

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH (16th) CONGRESS
Second Regular Session



House Bill No. 5093

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

Cigarette or tobacco smoking has always posed a great health risk on the lives of the people who smoke, and the people who inhale second hand smoke from the former. We are all aware of the illnesses potentially brought about by constant smoking. People who have developed dependence on cigarettes are regularly exposed to the ill effects of tar, nicotine and the cigarette's by-product – smoke itself, among many other harmful chemicals. Several campaigns to stop, ban or discourage smoking have been launched to suppress the further deterioration of the health of smokers, and second-hand smokers alike.

One new means to overcome cigarette or tobacco addiction has been making an uproar recently – the use of electronic cigarettes. Electronic cigarettes, or "e-cigarettes" are marketed as a safer alternative to regular cigarettes. The development of this device was hinged on the belief that it is the key to help smokers stop their unhealthy habit without having to suffer the effects of sudden withdrawal, and it also eliminates the risk of other people getting complication from

second-hand smoke because e-cigarettes do not produce smoke as a by-product.

E-cigarettes are designed to mimic the real thing. The internal assembly of this device is comprised of a battery, a heating element, and a cartridge that holds nicotine and other liquids and flavorings. The end of the stick glows as one inhales it and a cloud of a pseudo-smoke is puffed out as the user exhales. This seeming smoke is vapor, and the act of inhaling and exhaling the said device is called "vaping".

However, studies show that e-cigarettes are not completely risk-free. Although it may be safer than a cigarette or tobacco, considering it doesn't produce real smoke which as we've already mentioned is a very dangerous by-product of the latter, the long-term effects of vaping e-cigarettes are still not guaranteed to be completely safe. For one, the e-cigarette delivers toxic chemicals and carcinogens into the lungs. It also has the potential of making bacterial infections resistant to antibiotics, according to one research.

Moreover, e-cigarettes remain a source of nicotine which as we all know is an addictive substance. Indeed, e-cigarettes were developed to provide tobacco or cigarette users a smoke-free source of nicotine, which of course should not be left as it is. Although arguably it is safer than a regular cigarette, the fact that it still induces substance dependence means that it nonetheless needs to be regulated.

Any form of drug addiction cannot be countenanced by the State. Consistent with its constitutional policy to protect and promote the right to health of the people and instill health consciousness among them, it is only proper that the manufacturing, distribution, sale, importation and use of e-cigarettes in the country be restricted and duly regulated by

the proper agencies to ensure that our people's health and lives are not put in jeopardy.

A handwritten signature in black ink, appearing to read "Eric Olivarez", with a stylized flourish at the end.

ERIC OLIVAREZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH (16th) CONGRESS
Second Regular Session

House Bill No. **5093**

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

**AN ACT REGULATING THE MANUFACTURE,
DISTRIBUTION, SALE, IMPORTATION AND USE OF
ELECTRONIC CIGARETTES IN THE PHILIPPINES**

Section 1. Short Title. This Act shall be known as the E-Cigarettes or Vape Regulation Act of 2014.

Section 2. Definition of Terms. For purposes of this Act, the following terms shall be used under the definition provided hereof, to wit:

Electronic cigarettes - devices, often resembling cigarettes, cigars or pipes, designed to deliver nicotine or related substances to users in the form of a vapor. It is also known as electronic nicotine delivery systems (ENDS). Electronic cigarettes are hereinafter referred to interchangeably with “E-cigarettes”.

Vaping – the act of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

E-liquid, e-juice or simply "juice"- refers to a liquid solution that produces an aerosol when heated by an atomizer. The main ingredients of e-liquids are usually a mix of propylene glycol (PG), vegetable glycerin (VG), and/or polyethylene glycol 400 (PEG400), sometimes with differing levels of alcohol mixed with concentrated or extracted flavorings; and optionally, a variable concentration of tobacco-derived nicotine.

Section 3. Ban on Minors. It shall be prohibited to sell e-cigarettes to minors, regardless of who will use or consume the same.

Section 4. Health Warnings. Manufacturers of e-cigarettes shall put health warnings in the packaging of their products. The Department of Health shall prescribe the standard for the size, content and other matters regarding the health warning signs that said e-cigarettes must bear.

Section 5. Restrictions on Advertising and Flavorings for E-Cigarettes. The Department of Health may impose restrictions and regulations regarding the advertising and promotion of e-cigarettes to ensure that the public are made aware of the actual nature of e-cigarettes and are not mislead or misinformed regarding the product. The said department may also impose restrictions on its flavorings or composition as it deems necessary and

possible so as to reduce the ill effects of vaping and nicotine addiction.

Section 6. Registration of New Manufacturers.

Companies who wish to manufacture or distribute e-cigarettes in the Philippines shall first register the products and their ingredients with the Bureau of Food and Drugs.

Section 7. Registration of Existing E-Cigarette Manufacturers. Companies already manufacturing and/or distributing e-cigarettes shall register the products and their ingredients with the Bureau of Food and Drugs, within six months from the effectivity of this Act.

Section 8. Taxation. Local government units are allowed to levy reasonable taxes on the manufacturing, sale, distribution or importation of e-cigarettes.

Section 9. Implementing

Rules and Regulations. The Department of Health shall promulgate the Implementing Rules and Regulations to carry out the provisions of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

Section 10. *Repealing Clause.* – All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

Section 11. *Separability Clause.* – In the event that any provision of this Act or any portion thereof is declared unconstitutional by a competent court, the other provisions shall not be affected thereby and shall remain valid and enforceable.

Section 12. *Effectivity Clause.* – This Act shall take effect after its complete publication in at least three (3) newspapers of general circulation.

APPROVED.