

Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 1112

Introduced by CHRISTOPHER S. CO and RODEL M. BATOCABE

EXPLANATORY NOTE

This bill seeks to regulate the packaging, use, sale, distribution, and advertisement of electronic cigarettes by amending Republic Act No. 9211, also known as the "Tobacco Regulation Act of 2003".

Electronic cigarettes or e-cigarettes are becoming a popular choice among smokers as a result of the increase in prices of tobacco products, a false security that it is a better and safer choice than tobacco products, and the misconception that its use will eventually lead to quitting smoking altogether.

However, the Department of Health refuted the belief that the use of e-cigarettes helps a person quit smoking. There is no evidence to show that it does. Worse, e-cigarettes also promote smoking among the youth as they make them less fearful of the hazards and risks of smoking.

In fact, according to the Food and Drug Administration and the Framework Convention on Tobacco Control Alliance Philippines, e-cigarettes are also addictive because the liquid used to produce vapor contains nicotine, an addictive substance. The FDA presented a study conducted by the German Cancer Research Center and the World Health Organization (WHO)-Collaborating Centre for Tobacco Control. The study showed that besides glycol, e-cigarette emissions also contained, nicotine, flavors, tobacco-specific nitrosamines, volatile organic compounds, acetone, formaldehyde, acetaldehyde, silicate and various metal particles.

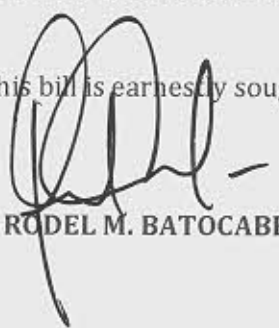
Remarkably, e-cigarettes have also become popular because they are being used indoors based on another false belief that the smoke that is emitted is not toxic. The FDA noted, however, that although the particle size in e-cigarettes are smaller and are less harmful than the particles found in tobacco smoke of conventional cigarettes, they do accumulate in indoor air. The study says that "if several people are using e-cigarettes in a room at the same time, considerable indoor air pollution will accumulate and may result to harmful second-hand exposure."

The WHO and the Philippine Medical Association (PMA) affirmed the warnings by our health agencies and urged the government to regulate the sale of e-cigarettes.

This Act shall minimize, if not prevent, the use of electronic cigarettes which are also harmful to health and well-being. The use, sale, distribution, and advertisement thereof shall be regulated in the same manner as cigarettes and tobacco products.

In light of all these circumstances, the swift passage of this bill is earnestly sought.


CHRISTOPHER S. CO


RODEL M. BATOCABE

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**AN ACT REGULATING THE PACKAGING, USE, SALE, DISTRIBUTION, AND ADVERTISMENTS OF
ELECTRONIC SMOKING DEVICES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211,
OTHERWISE KNOWN AS THE TOBACCO REGULATION ACT OF 2003, AND FOR OTHER PURPOSES**

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

Section 1. Section 2, of Republic Act No. 9211, otherwise known as the Tobacco Regulation Act of 2003, is hereby amended to read as follows:

"Section 2. Policy – it is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale, and advertisements of CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of SMOKING, and at the same time ensure that the interest of tobacco farmers, growers, workers and stakeholders are not adversely compromised."

Section 2. Section 4 of the said act is hereby amended to read as follows:

"Section 4. Definition of Terms –As used in this Act:

(b) "Advertising" – refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumers products, services or credit.

FOR THE PURPOSE OF THIS ACT, ADVERTISING SHALL BE UNDERSTOOD AS TOBACCO, CIGARETTE, OR ELECTRONIC CIGARETTE ADVERTISING. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco trademarks brand names, design and manufacturer's names;

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(P) "SMOKING" - REFERS TO THE ACT OF CARRYING A LIGHTED CIGARETTE, OTHER TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICE, WHETHER OR NOT IT IS BEING INHALED OR SMOKED.

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(V) "ELECTRONIC SMOKING DEVICE" - REFERS TO AN ELECTRONIC DEVICE OR A BATTERY-POWERED VAPORIZER THAT CAN BE USED TO DELIVER NICOTINE OR OTHER SUBSTANCES TO THE PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO, AN ELECTRONIC CIGARETTE, CIGAR, OR PIPE. "

Section 3. Section 9 of the said act is hereby amended to read as follows:

"Section 9. Minimum Age Sales. Under this Act, it shall be unlawful:

- a. For any retailer of TOBACCO PRODUCTS AND/OR ELECTRONIC SMOKING DEVICES to sell or distribute TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES to any minor;
- b. For any person to purchase CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES from a minor;
- c. For a minor to sell or buy CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES; and
- d. For a minor to smoke CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES.

It shall not be a defense for the person selling or distributing that he/she did not know or was aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES was for the consumption of the minor to whom it was sold."

Section 4. Section 16 of the said act is hereby amended to read as follows:

"Section 16. Restrictions on Advertising. THE FOLLOWING RESTRICTION SHALL APPLY TO ALL ADVERTISING:

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D. Advertisement shall not show, portray or depict scenes where the actual use of, or the act of using, puffing or lighting CIGARETTES, TOBACCO PRODUCTS, OR ELECTRONIC SMOKING DEVICES is presented to the public."

Section 5. Section 26 of the said act is hereby amended to read as follows:

"Section 26. Ban on Sponsorships. Beginning 1 July 2008, COMPANIES ENGAGED IN THE PRODUCTION, MANUFACTURE, AND DISTRIBUTION OF CIGARETTES, TOBACCO, OR ELECTRONIC SMOKING DEVICES are hereby prohibited from sponsoring any sport, concert, cultural art or event, as well as individual and team athletes, artists, or performers where such sponsorship shall required or involve the advertisement or promotion of ANY SUCH COMPANY, tobacco product or tobacco use, name, logo or trademarks and other words, symbols, designs, colors or other depictions commonly associated with or likely to identify CIGARETTES, TOBACCO, OR ELECTRONIC SMOKING DEVICES; Provided further, That no manufacturer may register a tobacco brand name as a company name after the passage of this Act."

Section 6. Section 32 of the said act is hereby amended to read as follows:

"Section 32. Penalties. The following penalties shall apply:

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b. Violation of Sections 7,8,9, 10 and 11 - On the first offense, any person or any business entity or establishment selling to, distributing or purchasing a CIGARETTE, TOBACCO, OR ELECTRONIC SMOKING DEVICE for a minor shall be fined the amount of not less than Five Thousand Pesos (Php5,000.00) or an imprisonment of not more than thirty (30) days, upon the discretion of the business licenses or permits in the case of a business entity or establishment.

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If a minor is caught selling, buying or smoking CIGARETTES, TOBACCO, OR ELECTRONIC SMOKING DEVICES, the provisions of Article 189 of Presidential Decree No. 603 otherwise known as The Child and Youth Welfare Code, as amended, shall apply."

Section 7. All laws, decrees, executive orders, letters of instructions, letters of implementations, rules and regulations or parts thereof inconsistent with any provisions of this Act are hereby repealed, modified or amended accordingly.

Section 8. This Act shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of general circulation.

Approved: