

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 9939



Introduced by **HONORABLE LANI MERCADO-REVILLA**

EXPLANATORY NOTE

The rapid proliferation of vaporized nicotine and non-nicotine products, commonly known as electronic cigarettes or vapes, poses a significant public health concern, particularly among the youth. Marketed as safer alternatives to conventional tobacco products, these devices in reality expose users to more harmful substances, including toxic irritants, heavy metals, and carcinogenic compounds. Such exposures are associated to cardiovascular disease, neurological impairments, nicotine dependence, and respiratory injury, including E-cigarette or Vaping Use-associated Lung Injury (EVALI), an emerging condition not observed in conventional tobacco use, which recorded its first Filipino fatality in 2024.

Considering the associated major health risks, youth uptake remains particularly alarming. Flavored products, “toy-like” devices, and the expansion of online sales have lowered the barrier to youth access, facilitating early nicotine initiation and increase the risk of long-term addiction.

Thus, the Department of Health (DOH) is strongly pushing for a ban on vapes and e-cigarettes, citing severe health risks like EVALI, nicotine addiction, and increased usage among youth. The DOH argues these products pose safety hazards and urges lawmakers to restrict access, treating them as dangerous, not as safer alternatives to smoking. Incidents of devices exploding, such as one involving a 17-year-old boy, have increased urgency for a ban. The DOH advises parents and guardians to be vigilant against youth accessing these products, noting that 20% of users are in the 15-20 age group, says a Facebook post by CTFK Global.

Despite the enactment of Republic Act No. 11900, otherwise known as the “Vaporized Nicotine and Non-Nicotine Products Regulation Act,” enforcement challenges persist. Regulatory safeguards have been undermined by market availability to minors and persistence of illicit trade. As a result, the current framework has failed to curb youth access, prevent unregulated distribution, or mitigate growing public health burden associated with vaping.

This measure is anchored on Article II, Section 15 of the 1987 Constitution, which mandates the State to protect and promote the right to health of the people and instill health consciousness among them. In furtherance of this mandate, the State is empowered to exercise its police power to enact measures necessary to safeguard public health, subject to the requirements of reasonableness and public safety. Likewise, this proposed bill is consistent with the country’s obligations under the World Health Organization Framework Convention on Tobacco Control (WHO-FCTC), which calls State Parties to adopt effective measures to reduce tobacco use, including nicotine dependence.

Given the demonstrated harms associated with vapor products, supported by the recognition that no regulatory framework will be sufficient to prevent youth access, curb illicit trade, and mitigate health risks and address the demonstrated harms of exposure to vapor products, the adoption of a comprehensive prohibition constitutes a proportionate and necessary response to protect public health.

Toward this end, this measure seeks to prohibit the manufacture, importation, sale, distribution, and use of vaporized nicotine and non-nicotine products and repeal RA No. 11900 to replace this regulatory regime with a prohibition model.

In light of the growing scientific evidence on the harms of vapor products and the demonstrated limitations of the existing regulatory framework, the shift toward prohibition is justified, compelling, and necessary.

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



LANI MERCADO-REVILLA

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AN ACT
PROHIBITING THE MANUFACTURE, IMPORTATION, SALE, DISTRIBUTION,
AND USE OF VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER
PURPOSES, THEREBY REPEALING REPUBLIC ACT NO. 11900

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

SECTION 1. Short Title. – This Act shall be known as the “Vapor Products Public Health Protection Act.”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State, pursuant to Article II, Section 15 of the 1987 Constitution, to protect and promote the right to health of the people and instill health consciousness among them. In the valid exercise of the State’s police power, subject to the test of reasonableness and public necessity, the State recognizes that vapor products pose serious and deleterious risks to public health, including respiratory injury, cardiovascular diseases, neurological harm, and nicotine dependence, particularly among children and the youth.

The State further recognizes that the increasing prevalence of vapor product use, coupled with the widespread availability of flavored and technology-driven vapor products, including online distribution channels, facilitates youth initiation, thereby constituting a public health concern of national significance.

