

Gaceta Oficial N° 39.627 of March 2, 2011
BOLIVARIAN REPUBLIC OF VENEZUELA
MINISTRY OF POPULAR POWER FOR HEALTH
NUMBER: 030
MARCH 02, 2011
200 AND 152
RESOLUTION

In the exercise of the attributions conferred upon me by Decree N° 7.436 dated May 24, 2010, published in the Gaceta Oficial of the Bolivarian Republic of Venezuela N° 39.434 dated May 28, 2010, as amended through the Official Notice dated June 9, 2010, published in the Gaceta Oficial of the Bolivarian Republic of Venezuela N° 39.442 of the same date and using the faculties attributed in Article 77, numerals 2 and 19 of the Decree with the Rank, Value and Force of the Organic Law of Public Administration; in accordance with what is established in Articles 5, 32 and 33 of the Organic Law of Health, sole Article [*sic*], Articles 3, 4, numeral 2 literal a, Article 5, numeral 2 literal b and Article 8 of 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, dated November 1, 2005, and ratified by the President of the Republic on June 27, 2006, this Ministerial Office,

WHEREAS

Health is a constitutionally protected right, and it is incumbent upon the State to guarantee it.

WHEREAS

The Framework Convention for Tobacco Control of the World Health Organization, which has been approved since 2005 as a National Law, after a process of consultation and review with citizens on an individual basis or through communities organized in compliance with the Constitution of the Bolivarian Republic of Venezuela, orders the adoption and implementation of the prohibition of smoking in closed spaces.

WHEREAS

It is the obligation of the Venezuelan State to implement effective legislative, executive and administrative measures for protection against exposure to tobacco smoke in indoor or enclosed areas of work places and/or enclosed public places whatever their use may be, including public transportation.

WHEREAS

Science has unequivocally demonstrated that tobacco consumption and exposure to tobacco smoke are causes of mortality, morbidity and disability.

WHEREAS

Tobacco smoke is a mixture containing around four thousand eight hundred (4,800) chemical components that include irritants, toxins, mutagens and more than fifty (50) substances known to be carcinogenic.

WHEREAS

The Organic Law of Prevention, Conditions and Environment of Work establishes that employers must take such measures as may be necessary in order for service to be performed in safe and hygienic conditions that comply with requirements for the health of the worker.

WHEREAS

Spaces without a prohibition of smoking exhibit levels of pollution determined to be hazardous, according to international standards of air quality.

WHEREAS

Tobacco smoke is harmful to health. It is estimated that some 200,000 persons die each year due to exposure to tobacco smoke in their work places, and some 700 million children, that is to say, almost half of the population of all the world's children, breathe air contaminated by tobacco smoke,

RESOLVES

To issue the following:

Resolution on Smoke-Free Environments

Article 1. The purpose of this Resolution is to protect the health of the public from the harmful consequences caused by tobacco smoke.

Article 2. For the purposes of this resolution, the following definitions shall apply:

1. Tobacco Smoke: This is the smoke that is emitted by the burning tip of a cigarette or other tobacco products, generally in combination with the tobacco smoke exhaled by the smoker.

2. Public Places: Places accessible to the public, independently of who may be the owner, or of the right of access thereto.

3. Place of Work: Any place used by people during their employment or work, whether or not it is remunerated, including adjacent places such as: hallways, elevators, stairways, vestibules, cafeterias, bathrooms, lounges, dining areas and attached structures, among others.

4. Indoor areas: This is any enclosed space, with or without a roof, regardless of the material used for its construction, and whether the structure is permanent or temporary.

Article 3. It is prohibited to smoke or keep lit tobacco products in indoor areas in public places and in work places, whatever their use may be, including transportation.

Article 4. Proprietors or administrators of places where smoking is prohibited, in accordance with the present Resolution, must post a notice whose dimensions are equal to or greater than 80cms (wide) x 50cms (long) containing the following text: This is a 100% Smoke-Free Environment by Resolution of the Ministry of Popular Power for Health. The text must be accompanied by an international symbol for the prohibition of smoking, which consists of a red circle with a lit cigarette traversed by a red line that touches the edges of the circle.

Article 5. Proprietors, employers and administrators of indoor or enclosed areas in work places and/or public places, whatever their use may be, including public transportation, are obliged to see the compliance with this Resolution, in order to protect the population from the harmful effects of tobacco smoke.

Article 6. In the event of non-compliance 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. This resolution shall enter into force ninety (90) calendar days following its publication in the Gaceta Oficial of the Bolivarian Republic of Venezuela.

Unofficial Translation

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

EUGENIA SADER CASTELLANOS
Minister of Popular Power for Health
Decree N° 7.436 dated May 24, 2010
Gaceta Oficial N° 39.434 dated May 28, 2010
Official Notice of June 9, 2010
Gaceta Oficial N° 39.442 of June 9, 2010