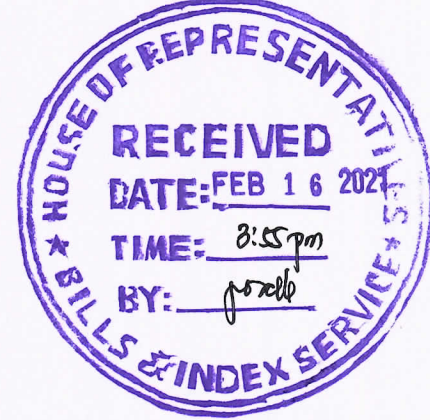


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 8754



Introduced by Representative **John Marvin "Yul Servo" C. Nieto**

EXPLANATORY NOTE

The Coronavirus Disease-2019 (COVID-19) pandemic presents a grave threat to the lives of millions of our fellow Filipinos. People with pre-existing medical conditions such as diabetes, hypertension, cardiovascular diseases, asthma, and blood disorders are especially vulnerable to the most severe forms of this disease. As the national and local governments continue to ramp up efforts towards addressing this public health emergency, legislation must complement efforts towards reducing the risk factors COVID-19.

Studies have established tobacco use to be among the most critical risk factors for the deadly progression of this pandemic. In itself, cigarette kills half of its users due to various tobacco-related diseases that result from the thousands of carcinogenic and toxic chemicals found in cigarette smoke. Many of these diseases are the very preexisting conditions that make COVID-19 so deadly to a lot of people.

Medical evidence is clear that smoking not only destroys the lungs, it also weakens the immune system and adversely affects all the organs of the body. Worse, it affects not only those who smoke, but also the people involuntarily exposed to secondhand smoke. Worldwide, of the 8 million people every year that tobacco use kills, around 1.2 million of these deaths are the result of non-smokers being exposed to secondhand smoke.

Daily, the public — the majority of which are non-smokers — continue to endure the toxic smell of cigarettes from smokers in public streets and walkways, parking lots, back alleys, food establishments, and even public transportation.

According to the latest Global Adult Tobacco Survey, 21.5% of adults who work indoors are exposed to secondhand smoke at the workplace, 21.9% in restaurants, and 37.6% on public transportation. Among the youth ages 13-15 years old, 54.2% are exposed to secondhand smoke in enclosed public places. This is a significant threat to human life because there is no risk-free level of secondhand smoke exposure; even brief moments around secondhand smoke can harm a person's health. This is especially true for children.

The COVID-19 pandemic has, therefore, put smoke-free public places on the spotlight. Apart from the fact that tobacco use aggravates the disease progression of COVID-19, smoking, as well as vaping, also increases the risk of viral transmission due to the mechanical and social nature of tobacco use.

Addressing the threat and social costs of smoking in public is a duty of the State. The Philippine Constitution enshrines as a State policy that it will protect and promote the right to health of the people and instill health consciousness among them. It is, therefore, incumbent that actions be taken immediately and resolutely to establish smoke-free public places as the norm in our communities.

Towards this end, effective and evidenced-based legislation to protect all Filipinos from exposure to tobacco smoke is crucial to address these problems. All indoor workplaces and indoor public places should be made smoke-free and this policy should cover all places accessible to the general public or places for collective use, regardless of ownership or right to access.

With this singular policy in place, it is expected that there will be:

- a) A decrease of transmission of Covid-19;
- b) a drop of the number of Filipinos who would suffer from serious illness because of COVID-19;
- c) a significant decline of death and diseases associated with secondhand smoke;
- d) a greater and broader protection for Filipinos from the dangers of secondhand smoke, especially children;
- e) a more sustained motivation for smokers to quit nicotine addiction; and,
- f) a marked reduction of the number of people who may start smoking due to peer pressure or mimicry.

For these reasons, the urgent passage of this measure is earnestly requested.


NIETO, JOHN MARVIN "YUL SERVO" C.

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AN ACT
MANDATING A SMOKE-FREE ENVIRONMENT IN ALL PUBLIC
PLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211,
OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF
2003"

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

SECTION 1. This act shall be known as the "**SMOKE-FREE ENVIRONMENT ACT OF 2021**".

SECTION 2. Declaration of Policy. – It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

The State also recognizes that effective measures to provide protection from exposure to tobacco smoke, as envisioned by Article 8 of the World Health Organization Framework Convention on Tobacco Control, require the total elimination of smoking and tobacco smoke in a particular space or environment in order to create a 100% smoke free environment. It is, therefore, the State's policy to protect all people from exposure to tobacco smoke.

SECTION 3. Construction. – In case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRRs), shall be construed liberally in favor of the protection and promotion of public health.

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

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

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"n. Public Places - refers to all places fixed or mobile, that are accessible or open to the public or places for collective use, regardless of ownership or right to access, including but not limited to, schools, workplaces, government facilities, establishments that provide food and drinks, accommodation, merchandise, professional services, entertainment, or other services. It also includes outdoor spaces where

facilities are available for the public or where facilities are available for the public or where a crowd of people would gather such as but not limited to playgrounds, sports grounds or centers, church grounds, health/hospital compounds, transportation, terminals, markets, parks, resorts, walkways/sidewalks, entrance ways, waiting areas and the like."

xxx

"v. Persons-in-charge - refers to the president, manager in case of a company, corporation, partnership or association, the owner/proprietor/operator in case of a single proprietorship, or the administrator in case of government or private property, facility, office or building, and the city/municipal schools superintendent, school president, dean or principal in case of schools.

