

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 64



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

RESOLUTION

DIRECTING THE COMMITTEE ON HEALTH TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO THE ENFORCEMENT OF EXISTING REGULATORY STANDARDS AND POLICIES GOVERNING ELECTRONIC NICOTINE DELIVERY SYSTEM (ENDS) IN THE COUNTRY WITH THE END IN VIEW OF PROTECTING AND PROMOTING THE RIGHT TO HEALTH OF THE FILIPINO PEOPLE

WHEREAS, Administrative Order No. 2014-0008 entitled "Rules and Regulations on Electronic Nicotine Delivery System (ENDS) or Electronic Cigarettes" was issued by the Department of Health (DOH) on 12 March 2014 to ensure the safety, efficacy and quality of electronic cigarette or ENDS as health product or consumer product and to serve as guidelines for ENDS manufacturers and distributors in securing a license to operate and a Certificate of Product Registration from the Food and Drug Administration (FDA);

WHEREAS, Administrative Order No. 2019-0007 entitled "Revised Rules and Regulations on Electronic Nicotine and Non-Nicotine Delivery System (ENDS/ENNDS) was issued by the Department of Health on 14 June 2019 in order to provide an updated policy on ENDS/ENNDS which shall serve as a guide to all individuals, enterprises and businesses which seek to manufacture, distribute, import, export, sell, offer for sale, and/or use these products;

WHEREAS, on 10 April 2013, the FDA has issued an advisory, which states that:

Contrary to what some marketers of the electronic cigarette imply in their advertisements, the World Health Organization (WHO) does not consider it to be a legitimate therapy for smokers trying to quit. "The electronic cigarette is not a proven nicotine replacement therapy," said Dr Ala Alwan, Assistant Director-General of WHO's Noncommunicable Diseases and Mental Health Cluster. "WHO has no scientific evidence to confirm the product's safety and efficacy. Its marketers should immediately remove from their web sites and other informational materials any suggestion that WHO considers it to be a safe and effective smoking cessation aid."

The FDA has not registered any electronic cigarette products and will not register them as health products (R.A. 9711, The FDA Act of 2009).

The electronic cigarette is contrary to the intent and provisions of Republic Act No. 9211, otherwise known as the Tobacco Regulation Act of 2003. Among others, R.A. No. 9211 is intended to protect the youth from nicotine addiction and chronic respiratory diseases, including cancer, brought about by inhalation of thousands of highly toxic substances found in tobacco and cigarettes. Wittingly or unwittingly, the electronic cigarette promotes smoking among children and the youth. It makes them less fearful of hazards and risks of smoking. It is opposed to the DOH health goal to stop cigarette smoking and tobacco use.

The public is advised NOT to smoke at all and NOT to use cigarettes, cigars, or e-cigarettes.¹

WHEREAS, ENDS/ENNDS refer to combinations of non-tobacco-containing e-liquids or refills and an electronic delivery service to produce an aerosol, mist, or vapor that users inhale by mimicking the act of smoking;

WHEREAS, a number of vape shops have already entered the Philippine market offering e-cigarettes that resemble regular cigarettes, while others look more like cigars, pipes, pens and USB drives containing nicotine at levels approximately equal to a pack of cigarettes or 200 cigarette puffs;²

WHEREAS, according to the Public Health England (PHE), an executive agency of the Department of Health and Social Care in the United Kingdom, e-cigarettes have the potential to make a significant contribution to the endgame of tobacco and "that while vaping may not be 100% safe, most of the chemicals causing smoking-related disease are absent and the chemicals present pose limited danger...The current best estimate is that e-cigarette use is around 95% less harmful to health than smoking";³

WHEREAS, a systematic review of health effects of electronic cigarettes found that, "Even though no firm conclusions can be drawn on the safety of e-cigarettes there is an increasing body of evidence indicating harm";⁴

WHEREAS, in light of the conflicting claims on the health effects of ENDS/ENNDS and its effectiveness as a smoking cessation tool, there is a need to look into the enforcement of existing regulations involving electronic cigarettes in the country in order to safeguard the health of the public;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the House of Representatives to direct the Committee on Health to conduct an investigation, in aid of legislation, into the enforcement of existing regulatory standards and policies governing Electronic Nicotine Delivery System (ENDS) in the country with the end in view of protecting and promoting the right to health of the Filipino people.

Adopted,


ANGELINA "HELEN" D.L. TAN, M.D.
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¹ FDA Advisory No. 2013-008 regarding Electronic Cigarettes and R.A. No. 9211, Otherwise Knowns as the Tobacco Act of 2003

² (<https://truthinitiative.org/research-resources/emerging-tobacco-products/e-cigarettes-facts-stats-and-regulations>) accessed on 08 July 2019

³ E-cigarettes: a new foundation for evidence-based policy and practice, Health & Wellbeing Directorate, Public Health England, 2015

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/454517/Ecigarettes_a_firm_foundation_for_evidence_based_policy_and_practice.pdf) accessed on 09 July 2019

⁴ "A systematic review of health effects of electronic cigarettes" prepared at the request of WHO Prevention of Noncommunicable Diseases by Charlotta Pisinger, MD, PhD, MPH, Research Center for Prevention and Health (https://www.who.int/tobacco/industry/product_regulation/BackgroundPapersENDS3_4November-.pdf) accessed on 04 July 2019