

Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1402

INTRODUCED BY REPRESENTATIVE ALFRED VARGAS


EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is the policy of the State to protect and promote the people's right to health.' Furthermore, the Constitution identifies *children* as one of the groups entitled to be prioritized in health development.

According to the World Health Organization and the Department of Health (2009), children are more vulnerable to the dangers of second-hand smoke compared to adults because of their small built. Also, children breathe faster than adults and thus, are exposed to a greater amount of tobacco smoke. More studies have also associated children's exposure to second-hand smoke to increased risk of lung cancer in adulthood.

This bill seeks to protect children from second-hand smoke in public places and enclosed areas by amending the Tobacco Regulation Act of 2003.

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


REP. ALFRED D. VARGAS
Fifth District, Quezon City

Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1402

INTRODUCED BY REPRESENTATIVE ALFRED VARGAS

AN ACT
PROTECTING CHILDREN FROM CIGARETTE SMOKE EXPOSURE,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9211, OTHERWISE
KNOWN AS THE TOBACCO REGULATION ACT OF 2003, SECTIONS 6
AND 29

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

Section 1. Section 6 of Republic Act No. 9211, also known as the Tobacco Regulation Act of 2003, on Designated Smoking and Non-Smoking Areas is hereby amended to read as follows:

Section 6. *Designated Smoking and Non-Smoking Areas.* - In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area with proper ventilation, but shall not be located within the same room that has been designated as a nonsmoking area. **PROVIDED, THAT IN ALL SCHOOL-RELATED ACTIVITIES, WHETHER WITHIN OR OUTSIDE THE SCHOOL PREMISES AND WHETHER HELD INDOORS OR OUTDOORS, SMOKING SHALL BE ABSOLUTELY PROHIBITED.**

All designated smoking areas shall have at least one (1) legible and visible sign posted, name "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-Smoking areas shall likewise have at least one (1) legible and visible sign, namely: [NON-SMOKING--ARSA!'-of "NO S M 01(1N G"] "SMOKING IS

ABSOLUTELY PROHIBITED IN ENCLOSED AREAS UNDER R.A. NO. 9211."

THESE SMOKING AND NON-SMOKING SIGNAGES SHOULD BE MADE PART OF THE REQUIREMENTS FOR THE ISSUANCE AND/OR RENEWAL OF THE BUSINESS PERMITS AND/OR PERMITS TO OPERATE OF ESTABLISHMENTS, HEALTH FACILITIES OR SCHOOLS AND THE FAILURE TO COMPLY THEREWITH IS A GROUND FOR THE DENIAL OR REVOCATION OF SUCH PERMITS, *PROVIDED*, THAT FOR SCHOOLS, THESE SIGNAGES SHOULD BE PROMINENTLY DISPLAYED WHENEVER YOUTH ACTIVITIES ARE BEING CONDUCTED DECLARING THAT THE AREA IS A SMOKE-FREE ZONE.

Section 2. Section 29 of the same Act is also hereby amended to read as follows:

SECTION 29. *Implementing Agency.* -An Inter-Agency Committee

Tobacco (IAC -Tobacco), which shall have the exclusive power and function to administer and implement the provisions of this Act, is hereby created. The IAC-Tobacco shall be chaired by the Secretary of the Department of **HEALTH (DOH)** [Trade and Industry (P.H)] with the Secretary of the Department of **TRADE AND INDUSTRY (DTI)** [**HEALTH (DOH)**] as Vice Chairperson. The IAC-Tobacco shall have the following as members:

- a. Secretary of the Department of Agriculture (DA);
- b. Secretary of the Department of Justice (DOJ);
- c. Secretary of the Department of Finance (DOF);
- d. Secretary of the Department of Environment and Natural Resources (DENR);
- e. Secretary of the Department of Science and Technology (DOST);
- f. Secretary of the Department of Education (DepEd);
- g. Administrator of the National Tobacco Administration (NTA);
- h. A representative from the Tobacco Industry to be nominated
by the legitimate and recognized associations of the industry;
and
- i. A representative from a non-government organization (NGO)
involved in public health promotion nominated by DOH
in
consultation with the concerned NGOs;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC.

Section 3. *Separability Clause.* - If any provision of this Act is held invalid or unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

Section 4. *Repealing Clause.* - All laws, decrees, orders, and issuances, or portions thereof, which are inconsistent with the provisions of this Act, are hereby repealed, amended or modified accordingly.

Section 5. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.