



Republic of the Philippines
House of Representatives
Quezon City



SEVENTEENTH CONGRESS

Third Regular Session

House Bill No. **8671**

Introduced by Representative Jose Enrique S. Garcia III

EXPLANATORY NOTE

International experts and health ministries worldwide are one in recognizing the detrimental effects of nicotine addiction and the health risks that unrestricted use, sale, distribution, advertisement, promotion, and sponsorship of electronic cigarette devices or e-cigarette and nicotine-containing e-liquids may have on the population.

In the recent Conference of Parties to the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), State parties were asked to regulate novel and emerging tobacco products either by banning or putting restrictions on their manufacturing, importation, distribution, presentation, and sale—taking into account the imperative of a high level of protection for human health.

More than 27 countries including Argentina, Austria, Belgium, Brazil, Brunei, Colombia, Egypt, Indonesia, Jordan, Malaysia, Mexico, Oman, Panama, Singapore, Taiwan, Tajikistan, Thailand, Turkey, United Arab Emirates, Uruguay, Venezuela have banned the use, sale and distribution of e-cigarettes. Many more have established strong regulations that put public health interests—especially of the youth, who are most vulnerable to nicotine addiction—above commercial rights.

In the Philippines, “backyard manufacturing” of e-cigarette flavorings and e-juices have become rampant. The fact that local manufacturers could mix their own juices and flavorings sans public disclosure of the ingredients and solutions used is very alarming. Unless, sooner halted, this “backyard manufacturing” could no longer be controlled.

Electronic cigarette products are similarly untested for electrical or mechanical safety and this has resulted to injuries. In fact, media reports of exploding e-cigarette products have become increasingly common, with more than 200 reports of related explosions all over the world. In the Philippines, the recent case of a minor who fell victim to the explosion of an e-cigarette device attests to the need of subjecting these products to rigorous testing and quality control. There was also a reported incident of illegal importation at an airport of e-cigarette products, which were found to contain illegal drugs.

Retailers in the country rarely sell the products without nicotine. Most e-juices contain nicotine and some even have misleading descriptions; for instance, some locally manufactured e-juice state that they “may contain nicotine” in their labels. For a chemical that is known to be a health hazard and highly addictive, nicotine use is especially dangerous to the youth. Numerous scientific studies have shown that nicotine “rewires” the brain towards lifelong addiction, causing multiple negative behavioral and mental issues.

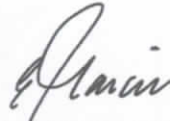
The widespread availability and popularity of flavored e-cigarettes among the youth is also undeniable. Vape shops’ close proximity to schools and other places frequented by minors is highly suggestive that e-cigarette manufacturers and retailers are targeting the younger segment of the population. The initiation of e-cigarette use among the youth will lead to lifelong addiction. This addiction would ensure that the industry has sustained income from their habitually dependent consumers for decades. Moreover, studies have shown that children and adolescents who take up

the habit of e-cigarettes end up smoking cigarettes, as well. In other words, the use of e-cigarettes is a gateway to smoking. This worrisome phenomenon has been scientifically documented worldwide.

Numerous studies have also consistently found that e-cigarette use re-normalizes and promotes cigarette smoking. As a matter of fact, while marketed as an alternative to tobacco use, a recent study by the University of California revealed that the use of e-cigarette actually reduces the likelihood that people would quit smoking. Instead of quitting tobacco, they just eventually become dual users. This is also the experience in the United Kingdom based on a 12-month prospective study published in 2018. This correlation makes e-cigarettes especially dangerous to non-smokers and the youth.

The State should not and cannot tolerate any form of addiction. It is, therefore, urgent that these products are banned from the market until they are scientifically proven to be safe and non-addictive.

Support for this bill is earnestly sought from my colleagues.



