

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 231



Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

AN ACT
REGULATING THE MANUFACTURE, IMPORTATION, SALE, DISTRIBUTION,
USE, ADVERTISEMENT, PROMOTION, AND SPONSORSHIP OF ELECTRONIC
NICOTINE DELIVERY SYSTEMS AND ELECTRONIC NON-NICOTINE
DELIVERY SYSTEMS (ENDS/ENNDS), HEATED TOBACCO PRODUCTS (HTPs),
AND OTHER IMITATION TOBACCO PRODUCTS

EXPLANATORY NOTE

The fleeting joy of vaping—whether due to trends or peer pressure—is not worth the lifetime of suffering caused by the harm it inflicts on our bodies.

In recent years, Electronic Nicotine Delivery Systems (ENDS), Electronic Non-Nicotine Delivery Systems (ENNDS), Heated Tobacco Products (HTPs), and other imitation tobacco products such as vapes, have seen an alarming rise in popularity across the Philippines. Marketed as “better” alternatives to traditional cigarettes, these products have gained significant traction in the country – particularly among Filipino youth – due to its accessibility, trendy packaging, enticing flavors, social trends and digital influence.

Notably, with the rapid growth of e-cigarettes market from 2018, we have also seen a rise in the distribution and sale of illegal vape products circulating the Philippine market. Just last May 2025, the Department of Trade and Industry condemned Php41,256,170.00 worth of illicit vapor products contributing to the Php56,179,567.00 worth of illicit vapor products confiscated since 2023.¹ These products are often sold through unregulated e-commerce

¹<https://www.dti.gov.ph/news/dti-condemns-php-41-million-worth-illegal-vape-products-warns-retailers-remove-non-compliant-items/>

platforms and social media channels, without any proper labeling, safety certifications, or ingredient disclosures.

Equally alarming is the prevalence of vaping among minors with a 2019 Global Youth Tobacco Survey (GYTS) showing that one out of 7 students aged 13-15 years old was already using e-cigarettes.² Moreover, an analysis by the Sin Tax Coalition of the data from the Food Nutrition Research Institute revealed a 1,100% surge in the number of Filipino youth who use vapes in just two years (37,000 in 2021 to 423,185 in 2023).³

This rapidly expanding industry—coupled with the presence of harmful chemicals and addictive substances such as nicotine—presents urgent public health concerns, especially among minors who can easily access these products online.

While Republic Act No. 11467 prohibits the sale of e-cigarettes and related products to individuals aged 21 years old and below, existing data shows that this measure alone is not enough. The proliferation of online platforms that sell illegal tobacco products—without proper regulation of the purchase and use of vape —continues to undermine the intent of the law.

As lawmakers, we have the duty to uphold our Constitution and protect the health and future of our youth. This proposed measure affirms our mandate under Section 15, Article II of the 1987 Constitution where the State must protect and promote the right to health of the people and instill health consciousness among them.

Thus, this proposed bill seeks to comprehensively regulate the manufacture, importation, sale, distribution, use, advertisement, promotion, and sponsorship of ENDS, ENNDS, HTPs, and other imitation or alternative tobacco products, whether sold in physical establishments or online. It also emphasizes the prohibition of their use in public places, areas often surrounded by people, healthcare institutions, and other vulnerable spaces.

Moreover, the measure prohibits unverified health claims, unauthorized promotional content, and the endorsement of such products by celebrities, influencers, and athletes. It mandates the inclusion of graphic health warnings and empowers local government units to

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC10742794/>

³ <https://www.gmanetwork.com/news/lifestyle/healthandwellness/938281/vape-industry-draws-more-youth-than-education-system-says-doctor/story/>

adopt stricter regulations in support of public health. Penalties are provided to ensure accountability among manufacturers, distributors, retailers, and other parties involved.

In light of the State's constitutional duty to promote and protect the health and welfare of its people, particularly the youth, the immediate passage of this bill is earnestly sought.

A stylized, handwritten signature in black ink, featuring a large, looping 'Z' and 'B'.

