

TOBACCO

Decree 602/2013

Law N° 26.687. The regulation is to be approved.

Buenos Aires, May 28, 2013

IN LIGHT OF File N° 1-2002-26.459/11-9 from the Register of the MINISTRY OF HEALTH, and Law N° 26.687, and

WHEREAS:

Through Law N° 26.687 the advertising, promotion and consumption of tobacco products is regulated for purposes of prevention and assistance to the public, in light of the harm caused by tobacco addiction.

The effects that tobacco consumption and exposure to cigarette smoke have on health have been scientifically proven, as well as their impact on a country's life and its economy.

According to estimates of the MINISTRY OF HEALTH, tobacco consumption causes the death of FORTY THOUSAND (40,000) people per year in the ARGENTINE REPUBLIC, and a huge burden of illness.

Exposure to tobacco smoke increases the risk of lung cancer for non-smokers between TWENTY AND THIRTY PERCENT (20% and 30%), and the risk of heart disease by an approximately equal percentage.

Tobacco smoke has harmful effects that can have a fatal impact on children's health, such as contracting and exacerbating asthma, bronchitis, pneumonia, *otitis media*, chronic respiratory problems, low birth weight and sudden death syndrome, among others.

The deaths and diseases caused by tobacco consumption are preventable and avoidable through the effective actions set forth in Law N° 26.687.

In addition to protecting individuals from involuntary exposure to tobacco smoke, the prohibitions of smoking in public places, including work places, have demonstrated that they are associated with reducing the amount that people smoke, and increasing the rate of people quitting tobacco.

It is a matter of general knowledge that advertising increases tobacco consumption, and adolescents and young adults can be especially vulnerable to advertising about tobacco.

It is a matter of general knowledge that the broad ban on advertising and the promotion of tobacco can reduce consumption and prevent adolescents from starting.

The scientific evidence has demonstrated the effectiveness of health messages on packages of tobacco products to stimulate people to quit smoking.

It is essential to adopt and implement effective measures to regulate the content of the emissions of tobacco products.

For the full exercise of human rights and fundamental freedoms, it is a duty to educate, inform and train people to achieve a high degree of awareness of public respect for tobacco control, the harm resulting from tobacco consumption and exposure to tobacco smoke.

The duty to protect against the effects of tobacco addiction and exposure to tobacco smoke is based on these freedoms and fundamental, implicit human rights, among others, on the right to life, the right to a healthy environment and the right to enjoy the highest possible level of health, enshrined in our Supreme Law.

As a consequence, it is incumbent upon this authority to issue the necessary regulations to enable the operation of the provisions contained in Law N° 26.687.

The GENERAL BUREAU OF LEGAL AFFAIRS of the MINISTRY OF HEALTH has undertaken the appropriate intervention.

This is issued through the exercise of the authority conferred by Article 99, sub-paragraphs 1 and 2 of the NATIONAL CONSTITUTION.

Wherefore,

THE PRESIDENT  
OF THE ARGENTINE NATION  
HEREBY DECREES:

Article 1 — The regulation of Law N° 26.687 for the “REGULATION OF ADVERTISING, PROMOTION AND CONSUMPTION OF PRODUCTS MADE FROM TOBACCO,” is hereby approved, which comprises an integral part of this Decree as ANNEX I.

Art. 2 — The National Commission for the Coordination of Tobacco Control is hereby created, and it will function within the framework of the MINISTRY OF HEALTH for the purpose of advising and coordinating intersectorial policies intended for the application of the aforesaid law. The Commission is to be chaired by the head of the MINISTRY OF HEALTH, or such individual as the latter may designate, and it shall have ONE (1) representative from the following bodies: THE MINISTRY OF FOREIGN RELATIONS AND WORSHIP; THE MINISTRY OF EDUCATION; THE SECRETARY OF PROGRAMMING FOR THE PREVENTION OF DRUG ADDICTION AND THE CAMPAIGN AGAINST DRUG TRAFFICKING; THE SECRETARY OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT; THE MINISTRY OF AGRICULTURE, LIVESTOCK AND FISHERIES; THE MINISTRY OF LABOR, EMPLOYMENT AND SOCIAL SECURITY; THE MINISTRY OF ECONOMY AND PUBLIC FINANCE; THE FEDERAL ADMINISTRATION OF PUBLIC REVENUES; THE FEDERAL AUTHORITY FOR AUDIOVISUAL COMMUNICATION SERVICES; THE SUPERINTENDENCY OF HEALTH SERVICES; THE SUPERINTENDENCY OF OCCUPATIONAL HAZARDS, THE NATIONAL CANCER INSTITUTE and THE NATIONAL ADMINISTRATION OF MEDICATIONS, FOOD AND MEDICAL TECHNOLOGY. Programs or areas from other provincial jurisdictions and the Autonomous City of Buenos Aires involved in tobacco control are invited to participate on the Commission. The MINISTRY OF HEALTH may also invite civil society organizations, academic institutions and such other bodies as it may deem appropriate to carry forward and promote policies for the Control of Tobacco.

