

**RESOLUTION WHEREBY WAYS OF SELLING AND POINTS OF SALE FOR
PRODUCTS DERIVED FROM TOBACCO ARE REGULATED.**

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► **REASON**

BOLIVARIAN REPUBLIC OF VENEZUELA

MINISTRY OF HEALTH

NUMBER 011

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YEAR 195 and 146

RESOLUTION

In the exercise of the attributions conferred by Decree N° 3263 dated November 22, 2004, published in the Gaceta Oficial N° 38.070 dated November 24, 2004, pursuant to what is set forth in Articles 5.32 and 33 of the Organic Law of Health in accordance with Resolution 109 dated March 22, 2004, published in the Gaceta Oficial N° 37.904 of March 23, 2004.

WHEREAS

Health is a fundamental right of all persons, and it is incumbent upon the State to guarantee it as part of the right to life,

WHEREAS

The consumption of cigarettes and other products derived from tobacco, in any of their forms, poses a hazard to health due to the presence in them of toxic, addictive, carcinogenic and other chemical components that affect health,

WHEREAS

Some 5 million people in the world die each year, and in our country an average of 16,000 people die from diseases related to tobacco use, and others have their health affected by cancer, cardiovascular, respiratory and other kinds of disease, by consuming or being exposed to tobacco smoke,

Unofficial Translation

WHEREAS

The Organic Law for the Protection of Boys, Girls and Adolescents establishes their rights to enjoy the highest level of physical and mental health, to have access to programs for prevention, promotion and protection of health, to be listed, and to enjoy a wholesome environment,

WHEREAS

The Law Approving the "Framework Convention for Tobacco Control of the World Health Organization" published in the Gaceta Oficial of the Bolivarian Republic of Venezuela N° 38.304 of November 1, 2005, prescribes in its articles that all parties are to adopt administrative measures or other effective measures to prohibit the sale of tobacco products to minors; to prevent the start of cigarette consumption and support quitting tobacco, and to achieve a reduction in the consumption of tobacco products,

RESOLVES

TO REGULATE THE WAYS OF SELLING AND POINTS OF SALE FOR PRODUCTS DERIVED FROM TOBACCO

► **Article 1**

All Points of Sale where products derived from tobacco are commercialized must permanently display a PUBLIC NOTICE whose dimensions are equal to or greater than 80cms (wide) x 50cms (long). It must have the following text:

IT IS PROHIBITED TO SELL TOBACCO PRODUCTS TO BOYS, GIRLS AND ADOLESCENTS OR IN ANY WAY FACILITATE ACCESS THERETO

ART. 92. LOPNA (Organic Law for the Protection of Boys, Girls and Adolescents)

ANYONE WHO SELLS, SUPPLIES OR DELIVER TO BOYS, GIRLS OR ADOLESCENTS PRODUCTS THAT COULD CAUSE PHYSICAL OR CHEMICAL DEPENDENCY, SHALL BE SENTENCED TO 6 MONTHS TO TWO YEARS OF PRISON

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ART. 263. LOPNA (Organic Law for the Protection of Boys, Girls and Adolescents)

MINISTRY OF HEALTH.

► **Article 2**

If it is considered necessary, vendors may request the identification of a person asking for tobacco products to confirm or verify that they are of age, and otherwise can refuse to sell them the product.

Unofficial Translation

▶ Article 3

The sale, distribution or commercialization of products derived from tobacco will only be permitted at those Points of Sale that have a valid License for Economic Activities issued by the competent authority.

▶ Article 4

The following things are prohibited throughout the entire national territory:

- 1.- The distribution for free of tobacco products as well as other objects that stimulate, incite or facilitate the consumption of such products or limit the effects of the health provisions in force.
- 2.- The manufacture and commercialization of candies, toys, garments or any other item that simulates tobacco products or stimulates, incites, facilitates or promotes the consumption of products derived from tobacco, and could be attractive to children and adolescents.
- 3.- The use of cigarette vending machines
- 4.- The sale of products derived from tobacco in any of their versions by minors

▶ Article 5

The sale of products derived from tobacco, such as cigarettes and any other form of presentation is prohibited in:

- a. Transportation stations.
- b. Movie theaters, auditoriums, theaters, museums and libraries.
- c. Parks and Zoos
- d. Athletic establishments and facilities and gymnasiums.
- e. Educational institutions of preschool level, grade school, university, technical or of any other kind, and places intended for the care of boys or girls.
- f. Any public facility belonging to National, State or Municipal Government.

▶ Article 6

In the event of non-fulfillment or violation of the provisions set forth in this Resolution, the sanctions indicated in the legal ordinances in force are to be imposed.

▶ Article 7

Unofficial Translation

This Resolution shall enter into force 60 days following its publication in the *Gaceta Oficial* of the Bolivarian Republic of Venezuela.

Let notification hereof be given, and let this be published.

By the National Executive,

Francisco Armada Pérez

Minister of Health

(c) JurisMaster