AUDREY KAY T. ZUBIRI
Representative, 3rd District of Bukidnon

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AND OTHER IMITATION TOBACCO PRODUCTS

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 "*Vapes and HTPs Regulation*
2 *Act.*"

3
4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to promote
5 and protect the right to health of the people and instill health consciousness among them.
6 Towards this end, the State shall implement measures to promote the general welfare by
7 protecting the public against hazards to health and safety of Electronic Nicotine Delivery
8 Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS), Heated Tobacco
9 Products (HTPs), and other imitation tobacco products.

10
11 **SEC. 3. Definition of Terms.** - As used in this Act, the following terms shall mean:

12
13 (a) *Advertisement* refers to any visual and/or audible message or post generated, sent,
14 received, or disseminated to the public about or on a particular product that promote
15 or give publicity by words, designs, images, or any other means through broadcasts,

1 electronic, optical, print, or whatever form of mass or social media, including indoor
2 and outdoor advertisements, such as but not limited to signs and billboards.

3
4 (b) *Advertising* refers to the business of conceptualizing, presenting, making available,
5 and communicating to the public, through any forms of mass or social media,
6 including documentaries and testimonials, any fact, data, or information about the
7 attributes, features, quality, or availability of consumer products, services, or credit.
8 For the purpose of this Act, advertising shall be understood as Electronic Nicotine
9 Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS),
10 Heated Tobacco Products (HTPs) and other imitation tobacco products advertising.
11 This shall specifically refer to any posts, messages, or images depicting smoking or
12 vaping as a lifestyle, or promoting or encouraging smoking or vaping, or the purchase
13 or use of ENDS/ENNDS, HTPs, and other imitation tobacco products trademarks,
14 brand names, design, and manufacturer's names.

15
16 (c) *Distributor* refers to any person, entity, or establishment that imports ENDS/ENNDS,
17 HTPs, and other imitation tobacco products for distribution to other establishments or
18 outlets.

19
20 (d) *Designated Vaping Area (DVA)* refers to an area of a building or conveyance where
21 vaping may be allowed, which may be in an open space or separate area with proper
22 ventilation subject to the specific standards provided in this Act.

23
24 (e) *Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems*
25 *(ENDS/ENNDS)*, otherwise known as Vapes, refer to combinations of non-tobacco e-
26 liquids, solutions or refills, and an electronic delivery device, or any combination
27 thereof, that produce an aerosol, mist, or vapor that users inhale by mimicking the act
28 of smoking.

29
30 (f) *Heated Tobacco Products (HTPs)* refer to a form of tobacco product that uses an
31 electronic device to heat processed tobacco leaves, and produces aerosols for
32 inhalation by mimicking the behavior of smoking conventional cigarettes.

33
34 (g) *Imitation Tobacco Products* refer to any product, device, or article –

- 1
- 2 (i) That resembles, or is designated to resemble or replace a tobacco product; or
- 3 (ii) That is capable of being smoked or inhaled; or
- 4 (iii) That creates the resemblance of smoking; or
- 5 (iv) That may be used in such a way as to mimic the act of smoking; or
- 6 (v) That which is sold in a package designed to resemble the packaging commonly
- 7 associated with tobacco products.
- 8

9 *Provided*, That this provision shall not apply to pharmaceutical products approved by

10 the Food and Drug Administration (FDA) as a smoking cessation tool or device.

11

12 (h) *Nicotine Shot/Concentrates* refer to high strength preparations of nicotine designed to

13 be added to e-liquid preparations to increase its nicotine content.

14

15 (i) *Promotion* refers to a social media post or an event or activity organized by, on behalf

16 of, or together with a tobacco or imitation tobacco product manufacturer, distributor,

17 importer or retailer with the aim of promoting a brand of ENDS/ENNDS, HTPs or

18 other imitation tobacco products. It may also refer to the display of the product or

19 manufacturer's name, trademark, logo, etc. This includes the paid use of

20 ENDS/ENNDS, HTPs or imitation tobacco products bearing the brand names,

21 trademarks, logos, etc. in social media, movies, television, and other forms of

22 entertainment.

