

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Resolution No. 381



Introduced by Hon. Alfredo Garbin Jr. and Hon. Rodante D. Marcoleta

RESOLUTION

DIRECTING THE COMMITTEE ON TRADE AND INDUSTRY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PROPRIETY OF IMPLEMENTING DEPARTMENT OF HEALTH (DOH) ADMINISTRATIVE ORDER 2019-0007, ASCERTAIN ITS ECONOMIC EFFECT ON TRADE AND COMMERCE AND TO DETERMINE WHETHER A LONGER PERIOD OF TIME MUST BE ACCORDED TO CONDUCT FURTHER CONSULTATION ON THE APPROPRIATE REGULATION OF ENDS/ENNDS

WHEREAS, during the Seventeenth Congress, House Resolution No. 1885 was adopted on May 30, 2018 by the House of Representatives as Resolution No. 125, urging the Department of Health to promote harm reduction measures as part of its national tobacco control strategy, particularly the use of electronic cigarettes as an alternative for smokers;

WHEREAS, Resolution No. 125 states that *“cigarette smoking is one of the leading preventable causes of illness and death. Projections by public health experts using World Health Organization (WHO) data show that there will be more than one billion (1,000,000,000) smokers around the globe for the foreseeable future. Despite all the regulations and strict policies enforced by governments, people still find a way to smoke. E-cigarettes offer an alternative. It is based on the idea of harm reduction: we can help smokers to switch from cigarettes to products that reduce the risks of smoking. Public health experts predict that smokers who switch to combustion-free products can substantially reduce smoking and the risk of developing smoking-related diseases and eventually overall population harm;”*

WHEREAS, on March 12, 2014, the DOH issued Administrative Order (AO) No. 2014-0008, entitled *“Rules and Regulations on Electronic Nicotine Delivery System (ENDS) or Electronic Cigarettes”* to ensure the safety, efficacy and quality of ENDS or e-cigarettes by providing pertinent guidelines for manufacturers and distributors in securing licenses to operate and certificates of product registration, among others;

WHEREAS, on June 14, 2019, the DOH issued AO No. 2019-0007, providing an updated policy on Electronic Nicotine and Non-nicotine Delivery Systems (ENDS/ENNDS) to guide all individuals, enterprises and businesses which seek to manufacture, distribute, import, export, sell, offer for sale, and/or use these e-cigarette products;

WHEREAS, in addition to providing updated guidelines, AO No. 2019-0007 imposes additional requirements not previously present in AO No. 2014-0008 which may inadvertently create technical barriers to trade; cause unreasonable burden on manufacturers, traders, importers, exporters, distributors, and retailers; and impinge on their right to operate legitimate economic enterprises;

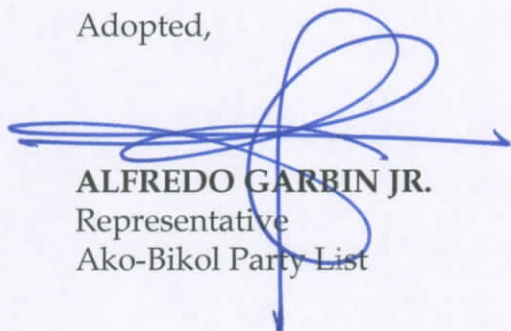
WHEREAS, Congress recognizes that there is a gap in the legal structure for a regulatory framework with respect to the treatment and classification of e-cigarettes as evidenced by the various bills that were filed on the subject;

WHEREAS, the guiding principle proposed in regulating e-cigarettes and other innovations should take a comprehensive and balanced approach between primarily ensuring product safety for the consumers, and the regulatory interventions introduced by the government to protect one's trade or calling;

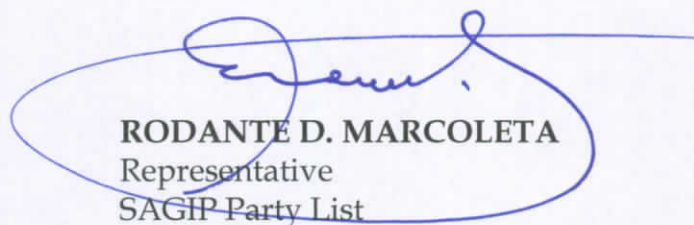
WHEREAS, in order for the House of Representatives to institutionalize a regulatory framework that will cover ENDS/ENNDS, a more thorough review and study of relevant data must be undertaken to ensure that the rights of the consumers and businesses are equitably protected, substantive due process is observed, and the imposition of regulations shall not be overly-restrictive as to defeat the rights of persons: Now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES, To direct the Committee on Trade and Industry to conduct an inquiry, in aid of legislation, on the propriety of implementing Department of Health (DOH) Administrative Order No. 2019-0007, ascertain its economic effect on trade and commerce, and to determine whether a longer period of time must be accorded to conduct further consultation on the appropriate regulation of ENDS/ENNDS.

Adopted,



ALFREDO GARBIN JR.
Representative
Ako-Bikol Party List



RODANTE D. MARCOLETA
Representative
SAGIP Party List