

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

TWENTIETH CONGRESS

First Regular Session

House Bill No. **9603**



Introduced by Representatives **Cielo Krisel B. Lagman,**
Ma. Rene Ann Lourdes G. Matibag, Janice V. Degamo, Ysabel Maria J. Zamora,
Maria Angela S. Garcia, Jaime R. Fresnedi, Kaka J. Bag-ao, Leila M. de Lima,
Edgar R. Erice, Jernie Jett V. Nisay, Kathryn Joyce F. Gorriceta, Jose Manuel Tadeo I.
Diokno, Percival V. Cendaña, Dadah Kiram Ismula, and Antonino B. Roman III

EXPLANATORY NOTE

Tobacco use continues to constitute a grave public health concern in the Philippines. Tobacco smoke contains over 7,000 chemicals, including proven carcinogens such as formaldehyde, benzene, arsenic, and lead, which significantly contribute to the national burden of non-communicable diseases, including cancer, cardiovascular disease, chronic respiratory illnesses, and diabetes. These conditions inflict substantial harm on Filipino families and impose heavy social and economic costs on the State.

On the other hand, recent government data from the Department of Science and Technology – Food and Nutrition Research Institute show a dramatic increase in youth vaping, from over 37,000 users in 2021 to approximately 423,000 in 2023, representing an increase of more than 1,000 percent. This trend is consistent with earlier findings, including the 2019 Global Youth Tobacco Survey, which reported that 14.1 percent of students aged 13 to 15 had tried e-cigarettes, and the 2019 National Nutrition Survey, which found that 44 percent of e-cigarette users were non-smokers.

The consequences of tobacco and nicotine use are severe and well-documented. Each year, approximately 112,000 Filipinos die from tobacco-related diseases. The 2021 Global Adult Tobacco Survey reports that 15.1 million Filipino adults currently use tobacco products, of whom 14.4 million are smokers, with 11.2 million smoking daily. The average age of initiation is 19 years old. National data further indicate an alarming incidence of early nicotine exposure among the youth, with the 2019 Global Youth Tobacco Survey documenting widespread use among children aged 13 to 15, and a 2023 survey by the Food and Nutrition Research Institute reporting one million new smokers aged 10 to 19.

The same surveys also revealed that exposure to second-hand smoke remains a significant public health concern in the Philippines, particularly among vulnerable populations and in public spaces. Data show that 54.2% of Filipino youth are exposed to second-hand smoke in enclosed places, while 21.5% of Filipino adults experience exposure in workplaces. In addition, 33.6% of Filipino adults are exposed to second-hand smoke in public conveyances, highlighting the continued prevalence of tobacco smoke in shared environments despite existing regulations.

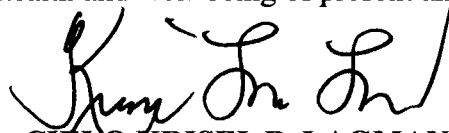
Early initiation poses unique developmental risks. The human brain continues to mature until approximately 25 years of age, and exposure to nicotine during this period increases susceptibility to addiction and adversely affects cognitive function, memory, attention, and emotional regulation. These harms have long-term implications for individual health, productivity, and overall well-being.

The use of electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs), vaporized nicotine and non-nicotine products, and other novel tobacco products has also proliferated in the country as a shift from conventional combustible tobacco use. The Department of Health has reported that both users and bystanders exposed to emissions from these products face similar risks of respiratory illness, cardiovascular diseases, addiction, cancer, neurodegeneration, impaired brain development, anxiety, and sexual and reproductive dysfunctions, among other adverse health outcomes. There is therefore a pressing need to regulate access to and use of these products to address the serious and potentially irreversible threats they pose to public health, prevent initiation among non-smokers and the youth, and minimize exposure risks to users and third parties.

The State's obligation to act is grounded in the 1987 Constitution, which mandates the protection and promotion of the right to health and the fostering of health consciousness among the people. This mandate is reinforced by the Philippines' commitment as a State Party to the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC), which, by virtue of Senate concurrence and jurisprudential recognition, forms part of domestic law. Article 5.3 of the WHO-FCTC requires governments to protect public health policies from the commercial and vested interests of the tobacco industry, while Article 8 affirms that there is no safe level of exposure to tobacco smoke and that only 100 percent smoke-free environments provide effective protection.