23

24 (j) *Retailer* refers to any person, entity, or establishment that sells ENDS/ENNDS, HTPs,

25 and other imitation tobacco products to individuals for personal consumption.

26

27 (k) *Smoke/Vape-free* refers to air that is 100% free from smoke, vapor, or aerosol from

28 tobacco products, ENDS/ENNDS, HTPs, and other imitation tobacco products.

29

30 (l) *Sponsorship* refers to any public or private contribution from a third party in relation

31 to an event, team, or activity, or social media post which promotes a brand of

32 ENDS/ENNDS, HTPs, or other imitation tobacco products.

33 (m) *Vaping* refers to the act of inhaling and exhaling the aerosol and other emissions

34 produced by ENDS/ENNDS or other imitation tobacco products.

1 (n) *Young Person* refers to any person below twenty-one (21) years old.

2
3 **SEC. 4. *Prohibition on the Use of ENDS/ENNDS, HTPs, and other imitation tobacco***
4 ***products in Public Places.*** – Vaping, or the use of ENDS/ENNDS, HTPs, or other imitation
5 tobacco products shall be prohibited in all places where tobacco smoking or the use of
6 cigarettes is prohibited by other pertinent laws and issuances. Nothing shall prevent Local
7 Government Units (LGUs) or other government agencies from issuing ordinances or circulars
8 providing for stricter standards or an outright ban.

9
10 **SEC. 5. *Prohibited Areas for Use of ENDS/ENNDS, HTPs, and other imitation tobacco***
11 ***products.*** - There shall be no designated area for the use of ENDS/ENNDS, HTPs, and other
12 imitation tobacco products in the following public places:

- 13
14 (a) Centers of youth activity such as playschools, preparatory schools, elementary
15 schools, high schools, colleges and universities, boarding houses, dormitories,
16 youth hostels, and recreational facilities for young and elderly persons;
17 (b) Within the buildings and premises of public and private hospitals, medical, dental
18 and optical clinics, health centers, nursing homes, dispensaries and laboratories;
19 (c) Elevators and stairwells;
20 (d) Locations in which fire hazards are present, including gas stations and storage
21 areas for flammable liquids, gas, explosives or combustible material;
22 (e) Food preparation and serving areas; and
23 (f) Places of worship.

24
25 **SEC. 6. *Standards for Designated Vaping Areas.*** — All DVAs shall strictly comply with
26 the following standards:

- 27
28 (a) The DVA shall be in an open space in an outdoor area, or in a separate indoor area
29 with proper ventilation;
30 (b) If the DVA is located indoors, there shall be no opening that will allow air to
31 escape from the DVA to the smoke/vape-free area of the building or conveyance,
32 except for a single door equipped with an automatic door closer Provided, That
33 the buffer zone shall have no other opening except for a single door equipped

1 with an automatic door closer, which shall be at least two (2) meters away from
2 the door of the DVA, and that vaping is prohibited in the buffer zone;

3 (c) The DVA and its ventilation outlets shall not be located in or within ten (10)
4 meters from entrances, exits or any place where people pass or 8 congregate, or
5 in front of air intake ducts;

6 (d) The combined area of the DVA and the buffer zone shall not be larger than fifteen
7 percent (15%) of the total floor area of the building or conveyance; *Provided,*
8 That in no case shall such area be less than ten (10) square meters;

9 (e) No building or conveyance shall have more than one (1) DVA;

10 (f) The ventilation system for the DVA, other than in open space and for the buffer
11 zone, shall be independent of all ventilation systems for the of the building or
12 conveyance;

13 (g) Young persons and pregnant women and such other vulnerable persons identified
14 by the Department of Health (DOH) shall not be allowed inside the DVA and the
15 buffer zone;

16 (h) There shall be no selling, serving, or giving of food and beverages in the DVA
17 and its buffer zone;

18 (i) The DVA shall have no tables and chairs; and

19 (j) The DVA shall have the following signages highly legible, visible and
20 prominently displayed:

21
22 i. "Vaping Area" signage;

23 ii. Graphic health warnings (GHW) on the effects of vaping;

