

Republic of the Philippines
House of Representatives

Quezon City

Eighteenth Congress

First Regular Session

HOUSE BILL NO. 6210



Introduced by Rep. Jose "Bonito" C. Singson Jr.

EXPLANATORY NOTE

In light of the recommendation of the United Nation Interagency Task Force (UNIATF) on the Prevention and Control of Noncommunicable Diseases (NCDs) to increase the minimum age to 21 of people purchasing tobacco products, the Philippine Society of Medical Oncologist (PMSO) called on the government to consider such recommendation.

A 2015 Global School-Based Health Survey conducted under the watch of the Department of Health (DOH) showed that at least 12% of students aged 13 to 15 are smokers.

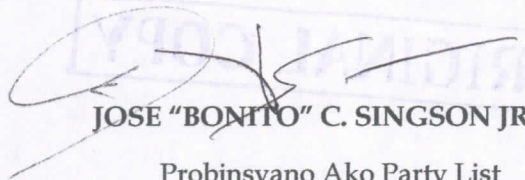
Data from the World Health Organization's International Agency for Research on Cancer showed that in the Philippines, there were 17,255 new cases of lung cancer reported last year. In 2018 there were 15,454 reported deaths from lung cancer.

The Centers for Disease Control and Prevention in the United States listed smoking as the top risk factor for lung cancer.

Republic Act 6809 which amended Article 234 of Executive Order 209 otherwise known as the family code, lowered the age of emancipation to eighteen years from the original twenty-one. However, pursuant to Section 12 of Article XIII of the 1987 Constitution, the state shall establish an effective food and drug regulatory system and undertake appropriate health, manpower development, and research, responsive to the country's health needs and problems. Hence, this bill seeks to prohibit the sale of tobacco products to persons below the age of 21, in line with the UNIATF recommendation.

This bill aims to save lives, and improve the health conditions of our youth, for as the executive is actively doing its part in its advocacy against the harmful effects of smoking, so should the legislative, in keeping with international standards of public health and good practices.

In view of the foregoing, approval of this bill is earnestly sought.



JOSE "BONTITO" C. SINGSON JR.
Probinsyano Ako Party List

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila
Eighteenth Congress
First Regular Session
HOUSE BILL NO. 6210

Introduced by Rep. Jose "Bonito" C. Singson, Jr.

AN ACT
INCREASING THE MINIMUM ALLOWABLE AGE
FOR SMOKING TO TWENTY-ONE (21) YEARS, HEREBY
AMENDING R.A. 9211 OR THE TOBACCO REGULATION ACT
OF 2003;

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

SECTION 1. The existing allowable age for smoking is eighteen (18) years and above, as provided for by R.A. 9211; any individual below eighteen (18) years of age is defined as a "Minor" in the Tobacco Regulation Act of 2003 and is therefore prohibited in purchasing and acquiring smoking products.

SECTION 2. The minimum allowable age is hereby increased to twenty-one (21) years of age, and for purposes of this bill, shall be referred to as the authorized age.

SECTION 3. The following provisions in R.A. 9211 shall now read as follows:

"SECTION 3. Purpose.—It is the main thrust of this Act to:

XXXXX

b. Inform the public of the health risks associated with cigarette smoking, tobacco use, and its derivatives;

XXXXX

e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products and its derivatives to ~~minors~~ *persons below the authorized age*;

XXXXXX

SECTION 4. Definition of Terms.—As used in this Act:

XXXXXX

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 consumer products, services or credit.

For the purpose of this Act, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette, tobacco products, *and its derivatives*; and cigarette, tobacco *or its derivatives*' trademarks, brand names, design and manufacturer's names;

XXXXXX

~~g. "Minor"—refers to any person below eighteen (18) years old;~~

g. (Minor) Authorized Age – For purposes of this bill, authorized age shall be understood as any person upon the age of twenty-one (21) years and above.

