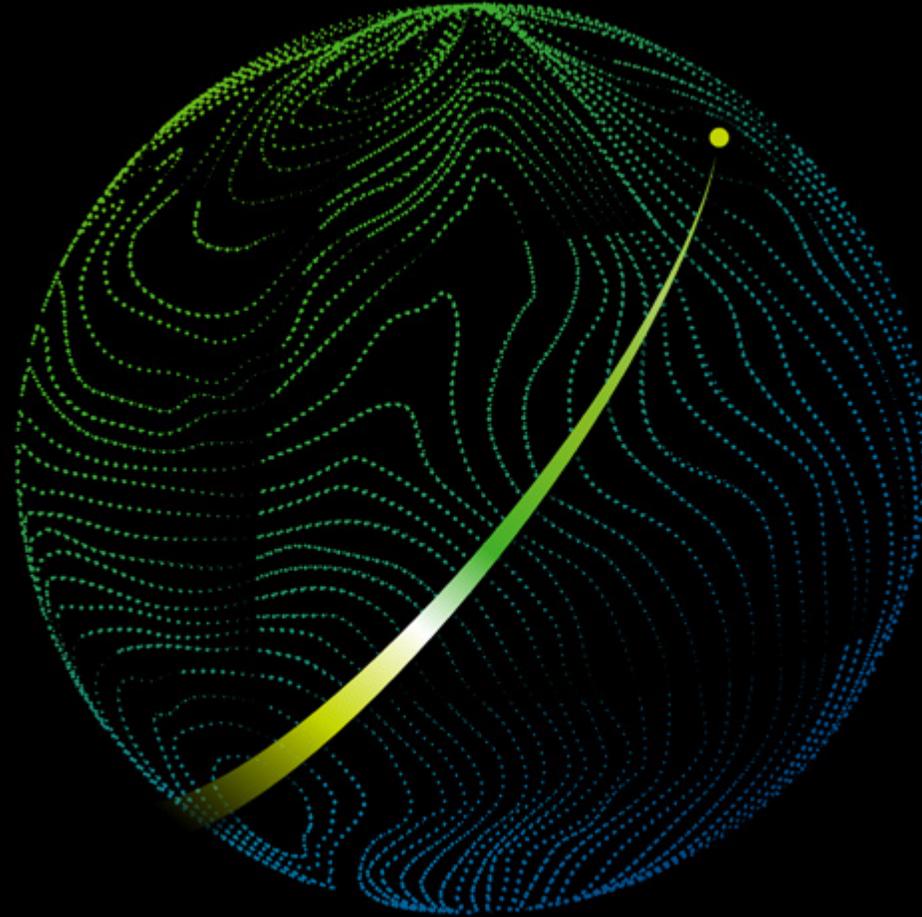


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Tax and Legal
Newsletter

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Official Gazette 42.682

The National Government forbids the use of electronic cigarettes

Resolution No. 414 of the People's Power Ministry for Health was published in Official Gazette No. 42.682 of August 1, 2023 forbidding the manufacturing, distribution and trading of electronic nicotine delivery systems (ENDS), similar non-nicotine delivery systems (SNNDS) and similar products nationwide.

Relevant aspects

- The resolution is aimed at setting a ban on the manufacturing, storing, distribution, trading, import, export, use, consumption, advertising, promotion and sponsorship of electronic nicotine delivery systems (ENDS), similar non-nicotine delivery systems (SNNDS), consumables, deposits or cartridges, rechargeable devices and other accessories, conventional heated tobacco products (conventional and herbal HTP) and similar products nationwide.
- The People's Power Ministry for Health, as well as all of its attached centralized and decentralized entities and bodies shall refrain from granting and issuing registration certificates, import permits, export permits, transit permits and special customs regimes nationwide.
- The resolution applies to any individual and company engaged in activities referred-to above.

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Prohibitions and restrictions

- Ban on any type of advertising, promotion and sponsorship or any form of broadcasting encouraging somehow the acquisition, use or consumption by humans of products subject to prohibition under this resolution.
- Individuals and companies are not allowed to carry out transactions through the internet or other forms or marketing, through telecommunication means, involving the products referred-to in this resolution.
- Ban on manufacturing, storing, distribution, circulation, trading, import, export, use, consumption, advertising, promotion and sponsorship, as well as retail and wholesale of products referred-to in this resolution, through distance sales or similar procedures, such as by phone, through digital, electronic and similar means.
- Ban on free delivery, supply or distribution of the aforementioned products.

- Any individual or company breaking the referred-to prohibitions will be subject to sanctions established in current legal system with penalties imposed by the People's Power Ministry for Health, within its competence.

Notice/announcement

- Governmental institutions, owners, employees and administrators of establishments, premises, institutions, private and public areas, irrespective of their use, including public transportation, shall permanently present a public notice reading as follows:

“It is forbidden to retail or otherwise facilitate to general public electronic nicotine delivery systems (ENDS), similar non-nicotine delivery systems (SNNDS), consumables, deposits or cartridges, rechargeable consumable containers and other accessories, conventional heated tobacco products (conventional and herbal HTP), and similar products. Those selling, supplying or delivering products that can cause physical or chemical dependency shall be punished in accordance with the legislation, resolutions and standards effective in the Bolivarian Republic of Venezuela”.

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Repealing Provision

- Resolution No. 362 of May 31, 2023, published in Official Gazette No. 42.641, dated June 1, 2023.
- Any provision contravening this Resolution, are hereby repealed.

Effective Date

The resolution is effective from its publication in Official Gazette; i.e., August 1, 2023.



Contact us



Alejandro Gómez R.

Tax & Legal Services Partner

Venezuela

Andean Region Marketplace

Deloitte Spanish Latin America

Phone: +58 (212) 2068732

Email: algomez@deloitte.com

Aníbal Veroes

Associate Attorney

Venezuela

Andean Region Marketplace

Deloitte Spanish Latin America

Phone: +58 (212) 2068783 Ext. 8783

Email: averoes@deloitte.com

Ariel Cantillo

Senior Associate Attorney

Venezuela

Andean Region Marketplace

Deloitte Spanish Latin America

Phone: +58 (212) 2068544 Ext. 8544

Email: acantillo@deloitte.com

Xavier Korody

Associate Attorney

Venezuela

Andean Region Marketplace

Deloitte Spanish Latin America

Phone: +58 (212) 2068890 Ext. 8890

Email: xkorody@deloitte.com

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