24 iii. Prohibition on the entry of young persons and pregnant women and such other
25 vulnerable persons identified by DOH; and

26 iv. Signage stating "food and drinks are prohibited in this area".
27

28 *Provided,* That nothing in this Act shall compel persons-in-charge to establish
29 designated vaping areas nor prevent them from instituting more stringent measures in their
30 buildings and establishments to better ensure a vape-free environment in their premises.
31

32 **SEC. 7. Prohibition on Sales to and by Young Persons and Use by Young Persons. —**

33 The following acts shall be prohibited:
34

- 1 (a) For any retailer to sell or distribute ENDS/ENNDS, HTPs, and other imitation tobacco
2 products to any young person;
3 (b) For any person to purchase ENDS/ENNDS, HTPs, and other imitation tobacco
4 products from a young person; and
5 (c) For a young person to purchase or use ENDS/ENNDS, HTPs, and other 9 imitation
6 tobacco products.

7
8 For purposes of this Act, it shall not be a defense for the person selling or distributing
9 that he or she did not know or was not aware of the real age of the young person to whom it
10 was sold. Neither shall it be a defense that he or she did not know nor had any reason to believe
11 that the ENDS/ENNDS, HTPs, or other imitation tobacco products was for the consumption
12 of a young person to whom it was sold.

13
14 **SEC. 8. *Restrictions on Flavors.*** — The manufacture, sale, distribution, and use of
15 ENDS/ENNDS, HTPs, and other imitation products with flavors other than plain tobacco or
16 plain menthol is prohibited. No combination of other flavors shall be allowed.

17
18 **SEC. 9. *Prohibition on the Retail or Use of Nicotine Shots.*** — The retail or use of
19 nicotine shots and/or concentrates shall be strictly prohibited.

20
21 **SEC. 10. *Prohibition on Online Selling of ENDS/ENNDS, HTPs, and Other Imitation***
22 ***Tobacco Products and Accessories.*** — The sale of ENDS/ENNDS, HTPs, and other imitation
23 tobacco products and accessories via the internet, or through online markets shall be strictly
24 prohibited.

25
26 **SEC. 11. *Point-of-Sale Restriction.*** — The distribution, sale, and offering for sale and
27 use of ENDS/ENNDS, HTPs, and other imitation tobacco products and accessories shall be
28 strictly prohibited in places where sale and use of conventional cigarettes shall be prohibited.

29
30 **SEC. 12. *Sale of ENDS/ENNDS, HTPs and Other Imitation Tobacco Products and***
31 ***Accessories within School/ Perimeters and Residential/ Areas.*** -- The sale or distribution of
32 ENDS/ENNDS, HTPs, and other imitation tobacco products and accessories is prohibited
33 within a minimum distance of two hundred (200) meters from any point of the perimeter of a
34 school, public playground, or other facility frequented by young persons and residential areas.

1 Nothing in this provision or elsewhere in this Act shall be construed as limiting the powers of
2 LGUs under the general welfare clause.

3
4 **SEC. 13. *License to Operate and Certificate of Product Registration.*** — All persons,
5 entities, or establishments engaged in the manufacture, importation, distribution, and sale of
6 ENDS/ENNDS, HTPs, and other imitation tobacco products shall first secure a License to
7 Operate (LTO) from the FDA. ENDS/ENNDS, HTPs, and other imitation tobacco products
8 shall be submitted for product registration with the FDA and shall be issued a Certificate of
9 Product Registration (CPR) before being sold to the general public.

10
11 **SEC. 14. *Health Claims.*** — Unless approved by the FDA, any person, entity,
12 organization, or establishment is prohibited from stating or publishing any health claims on
13 ENDS/ENNDS, HTPs, and other imitation tobacco products, such as but not limited to claims
14 of reduced health risk or reduced exposure to carcinogenic ingredients.