JOSE ENRIQUE S. GARCIA III
Second District, Bataan



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AN ACT

**RESTRICTING THE IMPORTATION, MANUFACTURE, USE, SALE, DISTRIBUTION AND
ADVERTISEMENT OF ELECTRONIC CIGARETTES AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Electronic Cigarette Restriction*
2 *Act.*”
3

4 **SECTION 2. Declaration of Policy.** – It is the policy of the State to protect the populace from
5 hazardous products and promote the right to health and instill health consciousness among them.
6 It is likewise the policy of the State to adopt a preventive approach whereby unless scientifically
7 proven to be safe, the public shall not be exposed to products that may have detrimental or
8 hazardous effect on health. For these purposes, the government shall institute a policy to prohibit
9 the importation, manufacture, use, sale, and distribution of electronic cigarettes until they are
10 cleared to be safe in order to promote a healthy environment and protect the citizens from the
11 hazards of e-cigarette use.
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14 **SECTION 3. Definition of Terms.** – For purposes of this Act, the following terms shall mean:
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16 a. “Advertising” shall refer to the business of conceptualizing, presenting, making available,
17 and communicating to the public, through any form of mass media, any fact, data, or information
18 about the attributes, features, quality, or availability of consumer products, services, or credit. For
19 the purpose of this Act, advertising shall be understood as e-cigarette advertising;
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21 b. “Electronic cigarettes” or “e-cigarettes” refer to devices, often resembling cigarettes,
22 cigars or pipes, designed to deliver nicotine or related substances to users in the form of vapor.
23 They are also known as electronic nicotine delivery systems (ENDS);
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25 c. “Ingredient” means any substance that is added to the mixture and present in the finished
26 product;
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28 d. “Nicotine” means nicotinic alkaloids, including any salt or complex of nicotine whether
29 derived from tobacco or synthetically produced;
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31 e. “Nicotine container” shall refer to bottles, boxes, cartons, or containers of any kind in
32 which a nicotine-containing product is offered for sale to consumers for use with an e-cigarette
33 product system;
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35 f. “Nicotine mixture” means the nicotine-containing liquid, solid or other non-tobacco
36 substance in the product;
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38 g. “Package” shall refer to packs, boxes, cartons, or containers of any kind in which a
39 nicotine product is offered for sale to consumers for use with a e-cigarette product system;
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1 h. "Refill container" means a container for holding nicotine mixture to refill certain e-
2 cigarettes;
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4 **SECTION 4. Prohibition on Importation, Manufacture, Use, Sale or Distribution of E-**
5 **Cigarettes.** – Unless duly issued with a Certificate of Product Registration (CPR) by the Food and
6 Drugs Administration (FDA), the importation, manufacture, use, sale or distribution of e-cigarettes,
7 the ingredients, receptacles, packages and containers associated thereto by any person, whether
8 natural or juridical, is hereby prohibited.
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11 **SECTION 5. Transition Period.** – All existing importers, manufacturers, sellers, distributors
12 and retailers of e-cigarettes, including their ingredients, receptacles, packages and containers are
13 hereby given a period of three (3) months from the effectivity of this Act to apply for and submit to
14 the FDA the application and relevant requirements for the issuance of the CPR.
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16 The FDA shall assess, evaluate and decide whether or not to grant the application under
17 such rules and standards that it shall promulgate, within six (6) months from receipt of the
18 application and complete submission of requirements. *Provided*, That the applicants may continue
19 in business until such applications shall have been acted upon by the FDA. *Provided, further*, That
20 should the application be denied or disapproved, the applicant concerned shall have three (3)
21 months to wind down its operation and completely cease business operation after such period. Any
22 continuation of operation beyond the 3-month period may be summarily abated by the FDA without
23 prejudice to any administrative, civil or criminal penalties that may be imposed pursuant to this Act.
24 *Provided, finally*, That the issuance of a CPR shall not constitute as an absolute right to engage in
25 the importation, manufacture, sale or distribution of e-cigarette in any locality in the country.
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27 All existing importers, manufacturers, sellers, distributors and retailers who fail to apply for
28 a CPR and comply with the requirements of the FDA within three (3) months from the effectivity of
29 this Act shall be deemed to be illegally engaged in business and shall be summarily abated and
30 penalized in the same manner as that provided for in the immediately preceding paragraph.
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33 **SECTION 6. Role of Local Government Units.** – All local government units (LGUs)
34 concerned shall revoke any business license issued or shall not issue or renew such license to any
35 importer, manufacturer, seller, distributor or retailer of e-cigarette who fail to comply with the
36 requirements of this Act.
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38 Recognizing the indispensable role of LGUs in the effective implementation of this Act and
39 consistent with their primary responsibility to maintain a healthy environment, the government
40 hereby adopts a localized approach in the control and regulation of e-cigarettes. All LGUs are
41 hereby enjoined to enact their respective ordinances regulating the manufacture, use, sale or
42 distribution of e-cigarettes in their localities. Such ordinances shall be consistent with and
43 complement the minimum regulations promulgated by the FDA and the provisions of this Act.
44 *Provided*, That notwithstanding the issuance of a CPR by the FDA to any importer, manufacturer,
45 seller, distributor or retailer of e-cigarettes, the LGUs shall not be precluded from adopting more
46 stringent measures, including the prohibition of manufacture, use, sale or distribution of e-cigarette
47 in the locality in the exercise of their power under the general welfare clause.
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50 **SECTION 7. Ban On Advertisements, Promotions and Sponsorships.** – All forms of
51 advertisements and promotions of e-cigarette are prohibited.

