

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4024

Introduced by Representative MARLYN PRIMICIAS-AGABAS

EXPLANATORY NOTE

Republic Act No. 9211 otherwise known as "An Act Regulating the Packaging, Use, Sale, Distribution and Advertisements of Tobacco Products and for Other Purposes" was enacted in 2003. During the hearings, technical working group meetings and consultations conducted by the Committee on Health and Demography in the 14th Congress, it was observed that there were loopholes and gaps in the law that need to be addressed in order to fully implement the intent of the law.

One is that the prohibition of smoking in certain public places does not mention public places such as parks and playgrounds, entertainment halls, concert grounds, convention centers, and sporting arenas where the general public, including children and pregnant women, spend time and perform different activities. Thus, this measure expands the prohibition. This bill also seeks to prohibit smoking in private vehicles where there are children, senior citizens and pregnant women, considering the ill-effects of second-hand smoke.

Another loophole found in RA No. 9211 is the composition of the Inter-Agency Committee on Tobacco or IAC-T. Republic Act No. 9211 is basically a health law however under the law, the lead agency of the IAC-T is the Department of Trade and Industry (DTI), with the Department of Health (DOH) as the vice chair and this gives rise to the difficulty in the enforcement of the law. Thus the proposed measure seeks to mandate the Department of Health to take the lead in the implementation of the law.

This measure also removes the Philippine Tobacco Institute, the organization representing the tobacco companies, from its membership in the IAC-T. The IAC-T is the agency that takes charge of regulating and monitoring the implementation of RA 9211. Indeed, it is ironic for the industry that is being regulated and monitored to be part of the monitoring and regulating authority.

To advance the health of the Filipino people, especially the victims of second-hand smoke, the approval of this bill is urgently sought.


MARLYN PRIMICIAS-AGABAS
6th District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4024

Introduced by Representative MARLYN PRIMICIAS-AGABAS

AN ACT
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE
KNOWN AS "AN ACT REGULATING THE PACKAGING, USE, SALE,
DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS,
AND FOR OTHER PURPOSES

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

SECTION 1. Section 5 of Republic Act No. 9211 is hereby amended to read as follows:

"Sec. 5. *Smoking in Public Places.* - Smoking shall be absolutely prohibited in the following public places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels, and recreational facilities for persons under eighteen (18) years old, SUCH AS PLAYGROUNDS AND PARKS, AMONG OTHERS;
- b. ENTERTAINMENT HALLS, CONCERT GROUNDS, AND CONVENTION CENTERS;
- c. SPORTING VENUES AND COMPLEXES;
- d. Elevator and stairwells;
- e. Location in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- f. Within the buildings and premises of public and private hospitals, medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- g. Public conveyance and public facilities including airport and ship terminals and train and bus stations, restaurant and conference halls, except for separate smoking areas; and
- h. Food preparation areas."

SECTION 2. Section 6 of Republic Act No. 9211 is hereby amended to read as follows:

"Sec. 6. *Designated Smoking And Non-Smoking Areas.* - In all enclosed places that are open to the general public, private workplaces, and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area, PROVIDED, THAT IN ALL SCHOOL-RELATED ACTIVITIES, WHETHER WITHIN OR OUTSIDE THE SCHOOL PREMISES AND WHETHER HELD INDOORS OR OUTDOORS, SMOKING SHALL BE ABSOLUTELY PROHIBITED.

All designated smoking areas shall have at least one (1) legible and visible sign posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-smoking areas shall likewise have at least one (1) legible and visible sign, namely: "SMOKING IS ABSOLUTELY PROHIBITED IN ENCLOSED AREAS UNDER RA 9211."

THESE SMOKING AND NON-SMOKING SIGNAGES SHOULD BE MADE PART OF THE REQUIREMENTS FOR THE ISSUANCE AND/OR RENEWAL OF THE BUSINESS PERMITS AND/OR PERMITS TO OPERATE OF ESTABLISHMENTS, HEALTH FACILITIES OR SCHOOLS AND THE FAILURE TO COMPLY THEREWITH IS A GROUND FOR THE DENIAL OR REVOCATION OF SUCH PERMITS, PROVIDED, THAT FOR SCHOOLS, THESE SIGNAGES SHOULD BE PROMINENTLY DISPLAYED WHENEVER YOUTH ACTIVITIES ARE BEING CONDUCTED DECLARING THAT THE AREA IS A SMOKE-FREE ZONE."

SECTION 3. A new Section 6-A of Republic Act No. 9211 is hereby added to read as follows:

"Sec. 6-A. *Smoking in Private Conveyances.* - Smoking is absolutely prohibited in private conveyances where there are minors, senior citizens and pregnant women. Private conveyance shall refer to any vehicle that is not considered a public conveyance, as defined in Section 4(m) herein."

SECTION 4. Section 29 of Republic Act No. 9211 is hereby amended to read as follows:

"Sec. 29. *Implementing Agency.* - An Inter-Agency Committee-Tobacco (IAC-Tobacco), which shall have the exclusive power and function to administer and implement the provisions of this Act, is hereby created. The IAC-Tobacco shall be chaired by the Secretary of the Department of HEALTH (DOH) with the Secretary of the Department of

TRADE AND INDUSTRY (DTI) as Vice Chairperson. The IAC-Tobacco shall have the following members:

- a. Secretary of the Department of Agriculture (DA);
- b. Secretary of the Department of Justice (DOJ);
- c. Secretary of the Department of Finance (DOF);
- d. Secretary of the Department of Environment and Natural Resources (DENR);
- e. Secretary of the Department of Science and Technology (DOST);
- f. Secretary of the Department of Education (DepEd);
- g. Administrator of the National Tobacco Administration (NTA);
- h. A representative from a non-government organization (NGO) involved in public health promotion nominated by DOH in consultation with the concerned NGOs;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC."

SECTION 5. Section 32 of Republic Act No. 9211 is hereby amended to read as follows:

"Sec. 32. *Penalties.* - The following penalties shall apply:

- a. Violation of Sections 5, 6 and 6-A. - x x x"

SECTION 6. *Separability Clause.* - If any part or provision of this Act shall be held unconstitutional or invalid, other provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 7. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations or parts thereof which are not consistent with this Act are hereby repealed, amended or modified accordingly.

SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,