Existing national laws, including the Tobacco Regulation Act of 2003 (Republic Act No. 9211), the Local Government Code of 1991 (Republic Act No. 7160), Vape Regulation Act (Republic Act No. 11900), and the Universal Health Care Act (Republic Act No. 11223), already establish a framework for tobacco control, mandate Local Government Units (LGUs) to promote general welfare, and enforce measures to reduce the burden of non-communicable diseases. Despite these legal frameworks, tobacco and vape use and exposure remain widespread, particularly among vulnerable populations, underscoring the need for more comprehensive, stringent, and contemporary regulatory intervention.

In view of the substantial and continuing public health burden posed by tobacco use, the compelling scientific and epidemiological evidence demonstrating its harms, and the State's constitutional and international obligations, the enactment of a strengthened tobacco control law is imperative to safeguard the health and well-being of present and future generations.


CIELO KRISEL B. LAGMAN

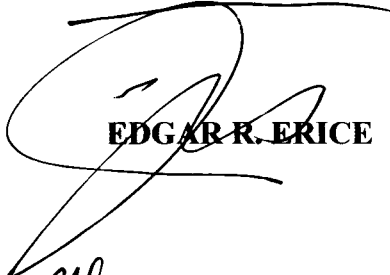

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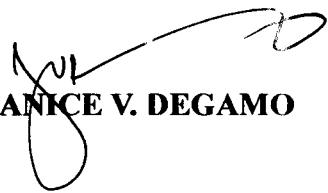

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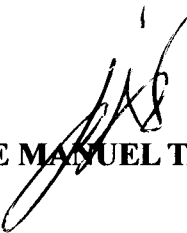

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AN ACT
MANDATING A SMOKE-FREE AND VAPE-FREE ENVIRONMENT IN ALL
PUBLIC AND WORKPLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT
NO. 9211 AND REPUBLIC ACT NO. 11900, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. — This Act shall be known as the “Smoke-Free and Vape-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 pursuant to Article II, Section 15 of the Constitution. The State recognizes that effective protection from the hazards of tobacco smoke and vape emissions, consistent with Article 8 of the World Health Organization Framework Convention on Tobacco Control (WHO FCTC), requires the total elimination of such emissions in indoor public places and workplaces in order to establish a 100% smoke-free and vape-free environment.

Sec. 3. Construction. — In case of doubt, the provisions of this Act and its implementing rules and regulations shall be construed liberally in favor of the protection and promotion of public health.

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

“SEC. 4. Definition of Terms. — As used in this Act:

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(m) Public Conveyance – [refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;] **SHALL INCLUDE ALL TERMINALS, PUBLIC FACILITIES, AND OTHER MODES OF TRANSPORTATION SERVICING THE GENERAL POPULATION, SUCH AS**

BUT NOT LIMITED TO ELEVATORS, AIRPLANES, SHIPS, JEEPNEYS, BUSES, TAXICABS, TRAINS, LIGHT RAIL TRANSIT SYSTEMS, TRICYCLES, TRANSPORTATION NETWORK VEHICLE SERVICES (TNVS), MOTOR TAXIS, AND OTHER MODES OF TRANSPORTATION THAT THE DEPARTMENT OF TRANSPORTATION AND OTHER REGULATORY AGENCIES MAY APPROVE.

