

Government Agreement No. 137-2009
Guatemala, May 18, 2009

THE PRESIDENT OF THE REPUBLIC

WHEREAS

That pursuant to the Constitution of the Republic of Guatemala, the enjoyment of health is a fundamental human right, without any discrimination and the State shall ensure the health and welfare of all citizens by developing, through its institutions, actions for prevention, promotion, rehabilitation, coordination and appropriate complementary to procure the most complete physical, mental and social.

WHEREAS

That the consumption of tobacco and tobacco smoke exposure is a serious risk to the health of the population and has been shown to cause disease, disability and death. In this regard, the Congress, dated November 24, two thousand eight, issued Decree No. 74-2008, Law of Creation of Smoke Free Environments Tobacco, which has, among other objectives, to establish environments tobacco smoke-free for health preservation and protection of the population, which must be regulated so it is imperative to the issuance of this legal provision.

THEREFORE

In exercising the functions assigned to it by Article 183 paragraph e) of the Constitution of the Republic of Guatemala, and, based on Article 6 of Decree 74-2008 of the Congress, Act of Creation Free Environments Tobacco Smoke.

AGREES

Issue the following:

"RULES OF THE LAW OF CREATION OF THE SMOKE-FREE ENVIRONMENTS TOBACCO"

PART I

SOLE CHAPTER

GENERAL PROVISIONS

SECTION 1. Object.

This regulation is intended to implement the provisions contained in Decree 74-2008 of the Congress of the Republic of Guatemala, in order to operationalize its implementation.

ARTICLE 2. Smoke-free Environments tobacco.

In places where smoking is prohibited or maintain any burning tobacco products, the air must be one hundred percent smoke-free. The same will not be perceived by the senses of sight and smell of the people there. To verify this point the air can be measured with special equipment by the responsible authority.

ARTICLE 3. Areas not prohibited.

Areas where smoking is not prohibited: the sidewalks, pathways, spaces and pedestrian areas, main roads and secondary highways, avenues, streets, roads, diagonal walkways, flowerbeds, paths and all the dirt roads, main roads and secondary circles and intersections.

PART II

RESPONSIBILITIES AND DUTIES

CHAPTER I

RESPONSIBILITIES OF THE MINISTRY OF PUBLIC HEALTH AND WELFARE

ARTICLE 4. Surveillance.

The Department of Regulatory Programs Health and Environment, Directorate General of Regulation, Monitoring and Control of Health, Ministry of Health and Welfare, to ensure compliance with this regulation and, in coordination with its dependencies develop the following:

- a) Establish a monitoring process through the monitoring and control in environments set free tobacco consumption.
- b) Disseminate its provisions.
- c) Train staff in the health sector and other sectors over its content.
- d) Schedule and conduct inspections.
- e) Have a current registration of establishments subject to inspection and the results of these.

ARTICLE 5. Other responsibilities.

In addition to coordinating the actions described in Article 4 of this regulation, the Ministry of Public Health and Welfare, other actions may be implemented with the support of the Ministry of Interior and its dependencies.

ARTICLE 6. Design of manuals and procedures.

For the implementation of the Law of Creation of Smoke Free Environments Tobacco and this Regulation and its effective monitoring and inspection, the Ministry of Health and Welfare will develop and implement standard operating procedures and forms.

CHAPTER II

OBLIGATIONS OF THE OWNERS, MANAGERS, DIRECTORS OR OFFICERS enclosed public places, WORKPLACES AND MEANS FOR USE OF PUBLIC TRANSPORT, collective or community.

ARTICLE 7. Obligations.

The owners, managers, administrators or managers of enclosed public places, workplaces and transportation for public use, group or community, are obliged to comply with the duty to ensure that the general public and their employees abide by the prohibitions of smoking or maintaining any lighted type of tobacco products for which shall:

- 1) Allow the entry of inspectors from the Ministry of Health and Welfare properly identified all of the different physical spaces and transport facilities, in order that they verify compliance with this prohibition and regulation.
- 2) Monitor employees not to smoke in their workplace, adopting policies and procedures pursuant to the express prohibition and regulation.
- 3) Adopt policies and procedures that ensure compliance with the prohibition of not smoking or maintain any burning tobacco products in enclosed public places

CHAPTER III

OF THE SIGNAL

ARTICLE 8. In indoor public places and workplaces.

