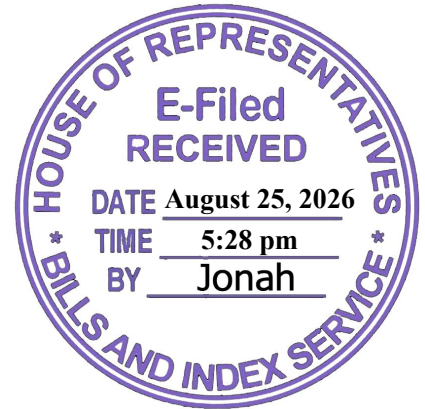


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **10961**



Introduced by **Representative JEFFREY SORIANO**

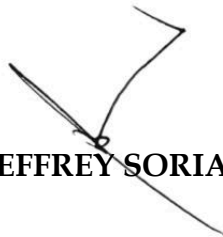
EXPLANATORY NOTE

This bill seeks to mandate a truly smoke-free and vape-free environment in all public places and workplaces. It amends Republic Act (RA) No. 9211, otherwise known as the "*Tobacco Regulation Act of 2003*" and RA No. 11900, otherwise known as the "*Vaporized Nicotine and Non-Nicotine Products Regulation Act*" to expand and modernize key definitions to ensure comprehensive coverage regardless of ownership or physical enclosure. It strengthens enforcement by requiring strict standards for designated smoking and vaping areas, creating local Smoke-Free and Vape-Free Task Forces with dedicated budget allocations, and instituting a Tobacco and Vape Sales License system, all while imposing graduated penalties for violations.

The abovementioned laws were enacted to regulate the sale, use, and promotion of tobacco and vape products. However, gaps in the current definitions of public places, public conveyances, and smoking and vaping activities have allowed inconsistent enforcement of smoke-free policies, particularly with the rise of vaping and heated tobacco products, which were not adequately contemplated when RA No. 9211 was first passed.

This bill closes definitional loopholes and strengthens local enforcement mechanisms. It upholds the State's policy to protect public health consistent with the World Health Organization Framework Convention on Tobacco Control, safeguarding non-smokers, workers, and minors from the harmful effects of tobacco smoke and vape emissions.

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


HON. JEFFREY SORIANO

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

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **10961**

Introduced by **Representative JEFFREY SORIANO**

AN ACT

MANDATING A SMOKE-FREE AND VAPE-FREE ENVIRONMENT IN ALL PUBLIC PLACES AND WORKPLACES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE KNOWN AS THE "TOBACCO REGULATION ACT OF 2003" AND REPUBLIC ACT NO. 11900, OTHERWISE KNOWN AS THE "VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS AND REGULATION ACT", 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 hereby declared the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. 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 one hundred percent (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, otherwise known as the "*Tobacco Regulation Act of 2003*", is hereby amended to read as follows:

"SEC. 4. Definition of Terms.–As used in this Act:

"x x x

“(m) “Public Conveyances” - refer to [modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles,] **ALL TERMINALS, PUBLIC FACILITIES, and [similar] 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[s] SERVICES (TNVS), MOTOR TAXIS, AND OTHER MODES OF TRANSPORTATION THAT THE DEPARTMENT OF TRANSPORTATION AND OTHER REGULATORY AGENCIES MAY APPROVE;**

“(n) Public Places - refer 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, **FIXED OR MOBILE, [shopping malls, movie houses, hotels, restaurants,] 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;**

“x x x

“(p) Smoking **OR VAPING** - refers to the act of carrying, [a] **POSSESSING, OR HAVING CONTROL OVER ANY** lighted [cigarette or other] tobacco product[s], **HEATED TOBACCO PRODUCT, OR ELECTRONIC NICOTINE /**

NON-NICOTINE DELIVERY SYSTEM, whether or not [it is being inhaled or]THE smoke[d], VAPOR, OR AEROSOL IS BEING ACTIVELY INHALED OR EXHALED;

“x x x.”

SEC. 5. *Amendments to Republic Act No. 11900.* – Section 3 of Republic Act No. 11900, otherwise known as the “*Vaporized Nicotine and Non-Nicotine Products Regulation Act*”, 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.

“SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

“(a) x x x;

“(b) x x x;

“(c) x x x;

“(d) **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;**

“(e) *Designated Vaping Area (DVA)* x x x;

“(f) *Distributor* x x x;

“(g) *Heated Tobacco Products (HTPs)* x x x;

“(h) *Heated Tobacco Product Device of HTP Device* x x x;

“(i) *Manufacturer* x x x;

“(j) *Medicinal or Therapeutic Claims* x x x;

“(k) *Nicotine* x x x;

“(l) *Nicotine Mixture* x x x;

“(m) *Nicotine Shots* x x x;

“(n) *Novel Tobacco Products* x x x;

“(o) *Package* x x x;

“(p) **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 SHALL ALSO INCLUDE ANY PERSON EXERCISING ACTUAL OR DELEGATED AUTHORITY OVER THE PREMISES;

“[(p)] **(Q)** *Principal display surface* x x x;

“[(q)] **(R)** *Point-of-Sale* x x x;

“[(r)] **(S)** *Product Demonstration* x x x;

“[(s)] **(T)** *Product Statement* x x x;

“[(t)] **(U)** *Promotion* x x x;

“[(u)] **(V)** *Promotional* x x x;

“[(v)] **(W)** *Reduced Risk* x x x;

“[(w)] **(X)** *Refill* x x x;

“[(x)] **(Y)** *Retailer* x x x;

“[(y)] **(Z)** *Sponsorship* x x x;

“[(z)] **(AA)** *Tamper-resistant* x x x;

“[(aa)] **(BB)** *Vapor Products* x x x;

“[(bb)] **(CC)** *Vapor Product Device* x x x;

“[(cc)] **(DD)** *Vapor Product System*, also referred to as electronic nicotine or non-nicotine delivery systems, shall refer to the specific combination consisting of the Vapor Product Refill and Vapor Product Device which, based on the information made available to the consumer by the provider, are intended to be used together; [and]

“[(dd)] **(EE)** *Vaporized Nicotine or Non-Nicotine Products* shall refer to both [Heated Tobacco Products] **HTPs** and Vapor Products, as defined herein, which are novel consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion[.]; **AND**

“(FF) WORKPLACES REFER TO ANY PLACE USED BY PERSONS DURING EMPLOYMENT OR WORK, INCLUDING VOLUNTARY WORK. THE TERM SHALL INCLUDE 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 or 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. The DSVA must be in an outdoor space with no roof or enclosed walls, with the following requirements:

- a. It shall not be situated within ten (10) meters from any entrance, exit, window, or area where people commonly pass or congregate;
 - b. 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 (1) 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 (DOH), 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 eight by eleven (8 x 11) inches and shall include versions in English and the local language;
- 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, herein referred to as the Task Force. The Task Force shall be chaired by the Local Chief Executive and co-chaired by the City or Municipal Health Officer. 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), 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.

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. Sangguniang Kabataan (SK) Federation President;
- f. School District Representative;
- g. Tertiary Institution Representatives;
- h. Environmental Protection Officer;
- i. A representative from the private sector; and
- j. Other office/s as may be deemed necessary by the Local Chief Executive.

The Task Force shall also include at least one (1) 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 behalfs or interests. The signed and notarized copy of such declarations shall be made available to the public primarily via the LGU's 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.

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.

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 LGU.

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 LGU.

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 DOH 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. Any person who smokes or vapes in prohibited areas shall be fined as follows:

- i. First offense: Fine of Five thousand pesos (Php 5,000.00);
- ii. Second offense: Fine of Ten thousand pesos (Php 10,000.00); and
- iii. Third and subsequent offenses: Fine of Twenty thousand pesos (Php 20,000.00).

b. 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. Any person or establishment that establishes or maintains a DSWA in violation of any of the requirements of this Act shall be fined not less than Ten thousand pesos (Php 10,000.00), but not more than Twenty thousand pesos (Php 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.

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 of RA No. 9211, and Section 3 of RA 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,