

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5705



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT

INCREASING THE MINIMUM AGE SALES OF TOBACCO PRODUCTS TO 21 YEARS OF AGE, THEREBY AMENDING FOR THIS 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"

EXPLANATORY NOTE

This bill is being filed in response to the clamor among anti-smoking advocates for the immediate passage of a measure that will raise to 21 years the minimum legal age for buying cigarettes from the current 18 years old and in consonance to Article 2, Section 15 of the 1987 Constitution, which provides that, "The State shall protect and promote the right to health of the people and instill health consciousness among them."

Emer Rojas of the New Vois Association of the Philippines (NVAP) said that increasing the minimum age for buying cigarettes will certainly be a good measure to further reduce the smoking prevalence in the country, especially among the youth.

In its March 2015 Report Brief, the Institute of Medicine of the National Academies of the United States reported the following:

"Based on the modeling and backed up by the literature review, the committee concludes that raising the minimum age of legal access to tobacco products in the United States, particularly to ages 21 and 25, will likely lead to a substantial reduction in smoking prevalence. If the MLA were raised now, the models projected that by the time today's teenagers were adults, there would be a 3 percent decrease in prevalence of tobacco use among those adults if the MLA were raised to 19, a 12 percent decrease if raised to 21, and a 16 per cent decrease if raised to 25.

Given a decline in the initiation rates of tobacco use by adolescents and lower prevalence in the population, it follows that tobacco-related disease would also decrease in proportion to the reduction in tobacco use. It is generally known that smoking-related diseases like cancer and heart disease develop over decades, and therefore, it could take many years to lower rates of these diseases; however, there could be immediate decreases in other tobacco-related health effects.

The committee concludes that raising the MLA will likely immediately improve the health of adolescents and young adults by reducing the number of those with adverse physiological effects such as increased inflammation and impaired immune functioning caused by smoking, as these could potentially lead to negative health consequences, including increased hospitalizations and lessened capacity to heal wounds. Adverse maternal, fetal, and infant outcomes—including preterm births, low birth weight, and sudden infant death—will also probably decrease due to reduced tobacco exposure in mothers and infants. Raising the MLA will also lessen the population's exposure to secondhand smoke and its associated health effects, both now and in the future."

Among the states in the United States of America that have raised the minimum legal age for buying cigarettes to 21 years are New York, Illinois, Missouri, Massachusetts, and Hawaii as well as various countries such as Cook Islands, Kuwait, Sri Lanka, and Honduras.

A survey made by the Social Weather Stations shows that in the first quarter of 2014, 18 percent of smokers come from the age group of 18 to 24 years.

The Tobacco Regulation Act of 2003 or Republic Act 9211 defines a "minor" as referring to any person below eighteen (18) years old. Hence, the minimum age sale of tobacco products under the law was 18 years of age. In its January 21, 1986 report, Philip Morris declared that "Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (17-20) ..."

In view thereof, this bill seeks to raise the minimum legal access to tobacco products pursuant to the fundamental principle and state policy that "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. XXX (Article II, Section 13 of the 1987 Philippine Constitution).

The immediate approval of this bill is therefore earnestly sought.


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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

SECTION. 1. Section 4 of Republic Act No. 9211 is hereby amended to read as follows:

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

XXX

g. "Minor"—refers to any person below TWENTY-ONE (21) [eighteen (18)] years old;

XXX

SEC. 2. All references on Republic Act No. 9211 to "eighteen (18) years old" shall likewise be amended to read as "twenty-one (21) years old".

SEC. 3. Section 15 of Republic Act No. 9211 is hereby amended to read as follows:

XXX

d. Advertisements shall only depict persons who are or who appear to be above THIRTY (30) [twenty-five (25)] years of age.

XXX

SEC. 4. If any part hereof, is held invalid or unconstitutional, the remainder of the provision not otherwise affected shall remain valid and subsisting.

SEC. 5. Any law, presidential decree or 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.

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

Approved,