The owners, managers, administrators or managers of enclosed public places, workplaces, at its expense, are required to:

Mark with the international symbol for no smoking, consisting of a red circle setting on a white surface with a picture of a lit cigarette, holding 85% of it, crossed a red line to the edges of the circle, left-oriented to right diagonal, which should measure no more than 1.5 centimeters wide. The signal must have a measure of not less than 25 centimeters long and 25 centimeters wide and circle a measure not less than 20 centimeters in diameter as shown in Figure 1:

FIGURE No. 1

The no smoking sign must be placed in any indoor public place and workplace where the places where smoking is prohibited. The signs should be placed visibly, at least in the entry or access to them and if deemed necessary, in bathrooms, hallways or corridors, places of residence of people, spaces of consumption of food and beverage, customer service counters and outdoor spaces in which smoking is prohibited.

The no smoking sign must be made of resistant material with digital printing and may not be placed marks, logos, pictures or names of companies or associations devoted to tobacco products industry. It is possible to add text "Decree 74-2008" in Arial font of 12 points at the bottom.

ARTICLE 9. In any mode of transport for public use or community group.

Owners of vehicles of collective public use, community or any vehicle used to transport people from one place to another for remuneration, are required to:

Signal with the international symbol for no smoking, consisting of a red circle setting on a white surface with a picture of a lit cigarette, holding 85% of its interior, crossed a red line to the edges of the circle, oriented diagonally left to right, which shall not be more than an inch wide. The signal must have a measure of not less than 10 cm long by 10 centimeters wide and circle a measure not less than nine centimeters in diameter as shown in Figure 2:

FIGURE No. 2

The no smoking sign must be set as follows:

- i. In buses and minibuses, two signals at the internal upper flanks of the vehicle.
- ii. For vehicles other than those of the preceding paragraph: to put a sign on the front glass on the inside of the vehicle, where it will not obstruct driver visibility.

The no smoking sign must be made of resistant material with digital printing and may not be placed marks, logos, pictures or names of companies or associations devoted to tobacco products industry. It is possible to add text "Decree 74-2008 of the Congress of the Republic" in Arial font of 12 points at the bottom.

ARTICLE 10. Other signs.

In places where smoking is prohibited can be placed further informational or warning signs which should take measures not less than 50 inches long by inches wide. The texts may be included are:

- a) Please put out his cigarette before entering. Smoke-free environment tobacco.
- b) Here we take care of your health. Please do not smoke.

Other texts can be placed in the labels, with the approval of the Ministry of Public Health and Social Welfare, through the regulation of the Programs Department of Health and Environment. In the texts, should be used inverted colors (contrasting) for better visualization.

PART III

CHAPTER I

OF THE VIOLATIONS AND PENALTIES

ARTICLE 11.

Regarding infractions and sanctions shall be as provided in Articles 6 and 7 of the Law of Creation of Smoke Free Environments Tobacco. "

ARTICLE 12. Power to impose sanctions.

The application of sanctions established for the Ministry of Public Health and Social Welfare, through the Department for the Regulation of Health and Environment Programme, except in cases that constitute crimes, which are to be conveyed to the respective authorities.

ARTICLE 13. Procedure.

For the application of sanctions, should estarse as specified in Chapter III, Book III of the Health Code, Decree 90-97 of Congress.

ARTICLE 14. Formalities.

The form of administrative acts and exercise the right of petition and defend the run, are governed by the provisions of the Administrative Litigation Law.

CHAPTER II

RESOURCES

ARTICLE 15.

Against the decisions issued in implementation and enforcement of these rules may bring the resources that includes the Administrative Litigation Act as it is justified.

PART IV

CHAPTER ONE

FINAL PROVISIONS

ARTICLE 16. Transient.

The deadline of fifteen days to comply with its obligations under this Regulation, a period in which the respective warnings will not impose penalties.

ARTICLE 17. Term.

This Regulation shall enter into force the day following its publication in the Diario de Centro America.

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