The Provinces that have not done so are invited to create Provincial Programs for Tobacco Control, with the aim of coordinating at the provincial level, and with the National Program for Tobacco Control of the MINISTRY OF HEALTH at the national level to undertake actions that will move towards fulfillment of the goals of the law in question.

The MINISTRY OF HEALTH and local authorities engaged in implementation must encourage the participation of the community and civil society organizations in carrying forward and disseminating this law, as well as encouraging agencies for enforcement and citizen control to expedite reporting infractions and filing complaints.

Art. 3 — This decree shall take effect starting on the date of its publication in the *Boletín Oficial*.

Art. 4 — Let notification hereof be given, have it published and given to the National Office of the Official Register, and let it be duly filed. — FERNANDEZ DE KIRCHNER. — Juan M. Abal Medina. — Juan L. Manzur. — Alberto E. Sileoni.

#### ANNEX I

#### REGULATION OF LAW N° 26.687

#### CHAPTER I

#### GENERAL PROVISIONS

ARTICLE 1. - No regulation.

ARTICLE 2. - No regulation.

ARTICLE 3. - All products included in the definition stated in sub-paragraph b) of Article 4 of the law being regulated are to be considered tobacco products.

The following will be considered products that can be identified as tobacco products:

a) Products for smoking that are not made from tobacco, such as electronic cigarettes, cigars or cigarettes made of other ingredients, etc.

b) Elements or accessories for smoking: such as cigarette holders, water pipes or hookahs, electronic devices for smoking and their accessories, cigarette rollers, ashtrays, etc.

c) Elements identified or associated with brands of tobacco products: t-shirts, caps, lighters, or any kind of product that is not made from tobacco and that uses emblems, figurative brands, images, aromas, or visual or auditory signatures that can be associated with tobacco.

It should be noted that the foregoing list is by way of illustration, and is in no way categorical or exclusive of other products that meet these conditions.

ARTICLE 4.-

a) No regulation.

b) No regulation.

c) No regulation.

d) Included in this definition is non-traditional advertising, considering as such any kind of audiovisual commercial communication that consists of including or referring to a product made with tobacco or its brand, in such a way that it appears in a program in exchange for payment or similar compensation.

e) No regulation.

f) Sponsorship by the actual manufacturer or importer of tobacco products is included in this definition, regardless of whether product brand names are used during the promotion.

g) No regulation.

h) Enclosed spaces will be considered those that have a roof, walls, partitions or other materials that cover more than FIFTY PERCENT (50%) of the distance between the floor and the roof or ceiling, and that cover more than FIFTY PERCENT (50%) of the perimeter of the space. This definition applies regardless of the number of openings or the ventilation system such spaces may possess. Spaces frequented by the public are to be considered places of public access, whether such access is free or restricted, paid or free of charge.

i) A work place is considered to be that which is stated in Law N° 19.587. Closed areas or sections are to be interpreted in accordance with the definition in sub-paragraph h).

j) No regulation.

k) A smokers' club must be a non-profit organization and must have a special authorization to function as such. Its space is intended exclusively for its members and not for the general public. For such purposes, spaces may be used that only have external access, separate from other places where smoking is prohibited. In such places, employees may not perform work, nor offer any kind of product

or services other than that of offering a space for the consumption of tobacco products. Access to minors under EIGHTEEN (18) years of age shall be prohibited.

l) No regulation.

m) Communication that can only be perceived or received by an individual recipient is considered to be not visible or accessible to the general public.

