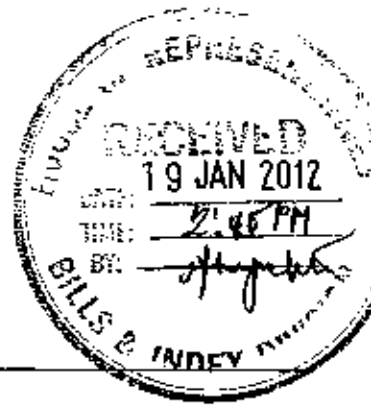


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5710



INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The pernicious effects of tobacco smoking on one's health are indisputable and all efforts must be undertaken to protect people from said harmful consequences either through regulation or outright prohibition, as the case may be.

While smoking in itself is not unlawful as every consenting adult has all the right to engage in it, without necessarily having to ask for permission nor consent from concerned authorities, it can be subjected to certain limitations the moment smoking becomes deleterious to other people, who have the same recognized right to be protected from it.

This could not be more glaring in the case of children, who have always been victims of second hand smoking coming from all fronts. Therefore, unless appropriate measures are adopted, they shall forever be subject to many hazardous consequences smoking can bring people.

The purpose of this bill is to address this situation by protecting children from exposure to environmental tobacco smoke. Given the nature of smoking and also that smokers, with their uncontrollable and insatiable addiction, a law is needed as they cannot be expected to morally take it upon themselves to act responsibly.

Hence, immediate enactment of this measure is earnestly sought, before it becomes too late.

A handwritten signature in black ink, appearing to read "Marcy Teodoro".

MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

AN ACT
TO PROTECT CHILDREN FROM EXPOSURE TO ENVIRONMENTAL TOBACCO
SMOKE

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 known as the "Preventing Our Kids from Inhaling Deadly Smoke (PROKIDS) ACT OF 2012.

SECTION 2. Definitions. - As used in this Act, the term:

(1) Children's services" means:

- (A) Direct health services routinely provided to children; or
- (B) Any other direct services routinely provided primarily to children.

SECTION 3. Prohibition of Government Funding or Financial Assistance.

(A) In General. - Notwithstanding any other provision of law, non government funds or financial assistance may be provided to, or used by any person with respect to the provision of children's services by such person, unless such person establishes and makes a good-faith effort to enforce a non-smoking policy that meets or exceeds the requirements of paragraph (B).

(B) Nonsmoking Policy. - A nonsmoking policy meets the requirements of this subsection if such policy prohibits smoking in each portion of an indoor facility used in connection with the provision of the children's services, and where appropriate, such policy requires that signs reading "No Smoking" be posted in each such facility to communicate the policy. Such policy may not allow smoking in those positions of the facility:

- (1) In which such services are not normally provided directly to children; and
- (2) That were ventilated separately from those portions of the facility in which such services are normally provided directly to children.

(C) Waiver. - A person described in paragraph (A) may publicly petition the government agency from which the person receives government funds or financial assistance for a waiver of the requirements of paragraph (B). A waiver may be granted, after an opportunity for public hearing and comment, only if the person provided assurances satisfactory to the government agency that:

- (1) Unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy described in paragraph (B) such as the person shares space in an indoor facility with another person and cannot obtain an agreement with the other person to abide by the non-smoking policy described in paragraph (B); and the person will establish and make a good-faith effort to enforce an alternative non-smoking

policy that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

- (2) The person will establish and make good faith effort to enforce an alternative non-policy policy that will protect children from exposure to environmental tobacco smoke to the same degree as the policy described in subsection (B).

(D) Technical Assistance. - The Secretary of Health or his duly authorized agent shall provide technical assistance of government agencies and other persons who request such assistance, including:

- (1) Information on smoking cessation programs for employees; and
- (2) Information to assist such agencies and persons in complying with this Act.

SECTION 4. Separability Clause. - If any provision, or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

SECTION 5. Repealing Clause. - Any law, presidential decree of issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 6. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.