Finally, the State ultimately recognizes that no regulatory framework, including the existing regulatory mechanisms provided under Republic Act No. 11900, will be sufficient to prevent youth access, curb illicit trade, and mitigate health risks and address the demonstrated harms of exposure to vapor products.

Toward this end, the State shall adopt a comprehensive prohibition on vapor products in order to safeguard public health, safety, and welfare.

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Components* refer to any part, accessory, or element of a vapor device or consumable, including but not limited to batteries, heating elements, coils, chargers, mouthpieces, tanks, cartridges, and similar parts, whether sold separately or assembled;

(b) *Consumables* refer to any substance, whether liquid, gel, or solid, used in conjunction with Vapor Devices, including cartridges, pods, refills, sticks, capsules, and similar materials;

(c) *EVALI* refers to Electronic Cigarette or Vaping Use-Associated Lung Injury;

(d) *Vapor Devices* refer to any apparatus, component, or accessory designed to deliver vapor products, including electronic cigarettes, vape pens, pod systems, tanks, batteries, and similar equipment; and

(e) *Vapor Products* refer to either Electronic Nicotine Delivery System (ENDS) or Electronic Non-Nicotine Delivery System (ENNDS) that produce an aerosol by heating a substance, intended for inhalation.

SEC. 4. *Prohibited Acts.* – Except as provided under Section 9 of this Act, it shall be unlawful for:

(a) An individual or entity to manufacture, import, sell, distribute, or otherwise place in commerce vapor devices, including its consumables and components;

(b) An individual to possess vapor products for the purpose of sale or distribution;

(c) An individual to use or consume such vapor products in any place, whether public or private, after the lapse of the transitory period provided under section 9 of this Act.;

(d) An individual or entities to advertise, promote, endorse, sponsor or market vapor products through any medium, including digital and online platforms.

SEC. 5. Roles of Agencies. – The Department of Health (DOH) shall serve as the lead agency responsible for policy implementation, public health monitoring and overall coordination of this Act.

Enforcement of this Act shall be undertaken by the following agencies within their respective mandates:

(a) *Food and Drug Administration (FDA).* – Shall serve as the primary regulatory and technical authority to identify prohibited products, issue cease and desist orders, and conduct seizure and disposal of vapor products in domestic commerce;

(b) *Department of the Interior and Local Government (DILG) and the Philippine National Police (PNP).* – Shall lead the enforcement of the ban on public use and closure of retail establishments in coordination with Local Government Units (LGUs);

(c) *LGUs.* – Shall enforce the provisions of this Act within their respective jurisdictions and may enact complementary ordinances consistent with this Act, including enforcement of existing regulations and ordinances related to vapor product regulation during the transitory period provided under Section 9 of this Act;

(d) *Bureau of Customs (BOC).* – Shall strictly implement the ban on entry of all vapor products, including vapor devices, consumables, and components at all ports of entry, and shall treat such items as prohibited importations under the Customs Modernization and Tariff Act; and

(e) *Other Deputized Agencies.* – The DOH may deputize other government agencies or law enforcement units to assist in the implementation and enforcement of this Act.

No government agency shall, including the Department of Trade and Industry (DTI), issue or renew licenses, permits, or authorization for any activity prohibited under this Act.

SEC. 6. Penalties. – Violations of this Act shall be subject to the following penalties:

(a) Violation of Sections 4(a) and (b). – On the first offense, in addition to mandatory confiscation and forfeiture of vapor products, a fine of not less than Five Thousand Pesos (P5,000.00) or an imprisonment of not more than thirty (30) days, or both. For succeeding offenses, both penalties shall apply.

For offenders caught in possession of more than one thousand (1,000) liters of consumables, in addition to mandatory confiscation and forfeiture of vapor products, a fine of not less than One Million Pesos (P1,000,000.00) but not more than Ten Million Pesos (P10,000,000.00), and imprisonment of not less than six (6) years but not more than ten (10) years.

(b) Violation of Section 4(c). – On the first offense, a fine of not less than Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00) shall be imposed.