## CHAPTER II

### ADVERTISING, PROMOTION AND SPONSORSHIP

#### ARTICLE 5.-

a) The prohibition stated in the Article being regulated includes advertising, promotion or sponsorship that is to be implemented in the following manner:

1. In the public thoroughfare, and in spaces of public use, such as showplaces, restaurants, bars, discotheques, gaming rooms, malls or any other type of place or establishment used by the public, and work places, with the exceptions set forth in Article 6 of Law N° 26.687.
2. In aerial forms by balloons and planes, among other things.
3. In graphic and audiovisual communications media such as radio, television, newspapers and magazines.
4. By Internet or other digital media.
5. Originating from other countries but that are broadcast or somehow appear in the ARGENTINE REPUBLIC.

It should be noted that the foregoing list is by way of illustration, and should in no way be considered categorical or exclusive of other kinds of advertising, promotion and sponsorship.

b) The following is prohibited, including at points of sale:

1. The use of direct or indirect incentives to stimulate the purchase or consumption of tobacco products or to promote such products, such as offering promotional discounts, giving gifts, or holding contests or competitions associated with tobacco products or the right to participate in them, among other things.
2. The use of brands or logos for non-tobacco products on tobacco products.
3. The sale, display for sale, delivery or publication of products or services without tobacco that contain, both in the product as well as in the advertising for the product, any text, photo, image, graphic, message or other item, in whole or in part, that is commonly identified or associated with, or that tends to be or is intended to be identified or associated with a product, brand or manufacturer of tobacco.
4. Giving a tobacco product to another person for promotional purposes, free of charge, such as a sample, gift, or in exchange for another product, among other things.
5. The promotion of tobacco products through aroma dispensers or similar systems.
6. Advertising and promotion of smoking accessories, such as rolling papers, cigarette filters or cigarette rolling devices, ashtrays, cigarette holders, pipes, electronic smoking devices, as well as other products that can be identified with tobacco products, pursuant to the definition provided in Article 3 of this regulation.

It should be noted that the foregoing list is by way of illustration, and should in no way be considered categorical or exclusive of other kinds of advertising, promotion and sponsorship.

Broadcast by audiovisual media of images that incite tobacco consumption, or of actors who are role models for children or young people who are smoking, can be considered to be in violation of Articles 70 and 71 of Law N° 26.522 for Audiovisual Communication Services.

ARTICLE 6. - The advertising or promotion indicated in the Article regulated herein should not include descriptive statements or elements, brands, figurative signs or phrases, that have the effect, directly or indirectly, of creating the false, mistaken or deceptive impression that a particular tobacco product

is less harmful than another product, or that are misleading with respect to their characteristics, effects on health, risks or emissions.

a) Advertising or promotion can be presented on the inside of points of sale for tobacco products only through signs that must meet the following requirements:

1. The only thing that will be allowed is the placement of a sign for each manufacturer or importer that is to contain nothing more than a list with the brand, the logo and the price of their tobacco products, and another sign intended for the promotion of said products.

2. These signs are to be printed with measurements of up to THIRTY CENTIMETERS BY THIRTY CENTIMETERS (30cm x 30 cm), and must be static, in TWO (2) dimensions, while the use of illuminated placards, screens or other devices is not permitted.

3. Signs must be placed inside the point of sale, in such a way that they cannot be seen from the outside.

4. Each sign shall have printed on it one of the health messages indicated in Article 7 of Law N° 26.687, which must take up TWENTY PERCENT (20%) of the lower part of the surface.

It is not permitted to insert coupons or invitations to participate in contests, competitions or lotteries, inside or together with the packaging of tobacco products. Points of sale for tobacco products may not serve as centers for delivery or exchange of prizes, gifts, or receiving discounts or other benefits from promotions for tobacco products.

b) Advertising must have an exclusively informational content.

c) Direct communications must have an exclusively informational content. Prior approval must be obtained for each brand and for each advertising action, and must be renewed annually. Manufacturers or importers must keep a record of each one of the authorizations granted for the recipients of such communications, with information on identification and age. Enforcement authorities are to have access to such records at any time, and may verify their authenticity.