XXXXXX

p. "Smoking"—*refers to the act of carrying any lighted or heated cigarette, or other tobacco products and its derivatives in whatever form, whether being inhaled, smoked, vaped, or consumed in whatever means.*

XXXXXX

SECTION 5. Smoking Ban in Public Places.—Smoking shall be absolutely prohibited in the following public places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons *under twenty-one (21) years old*;

XXXXXX

SECTION 7. Vending Machines, Self-Service Facilities.—Unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products and its derivatives to *persons below the authorized age* by means of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishments.

SECTION 9. Minimum Age Sales.—Under this Act, it shall be unlawful:

- a. For any retailer of tobacco products to sell or distribute tobacco products and its derivatives to any *person below the authorized age*;
- b. For any person to purchase cigarettes or tobacco products and its derivatives from a *person below the authorized age*;
- c. For *persons below the authorized age* to sell or buy cigarettes or any tobacco product and its derivatives; and
- d. For *persons below the authorized age* to smoke cigarettes or any other tobacco products and its derivatives.

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the *person purchasing/receiving the product*. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product and its derivatives was for the consumption of the *person below the authorized age* to whom it was sold.

XXXXX

SECTION 10. Sale of Tobacco Products and Its Derivatives Within School Perimeters.—The sale or distribution of tobacco products and its derivatives is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by *persons below the authorized age*.

SECTION 11. Signage.—Point-of-Sale establishments offering, distributing or selling tobacco products and its derivatives to consumers, shall post the following statement in a clear and conspicuous manner: “SALE/DISTRIBUTION TO OR PURCHASE BY *PERSONS BELOW THE AUTHORIZED AGE* OF TOBACCO PRODUCTS AND ITS DERIVATIVES IS UNLAWFUL” or “IT IS UNLAWFUL FOR TOBACCO PRODUCTS AND ITS DERIVATIVES TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY *PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE*.”

SECTION 12. Proof of Age Verification.—In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer, that no individual purchasing a tobacco product and its derivatives is *below twenty-one (21) years of age*.

SECTION 13. Warnings on Cigarette Packages.—Under this Act:

XXXXX

- f. In addition to the health warning, all packages of tobacco products and its derivatives that are provided to consumers shall contain, on one side panel, the following statement in a clear, legible and conspicuous manner: “*NO SALE TO*

PERSONS BELOW TWENTY-ONE (21) YEARS OLD" or "*NOT FOR SALE TO PERSONS BELOW TWENTY-ONE (21) YEARS OLD.*" The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panel.

XXXXXX

SECTION 15. Restrictions on Advertising.—The following restrictions shall apply to all tobacco advertising:

- a. Advertisements shall not be aimed at or particularly appeal to persons *under twenty-one (21) years of age*.

XXXXXX

SECTION 16. Restrictions on Print Media Advertising.—The following restrictions shall apply to all print media tobacco advertisements:

- a. Advertisements shall not be placed in any printed publication unless there is a reasonable basis to believe that at least seventy-five percent (75%) of the readers of such publication *are twenty-one (21) years of age and above*, and the number of youth who read it constitutes less than ten percent (10%) of all youth in the Philippines.

XXXXXX

SECTION 17. Restrictions on Outdoor Advertising.—The following restrictions shall apply to all outdoor tobacco advertisements:

- a. Outdoor advertisements shall not be placed on billboards, wall murals, or transport stops or stations which are within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by persons *below twenty-one (21) years of age*.

XXXXXX

SECTION 18. Restrictions on Advertising in Cinemas.—Tobacco advertisements are prohibited in connection with the showing of any film where persons *below twenty-one (21) years old* are permitted admission.

SECTION 20. Restrictions on Advertising in Audio, Video and Computer Cassettes/Discs and Similar Medium.—No electronic advertisements shall be incorporated within any video or audio cassette, videogame machine, optical disc, or any similar medium, unless access to the item is restricted to *persons twenty-one (21) years of age or older*. For the purpose of this Section, video game includes any electronic amusement device that utilizes a computer, microprocessor, or

similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor that interacts with the user of the device.