On the second offense, a fine of not less than One Thousand Pesos (P1,000.00) but not more than Five Thousand Pesos (P5,000.00) shall be imposed.

On the third and succeeding offenses, a fine of not less than Five Thousand Pesos (P5,000.00) but not more than Ten Thousand Pesos (P10,000.00).

(c) Violation of Section 4(d). – On the first offense, a fine of not more than One Hundred Thousand Pesos (P100,000.00) or imprisonment of not more than one (1) year, or both. On the second offense, a fine of Two Hundred Thousand Pesos (P200,000) or imprisonment of not more than two (2) years, or both. On the third offense, a fine of not more than Four Hundred Thousand Pesos (P400,000.00) or imprisonment of not more than three (3) years, or both.

(d) If the offender is a corporation, partnership, association, or any other juridical entity, the penalty of imprisonment shall be imposed upon the president, managing partner, general manager, or any other officer responsible for the violation. In addition to the fines and imprisonment, the business permit and license to operate of the juridical entity shall be perpetually revoked.

(e) If the offender is an alien, such offender shall be deported, subject to applicable immigration laws and due process, after serving the sentence, and shall forever be barred from re-entering the Philippines.

SEC. 7. Confiscation and Disposal. – All confiscated vapor products shall, including those seized at ports of entry or through online transactions, be turned over to the DOH for proper documentation and disposal in accordance with environmental and public health standards.

SEC. 8. Public Education and Awareness. – The DOH, in coordination with the Department of Education, Commission on Higher Education, Technical Education and Skills Development Authority, and LGUs, shall conduct sustained public education campaigns on the health risks of vapor products and nicotine addiction.

SEC. 9. Transitory Provision. – In order to facilitate an orderly transition and ensure compliance with the requirements of this Act, the following transitory rules shall apply:

(a) *Grace Period for Existing Licenses.* – All existing licenses, permits, and authorizations related to vapor products shall remain valid for a period of ninety (90) days from the effectivity of this Act, solely for the purpose of winding down operations and inventory depletion. Upon the lapse of the grace period, such licenses, permits, or authorizations shall be deemed revoked. No new applications for registration or licensing shall be accepted within the grace period;

(b) *Inventory Declaration.* – All manufacturers, importers, distributors, and retailers shall submit a notarized declaration of existing inventory to the FDA within thirty (30) days from the effectivity of this Act.

(c) *Limited Sell-Off of Existing Inventory.* - During the grace period, the sale and distribution of existing inventories shall be allowed strictly for the purpose of depletion, subject to the following conditions:

- (i) No sale to minors shall be permitted;
- (ii) No new manufacturing, importation, or product introduction shall be allowed;
- (iii) No expansion of business operations shall be allowed; and
- (iv) No advertising, promotion, or marketing activities shall be conducted;

All pending shipments arriving after the effectivity of this Act shall be denied entry to the Philippines.

(d) *Temporary Allowance for Personal Use.* - The use of vapor products shall be temporarily allowed within the grace period; *Provided,* That use of vapor products in all public places, shall remain regulated in accordance with existing laws and ordinances;

(e) *Post-Transition Enforcement.* - Upon the expiration of the grace period, a full prohibition regime shall be enforced in accordance with Section 4 of this Act.

(f) *Disposition of Remaining Inventory.* - Upon the expiration of the grace period, all remaining vapor products shall be deemed prohibited and subject confiscation and disposal provided under Section 7 of this Act.

SEC. 10. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the DOH shall, in coordination with the FDA, and in consultation with other agencies and stakeholders, promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 11. *Separability Clause.* – If any provision of this Act is declared invalid or unconstitutional, the remaining provisions or parts of this Act which are not affected thereby shall remain in full force and effect.

SEC. 12. *Repealing Clause.* – Republic Act No. 11900, otherwise known as the “Vaporized Nicotine and Non-Nicotine Products Regulation Act,” is hereby repealed.

All laws, presidential decrees, executive orders, letters of instruction, administrative rules and regulations or parts thereof, which are contrary to or inconsistent with the provisions of this Act, are hereby repealed, amended, or modified accordingly.

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

Approved,