Every year before June 30, manufacturers and importers of tobacco products must submit to enforcement authorities a report specifying and itemizing all advertising or promotion that has been undertaken in the preceding fiscal year. This information must include, at least, the type of advertising or promotion, including its content, form and type of communications medium, and the location and duration or frequency of the advertising or promotion.

ARTICLE 7. - The MINISTRY OF HEALTH shall determine the rotation of health messages, the expansion or modification of the list of health messages, their design, as well as the determination of pictograms or images that correspond to each message. The pictograms in question are to be located in an adjacent and contiguous manner on the right side or lower portion of health message, and shall have the same proportions as the latter, not being less than TWENTY PERCENT (20%) of the total surface area of the material that is the object of advertising or promotion.

ARTICLE 8.- The prohibition contained in the Article subject to regulation includes any kind of patronage and direct or indirect sponsorship, whether on one's own behalf, or through the use of third parties.

ARTICLE 9. - No regulation.

### CHAPTER III

#### PACKAGING OF PRODUCTS MADE FROM TOBACCO

ARTICLE 10. - The MINISTRY OF HEALTH shall determine the periodicity for the updating of health warnings pursuant to the terms determined by the Article subject to regulation. Said Ministry shall approve health messages and their respective pictograms or images, making them available to manufacturers and importers with advance notice of not less than SIX (6) months before they are to take effect when there is an addition or modification of new health messages and pictograms. Insofar as the packaging and wrapping of imported products are concerned, it shall be the responsibility of the importer of a tobacco product to comply with this Article.

ARTICLE 11. - The respective messages and images are to be printed on the packages. In the event that the packaging plainly exhibits in its main outer surfaces a frontal or front side and a back or rear side, the image is to be located on the front and the health message on the back. Messages specifying type face, as well as the respective images, are to be provided by the enforcement authority in electronic format. The manufacturer or importer must adjust the formats provided to the dimensions of the package without altering its proportions or graphic characteristics.

For cartons of cigarettes or other packages of similar characteristics, the image is to be printed on the main surface that is most visible to the consumer, occupying one of the surfaces resulting from dividing the surface of that face in half, along its broadest dimension. The caption is to be printed in the same fashion on the opposite side.

In the case of cylindrical packages, it shall be considered one single main surface, and the proportions are to be maintained, with the image occupying TWENTY-FIVE PERCENT (25%) of the surface area and the caption occupying TWENTY-FIVE PERCENT (25%).

'Even distribution' shall be understood to refer to a proportional distribution of units of tobacco products at points of sale throughout the National Territory.

ARTICLE 12. - This information is to be placed in a space occupying not less than FIFTY PERCENT (50%) of the lower surface area of one of the side panels, and shall include a phone number and a web page with a graphic format that is to be provided by the MINISTRY OF HEALTH. In the event that, owing to the shape of the pack or package, there are no side panels, the information must in all cases be legible, and occupy an area not less than SIX PERCENT (6%) of the total surface area of the packaging.

ARTICLE 13. - In no case may packs or packages of tobacco products include statements that present the product as regulated or inspected by the MINISTRY OF HEALTH or any other government agency, in such a way as to give a mistaken impression or mislead people regarding health effects, emissions or risks thereof.

ARTICLE 14.- It is not permitted to place any type of prospectus, coupon or other material in packages for tobacco products, or establish partitions or inner surfaces that modify the outside of the package and prevent, reduce, hinder or dilute the view of the messages, images or information required by this law.

#### CHAPTER IV

##### COMPOSITION OF PRODUCTS MADE FROM TOBACCO

ARTICLE 15. - Manufacturers and importers of tobacco products that are cigarettes or cigarillos intended for sale on the national market must submit annually to the MINISTRY OF HEALTH the results of measurements for each type of product, brand and quality. If there is commercialization of tobacco products with ingredients that are not in compliance with what is required, such production is to be confiscated and destroyed by the competent authority.

The MINISTRY OF HEALTH may require manufacturers and importers of tobacco products to provide samples of such products for the purpose of conducting independent laboratory tests.