(n) Public Places – refers to [enclosed or confined areas of all hospitals, medical clinics, schools; public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;] **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 A CROWD OF PEOPLE WOULD GATHER, SUCH AS BUT NOT LIMITED TO PLAYGROUNDS, SPORTS GROUNDS OR CENTERS, CHURCH GROUNDS, HEALTH OR HOSPITAL COMPOUNDS, TRANSPORTATION TERMINALS, MARKETS, PARKS, RESORTS, WALKWAYS OR SIDEWALKS, ENTRANCEWAYS, WAITING AREAS, PUBLIC CONVEYANCES, AND THE LIKE, AS MAY BE DESIGNATED AS SMOKE-FREE AND VAPE-FREE THROUGH AN ORDINANCE TO PROMOTE GENERAL WELFARE.**

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(p) Smoking **OR VAPING** - refers to the act of carrying [a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;], **POSSESSING, OR HAVING CONTROL OVER ANY LIGHTED TOBACCO PRODUCT, HEATED TOBACCO PRODUCT, OR ELECTRONIC NICOTINE/NON-NICOTINE DELIVERY SYSTEM, WHETHER OR NOT THE SMOKE, VAPOR, OR AEROSOL IS BEING ACTIVELY INHALED OR EXHALED.**

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Sec. 5. Amendments to Republic Act No. 11900. — Section 15 of Republic Act No. 11900 is hereby amended to incorporate the definitions herein provided, particularly those relating to Electronic Nicotine/Non-Nicotine Delivery Systems (ENDS/ENNDS) and Heated Tobacco Products.

“CIVIL SOCIETY ORGANIZATION (CSO)” - REFERS TO A LEGALLY CONSTITUTED VOLUNTARY CIVIC AND SOCIAL ORGANIZATION OR INSTITUTION CREATED WITHOUT GOVERNMENT PARTICIPATION, INCLUDING BUT NOT LIMITED TO CHARITIES, DEVELOPMENT NON-GOVERNMENTAL ORGANIZATIONS, PEOPLE’S ORGANIZATIONS, COMMUNITY GROUPS, WOMEN’S ORGANIZATIONS, FAITH-BASED ORGANIZATIONS, PROFESSIONAL ASSOCIATIONS, COALITIONS, AND ADVOCACY GROUPS: PROVIDED, THAT SUCH ORGANIZATION IS NOT DIRECTLY OR INDIRECTLY FUNDED BY, AFFILIATED WITH, OR SERVING

AS A FRONT GROUP FOR THE TOBACCO OR ELECTRONIC NICOTINE DELIVERY SYSTEMS INDUSTRY.

“PERSONS-IN-CHARGE” - REFER TO THE PRESIDENT OR MANAGER IN THE CASE OF A CORPORATION, PARTNERSHIP, OR ASSOCIATION; THE OWNER, PROPRIETOR, OR OPERATOR IN THE CASE OF A SINGLE PROPRIETORSHIP; THE ADMINISTRATOR IN THE CASE OF GOVERNMENT OR PRIVATE BUILDINGS OR FACILITIES; AND THE SCHOOL SUPERINTENDENT, PRESIDENT, DEAN, OR PRINCIPAL IN THE CASE OF EDUCATIONAL INSTITUTIONS. THE TERM ALSO INCLUDES ANY PERSON EXERCISING ACTUAL OR DELEGATED AUTHORITY OVER THE PREMISES.

“WORKPLACES “- REFER TO ANY PLACE USED BY PERSONS DURING EMPLOYMENT OR WORK, INCLUDING VOLUNTARY WORK. THE TERM INCLUDES ATTACHED OR ASSOCIATED AREAS COMMONLY USED BY WORKERS SUCH AS CORRIDORS, ELEVATORS, CAFETERIAS, RESTROOMS, AND WORK VEHICLES.”

Sec. 6. Prohibition on Smoking and Vaping. — Smoking and vaping shall be prohibited in all public places, public conveyances, and workplaces. This prohibition extends to all indoor areas, including but not limited to those enumerated in the amended definitions under Section 4 of this Act.

