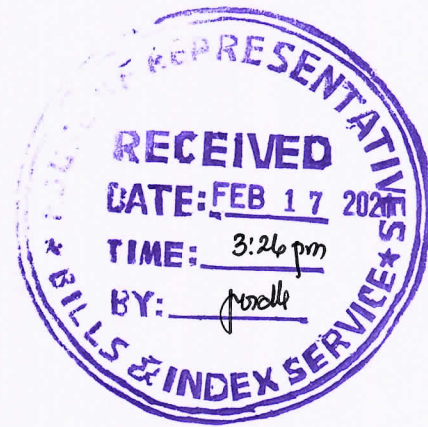


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
2nd Regular Session

House Bill No. 8763



Introduced by Representatives ROWENA NIÑA O. TADURAN, ERIC YAP,
and JOCELYN PUA-TULFO

EXPLANATORY NOTE

The COVID-19 pandemic underscored the importance of prioritizing our health. Now more than ever, government should scale up efforts to promote healthy living choices to all Filipinos. Even prior to the pandemic, the Philippines is struggling to combat the ever-persistent problem on tobacco use. The official data from the Global Adult Tobacco Survey revealed that 23.5% of Filipino adults have experienced smoking. The deadly impacts of tobacco use in our health have been established for decades. The recent passage of significant tax increases on tobacco products not only reduced the smoking prevalence in the country but is also a manifestation of the government's commitment to rid the country of smoking-related diseases.

Now, more than ever is the most opportune time for a more stringent tobacco control measure to ensure a smoke-free new normal. The chief implementer of the National Task Force (NTF) on COVID-19 himself Gen. Carlito Galvez revealed that smoking areas along with canteens and shuttle buses are virus transmission hotspots.¹ Furthermore, toxic substances from tobacco and novel tobacco products weaken the body's immune system which increases the risk of contracting severe COVID-19 infections.²

The right to health of Filipinos is deeply enshrined in the 1987 Constitution. Furthermore, the country's commitment to the World Health Organization - Framework Convention on Tobacco Control (WHO- FCTC) reinforces the need to protect public health by promoting tobacco control measures based on current and relevant scientific considerations. President Rodrigo Duterte's Executive Order No. 26 (EO 26) explicitly states that "scientific evidence has unequivocally established the

1 <https://mb.com.ph/2020/09/09/galvez-says-canteens-smoking-areas-shuttle-buses-are-potential-hotspots-for-covid-19/>

2 Department of Health Memorandum No. 2020 - 0246

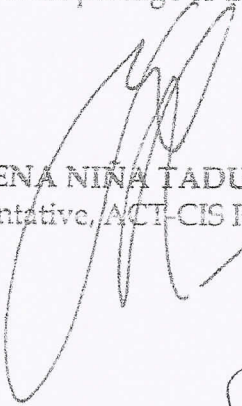
3 <https://www.officialgazette.gov.ph/downloads/2017/05may/20170516-EO-26-RRD.pdf>

tobacco consumption and exposure to tobacco smoke cause death, disease and disability, lead to devastating health, social, economic and environmental consequences, and places burdens on families, on the poor, and on national and local health systems.”³

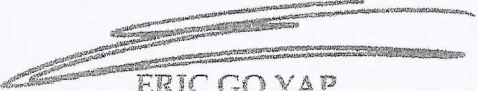
The role of the Local Government Units (LGUs) and Civil Society Organizations (CSOs) will be instrumental in the achievement of a smoke-free new normal. As such, sufficient support to guarantee sustainability of local tobacco control efforts must be prioritized.

In order to minimize access and provide a more supportive environment for tobacco cessation and complement efforts to mitigate the pandemic, there is an urgent need to expand smoke-free areas to cover all indoor workplaces and indoor public spaces. The protection of our people, particularly the youth, should be at the center of all public health measures that will fortify our country as we head towards a new and better normal.

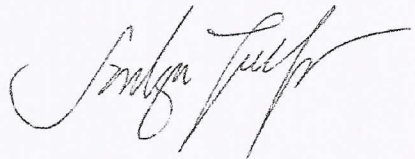
In view of the foregoing, a swift passage of this bill is earnestly sought.



ROWENA NIÑA TADURAN
Representative, ACT-CIS Partylist



ERIC GO YAP
Representative, ACT-CIS Partylist



JOCELYN PUA-TULFO
Representative, ACT-CIS Partylist

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AN ACT
MANDATING A SMOKE-FREE ENVIRONMENT IN ALL PUBLIC AND
WORKPLACES, 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".

SEC. 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.

SEC. 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.

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

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

"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."

"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. Workplaces - any place used by people during employment or work, including voluntary work. It includes not only those places 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."

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

"SEC. 5. Smoke-free Public Places. - Smoking shall be prohibited in all public and workplaces:

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.

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

"SEC. 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 area;
- 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 designated smoking areas nor prevent them from instituting more stringent measures in their buildings and establishments to better ensure a smoke-free environment.

These smoking and non-smoking signages should be made part of renewal of the requirements for the issuance and/or the business permits and/or permits to operate of establishments. Health facilities or schools and the failure to comply therewith is a ground for the denial or revocation of such permits,

provided, that for schools, these signages should be prominently displayed whenever youth activities are being conducted declaring that the area is a smoke-free zone.

SEC. 7. Obligations of Persons-in-Charge. Persons-in-charge, operators and owners of establishments within public and workplaces 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 procedures 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. Have several signages versions, including those written in local dialects or in English.

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

- a. Smoking in public and workplaces;

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.

SEC. 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.

SEC. 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.

Local government units shall allocate a 3% 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. The Task Force is mandated to meet on a quarterly basis, or whenever necessary, to carry out the provisions of this Act and other relevant tobacco control laws and ordinances.

The Smoke-Free Task Force shall be chaired by the Mayor and co-chaired by the Municipal / City

Health Office. The Task Force shall have the following members:

- a) Business Processing and Licensing Office
- b) Engineering Office
- c) Offices involved in Peace and Order
- d) Association of Barangay Captains Chair
- e) SK Federation President
- f) School District Representative
- g) Tertiary Institution Representatives

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.

SEC. 11. - Awards and Recognition - The Department of Health (DOH) and the Department of the Interior and Local Government (DILG) are hereby requested to include the faithful implementation of this Act, particularly the performance of the Smoke-Free Task Force, as a requisite in the granting of the Red Orchid Awards and the Seal of Good Local Governance, respectively.

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

"SEC. 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."

SEC. 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.

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

SEC. 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,