"w. Smoke-free Air - for purposes of this Act, is air that is 100% smoke-free. This includes, but is not limited to, air in which tobacco smoke cannot be seen, smelled, sensed or measured."

"x. Workplaces - is any place used by people during employment or work, including voluntary work. It includes not only those place at which work is performed, but also attached or associated places commonly used by the workers in the course of their employment, including, but not limited to, corridors, lifts, lobbies, joint facilities, cafeterias, toilets, lounges, lunchrooms and also outbuildings such as sheds and huts. Vehicles used in the course of work are workplaces and should be specifically identified as such.

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SECTION 5. Section 5 of Republic Act No. 9211 is hereby amended to read as follows:

"SECTION 5. Smoke-free Public Places. - Smoking shall be prohibited in all public and work 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 eighteen (18) years old;
- b. Elevator and stairwells;
- c. Location in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d. Within the buildings and premises of public and private hospitals. Medical, dental, and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyance and public facilities including airport and ship terminals and train and bus stations, restaurant and conference halls;
- f. Food preparation areas;
- g. Government offices; and
- h. Other public places as may be designated as smoke-free through an ordinance to promote general welfare.

SECTION 6. Section 6 of Republic Act No. 9211 is hereby amended to read as follows:

"SECTION 6. Non-Smoking Areas and Smoking Areas - In all enclosed places that are open to the general public, private workplaces, and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, possessor, manager or administrator of such places may establish smoking areas. Such area must be in an outdoor space with the following requirements:

- a. *It shall be located in an open-space with no permanent or temporary roof or walls in an outdoor areas;*
- b. *It shall not be located within 10 meters of entrances, exits or any place where people pass or where people congregate;*
- c. *It shall not have an area larger than 10 square meters;*
- d. *No more than one smoking area shall be designated in a building or public place;*
- e. *No food or drinks shall be served in the designated smoking area; and,*
- f. *Every smoking area shall have a highly visible and prominently displayed "Smoking Area" signages.*

Nothing in this Act shall compel persons-in-charge to establish DSAs nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment.

SECTION 7. Obligations of Persons-in-Charge. Persons-in-charge, operators and owners of establishments within public and work places shall:

- a. Prominently post and display "No Smoking" Signage in locations most visible to the public. The sign shall be at least 8 x11 inches in size;
- b. Remove ash trays and other receptacles for disposing cigarette refuse in place where smoking is prohibited;
- c. Establish internal procedure and measures in which this Act shall be implemented and ordered within his or her areas of jurisdiction;
- d. Ensure that all employees are aware of this Act before implementation and enforcement; and,
- e. For all signages to have several versions, including those written in local dialects or in English.

SECTION 8. Prohibited Acts. The following are declared unlawful:

- a. Smoking in public and work places;
- b. Inducing, allowing or tolerating smoking in smoke-free areas provided in Section 5 and 6 of this Act.
- c. Establishment of smoking areas in smoke-free public places pursuant to Section 5;
- d. Failure to comply with the requirements provided under Section 6; and,
- e. Other analogous acts or omissions in violation of this Act.

SECTION 9. Persons Liable. - The following are liable and shall be punished in accordance with the governing provisions of this Act:

- a. Any person or entity who commits prohibited acts; and
- b. Persons-in-charge who knowingly allow, abet, authorize, or tolerate the prohibited acts, or have failed to fulfill their duties and obligations enumerated in this Act.

SECTION 10. *Creation of Smoke-Free Task Forces.* – All provinces, cities and municipalities are mandated to establish a Smoke-Free Task Force. The Smoke-Free Task Force, in coordination with Philippine National Police, shall be responsible in the implementation, enforcement, and monitoring of this Act; *provided that*, the effectivity and enforcement of this Act shall not be prejudiced by the lack of a Smoke-Free Task Force in the local government unit.

The Smoke-Free Task Force shall include at least one representative from civil society organizations, community and people organizations promoting public health which should not be connected, directly or indirectly, or represent the interest of the tobacco industry.

Local government units shall allocate a dedicated fund from the Local Health Budget for the operation of the Smoke Free Task Force and shall enact measures necessary to implement the provisions of this Act including the development and implementation of supportive programs to promote smoke-free environment.

SECTION 12. – Section 32(a) of RA 9211 is hereby further amended to read as follows:

"SECTION 32. Penalties. - *The following penalties shall apply:*

- a. *Violation of Section 5 and 6 – A fine of not less than Two Thousand Pesos (PHP 2,000.00) but not more than Three Thousand Pesos (PHP 3,000.00) shall be imposed for every infraction to any person who shall smoke, induce, abet or allow someone to smoke in a prohibited place, together with the confiscation and destruction of all tobacco products in his or her possession.*

"A fine of not less than Ten Thousand Pesos (PHP 10,000.00) but not more than Twenty Thousand Pesos (PHP 20,000.00) shall be imposed for every person, whether natural or juridical, that shall establish or maintain an unlicensed or illegal designated smoking area, together with the demolition or destruction of the unlicensed or illegal designated smoking. This is without prejudice to the suspension, cancellation and revocation of licenses and/or permits that may be imposed upon the business entity or establishment consistent to existing rules and ordinances of the local government unit."

SECTION 13. Separability Clause. - If any provision of this Act is held invalid or declared unconstitutional, the other provisions which are not affected thereby shall remain valid and subsisting.

SECTION 14. *Repealing Clause.* - Sections 4(n), 5, 6 and Section 32(a) of Republic Act No. 9211 are hereby repealed or modified accordingly.

SECTION 15. *Effectivity.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,