



Republic of the Philippines
House of Representatives
Quezon City



TWENTIETH CONGRESS

First Regular Session

House Bill No. **1969**

Introduced by Representative Maria Angela S. Garcia

EXPLANATORY NOTE

The passage of Republic Act No. 11900 or the “*Vaporized Nicotine and Non-Nicotine Products Regulation Act*” transferred regulatory oversight over vaporized nicotine and non-nicotine products (VNNPs) from the Food and Drug Administration (FDA) to the Department of Trade and Industry (DTI), a move that raised constitutional, legal, and public health concerns. The regulation of products with known or potential health effects should fall squarely under the jurisdiction of a health-based regulatory agency.

This bill seeks to amend RA 11900 and reestablish the FDA’s primary authority over VNNPs, consistent with the following:

- RA 9711 (FDA Act of 2009), which grants the FDA the mandate to regulate products affecting health, including “health-related devices” and substances intended to affect body function;
- RA 11467 and Executive Order No. 106, which both affirm FDA’s regulatory role over VNNPs;
- Supreme Court jurisprudence in *DOH v. PTI*, which upheld FDA’s jurisdiction over tobacco products;
- The 1987 Constitution, which imposes a duty on the State to protect and promote the right to health; and
- The WHO Framework Convention on Tobacco Control (FCTC) and related international obligations.

This bill ensures coherence in public health policy, affirms the constitutional right to health, and prevents regulatory fragmentation.

Previously filed in the 19th Congress, this Representation participated in the deliberations for this bill at the committee level. Support of this bill is earnestly requested from my colleagues.


MARIA ANGELA S. GARCIA
Third District, Bataan



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1 **AN ACT AMENDING REPUBLIC ACT NO. 11900,**
2 **OTHERWISE KNOWN AS THE “VAPORIZED NICOTINE AND NON-NICOTINE**
3 **PRODUCTS REGULATION ACT,” TO TRANSFER THE REGULATORY**
4 **AUTHORITY OVER VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS**
5 **FROM THE DEPARTMENT OF TRADE AND INDUSTRY TO THE FOOD AND**
6 **DRUG ADMINISTRATION, AND FOR OTHER PURPOSES**

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

7 **SEC. 1. Amendment to Section 4 of Republic Act No. 11900.** — The
8 definition of the term “competent authority” is hereby amended to read as follows:
9

10 “COMPETENT AUTHORITY” refers to the Food and Drug Administration
11 (FDA), under the Department of Health (DOH), which shall have primary jurisdiction
12 and regulatory authority over the manufacture, importation, sale, packaging,
13 distribution, use, advertising, promotion, sponsorship, and product registration of
14 vaporized nicotine and non-nicotine products, and novel tobacco products.
15

16 **SEC. 2. Transfer of Regulatory Functions.** — All regulatory functions over
17 vaporized nicotine and non-nicotine products previously assigned to the Department
18 of Trade and Industry under RA No. 11900, including the issuance of standards,
19 enforcement mechanisms, and administrative sanctions, are hereby transferred to the
20 Food and Drug Administration (FDA).
21

22 **SEC. 3. Inclusion of VNNPs as Health Products under RA 9711.** — For the
23 avoidance of doubt, vaporized nicotine and non-nicotine products, including their
24 components such as e-liquids, nicotine salts, cartridges, and devices, are hereby
25 deemed health-related devices or substances under Section 10(f) and (g)(3) of
26 Republic Act No. 9711 (FDA Act of 2009), and shall be subject to all applicable
27 provisions thereof.
28
29

1 **SEC. 4. Additional Amendments.** — The following provisions are hereby
2 inserted into Republic Act No. 11900, as amended:
3

4 (a) **Minimum Age Restriction.** — No person shall sell, distribute, or
5 otherwise make available vaporized nicotine and non-nicotine products,
6 including novel tobacco products, to any person below twenty-one (21) years
7 of age. Proof of age shall be required prior to purchase.
8

9 (b) **Ban on Advertising, Promotion, and Sponsorship.** — All forms of
10 advertising, promotion, and sponsorship of vaporized nicotine and non-nicotine
11 products, including point-of-sale marketing, product placements, online and
12 social media promotions, and the display of brand logos or imagery on store
13 signages, are hereby prohibited. This prohibition shall be enforced in the same
14 manner and to the same extent as those applicable to tobacco products under
15 existing laws and regulations.
16

17 **SEC. 5. Repealing Clause.** — All provisions of Republic Act No. 11900,
18 including but not limited to Sections 5, 6, 13, and 16, and related provisions of the
19 Implementing Rules and Regulations that assign or imply primary regulatory authority
20 to the DTI over VNNPs, are hereby repealed or amended accordingly. All other laws,
21 executive orders, rules, or regulations inconsistent with this Act are hereby repealed
22 or modified accordingly.
23

24 **SEC. 6. Implementing Rules and Regulations.** — The Food and Drug
25 Administration, in coordination with the Department of Health and relevant
26 stakeholders, shall promulgate the rules and regulations necessary to implement this
27 Act within sixty (60) days from its effectivity.
28

29 **SEC. 7. Separability Clause.** — If any provision of this Act is held invalid or
30 unconstitutional, the other provisions not so declared shall remain in force and effect.
31

32 **SEC. 8. Effectivity.** — This Act shall take effect fifteen (15) days after its
33 publication in the Official Gazette or in a newspaper of general circulation.
34

35 *Approved,*