



HOUSE OF REPRESENTATIVES

H. No. 9007

BY REPRESENTATIVES BARBERS, TAMBUNTING, PADUANO, REMULLA, Co (E.), KHO (W.), KHO (E.), GARBIN, VILLAFUERTE, SALO, NOGRALES (J.F.F.), MARCOLETA, CASTELO, OLIVAREZ, SINGSON-MEEHAN, SAVELLANO, ESPINO, FARIÑAS (R.C.), ORTEGA, BARBA, CUARESMA, BERNOS, ERIGUEL, MANGAOANG, CHUNGALAO, FONGWAN, CELESTE, DY (I.P.), DE VENECIA, QUIMBO, CRISOLOGO, AGABAS, ESTRELLA, GUICO, ALBANO (A.), DALOG, ALBANO (R.), GATO, SINGSON, LARA, VARGAS ALFONSO, TAN (A.S.), DY (F.M.C.), DY (F.), Go (E.C.), ACOP, LACSON, DE JESUS, BULUT, UY (J.), SY-ALVARADO, GARIN (S.), LAZATIN, HERRERA-DY, ALONTE, RODRIGUEZ, SILVERIO, DELOSO-MONTALLA, BAGATSING, DELOS SANTOS, GATCHALIAN, TIANGCO, VILLAR, ALVAREZ (F.), OUANO-DIZON, SUNTAY, TY (A.), COLLANTES, DUAVIT, SAGARBARRIA, CAMPOS, AUMENTADO, PANOTES, REYES, BABASA, UNABIA, SUANSING (E.), SANCHEZ, TUTOR, ABUEG-ZALDIVAR, Co (A.N.), ARROYO, ACOSTA, BARZAGA, TEVES (J.), NOLASCO, DEFENSOR (M.), SAULOG, RAMOS, YAP (V.), YAP (E.), ATIENZA, REVILLA, ZARATE, GONZAGA, ERMITA-BUHAIN, BAUTISTA-BANDIGAN, CUA, DAZA, FARIÑAS I (R.C.), FRASCO, GASATAYA, GONZALEZ, HARESCO, JALOSJOS, LIMKAICHONG, MOMO, NUÑEZ-MALANYAON, SALCEDA, SUAREZ (D.), VARGAS, VIOLAGO, ZUBIRI, BASCUG, BENITEZ, CABREDO, CARI, DAGOOC, DIMAPORO (A.), DIMAPORO (M.K.), FORTUNO, GULLAS, GUYA, HOFER, JIMENEZ, LABADLABAD, NATIVIDAD-NAGAÑO, TY (D.), FLORES, GAITE, ROBES, NOGRALES (J.J.), SANTOS-RECTO, LACSON-NOEL, HERNANDEZ, ESCUDERO, ABU, ARENAS, MACAPAGAL ARROYO, FERNANDO, ROMERO, GARIN (J.), PIMENTEL, GARCIA (P.J.), GONZALES (N.), BOLILIA, ROMUALDO, TAN (S.A.), ROMUALDEZ (F.M.), GONZALES (A.) AND VALMAYOR, PER COMMITTEE REPORT No. 873

AN ACT

**REGULATING THE MANUFACTURE, USE, SALE, PACKAGING,
DISTRIBUTION, ADVERTISEMENT AND PROMOTION OF ELECTRONIC
NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED
TOBACCO PRODUCTS, AND NOVEL TOBACCO PRODUCTS**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Non-Combustible Nicotine Delivery Systems Regulation Act.”

3
4 SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect
5 and promote the right to health of the people and instill health
6 consciousness among them.

7
8 Pursuant thereto, the government shall regulate the manufacture,
9 importation, sale, distribution, use, advertisement, promotion, and
10 sponsorship of electronic nicotine and non-nicotine delivery systems
11 (ENDS/ENNDS), heated tobacco products (HTPs), and novel tobacco
12 products in order to promote a healthy environment and protect the citizens
13 from any hazard of ENDS/ENNDS, HTPs, and novel tobacco products.

14
15 It is further declared the policy of the State to consider harm
16 reduction measures as a public health strategy by ensuring that
17 non-combustible alternatives to cigarettes are properly regulated.

