12. (Implementation).- The Executive Branch shall stipulate the human and material resources necessary with the aim of eliminating all forms of illicit trade in tobacco products.

It shall therefore take the appropriate steps to guarantee that all counterfeit or smuggled cigarettes and tobacco products and all their seized manufacturing equipment are destroyed by applying, whenever feasible, methods innocuous to the environment.

It shall also adopt and apply the methods needed to oversee, document and control the storage and distribution of tobacco products which are in or moved within the country under a system whereby Customs taxes or rights are suspended.

### **CHAPTER IV TECHNICAL AND SCIENTIFIC COOPERATION AND COMMUNICATION OF INFORMATION**

Article 13. (Cooperation).- The Ministry of Public Health is hereby committed to fulfilling the provisions of Articles 20, 21 and 22 of the World Health Organization's Framework Convention on Tobacco Control, ratified by Law No. 17,793 on July 16, 2004.

### **CHAPTER V**

## **INSPECTION, BREACHES AND SANCTIONS**

Article 14. (Inspection).- With the authority of the powers conferred upon it by Organic Law No. 9,202 of January 12, 1934, through the various inspection bodies which may be appointed for the purpose, the Ministry of Public Health shall control compliance with this law and be empowered to apply sanctions whenever it verifies breaches of same.

Its duties shall be:

- A) To prepare an annual report on the situation, application, results and compliance with this law.
- B) To keep a "Record of Offenders", whose duty will be to record, process and document the identifying information on offenders and the sanctions applied.

Article 15. (Breaches).- For the purposes of this law, breaches include any action or omission in its fulfillment. Also, those who permit, promote or tolerate any of these behaviors, regardless of whether they are individuals or public authorities, shall be deemed offenders for the purposes herein.

The Executive Branch shall issue the rules of procedure for proper compliance with this chapter.

Article 16. (Sanctions).- Depending on their severity, breaches shall be subject to the following sanctions:

- A) Warning.
- B) Fine, which shall be regulated from between 10,000 and 100,000 UI (ten thousand to one hundred thousand indexed units).
- C) Temporary closure.

Article 17. (Serious offenses).- Serious offenses are the failure to comply in any way with the obligations set forth in Articles 7, 8, 9, 11 and 12 of this law.

Article 18. (Liable party).- The breaches set forth in this law are the responsibility of their author, as may pertain.

Article 19. (Aggravating circumstances).- Aggravating circumstances are:

- A) The accumulation of more than two breaches.
- B) The sale or transfer of tobacco products or products imitating tobacco or that lead to its consumption to or by persons under the age of eighteen.
- C) Smoking in places where children, pregnant women or persons come together who have pathologies for which the exposure to tobacco smoke is a high risk.

Article 20. (Sanctions for serious offenses).- The Ministry of Public Health is hereby empowered before the competent legal bodies to promote closure for a period of up to five consecutive days of the spaces named in Article 3 of this law where it is verified that the breach of duties and obligations established by Articles 4, 7, 8, 9, 11 and 12 of this law are persistently allowed, promoted or tolerated, pursuant to the provisions of the following subparagraphs:

A) Closure must be decreed within ten working days from when the Ministry of Public Health has requested it, with the Ministry itself empowered to stipulate closure if the judge does not rule within this time period.

In this last case, if the judge subsequently denies the closure, the closure must be immediately lifted by the Ministry of Public Health.

- B) Resources filed against the legal judgment appealing the closure shall have no pending effect.
- C) In order to enforce its judgment, the Ministry of Public Health may require the help of law enforcement officials.
- D) In the event of recurrence, the Ministry of Public Health may request closures for up to thirty consecutive days, but it may not stipulate these in the absence of a legal ruling. Otherwise, they may be up to a maximum of ten consecutive days.

Article 21. (Other measures).- The following measures may be adopted in addition to the sanctions set forth in the preceding articles:

- A) The impounding, storage or seizure of tobacco products.
- B) Warning the public about the existence of offending behaviors.

Article 22. (Disposition of fines).- The proceeds from fines shall be administered by the Ministry of Public Health and allocated to the following:

- A) 50% (fifty percent) to the Ministry of Public Health's priority "Tobacco Control" program.
- B) 30% (thirty percent) to the Municipal Mayoralties, which will be assigned according to the duties established in

Article 6 of Law No. 9,202 of January 12, 1934, number 24 of Article 35 and Article 36 of Law No. 9,515 of October 28, 1935, as well as to specific programs implemented by the departmental governments in compliance with the fundamental precepts of this law.

C) 10% (ten percent) to the associations for people who are sick with directly smoking-related pathologies.

D) 10% (ten percent) to associations, institutions or bodies which by their nature are made up of people who work with the exclusive goal of aiding compliance with the fundamental precepts of this law. The regulations shall establish the enforceable conditions on the entities named in subsections C) and D).

## **CHAPTER VI**

### **FINAL PROVISIONS**

Article 23. (Interpretation).- When interpreting the provisions of this law in order to protect equally all population groups from tobacco smoke exposure, the right to group health protection shall prevail.

Article 24. (Regulation). – The Executive Branch shall regulate this law within a period of ninety days from its date of enactment.

Article 25. (Repeals).- The following legal provisions are hereby repealed: Decree-Law No. 15,361, of December 24, 1982, Decree-Law No. 15,656, of October 25, 1984, and Law No. 17,714, of November 28, 2003.

Sessions Chamber of the House of Representatives, Montevideo, February 29, 2008.

**ENRIQUE PINTADO,**

**President.**

**Marti Dalgalarrondo Añón,**

**Secretary.**

**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 LIVESTOCK, AGRICULTURE AND FISHING**

**MINISTRY OF TOURISM AND SPORT**

**MINISTRY OF HOUSING, LAND USE AND ENVIRONMENT**

**MINISTRY OF SOCIAL DEVELOPMENT**

**Montevideo, March 6, 2008.**

It is hereby ordered that this be fulfilled, receipt acknowledged, communicated, published and inserted into the National Record of Laws and Decrees.

**TABARÉ VÁZQUEZ.**

**MARÍA JULIA MUÑOZ.**

**DAISY TOURNÉ.**

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