

STATE LAW 13.541, May, 7th, 2009

Forbids the consumption of cigarettes, cigars, pipes or any other smokable products, derived from tobacco or not, according to the specified form.

THE GOVERNOR OF THE STATE OF SÃO PAULO

Announces that the House of Representatives of the State of São Paulo decrees and I enact the following Law: 13.541, May 7, 2009.

Article 1 - This law establishes standards for health protection and responsibility for harm to the customer, in compliance to article 24, Items V, VIII and XII of the Federal Constitution, in order to create environments free of smokable products in enclosed premises designed for collective use.

Article 2 – The consumption of cigarettes, cigars or other smoking products derived or not from tobacco, in premises designed for collective use, private or public, is prohibited in the territory of the State of São Paulo.

Paragraph (1) – Applies the provision on the caption of this article to premises of collective use, wholly or partially closed in any of its sides by walls, partitions, ceilings or roofs, even of transitory nature, in which persons may remain or circulate.

Paragraph (2) - For the purposes of this law, the term " premises designed for collective use" includes, among others, working environment, places designed for cultural and religious practices, leisure, sport or entertainment, areas integrating condominiums, concert halls, theaters, cinemas, bars, restaurants, nightclubs, restaurants, food courts, hotels, inns, malls, banks and the like, supermarkets, butcher shops, bakeries, pharmacies and government agencies, health institutions, schools, museums, libraries, exhibition spaces, public or private vehicles designed for public transportation, official vehicles of any kind and taxis.

Paragraph (3) – In the premises described in paragraphs (1) and (2) of this article, warning signs informing the ban must be posted on points of high visibility, indicating address and telephone number of state agencies responsible for the sanitary surveillance as well as for the protection of the customer

Article 3 - The person in charge of the premises mentioned by this Law must warn potential offenders about this prohibition, and that, in case of persistence, the law warrants immediate removal of trespassers from the premises, with the aid of police force, if necessary.

Article 4 – In premises trading with the supply of products and services, the business owner will duly care, protect and supervise to ensure the business will abide by the law.

Single paragraph - The business owner breaking the law will be subject to the penalties disposed in article 56 of Federal Law n°. 8078, September 11, 1990 – Customer Protection Code, applicable in the form of articles 57 to 60, regardless of the penalties disposed by the sanitary legislation that will also be applicable.

Article 5 – Any person witnessing trespassing of this law may report to local sanitary surveillance services or to customer protection agencies.

First paragraph (1) - The report mentioned at the caption of this article will mention:

- 1 – exposition of the fact and the circumstances;
- 2 – declaration, subject to due penalties of the Law, that the report is the true expression of the facts;
- 3 – full identification of reporting subject, including full name, Identification Card number, address and signature.

Second Paragraph: (2): Depending on the will of the subject, reports may be presented by electronic forms, found in the websites of the governmental agencies mentioned in the caption of this article, and must contain all the requisites disposed in this Law

Third Paragraph (3) – Reports made in compliance to the terms disposed in this article are accepted as due evidence for the enforcement procedures

Article 6 - This law does not apply:

- I – To religious worship places in which the use of smokable products is part of the ritual;
- II – To health institutions in which patients are allowed to smoke by their physicians;
- III – To public streets and open spaces;
- IV – To residences;
- V – To establishments specifically and exclusively designed to the consumption of cigarettes, cigars or any other smokable products smoke, derived or not from tobacco, providing this condition is clearly announced at the entrance of the premises.

Single paragraph – Premises mentioned in clauses I, II and V of this article must adopt insulation, ventilation and exhaustion conditions that shall void contamination of the premises under protection of this Law.

Article 7 – Penalties for trespassing of this Law shall be enforced by the sanitary surveillance and customer protection agencies of the government of the state

Single paragraph – During the period preceding the enforcement of this Law the Government of the State of São Paulo will issue a wide educative campaign, in all mass media, in order to fully divulge duties, prohibitions and enforcements imposed by this law, as well as the hazards smoking may cause to customers health.

Article 8 – The Government of the State will assume the responsibility to open, in the whole public network of the State, therapeutic assistance and anti tobacco medicines for smokers who decide to quit,

Article 9 – This Law goes into effect 90 (ninety) days after publication in the Official Journal of the State of São Paulo.

JOSÉ SERRA

Governor of the State of São Paulo

Signed by all State Secretaries