18
19 SEC. 3. *Definition of Terms.* – As used in this Act:

20
21 (a) *Aerosolizing* refers to the act of using HTPs;

22
23 (b) *Advertising* refers to conceptualizing, presenting, making
24 available and communicating to the public, through any form of media
25 platform, any fact, data, or information about the attributes, features,
26 quality or availability of consumer products, services, or credit. Advertising
27 shall be understood as ENDS/ENNDS, HTP, or novel tobacco product
28 advertising;

1 (c) *Child-resistant canister* refers to a container constructed such
2 that it can be opened only by operating, puncturing or removing one of its
3 functional and necessary parts using a tool that is not supplied with the
4 container;

5
6 (d) *Designated Vaping Area (DVA)* refers to an area where the use of
7 ENDS/ENNDS, HTPs, and novel tobacco products shall be allowed, which
8 may be in an open space or separate area with proper ventilation. Smoking
9 shall not be allowed in DVAs;

10
11 (e) *Distributor* refers to any person to whom ENDS/ENNDS, HTPs,
12 or novel tobacco products is delivered to or sold for purposes of distribution
13 in commerce, except that such term does not include a manufacturer or
14 retailer or common carrier of such product;

15
16 (f) *Electronic Nicotine and Non-Nicotine Delivery Systems*
17 *(ENDS/ENNDS)* refer to devices or a combination of devices, often resembling
18 cigarettes, cigars or pipes, containing a receptacle designed to hold liquid or
19 solid particles and a battery-powered or electronic heating device used to
20 heat the liquid or solid particles, which may or may not contain nicotine, to
21 produce an aerosol, mist, or vapor that users inhale by mimicking the act of
22 smoking;

23
24 (g) *Electronic liquid or e-liquid, refill, or juice* refers to articles which
25 may or may not contain nicotine, designed to be used in conjunction with
26 ENDS/ENNDS for inhalation;

27
28 (h) *Emissions* refer to substances that are released when a product
29 is consumed as intended, such as substances found in cigarette smoke, or
30 the aerosol, mist, or vapor generated by ENDS/ENNDS, HTPs, or novel
31 tobacco products;

1 (i) *Heated tobacco products (HTPs) or "Heat-not-burn" products*
2 *(HNBs)* refer to tobacco products that are consumed by heating tobacco,
3 either electronically or through other means, sufficient to release an aerosol
4 that can be inhaled, without burning or combusting the tobacco. HTPs or
5 HNBs include liquid solutions and gels that are part of the product and are
6 heated to generate an aerosol;

7
8 (j) *Ingredient* refers to any substance that is added to the mixture
9 and present in the finished product;

10
11 (k) *Manufacturer* refers to an establishment engaged in any and all
12 operations involved in the production of ENDS/ENNDS, HTPs, or novel
13 tobacco products including preparatory processing, compounding,
14 formulating, filling, refilling, packaging, repackaging, altering, ornamenting,
15 finishing, and labeling with the end in view of its storage, sale, or
16 distribution;

17
18 (l) *Nicotine* refers to nicotinic alkaloids, including any salt or
19 complex of nicotine whether derived from tobacco or synthetically produced;

20
21 (m) *Nicotine Mixture* refers to the nicotine-containing liquid, solid or
22 other non-tobacco substance in a heated tobacco product;

23
24 (n) *Nicotine Shot* refers to nicotine in liquid or any other form that is
25 added to or mixed with e-liquids that has the effect of increasing the dosage
26 or nicotine content of an e-liquid;

27
28 (o) *Novel tobacco product* refers to all substances, devices, and
29 innovations either made partly of tobacco leaf as raw material or containing
30 nicotine from tobacco, already existing or to be developed in the future,
31 intended to be used as substitute for cigarettes, conventional tobacco
32 products, ENDS/ENNDS or HTPs;

1 (p) *Package* refers to any material, including printed material,
2 packs, boxes, cartons, or containers of any kind in which ENDS/ENNDS,
3 HTPs, or novel tobacco products are contained in, which is offered for sale to
4 consumers and excludes any outer packaging used for transportation or
5 shipment;

6
7 (q) *Principal display surface* refers to the panel of the package that
8 faces the consumer when displayed for sale;