ARTICLE 16.-

a) No regulation.

b) Manufacturing and importing companies must submit the following to the MINISTRY OF HEALTH, in such manner as may be required:

1. The list of ingredients used for the manufacture of tobacco products, for each type of product, brand and variety.
2. The percentages of reconstituted tobacco and expanded tobacco used for each tobacco product.
3. Any modification in the ingredients of a tobacco product when a variation occurs.

Manufacturers and importers may not present information to the public concerning ingredients that are supposedly beneficial to health, or flavorings or aromatic scents or statements that refer to such ingredients and have the possible effect of making consumption of the product more attractive to

children and adolescents, or give the idea that it is less hazardous to health. To such end, the MINISTRY OF HEALTH must approve information addressed to the public concerning any type of ingredients. The MINISTRY OF HEALTH is authorized to require any additional information on ingredients used in tobacco products, in order to ensure accomplishment of the objectives of this law.

The enforcement authorities must take the precautions necessary to ensure the protection of all information regarding specific products that constitutes an industrial secret.

c) Measurement of the toxicity of tobacco products, their ingredients and emissions, is to be conducted in accordance with scientific criteria and methods approved by the World Health Organization or such methods and criteria as the MINISTRY OF HEALTH may establish at a future time, based on international standards.

## CHAPTER V

### SALE AND DISTRIBUTION

ARTICLE 17. - Products made from tobacco can only be sold and distributed in duly authorized shops. Places for sale, exhibition, distribution and promotion of any kind of tobacco products intended for the public must have specific authorization for retail sale of tobacco products.

ARTICLE 18. - No regulation.

ARTICLE 19. - No regulation.

ARTICLE 20. - The sign shall have a format and dimensions to be determined by the MINISTRY OF HEALTH, and it shall be mandatory to display a sign at the cash register or place where payments are made in the kiosk or authorized place.

ARTICLE 21.- Cigars whose wrapping is made of tobacco leaf with a net weight of tobacco that is THREE (3) grams or more, which are to be sold in closed packs that must contain at least FIVE (5) units; and those cigars wrapped in natural tobacco leaf with a net weight of tobacco that is NINE (9) grams or more, which can be sold by individual unit in closed packages, are exceptions to what is stipulated in sub-paragraph b) of the Article subject to regulation. As for rolling tobacco, pipe tobacco, pulverized tobacco, tobacco for chewing, sucking or sniffing, or other tobacco products, the enforcement authorities shall regulate the size and characteristics that packages for sale to the public must comply with.

Sale, distribution or offering via the Internet, the postal service, by phone or other means of communication that prevents direct contact between the seller and the buyer or recipient, unless it is ascertained in a thoroughly reliable fashion that the buyer and/or recipient of the tobacco product is older than EIGHTEEN (18) years of age, is expressly prohibited.

A period of ONE HUNDRED AND EIGHTY (180) days following the publication of this decree in the *Boletín Oficial* is hereby established for the removal of cigarette vending machines from all establishments and facilities in the country. Infractions of this Article shall be subject to what is set forth in Article 32 of the law regulated herein.

ARTICLE 22. - Promotional objects or any kind of item with emblems or trademarks of tobacco products that directly or indirectly stimulate tobacco consumption, as well as toys, edibles or candies and the like associated with tobacco consumption are included herein. The MINISTRY OF HEALTH must undertake to recognize such items and products where the association or identification is not explicitly stated.

## CHAPTER VI

### ENVIRONMENTAL PROTECTION AGAINST SMOKE FROM TOBACCO PRODUCTS

ARTICLE 23.- The prohibition established by the Article subject to regulation extends to smoking or holding a lit tobacco product, or any other product for smoking as stipulated in Article 3, sub-paragraph a) herein.

It shall be the responsibility of the proprietor, the representative, manager, administrator or person in charge in any way of the respective premises or establishment to require any person or persons who

may fail to comply with this rule to cease immediately the act of smoking and burning of the product. If this is refused, the offender must be ordered to leave the premises and have service refused to him, and if he persists, the assistance of law enforcement is to be requested. In cases where offenders are employees or workers of the premises or establishment, there will be a possibility of applying the sanctions included in the labor legislation in force.

ARTICLE 24.-

a) Open air spaces shall be considered to be such places as are not enclosed as per the definition given in Article 4, sub-paragraphs h) and i) herein, and that allow for refreshment of the air without requiring the use of mechanical means of ventilation, maintaining levels of particulate concentration below what is considered "unhealthy" by the U.S. Environmental Protection Agency.

