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Republic of the Philippines

House of Representatives
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2961



Introduced by Honorable Anthony M. Bravo

EXPLANATORY NOTE

The Constitution, Article 3, Section 15, provides:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

As a party to the World Health Organization Framework Convention on Tobacco Control, the Philippines committed to have each unit package of tobacco products purchased by consumers to include health warnings describing the harmful effects of tobacco use. The Tobacco Regulation Act of 2003 provides that starting 1 July 2006, the health warning shall be on the bottom portion of one (1) front panel of every tobacco product package and occupy not less than thirty percent (30%) of such panel including any border or frame. Experience has shown, however, that the tobacco packages may simply be turned over or flipped over to hide the health warnings mandated by law.

This bill thus seeks to provide for textual health warnings to be placed on both sides of a tobacco product package provided to consumers. This will ensure that the message concerning the harm posed by tobacco products is properly communicated to the public.

HON. ANTHONY M. BRAVO

1 Republic of the Philippines

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3 **House of Representatives**

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6 *SIXTEENTH CONGRESS*

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9 HOUSE BILL NO. **2961**

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12 **Introduced by Honorable Anthony M. Bravo**

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14 **"AN ACT**
15 **TO PRESCRIBE THE PRINTING OF TEXTUAL HEALTH WARNINGS**
16 **ON TOBACCO PRODUCTS"**

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

17 **Section 1. Short title.** – This Act shall be known as "The Textual Health Warning
18 Law of 2013."

19 **Section 2. Definition of terms.** –

20 a. **"Textual Health Warning"** - refers to the notice printed on the tobacco
21 product package which shall accurately state the hazards of tobacco
22 use.

23 b. **"Tobacco Product Package"** - refers to packet and package in which
24 tobacco products are provided to consumers such as, but not limited to,
25 packs, tins, pouches, hinged-lid packages, but excludes reams and
26 mastercases and other forms of packaging not primarily intended for
27 consumers or for retail sale

28 c. **"Soft Package"** - refers to packaging made of thin paper or any similar
29 material

30 d. **"Hinged-Lid Package"** - refers to packaging typically made of
31 paperboard with a top cover that can swing open through its pivot

- 1 e. ***“Stock Keeping Unit”*** - refers to a distinct item in the inventory that is
2 offered for sale to the consumers

3 **Section 3. Coverage** – The Textual Health Warning Law is only applicable to
4 tobacco products that are locally manufactured or imported into the Philippines and
5 placed into commerce in the Philippines. No provision of this Act shall apply to
6 tobacco products intended for the export market and not for domestic sale in the
7 Philippines. In the case of cigarettes intended or offered for export, they shall only be
8 subject to the requirement that one side panel of the mastercases, reams/cartons,
9 and one side panel of each cigarette pack primarily intended for retail sale to
10 consumers, shall be marked with the following: “For sale only in (Place of Sale)”,
11 “Made under authority of (Trademark Owner)”, and the tax assessment number
12 assigned by the Bureau of Internal Revenue to the domestic manufacturer that
13 exports tobacco products, in addition to the fiscal and regulatory marking
14 requirements of the country where the tobacco products will be ultimately sold.

15 **Section 4. Health Warnings On Tobacco Product Packages** – The textual health
16 warnings must comply with the following specifications:

- 17 a. The textual health warnings shall be printed at the bottom portion of the
18 front and back panels. Both textual health warnings shall occupy 30% of
19 each display panel, including any border or frame.
- 20 b. The textual health warnings shall not be printed on an area where it may
21 be obliterated, obstructed, folded, severed or become unreadable when
22 the tobacco product package is opened or closed or when a wrapper on
23 the package is removed.
- 24 c. Each set of textual health warnings shall contain eight (8) versions which
25 shall be rotated periodically or printed simultaneously and separately, for
26 each stock keeping unit, so that each variation shall appear in
27 approximately equal frequency over the yearly volume;

- 1 d. The eight (8) versions of textual health warnings shall be printed in
2 English in the front panel and in Filipino at the back panel, for each stock
3 keeping unit. The textual health warnings shall appear in clearly legible
4 type in black text on a white background with a black border and in
5 contrast by typography; layout or color to the other printed materials on
6 the package, and shall occupy a total area of not less than fifty percent
7 (50%) of the total textual warning frame;
- 8 e. The prescribed textual health warnings to be determined by the Inter-
9 Agency Committee on Tobacco (IAC-T), must be evidence-based and
10 must accurately and truthfully state the health hazards associated with
11 the use of tobacco products.

12Section 5. Transition Period. –

- 13 (a) Within six (6) months from the effectivity of the Rules and Regulations
14 implementing this Act, the IAC-T shall issue the first set of health
15 warnings, containing eight (8) versions of textual health warnings
16 accurately stating the hazards of smoking.
- 17 (b) Eighteen (18) months after the release by the IAC-T of the initial set of
18 textual health warnings, all tobacco products withdrawn from a
19 manufacturing facility, or imported into Philippines customs territory in the
20 case of imported tobacco products, shall carry textual health warnings on
21 both the front panel and back panel as prescribed in Section 4 of this Act.
- 22 (c) The first set of textual health warnings shall have a validity period of at
23 least five (5) years commencing from the first day when manufacturers are
24 required to withdraw compliant products from their premises, or from the
25 first day by which importers are required to import compliant products.
- 26 (d) After one hundred eighty (360) days counted from the first day when
27 manufacturers are required to withdraw from their premises or importers
28 are required to import products bearing the prescribed textual health

warnings based on the period specified in Section 5(b) hereinabove, no tobacco products shall be sold or offered for sale in the domestic market unless the same comply with the mandated textual health warnings prescribed under this Act.

