



Republic of the Philippines
House of Representatives
Quezon City



TWENTIETH CONGRESS

First Regular Session

House Bill No. 8762

Introduced by Representative Maria Angela S. Garcia

EXPLANATORY NOTE

The rapid proliferation of electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), including electronic cigarettes (vapes) and heated tobacco products (HTPs), has created an urgent and evolving public health threat in the Philippines—particularly among the youth.

These products are aggressively marketed as “safer alternatives” to conventional cigarettes. However, substantial and growing scientific evidence demonstrates that they expose users to harmful substances, including nicotine, ultrafine particles, heavy metals, and carcinogens. They are addictive, promote early nicotine dependence, and act as gateways to combustible tobacco use, undermining decades of public health gains.

Despite existing regulatory measures, including Republic Act No. 11900, these products remain widely accessible through retail channels, informal markets, and, most significantly, online platforms that bypass effective age verification and enforcement mechanisms. Their use in public and shared spaces also exposes non-users, including children and patients, to harmful emissions.

Partial regulation has proven insufficient.

This measure is anchored on the 1987 Constitution:

- Article II, Section 15 – The State shall protect and promote the right to health of the people;
- Article II, Section 16 – The State shall protect and advance the right to a balanced and healthful ecology;
- Article XV, Section 3(2) – The State shall afford special protection to children from conditions prejudicial to their development.

The State's police power authorizes the regulation and prohibition of harmful products to safeguard public health, especially where minors are at risk.

As a Party to the WHO Framework Convention on Tobacco Control (WHO FCTC), the Philippines is obligated to implement effective tobacco control measures. This bill advances compliance with:

- Article 5.2(b) – Comprehensive tobacco control strategies;
- Article 8 – Protection from exposure to tobacco smoke and emissions;
- Article 13 – Comprehensive ban on advertising, promotion, and sponsorship;
- Article 15 – Elimination of illicit trade;
- Article 16 – Protection of minors.

Global public health authorities increasingly recommend strict regulation or prohibition of ENDS/ENNDS and HTPs, particularly where youth uptake is significant.

This bill adopts a total prohibition approach, strengthened by: (1) Platform liability to regulate digital marketplaces; (2) Border control measures to eliminate supply chains; and (3) Strict liability in Protected Places, including schools, health facilities, parks, and government premises, to ensure zero exposure in high-risk environments.

This approach reflects a whole-of-environment public health strategy necessary to protect present and future generations.

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


MARIA ANGELA S. GARCIA
Third District, Bataan



Republic of the Philippines
House of Representatives
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. 8762

Introduced by Representative Maria Angela S. Garcia

AN ACT
PROHIBITING THE MANUFACTURE, IMPORTATION, DISTRIBUTION, SALE,
ADVERTISEMENT, AND USE OF ELECTRONIC NICOTINE AND NON-NICOTINE
DELIVERY SYSTEMS (ENDS/ENNDS),
INCLUDING ELECTRONIC CIGARETTES, VAPES, AND HEATED TOBACCO
PRODUCTS (HTPs); IMPOSING LIABILITY ON ONLINE PLATFORMS;
STRENGTHENING BORDER CONTROL MEASURES;
ESTABLISHING STRICT LIABILITY IN PROTECTED PLACES;
AND PROVIDING PENALTIES THEREFOR

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 and Heated
2 Tobacco Products Prohibition Act of 2026."

3
4 **SECTION 2. *Declaration of Policy.*** - The State shall protect and promote the
5 right to health and safeguard the population, especially the youth, from harmful and
6 addictive substances by ensuring a vape-free and tobacco-free environment.

7
8 **SECTION 3. *Definition of Terms.***

9
10 a. Electronic Nicotine Delivery Systems (ENDS) – devices that deliver nicotine
11 through aerosolized solutions;

12
13 b. Electronic Non-Nicotine Delivery Systems (ENNDS) – devices delivering
14 aerosol without nicotine;

15
16 c. Heated Tobacco Products (HTPs) – products that generate aerosol by
17 heating tobacco;
18

19 d. Vape/Electronic Cigarette – any handheld electronic device that vaporizes
20 substances for inhalation;

21
22 e. Components and Accessories – cartridges, pods, e-liquids, flavorings,
23 batteries, chargers, and similar items;

24
25 f. Online Platform – any digital marketplace, e-commerce site, social media
26 platform, or application facilitating sale or promotion;

27
28 g. Protected Places – areas where heightened public health protection is
29 required, including but not limited to:

- 30 • Educational institutions;
- 31 • Health facilities (hospitals, clinics, rural health units, pharmacies);
- 32 • Public parks, playgrounds, and recreational facilities;
- 33 • Government buildings and offices;
- 34 • Public transport terminals and vehicles;
- 35 • Enclosed public places and workplaces;
- 36 • Areas where minors are commonly present.

