

SUPREME DECREE NO. 4972
LUIS ALBERTO ARCE CATACTORA
CONSTITUTIONAL PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA

CONSIDERING:

That Paragraphs I and II of Article 18 of the Political Constitution of the State determine that all persons have the right to health; and that the State guarantees the inclusion and access to health of all persons, without exclusion or discrimination of any kind.

That Paragraph I of Article 35 of the Constitution sets forth that the State, at all levels, shall protect the right to health, promoting public policies aimed at improving the quality of life, the collective well-being, and free access of the population to health services.

That Article 37 of the Political Constitution of the State establishes that the State has the irrevocable obligation to guarantee and sustain the right to health, which constitutes a supreme function and the first financial responsibility. Priority shall be given to health promotion and disease prevention.

That numeral 17 of Paragraph II of Article 298 of the Constitution indicates that the policies of the education and health system are the exclusive competence of the central level of the State.

That Law No. 3029, of April 22, 2005, provides that the Ratification of the "FRAMEWORK CONVENTION ON TOBACCO CONTROL", adopted in Geneva, Switzerland, on May 21, 2003, and subscribed by Bolivia on February 27, 2004, is approved, in accordance with Article 59, numeral 12 of the Political Constitution of the State.

That Law No. 1280, of February 13, 2020, on Prevention and Control of the Consumption of Tobacco Products, aims to establish the regulatory framework on measures that protect the individual, the family, and the community against the health, social, environmental, and economic consequences of tobacco consumption and exposure to tobacco smoke.

It is necessary to establish regulatory provisions to promote awareness regarding the health, social, economic, and environmental consequences of tobacco consumption and exposure to tobacco smoke, safeguarding the right to health of present and future generations of Bolivians.

IN THE COUNCIL OF MINISTERS,

DECREES:

ARTICLE 1.- (OBJECT). To avoid the health, social, environmental, and economic consequences caused by the consumption of tobacco products and exposure to tobacco smoke, this Supreme Decree's aim is to partially regulate Law No. 1280 of February 13, 2020, on Prevention and Control of the Consumption of Tobacco Products.

ARTICLE 2.- (SIGNPOSTING). The graphic and written signposting with the message "100% TOBACCO SMOKE FREE ENVIRONMENT" provided in the Annex of this Supreme Decree, must be positioned in the places established in Paragraph I of Article 9 of Law No. 1280, in a visible and permanent manner.

ARTICLE 3.- (ADVERTISING, PROMOTION AND SPONSORSHIP). Advertising, promotion, and sponsorship of tobacco products in points of sale shall be carried out according to the following conditions:

- a) Advertising that is not visible from the outside must be placed within the perimeter of the premises;
- b) In the case of product displays, they must have the phrase "SALE PROHIBITED TO MINORS UNDER 18 YEARS OF AGE" which shall occupy thirty percent (30%) of its advertising space;
- c) It may not include indications that promote a product in a false, misleading, or deceptive manner, or that may induce error with respect to its characteristics, health effects, risks or emissions;
- d) It must not include, in the advertising elements, direct or indirect mentions of the amount of tar, nicotine, carbon monoxide, or other emissions.

ARTICLE 4.- (PREVENTIVE EDUCATION). The Ministry of Education, in coordination with the Ministry of Health and Sports, through the Plurinational Educational System, shall incorporate the following:

- a) Prevention of tobacco use in the curriculum;

- b) Training of the educational community in the prevention of the consumption of tobacco products.

ARTICLE 5.- (MEMBERS OF THE INTER-INSTITUTIONAL TECHNICAL COMMISSION).

- I. The Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control has the following members:
 - a) Minister(s) of Health and Sports;
 - b) Minister of Education;
 - c) Minister of Environment and Water;
 - d) Minister of Economy and Public Finance;
 - e) Minister of Justice and Institutional Transparency.
- II. The Interinstitutional Technical Commission may summon other ministries, public or private entities, autonomous territorial entities with the right to speak to ordinary and/or extraordinary meetings, within the framework of its attributions, excluding the participation of groups associated with the tobacco industry.
- III. The Interinstitutional Technical Commission shall be chaired by the Minister of Health and Sports; in case of absence, it shall be chaired by the Minister of Education.
- IV. The Ministers may delegate their representation to a Vice-Minister according to the subject matter.
- V. The Interinstitutional Technical Commission shall meet ordinarily at least two (2) times a year, with the possibility of extraordinary meetings, for the treatment of specific topics.
- VI. The representatives appointed to the Interinstitutional Technical Commission shall not receive any remuneration or expenses for the exercise of their functions in the Commission.