15
16 **SEC. 15. *Restrictions on Advertisement, Sponsorship, and Promotion.*** — Any form of
17 advertising, sponsorship, promotion, including promotional sales which offer, among others,
18 price cuts, discounts, coupons, raffle prizes, exchange gifts, and bundling discounts for
19 purchases of ENDS/ENNDS, HTPs, and other imitation tobacco products and accessories,
20 such as but not limited to clips, bags, holders, lanyards, and other similar accessories shall be
21 prohibited.

22
23 No person shall use the FDA logo, the words "Food and Drug Administration" or
24 "Philippine FDA", or any imitation of such words, initials, or logo in print and other forms of
25 broadcast, media, including the internet, in connection with any ENDS/ENNDS, HTPs, and
26 other imitation tobacco products and accessories, merchandise, impersonation, solicitation, or
27 commercial activity in a manner that convey such use is approved, endorsed, or authorized by
28 the FDA.

29
30 Engaging in any form of ENDS/ENNDS, HTPs, and other imitation tobacco products
31 and accessories advertisement and promotion, including advertising in social media, online
32 media, and the internet is likewise prohibited.

33

1 Promoting, directly or indirectly, ENDS/ENNDS, HTPs, and other imitation tobacco
2 products and accessories in an event, activity, program, or project where ENDS/ENNDS,
3 HTPs, and imitation tobacco products and accessories company is a participant as a facilitator,
4 sponsor, contributor, donor, or benefactor is prohibited. Unless approved by the FDA as a
5 cessation device, promoting or advertising, directly or indirectly, ENDS/ENNDS, HTPs, and
6 other imitation tobacco products, as a healthier alternative to smoking or a smoking cessation
7 tool, is prohibited.

8
9 ENDS/ENNDS, HTPs, and other imitation tobacco products and accessories importers,
10 manufacturers, sellers, distributors, and retailers are prohibited from directly or indirectly
11 sponsoring any sport, concert, educational, cultural, art, or any event.

12
13 Individual or team athletes, artists, performers, influencers, and health professionals
14 are likewise prohibited from accepting sponsorships, endorsing, posting, or promoting
15 ENDS/ENNDS, HTPs, and other imitation products and accessories, which includes the
16 mention or tagging through social media, of the names or brands of ENDS/ENNDS, HTPs,
17 and other imitation tobacco products and accessories. All persons receiving remuneration, in
18 whatever form, for promoting or encouraging the use of ENDS/ENNDS, HTPs, and other
19 imitation tobacco products shall also be covered by the ban under this Section.

20
21 **SEC. 16. *Smoking/Vaping Restriction Awareness Campaign.*** - The DOH, as may be
22 necessary, shall prescribe guidelines for the implementation of smoking/vaping restriction
23 awareness campaigns, which may include but not be limited to information drives, and posting
24 of warning signages in public.

25
26 **SEC. 17. *Warning on Packaging of ENDS/ENNDS, HTPs, and Other Imitation***
27 ***Tobacco Products.*** - All containers and packages of ENDS/ENNDS and HTPs shall bear the
28 graphic health warnings as provided under Republic Act No. 10643 or the "Graphic Health
29 Warnings Law." All containers and packages of other imitation tobacco products or its
30 accessories shall contain appropriate health warnings, whose content, format, and
31 specifications are to be designated by the DOH: Provided, That the DOH shall regularly review
32 and revise the said health warnings, and issue additional warnings and messages on health risks
33 as they deem appropriate.

1 **SEC. 18. *Role of Government Agencies.*** — The DOH, in consultation with the FDA,
2 the Department of Trade and Industry (DTI), and concerned agencies, shall promulgate rules,
3 regulations, and standards on packaging, ingredients, graphic health warning, detailed
4 information on the allowable nicotine containing e-liquid, the strength of e-liquids, compliance
5 with applicable electrical and safety standards.

6
7 The FDA, in collaboration with LGUs, shall check the compliance of manufacturers,
8 importers, distributors, and retailers with this Act through surveillance inspections and
9 investigations and take appropriate action for non-compliance.

10
11 The DepEd and CHED, in coordination with the DOH, shall conduct an information
12 campaign on nicotine addiction and the ill effects of smoking and vaping.