SECTION 21. Restrictions on Advertising on the Internet and Similar Medium.—Advertisements are prohibited on the Internet and other similar medium unless the Internet site is restricted to *persons twenty-one (21) years of age or older*. A site will be deemed restricted if a person cannot obtain access beyond the first page of the website unless the person has established that he or she is *at least twenty-one (21) years old*. This limitation applies to commercial communications and shall not prevent the use of company Internet websites to provide information regarding a company, its products and smoking and health related information. This Section shall not prohibit business-to-business transactions conducted on the Internet and other similar medium between tobacco manufacturers, retailers, and distributors.

SECTION 23. Restrictions on Tobacco Promotions.—The following restrictions shall apply on all tobacco promotions:

- a. Promotions must be directed only to persons *at least twenty-one (21) years old age*. No person *below twenty-one (21) years old or who appears to be below twenty-one (21) years old* may participate in such promotions. The participants in promotions must be required to provide proof of age.

XXXXXX

- h. No name, logo, or other indicia of a cigarette brand or element of a brand-related marketing activity, may appear on items that are marketed to or likely to be used by *persons below the authorized age* such as, but not limited to, sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary material on products that are directed toward *persons below the authorized age*.

XXXXXX

SECTION 25. Restrictions on Sponsorships.—Beginning 1 July 2006:

- a. No sponsorship shall be provided for:

- 1) an event or activity which bears a tobacco product and its derivatives' brand name, unless there is reasonable basis to believe that all persons who compete, or otherwise take an active part, in the sponsored events or activities are *persons twenty-one (21) years of age or older*;

- 2) a team or an individual bearing a tobacco product and its derivatives' name, unless all persons sponsored are *twenty-one (21) years of age or older*, or

3) a sponsored event or activity reasonably believed to be of particular appeal to persons *under twenty-one (21) years old*.

b. Tobacco brand sponsorships shall be prohibited except where there is a reasonable basis to believe that:

1) attendance at the sponsored event or activity will comprise no less than seventy-five percent (75%) of persons *that are at least twenty-one (21) years old*;

2) the sponsored event or activity will not be of particular appeal to persons *under twenty-one (21) years old*;

XXXXX

4) the principal activity associated with the sponsorship does not require above-average physical fitness for someone of the age group of those taking part.

c. All persons authorized to bear tobacco product and its derivatives advertisements, logos or brand names at sponsored events shall be *at least twenty-one (21) years old*.

XXXXX

SECTION 27. Restrictions on Sampling.—The distribution of samples of tobacco products and its derivatives to persons *below twenty-one (21) years old* is prohibited.

SECTION 32. Penalties.—The following penalties shall apply:

XXXXX

- 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 or any other tobacco products and its derivatives for a *person below the authorized age* shall be fined the amount of not less than Five thousand pesos (Php 5,000.00) or an imprisonment of not more than thirty (30) days, upon the discretion of the court. For succeeding offenses, both penalties shall apply in addition to the revocation of business licenses or permits in the case of a business entity or establishment.

If the violation is by an establishment of business entity, the owner, president, manager, or the most senior officers thereof shall be held liable for the offense.

If a *person under twenty-one (21) years of age* is caught selling, buying or smoking cigarettes or any other tobacco products and its derivatives, the provisions of Article 189 of Presidential Decree No. 603 otherwise known as The Child and Youth Welfare Code, as amended, shall apply.

XXXXX

SECTION 33. Programs and Projects.—For a period not exceeding five (5) years, the National Government and the concerned departments and agencies shall provide the following programs and projects:

XXXXX

h. **Withdrawal Clinics.**—The DOH shall establish smoking withdrawal clinics to provide counseling regarding the hazardous health effects of tobacco/cigarette smoking and to rehabilitate smokers from the hazardous effects of such products.

If a smoker *below the authorized age* voluntarily submits himself for treatment, counseling, or rehabilitation in a smoking withdrawal clinic located in any medical institution in the Philippines, or through his parent/guardian, the expenses incurred shall be a reimbursable outpatient service of the Philippine Health Insurance Corporation.

XXXXX”

SECTION 4. Repealing Clause - All other laws, decrees, ordinances, administrative orders, rules and regulations, or any part thereof, which are inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 5. Separability Clause - Should any provision of this Act be subsequently declared unconstitutional, the other provisions not so declared shall remain in full force and effect.

SECTION 6. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,