ARTICLE 6.- (STRUCTURE). The Interinstitutional Technical Commission for the Implementation of the Framework Convention on Tobacco Control, responsible for the follow-up

of the fulfillment of the goals established in the Framework Convention on Tobacco Control, shall have the following structure:

- a) President;
- b) Technical Secretary;
- c) Full members and delegated representatives of the institutions.

ARTICLE 7.- (TECHNICAL SECRETARIAT). The Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control will be supported by a Technical Secretariat that will be managed by the General Directorate of Health Promotion and Prevention of the Vice Ministry of Promotion, Epidemiological Surveillance and Traditional Medicine under the Ministry of Health and Sports, whose functions will be established in the specific regulations issued by the Ministry of Health and Sports through a Ministerial Resolution.

ARTICLE 8.- (FUNCTIONS). The Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control shall have the following functions:

- a) Carry out the inter-institutional coordination for the implementation of the Framework Convention on Tobacco Control;
- b) Evaluate progress on the goals established in the Framework Convention on Tobacco Control;
- c) Convene ordinary or extraordinary informative and coordination meetings of the members of the Interinstitutional Technical Commission and other public or private entities, when required;
- d) Approve the rules of operation of the Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control;
- e) Other functions for the fulfillment of the objectives established in the Framework Convention on Tobacco Control.

ARTICLE 9.- (RESPONSIBILITIES OF THE PRESIDENT OF THE COMMISSION). The President of the Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control has the following responsibilities:

- a) Propose policies, plans, programs, and projects for the prevention of consumption and control of tobacco products;
- b) Preside over ordinary or extraordinary meetings;
- c) Comply and enforce compliance with the legal and regulatory provisions that regulate the functioning of the Interinstitutional Technical Commission;
- d) Ensure compliance with the daily agenda;
- e) Comply with the decisions of the Interinstitutional Technical Commission for the implementation of the Framework Convention on Tobacco Control;
- f) Other responsibilities emanating from the Interinstitutional Technical Commission.

ARTICLE 10.- (INFRACTIONS). Failure to comply with Article 9 of Law No. 1280 shall be considered an infraction.

ARTICLE 11.- (MINOR INFRACTIONS). The following are minor infractions:

- a) Smoking in places such as:
 - 1. Offices of public institutions in their different levels of Government, as well as in public companies, affiliated and subsidiary companies, in which the central level of the State has a majority shareholding, including their closed and open environments;
 - 2. Private companies engaged in any type of industrial, commercial, and service activity, including their customer service areas, and waiting rooms;
 - 3. Closed facilities of shopping centers, stores, galleries, supermarkets, and markets;
 - 4. Enclosed facilities of air, land, and water terminals and mass transportation stations;
 - 5. Public transportation facilities;
 - 6. Enclosed facilities of libraries, reading rooms, museums, and internet rooms;
 - 7. Elevators, telephone booths, and automatic teller machines;
 - 8. Enclosed and open facilities of businesses that provide lodging services;

9. Theaters, movie theaters, and other enclosed public environments where shows are performed;
 10. Closed and open environments for the sale and/or consumption of food, alcoholic beverages, nightlife, and entertainment;
 11. Closed and open facilities where sporting and cultural events are held;
 12. Public and private spaces intended for the recreation of children and adolescents;
 13. Protected areas, wooded areas, tourist areas, and one hundred (100) meters away from bodies of water.
- b) Not displaying the sign "100% TOBACCO SMOKE-FREE ENVIRONMENT".
- c) Marketing goods or services using names, trademarks, symbols, or other distinctive signs used to identify a tobacco product.