Areas covered with a roof that are intended for the public to gather and remain in shall not be considered open air spaces, except for umbrellas or awnings where there is open sky separating them from other umbrellas or awnings of similar size to allow for the circulation of air.

Open air spaces authorized for smoking must be physically separated by walls or partitions from enclosed spaces where a ban on smoking is in force, and must have a location and size that do not affect the ventilation of the building. Enforcement authorities shall be authorized at any time during the operation of the premises to take measurements of particles or other kinds of measurements to determine the air quality in the spaces for public use, and if the evaluations determine unhealthy levels of risk, to order that such areas authorized for smoking be deprived of their status as such in a temporary or definitive manner.

b) Private work places may not receive the public under any circumstances, or have any kind of permanent or temporary employee or worker doing a job in such a space, or contiguous spaces.

c) Smokers' clubs must be organized pursuant to what is stipulated in Article 4 sub-paragraph k) herein. Their entrance must have a poster, prominently displayed, whose dimensions may not be less than TWENTY CENTIMETERS BY THIRTY CENTIMETERS (20 cm. x 30 cm.), containing the following warning statement: "Area Hazardous to Health. Entry into or remaining in this area is not recommended. Access prohibited to minors under EIGHTEEN (18) years of age," or such statement as Enforcement Authorities may determine at a future time. The format of the sign shall be determined by the MINISTRY OF HEALTH.

Tobacco shops with special areas can only be authorized if their business purpose is exclusively concerned with the sale of tobacco products and accessories for tobacco consumption, without it being permissible to offer any other type service or product. It is absolutely forbidden for minors under EIGHTEEN (18) years of age to enter into such premises. It shall be mandatory to prominently display to the public at least one of the warnings and images indicated in Article 7 of Law N° 26.687, of a size not less than TWENTY CENTIMETERS BY THIRTY CENTIMETERS (20 cm x 30 cm), without impairment to the warnings required by law that must accompany all forms or materials involving advertising or promotion.

Special areas for tasting tobacco products must comply with the following requirements:

1. They must not be visible from outside the building.
2. They must be located in a space where people are not required to pass by.
3. They must be separated by walls or partitions that ensure complete isolation with respect to the rest of the facility or neighboring facilities.
4. They must have a ventilation and air purification system to ensure that other enclosed areas are not contaminated, as per rules to be established by the MINISTRY OF HEALTH.
5. Employees of the tobacco shop may not remain in this area.
6. The entrance must be equipped with an automatic lateral sliding door, and not one that opens and closes on hinges, that is to remain permanently closed, and is to open only during entry or exit from the premises.



7. Its entrance must have a poster prominently displayed with characteristics identical to those established in this regulation for smokers' clubs.

ARTICLE 25. - Signs stipulated by the Article subject to regulation shall contain the following statement: "Smoke free environment. Smoking prohibited. Law N° 26.687" and the phone number and e-mail address for receiving complaints of violations, or such statements as may be determined at a future time by the Enforcement Authority.

ARTICLE 26. - No regulation.

## CHAPTER VII

### ENFORCEMENT AUTHORITY

ARTICLE 27. - The MINISTRY OF HEALTH is hereby authorized to issue supplementary rules or interpretations intended to ensure compliance with the law regulated herein.

## CHAPTER VIII

### EDUCATION FOR PREVENTION

ARTICLE 28. - The MINISTRY OF HEALTH, through the National Program of Tobacco Control, shall design and implement programs for prevention and quitting consumption of tobacco products that take into account diversity and differences among the different regions of the country. Furthermore, it shall collaborate with the appropriate agencies in the various jurisdictions to promote capacity building of human resources in health care for prevention and treatment for quitting tobacco products. All treatments undertaken shall be governed in accordance with the recommendations of the National Guide for the Treatment of Tobacco Addiction of the Ministry of Health, or whatever may replace it in the future.

The MINISTRY OF HEALTH must take the necessary measures to ensure coverage of prevention programs and treatments for quitting consumption of tobacco products.

ARTICLE 29. - The MINISTRY OF HEALTH, through the National Program of Tobacco Control, shall design and formulate campaigns that, with the support and coordination of the MINISTRY OF EDUCATION, shall be launched in all jurisdictions.