Sec. 7. Designated Smoking and Vaping Areas (DSVA). — In all enclosed places that are open to the general public, workplaces, and other places not covered under the preceding section, where smoking/vaping may expose a person other than the smoker to tobacco smoke and vape emissions, the owner, proprietor, operator, possessor, manager, or administrator of such places may establish DSVA. Such area must be in an outdoor space with the following requirements:

- (a) The DSVA shall be located in an open outdoor space with no roof or enclosing walls;
- (b) It shall not be situated within ten (10) meters from any entrance, exit, window, or area where people commonly pass or congregate;
- (c) It shall not be located in public conveyances nor within one hundred (100) meters of schools, playgrounds, and other places or facilities frequented by minors.
- (c) It shall not exceed ten (10) square meters in area;
- (d) Only one DSVA shall be allowed per building or establishment;
- (e) No food or beverage shall be served or consumed inside the DSVA; and
- (f) It shall comply with such other standards as may be prescribed by the Department of Health or the local Smoke-Free and Vape-Free Task Force.

Nothing in this Act shall be construed to compel persons-in-charge to establish designated smoking or vaping areas, nor to preclude them from adopting and implementing more stringent measures within their buildings and establishments, in accordance with existing laws and regulations, and consistent with a human rights-based approach and the State’s obligation to protect and promote the right to health and to a safe, healthy, and smoke-free environment.

The non-smoking and non-vaping signage shall be made part of the requirements for the issuance or renewal of a business permit to operate an establishment, health facility, or school. Failure to

comply therewith is a ground for the denial or revocation of such permit; provided, that for schools, these signages should be prominently displayed whenever youth activities are being conducted, declaring that the area is a smoke-free/vape-free zone.”

Sec. 8. Obligations of Persons-in-Charge. — Persons-in-charge of public places and workplaces shall have the following obligations:

- (a) Prominently display “No Smoking, No Vaping” signs in conspicuous locations. Such signs shall measure at least 8 x 11 inches and shall include versions in English and the local dialect;
- (b) Remove all ashtrays and other receptacles used for smoking or vaping in prohibited areas;
- (c) Establish internal policies and procedures for the effective implementation and enforcement of this Act;
- (d) Ensure that all employees are properly oriented on the provisions of this Act; and
- (e) Comply with such other requirements as may be imposed by the Local Government Units (LGUs) or concerned agencies.

Sec. 9. Creation of Smoke-Free and Vape-Free Task Forces. — All provinces, cities, and municipalities shall establish a Smoke-Free and Vape-Free (SF/VF) Task Force. The Task Force shall be chaired by the Local Chief Executive and co-chaired by the City or Municipal Health Officer.

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
- (h) Environmental Protection Officer
- (i) A representative from the private sector
- (j) Other office/s as may be deemed necessary by the Local Chief Executive

It shall be responsible for the implementation, monitoring, and enforcement of this Act in coordination with the Philippine National Police, the Metropolitan Manila Development Authority (MMDA) in the National Capital Region, and other concerned agencies. The Task Force is likewise mandated to deputize enforcers, including but not limited to barangay tanods and other authorized personnel, to ensure the effective enforcement of this Act at the community level.

LGUs shall allocate a minimum of three percent (3%) of their Local Health Budget as a dedicated fund for the operation of the Smoke-Free and Vape-Free Task Force and for the development and implementation of supportive programs and activities that promote a smoke-free and vape-free environment. Nothing in this Act shall prevent or limit LGUs from allocating an amount greater than the prescribed minimum dedicated fund for tobacco control and the promotion of a smoke-free and vape-free environment.

LGUs shall likewise enact the measures necessary to implement the provisions of this Act.

The Task Force shall meet at least quarterly, or as often as may be necessary, to effectively carry out the provisions of this Act and other relevant tobacco control laws, rules, and ordinances.

The lack of a duly constituted Task Force shall not be a bar to the implementation and enforcement of this Act.

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. Chairperson of the Association of Barangay Captains
- e. Sangguniang Kabataan Federation President
- f. School District Representative
- g. Tertiary Institution Representatives
- h. Environmental Protection Officer
- i. A representative from the private sector
- j. Other office/s as may be deemed necessary by the Local Chief Executive

The SF/VF Task Force shall include at least one representative from civil society organizations, community or people's organizations promoting public health, which should not be connected, directly or indirectly, or represent the interests of the tobacco industry.

