

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **6990**



Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCAO**

EXPLANATORY NOTE

The 1987 Constitution expressly mandates the State to protect and promote the right to health of the people and to instill health consciousness among them. This constitutional duty assumes greater urgency in the face of emerging public health threats that disproportionately affect the youth. One such threat is the rapid proliferation and increasing use of heated tobacco products (HTPs) and vapor products, commonly referred to as electronic cigarettes or vapes.

Once marketed as safer alternatives to conventional cigarettes, HTPs and vapor products have, over time, been shown through scientific and medical evidence to pose serious and often irreversible health risks. Alarming, these products have gained widespread popularity among young people, including students, due to aggressive marketing, appealing flavors, and misconceptions regarding their safety. The increasing prevalence of vaping among the youth represents not merely a behavioral concern, but a looming public health crisis.

Available data underscore the gravity of the situation. In 2021, approximately 37,000 young Filipinos were reported to be using vapor products. By 2023, this figure had surged to an estimated 423,000 users, which is an increase of more than one thousand percent (1000%) in just two years. Even prior to this sharp rise, the problem was already evident: a national survey conducted in 2019 revealed that 14.1% of Filipino students aged 13 to 15 were using e-cigarettes. Significantly, forty-four percent (44%) of these users were non-smokers, indicating that vaping serves as an entry point to nicotine addiction rather than a cessation tool.

Medical science has firmly established that HTPs and vapor products are harmful to nearly every major system of the human body. Respiratory damage includes lung injury, chronic airway inflammation, asthma exacerbation, pneumonia, and EVALI (E-cigarette or Vaping-Associated Lung Injury). Cardiovascular effects include endothelial dysfunction, myocardial injury, vascular damage, oxidative stress, and increased risk of acute cardiac events. Neurological harms include disruption of the blood-brain barrier, neuroinflammation, neurotoxicity, and heightened susceptibility to addiction. Studies further show that e-cigarettes result in higher brain nicotinic receptor occupancy than conventional cigarettes, increasing the intensity and persistence of nicotine dependence. Additionally, vaping impairs the immune system by increasing inflammatory responses while reducing immune efficiency, thereby heightening vulnerability to infections.

These dangers are no longer hypothetical. In 2024, the Philippines recorded its first documented death directly linked to vaping. A 22-year-old Filipino suffered severe lung injury leading to EVALI and subsequently died from a fatal myocardial infarction. Clinical findings included significant coronary artery disease requiring stenting of the proximal to mid left anterior descending artery. This tragic case highlights the capacity of vapor products to cause life-threatening complications (National Library of Medicine (2024). Acute myocardial infarction with e-cigarette or vaping-use associated lung injury in a young Filipino vape user. Available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC11023740/?fbclid=IwY2xjawO> (last accessed December 17, 2025)).

threatening illness and death even in young, previously healthy individuals.

Global evidence further reinforces these concerns. A comprehensive review published in *Preventive Medicine* (PMC11023740) establishes that e-cigarette use is strongly associated with initiation of conventional smoking among adolescents, increased exposure to harmful chemicals, and elevated risk of nicotine dependence. The study underscores that vaping is not a benign alternative but a gateway to addiction and broader public health harms, particularly in youth populations.

Despite mounting scientific evidence and real-world consequences, existing regulatory frameworks have failed to adequately protect public health. Legislative developments in recent years, including amendments introduced under the Vape Law, have weakened safeguards by transferring regulatory authority from the Food and Drug Administration to agencies lacking public health expertise, lowering the minimum age of access to nicotine products, and permitting a broad range of flavors that are particularly attractive to adolescents. These measures run counter to established public health recommendations and global best practices.

Compounding this regulatory weakness is the persistent problem of illegal importation and smuggling of vape products. Unregistered and unregulated devices and consumables continue to flood the market, bypassing safety standards, health warnings, quality controls, and taxation requirements. These illicit products often contain unknown or higher concentrations of harmful substances, further endangering users and undermining enforcement efforts. The widespread availability of smuggled vapes demonstrates that regulation alone, especially when inconsistently enforced, is insufficient to curb the harm posed by these products.

Educational institutions are among the most affected environments. Schools, colleges, and universities are intended to be safe spaces that promote learning, discipline, and holistic development. Yet, in the absence of clear and categorical prohibitions, heated tobacco products and vapor products continue to circulate within and around educational premises, exposing students to nicotine addiction and normalizing harmful behavior. The lack of explicit legal protection for these spaces has left learners vulnerable to both direct use and secondhand exposure.

