

JD 101462-TRA-SE  
Translated from Spanish

SUPREME COURT OF JUSTICE OF EL SALVADOR  
JUDICIAL DOCUMENTATION CENTRE  
LEGISLATION

Name: FAMILY CODE

Topic: Environmental law and health      Category: Environmental law and health

Origin: MINISTRY OF HEALTH      Status: IN FORCE

Type: Legislative decree

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Amendments: (7) LD No. 291 of 12 February 2001, published in Official Journal No. 40, Volume 350 on 23 February 2001.

Comments: Given the need to bring legal norms into line with advances in medical science in order to achieve the goals thereof and protect public health by improving quality of life and life expectancy, the following amendments to the Health Code are necessary, considering especially that the regulations on organ and tissue transplants contained in Section 19 of the aforesaid Code do not reflect current realities and do not take account of medical progress in this area.

Contents:  
HEALTH CODE

DECREE No. 955

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR,

CONSIDERING:

I      That article 65 of the Constitution states that public health is a public good and that the State and the people have a duty to monitor public health with a view to preserving and re-establishing the same; and that the State shall determine national health policy and shall oversee and supervise the implementation thereof;

II      That article 67 of the Constitution establishes that the public health services shall be essentially technical in nature and shall provide health, hospital, paramedical and hospital administration careers;

III      That article 68 of the Constitution states that a Higher Council of Public Health shall monitor public health, which shall be composed of an equal number of representatives of the medical, dental, pharmaceutical and veterinary professions;

IV      That the practice of these professions, which are directly related to public health, shall be overseen by legal bodies comprising academics from each profession, which shall have the power to suspend members of the profession overseen by them in cases where members of that profession act in a manifestly immoral or incompetent manner;

V.      That the Pharmacies Act was adopted in accordance with the Legislative Decree of 30 June 1927, published in the Official Journal No. 161, Volume 103, on 19 July 1927, and that the said Act no longer meets modern health requirements;

VI. That in accordance with Legislative Decree No. 2699 of 28 August 1958, published in the Official Journal No. 168, Volume 180, on 10 September 1958, the Act establishing the Higher Council of Public Health and Surveillance Boards of the Medical, Dental and Pharmaceutical Professions was adopted, and was subsequently amended by Legislative Decrees No. 357 and 591 of 21 March 1985 and 12 February 1987 respectively, published in the Official Journal No. 75, Volumes 287 and 43 and Volume 294 on 23 April 1985 and 4 March 1987 respectively;

VII. That the Health Code of the Republic of El Salvador was adopted 57 years ago in accordance with Legislative Decree No. 147 of 30 August 1930, published in the Official Journal No. 26, Volume 110, on 31 January 1931, and hence cannot be considered as a reflection of present-day realities;

VIII. That article 271 of the 1983 Constitution specifies that the Legislative Assembly has a duty to harmonize national secondary legislation and the special legislation establishing and regulating autonomous official institutions with the provisions of the Constitution;

IX. That with a view to fulfilling the constitutional mandate outlined above and complying with the norms contained in health agreements with other States and international organizations entered into and ratified by El Salvador, a new Code should be adopted that accords with the provisions of the Constitution and reflects current realities in this area:

THEREFORE,

By exercising their constitutional powers and on the initiative of the President of the Republic acting through the Minister of Health and Public Welfare,

The following FAMILY CODE

is hereby DECREED:

PRELIMINARY TITLE

GENERAL PROVISIONS

SECTION 41

Measures to control alcoholism, tobacco use and drugs causing dependency

Art. 187. Radio and television stations, cinemas and similar facilities may broadcast or project advertising for beer, wines, spirits and tobacco products only in programmes aimed at an adult audience.

For the purposes of this article, malt beers and beverages containing less than 5% alcohol by weight shall be considered low-alcohol drinks and advertisements for them may

therefore be broadcast or projected without restriction via the media referred to above when sponsoring cultural, civic, sports or charitable programmes or activities.

Article 188. The control, treatment and detoxification of alcoholics and drug addicts shall take place in public facilities designated by the Ministry and private facilities authorized by the Council.

Article 189. The national or international tobacco industry shall be obliged to warn smokers that tobacco is harmful to health. The warning must be printed on packets of tobacco products in the following manner:

1. The warning must be printed on one side of the packet;
2. The warning shall read: "SMOKING IS HARMFUL TO HEALTH", Ministry of Public Health and Social Welfare.
3. The size of the letters of the warning shall be no less than 1.5 millimetres.