The MINISTRY OF HEALTH and the MINISTRY OF EDUCATION must promote "smoke free" certification of the country's educational and health care institutions, pursuant to the specifications of Law N° 26.687 and the certification requirements established by the MINISTRY OF HEALTH.

ARTICLE 30. - The MINISTRY OF HEALTH, in coordination with the MINISTRY OF EDUCATION, shall develop a proposed curriculum to be adopted by all professional programs of study related to health care. The content of the curricula must be in accordance with the recommendations issued in the National Guide for the Treatment of Tobacco Addiction, or whatever may replace it in the future. The enforcement authority, in conjunction with provincial jurisdictions, shall undertake to include similar content in programs of study for technicians and health care assistants.

ARTICLE 31.- The MINISTRY OF HEALTH, with the collaboration of the MINISTRY OF EDUCATION, shall draw up basic informational and educational content so that through official publicity the BUREAU OF PUBLIC COMMUNICATION can undertake various mass information and communication campaigns geared towards bringing about actual compliance with Law N° 26.687, the prevention of tobacco addiction and exposure to other people's tobacco smoke, focusing especially on children and young people, pregnant women and nursing mothers.

## CHAPTER IX

### SANCTIONS

ARTICLE 32.- The application of sanctions must be carried out using as a frame of reference the preservation of the right to the protection of health and the right to a sound environment as enshrined in the National Constitution, the right to have life and physical wellbeing respected, as established in the American Convention on Human Rights, the duty to ensure children of the protection and care that

are necessary for their wellbeing, the intrinsic right to life and the duty to ensure the survival and development of the child, as established in the Convention on the Rights of the Child.

With regard to what is stated in Chapter II of Law N° 26.687, responsibility for non-compliance and the corresponding sanctions shall be incurred in the first place by the manufacturers or importers of tobacco products who directly or indirectly contract advertising, promotion or sponsorship, and in the second place, by any natural or moral persons who may produce or publish such content for the communications media, and by the actual media providing the service. The enforcement authority, except in cases stipulated in Article 9 of the law regulated herein, shall be the MINISTRY OF HEALTH, which must coordinate actions with other national agencies in order to guarantee effective enforcement, while bodies of provincial and local jurisdictions are responsible for enforcement concerning advertising, promotion, or sponsorship in cases of provincial or local competency.

For what is provided in Chapters III and IV of the aforesaid Law, the enforcement authority shall be the MINISTRY OF HEALTH. The latter may request the collaboration of national agencies and the competent bodies in provincial and local jurisdictions so as to guarantee enforcement and compliance with what is established by the law in regard to the packaging and composition of tobacco products. For what is provided in Chapter V of Law N° 26.687, the enforcement authority shall be the Bureau of Domestic Commerce of the MINISTRY OF ECONOMY AND PUBLIC FINANCES, and the corresponding bodies of provincial and local jurisdictions.

For what is provided in Chapter VI of the aforementioned Law, its enforcement and oversight falls within the purview of the bodies of provincial and local jurisdiction, without impairment to any coordinating role the MINISTRY OF HEALTH may have, or to its mission to facilitate and encourage participation and oversight by the citizenry and civil society organizations. In such spaces of national jurisdiction, enforcement shall be carried out by the MINISTRY OF HEALTH, which may require of the competent authorities effective and immediate upholding of the law, and request that sanctions be put into effect in the event of non-compliance.

Sanctions and their gradations are to be applied using as a guiding criterion the direct and indirect consequences of non-compliance on the health of the public, as well as the criteria set forth in Article 33 of the law regulated herein.

ARTICLE 33. - No regulation.

ARTICLE 34. - No regulation.

ARTICLE 35. - The competent agencies in the local jurisdictions in question are to submit news of infractions, with the data and format required by the MINISTRY OF HEALTH, in order to facilitate the creation and updating of the National Register of Infractions of the Tobacco Control Law. The MINISTRY OF HEALTH shall coordinate actions for the promotion and strengthening of provincial and local enforcement agencies, to accomplish the objectives set forth by Law N° 26.687.

#### CHAPTER X

#### FINAL PROVISIONS

No regulation.