Given the scale of youth uptake, the severity of health consequences, the persistence of illegal trade, and the demonstrable failure of loose regulatory approaches, there is a compelling and urgent need for decisive legislative intervention. This proposed measure seeks to ban the use, possession, sale, and distribution of heated tobacco products and vapor products, declare them dangerous to public health, and provide strict enforcement mechanisms. It further establishes clear duties for institutions and authorities, defines prohibited acts, and imposes graduated penalties to ensure compliance.

This measure is firmly anchored on Article II, Section 15 of the 1987 Constitution and is consistent with Department of Health regulations and guidelines recognizing the harms of nicotine and vapor products. It is likewise a valid exercise of the police power of the State, intended to protect public health, safety, and welfare, particularly that of the youth, who represent the nation's future.

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



REP. NATHANIEL "ATTY. NAT" M. ODUCADO
1 Tahanan Party List

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Introduced by **REP. NATHANIEL “ATTY. NAT” M. ODUCAO**

**AN ACT BANNING THE USE, POSSESSION, SALE, AND DISTRIBUTION OF
HEATED TOBACCO PRODUCTS AND VAPOR PRODUCTS, DECLARING SUCH
PRODUCTS AS DANGEROUS TO PUBLIC HEALTH, AND PROVIDING FOR
STRICT ENFORCEMENT MEASURES**

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 “*Vape Products Public Health*
2 *Protection Act.*”

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to protect and
4 promote the right to health of the people and to instill health consciousness among them, pursuant
5 to Article II, Section 15 of the 1987 Constitution.

6 In the valid exercise of the police power of the State, and consistent with Department of
7 Health (DOH) regulations and guidelines, the State recognizes that heated tobacco products and
8 vapor products are inherently harmful and addictive and pose serious and deleterious risks to public
9 health. These risks include respiratory injury, cardiovascular damage, neurological harm, immune
10 system impairment, and nicotine dependence, which are particularly severe among children and
11 young persons whose brains and bodies are still developing.

12 Despite these known dangers, heated tobacco products and vapor products continue to
13 proliferate nationwide due to loose regulation, weak enforcement, and the persistent illegal
14 importation and smuggling of unregistered and unregulated products. These conditions have
15 rendered existing regulatory mechanisms inadequate to protect the public.

16 Accordingly, the State shall adopt strict and comprehensive prohibitory measures to
17 eliminate exposure to heated tobacco products and vapor products in order to safeguard public
18 health, safety, and welfare.

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

- 1 a) *Heated Tobacco Products (HTPs)* – refer to tobacco products that use electronic or
2 other devices to heat processed tobacco to generate an aerosol for inhalation
3 without combustion, including heat-not-burn products and consumables.
4 b) *Heated Tobacco Product Device or HTP Device* – refers to any device, component,
5 or combination of components designed to heat heated tobacco products to produce
6 an aerosol without combustion
7 c) *Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery*
8 *Systems (ENDS/ENNDS), otherwise known as Vapor Products* – refer to devices
9 that produce an aerosol, mist, or vapor by heating a liquid, solid, or gel substance,
10 whether or not containing nicotine, which is inhaled by the user.
11 d) *Vapor Product Device* – refers to any device, component, or accessory used to heat
12 or aerosolize a vapor product, including electronic cigarettes, vape pens, pod
13 systems, cartridges, tanks, batteries, and disposable or reusable devices.
14 e) *Consumables* – refer to any liquid, gel, pod, cartridge, stick, capsule, refill, or
15 similar substance intended for use with heated tobacco products or vapor product
16 devices.
17 f) *Importation* – refers to the act of bringing heated tobacco products, vapor
18 products, devices, or consumables into the Philippines from any foreign
19 country, whether legally or illegally.
20 g) *Distribution* – refers to the sale, transfer, delivery, supply, or dissemination of
21 heated tobacco products, vapor products, devices, or consumables, whether for
22 commercial or non-commercial purposes.
23 h) *Young Person* – refers to any person below twenty-one (21) years of age.
24

25 **SEC. 4. *Prohibited Acts.*** - It shall be unlawful for any person to:

- 26 a) Manufacture, import, export, sell, distribute, or give away heated tobacco products,
27 vapor products, their devices, or consumables;
28 b) Possess, use, or consume heated tobacco products or vapor products;
29 c) Advertise, promote, sponsor, or market heated tobacco products or vapor products
30 through any medium.

31 **SEC. 5. *Enforcement and Implementing Agencies.*** - The Department of Health (DOH)
32 shall be the **lead and primary implementing agency** of this Act. In the exercise of its authority,
33 the DOH shall be responsible for the overall enforcement, monitoring, and supervision of
34 compliance with this Act and its implementing rules and regulations.