13
14 LGUs are encouraged to enact local ordinances in support of the minimum mandatory
15 requirements under this Act and the general welfare of their constituents.

16
17 Nothing in this Act shall be construed as limiting the powers of LGUs under the general
18 welfare clause; *Provided*, That the minimum requirements under this Act are complied with.

19
20 **SEC. 19. *Penalties.*** — The following penalties shall apply:

21
22 (a) Violations of Sections 4 and 5 of this Act:

- 23
24 i. First offense: a fine of not less than Five Thousand Pesos (Php5,000.00) but not
25 more than Ten Thousand Pesos (Php10,000.00) shall be imposed.
26 ii. Second Offense: a fine of not less than Ten Thousand Pesos (Php10,000.00) but
27 not more than Twenty Thousand Pesos (Php20,000.00) shall be imposed.
28 iii. Third Offense: In addition to a fine of Twenty Thousand Pesos (Php20,000.00),
29 the business permits and licenses to operate shall be cancelled or revoked.

30
31 (b) Violation of Section 7 of this Act:

- 32
33 i. First offense: a fine not less than Twenty Thousand Pesos (Php20,000) or an
34 imprisonment of not more than thirty (30) days, upon the discretion of the court.

1 For succeeding offenses, both penalties shall apply in addition to the revocation
2 of business licenses or permits in the case of a business entity or establishment.

- 3
- 4 ii. The DOH and the Department of Social Welfare and Development (DSWD)
5 shall implement appropriate intervention programs, including but not limited to,
6 counselling of young person and his/her parent/guardian, when a young person
7 is caught selling, buying, or using ENDS/ENNDS. HTPs, and other imitation
8 tobacco products.

9

10 (c) Violations of Sections 8 to 15 of this Act:

- 11 i. First offense: a fine of not more than One Hundred Thousand Pesos
12 (Php100,000.00) or imprisonment of not more than one (1) year, or both, at the
13 discretion of the court shall be imposed.
- 14 ii. Second Offense: a fine of not more than Two Hundred Thousand Pesos
15 (Php200,000.00) or imprisonment of not more than two (2) years, or both, at
16 the discretion of the court shall be imposed.
- 17 iii. Third Offense: in addition to a fine of not more than Four Hundred Thousand
18 Pesos (Php400,000.00) or imprisonment of not more than three (3) years, or
19 both, at the discretion of the court, and in the case of a business entity,
20 partnership, corporation, association, or any juridical person, the business
21 permits, licenses, in the case of a business entity or establishment, shall be
22 revoked or cancelled.

23

24 (d) Violation of Section 17 of this Act shall be penalized in accordance with Section 14 of
25 Republic Act No. 10643 otherwise known as "the Graphic Health Warnings Law.

26

27 In case any violation of this Act is committed by a business entity, partnership,
28 corporation, association or any juridical person, the partner, president, director or manager who
29 shall consent to or shall knowingly tolerate such violation shall be directly liable and
30 responsible for the act of the employees and shall be criminally liable as a co-principal.

31

32 If the guilty officer is an alien, he shall be summarily deported after serving his sentence
33 and shall be forever barred from re-entering the Philippines.

34

1 **SEC. 20. *Implementing Rules and Regulations.*** — Within sixty (60) days from the
2 approval of this Act, the DOH, in consultation with the FDA, and other concerned agencies
3 and stakeholders, shall promulgate the necessary implementing rules and regulations (IRR) for
4 the effective implementation of this Act. Failure to promulgate the rules and regulations shall
5 not prevent the implementation of this Act upon its effectivity.

6
7 **SEC. 21. *Separability Clause.*** — If any provision of this Act is declared
8 unconstitutional or otherwise invalid, the validity of the other provisions shall not be affected
9 thereby.

10
11 **SEC. 22. *Repealing Clause.*** — All laws, decrees, orders, rules and regulations or parts
12 thereof inconsistent with this Act are hereby repealed or modified accordingly.

13
14 **SEC. 23. *Effectivity.*** — This Act shall take effect after fifteen (15) days from its
15 publication in the Official Gazette or in a newspaper of general circulation.

Approved,