52 Electronic cigarette importers, manufacturers, sellers or distributors are also prohibited from
53 directly or indirectly sponsoring any sport, concert, cultural, art or any public event. This ban
54 includes sponsorship of any individual and team athletes, artists, or performers for the purpose of
55 promoting the product.
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58 **SECTION 8. Penalties.** – A fine of not less than P500,000.00 but not more than
59 P1,000,000.00 or an imprisonment of not more than six (6) years or both, at the discretion of the
60 court shall be imposed for violation of the provisions of Sections 5, 6 and 7 of this Act.
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62 If the violation is committed by a partnership or corporation, the penalty of imprisonment
63 shall be imposed upon the managing partner, board of directors or corporate officers who, shall
64 likewise be held solidarily liable for any fine imposed. If the violation is committed by a foreign
65 corporation, its license to do business in the Philippines shall be cancelled and the directors and

1 all officers of such foreign corporation who are not citizens of the Philippines shall, in addition to
2 the penalties imposed above, be deported and barred from re-entry into the Philippines.

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5 **SECTION 9. *Implementing Agency.*** – The FDA shall be the implementing agency of this
6 Act. For this purpose, the FDA, in coordination with the Department of Health and the Department
7 of Science and Technology, shall promulgate the implementing rules and regulations (IRR) within
8 thirty (30) days from the effectivity of this Act. Said IRR shall include standards on safety, efficacy
9 and quality of the device, refill container, ingredient mixture, dose of nicotine, packaging and
10 labeling, among others.

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13 **SECTION 9. *Appropriation.*** – The amount as may be necessary to implement the provisions
14 of this Act shall be charged against the current year's appropriations of the FDA. Thereafter, such
15 funds as may be necessary for the continued implementation of this Act shall be included in the
16 budget of the FDA under the annual General Appropriations Act.

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19 **SECTION 10. *Separability Clause.*** – If any provision or part of this Act is subsequently
20 declared unconstitutional or invalid, the remaining provisions or parts thereof not affected shall
21 remain in full force and effect.

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24 **SECTION 11. *Repealing Clause.*** – Department of Health Administrative Order No. 2014-
25 008 dated May 17, 2014, is hereby repealed. All other laws, decrees, ordinances, administrative
26 orders, rules and regulations, or any part thereof, which are inconsistent with this Act are likewise
27 repealed or modified accordingly.

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29 **SECTION 12. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
30 the Official Gazette or in any newspaper of general circulation.

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33 ***Approved.***