

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HB No. 1414

Introduced by Rep. Roseller L. Barinaga

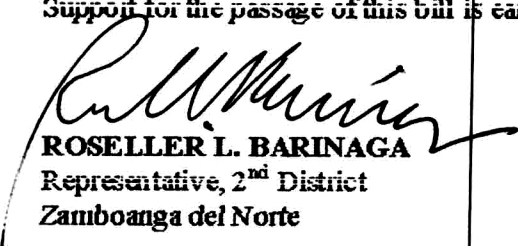
EXPLANATORY NOTE

This bill seeks to prevent the use of tobacco products by the youth especially minors.

in the proposed measure youth who are under the age of 18 years old are prohibited from possessing and more smoking or otherwise consuming tobacco products in public places. Violation to such provision is made punishable through fine.

This proposed law is introduced in response to society's growing concern with the increasing incidence of children smoking. This fills the gap in the existing legislation and will help reduce tobacco use among youth. Moreover, this proposed bill complements government efforts to clean the environment by the proliferation of unnecessary smokes that are detrimental to the health of the people. In the bill, selling tobacco products to minors is made illegal thereby stiff penalty for retailers will be imposed.

Support for the passage of this bill is earnestly sought.


ROSELLER L. BARINAGA
Representative, 2nd District
Zamboanga del Norte

THIRTEENTH CONGRESS OF THE)
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AN ACT
TO PREVENT THE USE OF TOBACCO PRODUCT BY THE YOUTH

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* This Act shall be cited as *Prevention of Youth Tobacco Use Act of 2004*.

SEC. 2. *Definitions.* For purposes of this Act,

(a) "apprehending officer" refers to a police officer;

(b) "public place" means a place or building that is open to the public, but does not include a private dwelling;

(b) "tobacco product" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy.

SEC. 3. *Restrictions concerning tobacco products.* No person under the age of 18 years old shall be allowed to —

(a) possess, or

(b) smoke or otherwise consume tobacco products in a public place.

SEC. 4. *Offense.* Any person who contravenes the provision of Section 3 is guilty of an offense and liable to a fine of not more than Five thousand pesos (P 5,000.00).

SEC. 5. *Seizure and disposition of tobacco products.* (a) When an apprehending officer believes on reasonable and probable grounds that an offense is being committed under this Act, the apprehending officer shall seize any tobacco products related to that offense.

(b) When a conviction under this Act becomes final, any tobacco products in respect of which the offense was committed that were seized shall be, as part of the penalty for the

conviction, confiscated and, in the presence of the person who committed the offense and his/her parent or guardian, shall be destroyed.

(c) Items seized and confiscated an apprehending officer shall be disposed of or destroyed under the regulation so provided by the Secretary of Justice.

(d) When a person is not convicted of an offense under this Act, the court shall make an order concerning the disposition of any tobacco products seized.

SEC. 6. *Separability Clause.* If any part or provision of this Act is declared unconstitutional, the remaining parts or provisions not affected thereby, shall remain in full force and effect.

SEC. 7. *Effectivity.* This Act shall take effect fifteen (15) days from its publication in two national newspapers of general circulation after its approval by the President.

Approved.