All representatives of government agencies and organizations, including civil society, non-government, grassroots, international organizations and private sector, that take any part, directly or indirectly, in the setting and implementing of tobacco control policies shall be required to fully accomplish a signed declaration under oath that states, among others, that they are not affiliated with the tobacco industry, and that they do not act on such industry's behalf or interests. The signed and notarized copy of such declarations shall be made available to the public primarily via the LGUs' website and other means to readily access such information.

In the event of any change in circumstances that may affect the truthfulness, validity, or completeness of the initial declaration of non-affiliation with the tobacco and vape industry, all representatives of government agencies and organizations, including civil society, non-government, grassroots, and international organizations, shall be required to file an updated declaration under oath immediately. Such updated declaration shall disclose any new, emerging, or potential conflict of interest, including but not limited to affiliations, financial interests, partnerships, or any other form of involvement that may directly or indirectly link the individual or their organization to the tobacco industry or its representatives.

Sec. 10. Tobacco and Vape Sales License. — No person or establishment shall sell, distribute, or offer for sale tobacco products, heated tobacco products, or electronic nicotine/non-nicotine delivery systems without a valid Tobacco and Vape Sales License issued by the LGUs.

The application for such license shall include the following minimum requirements:

- (a) Proof of business registration;
- (b) Certification that the establishment is at least one hundred (100) meters away from any school, playground, or other places frequented by minors;
- (c) Submission of a vicinity map;
- (d) Certification from the barangay confirming public notice of the application; and

(e) Such other requirements as may be prescribed by the LGUs.

The license shall be displayed conspicuously at the place of business and shall be valid only for the specific location indicated therein.

Sec. 11. Livelihood Assistance Program. — Persons whose livelihood may be adversely affected by the restrictions under this Act, such as ambulant vendors of tobacco and vape products, may be referred to appropriate livelihood assistance programs of the Public Employment Service Office (PESO) or the local Social Welfare and Development Office. LGUs are encouraged to provide incentives, such as recognition awards or business permit fee waivers, to establishments that voluntarily adopt stricter smoke-free and vape-free measures.

Sec. 12. Awards and Recognition. — The Department of Health and the Department of the Interior and Local Government shall include the effective implementation of this Act and the performance of the Smoke-Free and Vape-Free Task Forces among the criteria for awards and recognition programs, including but not limited to the Red Orchid Awards, the Seal of Good Local Governance, and other similar incentive or recognition mechanisms.

Sec. 13. Penalties. — The following penalties shall be imposed for violations of this Act:

(a) **Smoking or Vaping in Prohibited Places.** - Any person who smokes or vapes in prohibited areas shall be fined as follows:

1. First offense — Fine of Five Thousand Pesos (₱5,000.00);
2. Second offense — Fine of Ten Thousand Pesos (₱10,000.00); and
3. Third and subsequent offenses — Fine of Twenty Thousand Pesos (₱20,000.00).

(b) **Violation by Persons-in-Charge or Establishments.** - Any person-in-charge who allows, abets, or tolerates smoking or vaping in prohibited places, or who fails to perform the obligations under this Act, shall be subject to the same penalties provided above. For juridical entities, the business permit or license may be suspended or revoked, in addition to fines.

(c) **Illegal or Non-Compliant Designated Smoking and Vaping Area (DSVA).** - Any person or establishment that establishes or maintains a DSVA in violation of any of the requirements of this Act shall be fined not less than Ten Thousand Pesos (₱10,000.00), but not more than Twenty Thousand Pesos (₱20,000.00), and the non-compliant structure shall be removed or demolished, subject to existing laws and regulations. This is without prejudice to the suspension, cancellation, or revocation of business permits.

(d) **Selling tobacco and vape products without the required license** — LGUs are hereby mandated to order the closure of, or impose appropriate fines and penalties on, non-compliant point-of-sale establishments pursuant to existing revenue and other applicable regulatory ordinances.

Sec. 14. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Sec. 15. Repealing Clause. — Section 4 and Section 6 of Republic Act No. 9211, and Section 15 and other relevant provisions of Republic Act No. 11900, are hereby amended or modified accordingly. All laws, decrees, executive orders, rules, regulations, and other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 16. Effectivity. — This Act shall take effect one (1) year after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,