(e) After the lapse of at least two (2) years corresponding to the validity period of the first set of textual health warnings, the IAC-T may require a new set of health warnings.

(f) The second or succeeding sets of textual health warnings may be issued by the IAC-T provided that the new health warnings conform to the specifications outlined in Section 4 of this Act; *Provided further*, that the manufacturers and importers shall be given at least one (1) year to transition to the new set of textual health warnings counted from the date of release by the IAC-T of the new set of health warnings. After such transition period, all tobacco products withdrawn from a manufacturing facility, or imported into Philippines customs territory in the case of imported tobacco products, shall carry the new set of textual health warnings.

(g) Tobacco products carrying the previous set of textual health warnings may continue to be sold or offered for sale within three hundred sixty (360) days from the first day when manufacturers are required to withdraw from their premises or importers are required to import products bearing the new set of textual health warnings as specified in Section 5(f) hereinabove.

Section 6. Side Panel – In addition to the graphic health warning, all tobacco product packages that are provided to consumers shall contain, on one side panel the following statement in a clear, legible and conspicuous manner; "NO SALE TO MINORS" or "NOT FOR SALE TO MINORS."

The statements shall occupy an area of not less than ten percent (10%) of the side panel and shall appear in contrast by color, typography or layout with all the other

1 **Section 7. Prohibited Acts.** – It shall be unlawful for manufacturers or importers, to
2 withdraw from its manufacturing facility, or import into the Philippines, for domestic
3 sale, in violation of Sections 4, 5(b), 5(d), 5(f), 5(g), and 6 of this Act.

4 It shall likewise be unlawful for distributors, wholesalers or retailers to sell, offer to
5 sell, or distribute tobacco products in violation of Sections 5(d) and 5(g) of this Act.

6 If the violation is committed by a business entity, the owner, president, general
7 manager, or the responsible officers thereof shall be liable for the offense.

8 **Section 8. Penalties.** – The following penalties shall apply:

9 a.) Any manufacturer or importer found guilty of violating the provisions of
10 Sections 4, 5(b), 5(d), 5(f) and 5(g), and 6 hereof shall be meted the
11 following penalties:

12 1. On the first offense, a fine of not more than One
13 Hundred Thousand Pesos (Php 100,000.00) shall be
14 imposed;

15 2. On the second offense, a fine of Five Hundred
16 Thousand Pesos (Php 500,000.00), shall be
17 imposed;

18 3. On the third offense, in addition to a fine of One
19 Million Pesos (P1,000,000.00), or imprisonment of
20 not more than one (1) year, or both at the discretion
21 of the court, the business permits and licenses to
22 operate may also be cancelled or revoked.

23 b.) Any distributor, wholesaler or retailer found guilty of violating the
24 provisions of Sections 5(d) and 5(g) hereof shall be meted the following
25 penalties:

1 1. On the first offense, a fine of not more than Ten
2 Thousand Pesos (Php 10,000.00) shall be imposed;

3 2. On the second offense, a fine of Fifty Thousand
4 Pesos (Php 50,000.00), shall be imposed;

5 3. On the third offense, in addition to a fine of One
6 Hundred Thousand Pesos (P100,000.00), or
7 imprisonment of not more than one (1) year, or both
8 at the discretion of the court, the business permits
9 and licenses to operate may also be cancelled or
10 revoked.

11If the guilty officer is an alien, he shall summarily be deported after serving his
12sentence and shall be forever barred from re-entering the Philippines.

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14Section 9. Implementing Agency – Pursuant to Section 29 of Republic Act No.
159211, the IAC-T shall have the exclusive jurisdiction to administer and implement the
16provisions of this Act.

17

18For purposes of effectively implementing this Act, the IAC-T is hereby authorized to
19deputize appropriate law enforcement agencies, including those assigned in the
20economic zones. The IAC-T may also deputize local government executives and
21representatives of the national government agencies to monitor and ensure
22compliance with this Act.

23 **Section 10. Appropriations.** – The amount necessary to implement the provisions
24 of this Act shall be charged against the current year's appropriations of the national
25 government agencies belonging to the IAC-T. Thereafter, such funds as may be
26 necessary for the continued implementation of this Act shall be included in the
27 budgets of each IAC-T member under the annual General Appropriations Act.

28 **Section 11. Separability Clause** – Should any provisions of this Act be
29 subsequently declared unconstitutional, the other provisions not so declared shall
30 remain in full force and effect.

1 **Section 12. Repealing Clause** – Section 13 of Republic Act No. 9211 and
2 Department of Health Administrative Order No. 2010-0013 are hereby repealed. All
3 other laws, decrees, executive order and other administrative issuances and parts
4 thereof which are inconsistent with the provisions of this Act are hereby modified,
5 superseded or repealed accordingly.

6 **Section 13. Effectivity** – This Act shall take effect fifteen (15) days following its
7 publication in the Official Gazette or in a major daily newspaper of national
8 circulation in the Philippines.

Adopted,