35 For this purpose, the DOH shall coordinate with the Food and Drug Administration (FDA),
36 the Bureau of Customs (BOC), the Department of the Interior and Local Government (DILG), the
37 Philippine National Police (PNP), local government units (LGUs), and other concerned agencies,
38 which shall provide assistance and support within their respective mandates to ensure the effective
39 implementation of this Act.

40 No government agency shall issue licenses, permits, certifications, or authorizations for
41 activities prohibited under this Act.

SEC. 6. *Penalties for Violations.* – The following penalties shall be imposed for violations of this Act:

- a) Violations by Individuals. - Any person found to have violated any provision of this Act shall be subject to the following penalties:
 - i. First Offense — Issuance of a written warning and immediate confiscation of the heated tobacco product, vapor product, device, or consumable involved;
 - ii. Second Offense — A fine of not less than Five Thousand Pesos (₱5,000.00) but not more than Ten Thousand Pesos (₱10,000.00) and/or mandatory community service related to public health advocacy, as may be determined by the proper authorities;
 - iii. Third and Succeeding Offenses — A fine of not less than Ten Thousand Pesos (₱10,000.00) but not more than Twenty Thousand Pesos (₱20,000.00) and/or imprisonment of not more than six (6) months, at the discretion of the court, without prejudice to prosecution under other applicable laws.

Additional Measures in Educational Institutions:

- 1. If the violator is a student, disciplinary sanctions shall be imposed in accordance with the school's Student Code of Conduct or Discipline, with full respect for due process, the evolving capacities of the child, and in a manner consistent with the best interest of the student.
 - 2. If the violator is a member of the school personnel, appropriate administrative sanctions shall be imposed in accordance with civil service rules, institutional policies, and other applicable laws.
 - 3. If the violator is a visitor or third-party service provider, the educational institution may impose sanctions including removal from the premises, blacklisting, or termination of service contracts, as appropriate.
- b) Violations by Juridical Entities. — Any corporation, partnership, association, or other juridical entity found to have violated this Act shall be subject to the following penalties:
 - i. A fine of not less than One Hundred Thousand Pesos (₱100,000.00) but not more than Five Hundred Thousand Pesos (₱500,000.00);
 - ii. Confiscation and forfeiture of prohibited products in favor of the government; and
 - iii. Suspension or revocation of licenses, permits, or registrations issued by concerned government agencies, upon due notice and hearing.
 - 1. Where the offender is a juridical entity, the responsible officers, including but not limited to the president, manager, or principal officers, shall be held personally liable.

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2 c) Liability of Educational Institutions. – Any educational institution that fails to
3 enforce the provisions of this Act shall be subject to the following penalties:
4 i. First Violation — Issuance of a formal notice of non-compliance
5 and a directive to implement corrective measures within thirty (30)
6 days;
7 ii. Second Violation — A fine of not less than Fifty Thousand Pesos
8 (₱50,000.00) and submission of a compliance report within thirty
9 (30) days;
10 iii. Third and Succeeding Violations — A fine of not less than One
11 Hundred Thousand Pesos (₱100,000.00), mandatory attendance of
12 school officials at a public health enforcement seminar, and
13 possible suspension of permits or licenses issued by DepEd, CHED,
14 TESDA, or other relevant regulatory agencies, without prejudice to
15 administrative or criminal liability, if warranted.
16 d) Additional Liability. — The imposition of penalties under this Act shall be without
17 prejudice to liability under other applicable laws, including but not limited to
18 customs, taxation, consumer protection, and public health laws.

19 **SEC. 7. Implementing Rules and Regulations.** - Within sixty (60) days from the effectivity
20 of this Act, the DOH, in coordination with concerned agencies, shall promulgate the necessary
21 implementing rules and regulations.

22 **SEC. 8. Separability Clause.** – If any provision of this Act is declared unconstitutional or
23 invalid, the other provisions not affected thereby shall remain in full force and effect.

24 **SEC. 9. Repealing Clause.** – Republic Act No. 11900, otherwise known as the “*Vaporized*
25 *Nicotine and Non-Nicotine Products Regulation Act*,” is hereby expressly repealed. All other laws,
26 decrees, executive orders, rules, and regulations, or parts thereof, which are inconsistent with the
27 provisions of this Act are likewise repealed or modified accordingly.

28 **SEC. 10. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
29 publication in the *Official Gazette* or in at least one (1) newspaper of general circulation.

30 *Approved,*