37
38 **SECTION 4. *Prohibited Acts.*** - It shall be unlawful to manufacture, import,
39 export, sell, distribute, use, advertise, promote, or facilitate access to prohibited
40 products, including through online platforms.

41
42 **SECTION 5. *Online Platform Liability.*** - Online platforms shall be prohibited
43 from hosting or facilitating transactions involving prohibited products and shall remove
44 listings within twenty-four (24) hours.

45
46 Failure to comply shall result in fines of ₱5,000,000 to ₱20,000,000 and
47 possible suspension of operations.

48
49 **SECTION 6. *Border Control Measures.*** - The Bureau of Customs shall
50 enforce a total importation ban, seize and forfeit shipments, and coordinate with
51 logistics providers.

52
53 **SECTION 7. *Strict Liability in Protected Places.***

54
55 a. Any prohibited act committed within a Protected Place shall constitute a strict
56 liability offense.

57
58 b. Covered acts include use, sale, distribution, and possession with intent to
59 sell, as well as allowing such acts within premises.

60
61 c. Penalties:

- 62 • Fine of ₱50,000 to ₱200,000;
- 63 • Imprisonment of six (6) months to two (2) years.

64
65 d. For establishments:

- 66 • Immediate closure of not less than thirty (30) days;
- 67 • Revocation of permits upon repeated violations.

69 e.For government facilities: Administrative liability shall attach to the
70 responsible officer.

71
72 f. LGUs shall enforce zero-tolerance policies.

73
74 **SECTION 8. *Duty of Owners and Administrators.*** Owners and administrators
75 of Protected Places shall:

- 76 1. Enforce compliance;
- 77 2. Post visible notices;
- 78 3. Prevent violations; and
- 79 4. Report incidents.

80
81 Failure to comply shall result in fines and sanctions.

82
83 **SECTION 9. *Implementing Agencies.*** - The Food and Drug Administration
84 (FDA) shall serve as the primary implementing agency, with DOH, DTI, BOC, DICT,
85 PNP, and LGUs as support.

86
87 **SECTION 10. *Penalties.***

88
89 a. Individual Use/Possession: ₱5,000–₱20,000 or imprisonment up to 30 days;

90
91 b. Sale/Distribution/Manufacture: ₱500,000–₱5,000,000 and imprisonment of
92 6–12 years;

93
94 c. Corporations: Revocation of licenses and liability of responsible officers.

95
96 Violations involving minors, school zones, or online platforms shall merit
97 maximum penalties.

98
99 **SECTION 11. *Confiscation and Disposal.***

100
101 All prohibited products shall be seized and destroyed.

102
103 **SECTION 12. *Public Awareness.***

104
105 The DOH shall conduct nationwide education campaigns to promote
106 compliance, protect public health, and prevent initiation and use of vape and heated
107 tobacco products.

108
109 The DOH shall develop and launch a national public awareness campaign
110 within 60 days from the effective date of the prohibition regulation.

111
112 **SECTION 13. *Transition Period.***

113
114 A six (6)-month phase-out period is provided.

115
116 **SECTION 14. *Appropriations.***

117 The amount necessary for the initial implementation of this Act shall be charged
118 against the current appropriations of the FDA.

119
120 Thereafter, such sums as may be necessary for its continued implementation
121 shall be included in the annual General Appropriations Act.

122
123 **SECTION 15. *Separability Clause.*** - If any provision of this Act is declared
124 unconstitutional, the remaining provisions shall remain in full force and effect.

125
126 **SECTION 16. *Repealing Clause.*** - All inconsistent laws, including Republic
127 Act No. 11900, are repealed or modified.

128
129 **SECTION 17. *Effectivity.*** - This Act shall take effect fifteen (15) days after
130 publication in the Official Gazette or in a newspaper of general circulation.