ARTICLE 12.- (SERIOUS INFRACTIONS). The following are serious infractions:

- a) Smoking in health establishments, whether public or private, establishments of the Plurinational Educational System and in events of an educational nature, including closed and open environments; as well as one hundred (100) meters away from such establishments.
- b) Enabling smoking areas in establishments and public places.
- c) The sale and supply of tobacco products in places where it is not allowed.
- d) The delivery or distribution of samples of any tobacco product, whether free of charge or not.
- e) The placement of cigarette vending machines.

ARTICLE 13.- (VERY SERIOUS INFRACTIONS). The following are considered as very serious infractions:

- a) The sale or delivery of tobacco products to minors under eighteen (18) years of age.
- b) Smoking in closed and open facilities where flammable material or substances are stored, produced, commercialized, or handled.

ARTICLE 14.- (PENALTIES).

- I. Minor, serious and very serious infractions shall be penalized by the Ministry of Health and Sports according to:
 - a) Minor offenses with a written warning.
 - b) Serious offenses with a pecuniary fine of UFV500.- (FIVE HUNDRED 00/100 HOUSING DEVELOPMENT UNITS).
 - c) Very serious offenses with a monetary fine of UFV1,000. - (ONE THOUSAND 00/100 HOUSING DEVELOPMENT UNITS).
- II. Recidivism of serious and very serious infractions in the same administration shall increase by one hundred percent (100%) the fines of paragraphs b) and c) set forth in the preceding Paragraph.

TRANSITORY PROVISIONS

SINGLE TRANSITORY PROVISION: Within thirty (30) working days from the publication of this Supreme Decree, the Ministry of Health and Sports shall approve by means of a Ministerial Resolution the regulations of the Technical Department of the Interinstitutional Technical Commission.

REPEALING AND DEROGATORY PROVISIONS

SINGLE DEROGATORY PROVISION: Articles 3, 10, 11, and subparagraphs a) and b) of Article 17 of Supreme Decree No. 29376 of December 12, 2007, are hereby revoked.

FINAL PROVISIONS

SINGLE FINAL PROVISION: The application of this Supreme Decree does not imply the allocation of additional resources from the General Treasury of the Nation – TGN (for its acronym in Spanish).

The Minister of State in the Office of Health and Sports shall oversee the execution and compliance with this Supreme Decree.

Given in the Casa Grande del Pueblo of the city of La Paz, on the twenty-eighth (28) day of the month of June of the year two thousand twenty-three (2023).

SIGNED. LUIS ALBERTO ARCE CATACTORA, Rogelio Mayta Mayta, Maria Nela Prada Tejada, Carlos Eduardo Del Castillo Del Carpio, Edmundo Novillo Aguilar, Sergio Armando Cusicanqui Loayza, Marcelo Alejandro Montenegro Gomez, Franklin Molina Ortiz, Néstor Huanca Chura, Edgar Montaña Rojas, Marcelino Quispe López, Iván Manolo Lima Magne, Verónica Patricia Navia Tejada, María Renee Castro Cusicanqui, Rubén Alejandro Méndez Estrada, Edgar Pary Chambi, Remmy Rubén Gonzales Atila, Sabina Orellana Cruz.

ANNEX
GRAPHIC AND WRITTEN SIGN WITH THE MESSAGE
"100% SMOKE-FREE ENVIRONMENT"



TECHNICAL CHARACTERISTICS

Size of the sign: 60x40 cm

No Smoking sign:

- **Outer diameter: 32x32 cm.**
- **Circle: 3 cm thick.**
- **Diagonal: 3 cm thick.**
- **Inclination: 45° to the left.**
- **Circle and diagonal color: Red C=0%, M=100%, Y=100%, K=0%.**
- **Cigar icon: 3 cm high by 14.5 cm wide, lines 0.5 cm thick.**
- **Cigar color: Black C=0%, M=0%, Y=0%, K=100%.**

Rectangle border:

- **Border: 0.5 cm thick.**
- **Color: Red C=0%, M=100%, Y=100%, K=0%.**

Typography:

- **Text: Arial Black 80 pt.**
- **Line spacing: 84 pt.**
- **Color: Black C=0%, M=0%, Y=0%, K=100%.**