9
10 (r) *Promotion* refers to an event or activity organized by or on behalf
11 of an ENDS/ENNDS, HTP, or novel tobacco product manufacturer, importer,
12 distributor, seller or retailer with the aim of promoting a brand of
13 ENDS/ENNDS, HTP, or novel tobacco product, which event or activity would
14 not occur but for the support given to it by or on behalf of the
15 ENDS/ENNDS, HTP, or novel tobacco product manufacturer, importer,
16 distributor, seller or retailer. It may also refer to the display of an
17 ENDS/ENNDS, HTP, or novel tobacco product or manufacturer's name,
18 trademark, logo, and the like on non-ENDS/ENNDS, non-HTP, or
19 non-novel tobacco products at such events or to otherwise promote the sale
20 or use of the products. This includes the paid use of ENDS/ENNDS, HTPs,
21 or novel tobacco products bearing the brand names, trademarks,
22 tradenames, logos, and the like in movies, television and other forms of
23 entertainment. Promotion shall be understood as ENDS/ENNDS, HTP, or
24 novel tobacco product promotion;

25
26 (s) *Refill container* refers to any material, bottle, or container that
27 holds and is in direct contact with an e-liquid or nicotine mixture that is
28 intended to be used in conjunction with ENDS/ENNDS;

29 (t) *Retailer* refers to any establishment which sells or offers to sell
30 any ENDS/ENNDS, HTP, or novel tobacco product directly to the general
31 public;

1 (u) *Sponsorship* refers to any public or private contribution from a
2 third party in relation to an event, team, or activity made with the aim of
3 promoting a brand of ENDS/ENNDS, HTPs, or novel tobacco products,
4 which event, team or activity would still exist or occur without such
5 contribution. Sponsorship shall be understood as ENDS/ENNDS, HTP, or
6 novel tobacco product sponsorship;

7 (v) *Tamper-resistant* refers to the quality of a product that assures
8 its safety from tampering, alteration, or corruption, usually through the
9 presence of one or more features in its packaging which, if breached or
10 missing, can reasonably be expected to provide visible evidence that the
11 product or its packaging has been opened;

12
13 (w) *Vape-free Buffer Zone* or *Buffer Zone* refers to a ventilated area
14 between the door of a designated vaping area not located in an open space
15 and a vape-free area. There shall be no opening that will allow air to escape
16 from the buffer zone to the vape-free area, except for a single door equipped
17 with an automatic door closer. Such door should be distinct from the door of
18 the designated vaping area, which shall be at least two (2) meters away from
19 the other;

20
21 (x) *Vaping* refers to the act of using ENDS/ENNDS; and

22
23 (y) *Vapor Products* refer to ENDS/ENNDS which are combinations
24 of a liquid solution or gel that transforms into aerosol without combustion
25 through the employment of a mechanical or electronic heating element,
26 battery, or circuit that can be used to heat such solution or gel, and
27 includes a cartridge, tank, and the device without a cartridge or tank. It is
28 commonly known as nicotine salt/salt nicotine, and conventional “freebase”
29 or “classic” nicotine, and other similar products: *Provided*, That all vapor
30 products shall be covered by this Act regardless of nicotine content.

1 SEC. 4. *Packaging and Health Warnings.* – All manufacturers,
2 importers, and distributors duly authorized to sell ENDS/ENNDS refills and
3 HTP consumables shall comply with the following packaging requirements:
4

5 (a) The unit packaging or any outside packaging of ENDS/ENNDS
6 refills or HTP consumables shall bear the prescribed textual warning that
7 shall be printed on thirty percent (30%) of the bottom portion of the
8 principal display surfaces of the product and shall occupy thirty percent
9 (30%) of the front and thirty percent (30%) of the back panel of the
10 packaging. The text of the warning shall appear in clearly legible type in
11 black text on a white background with a black border and in contrast by
12 typography, layout, or color to the other printed materials on the package.
13 The health warning shall occupy a total area of less than fifty percent (50%)
14 of the total warning frame;
15

16 (b) The internal revenue fiscal marking requirements under Republic
17 Act No. 8424 or the National Internal Revenue Code, as amended, and other
18 related regulations, whenever applicable, shall be complied with; and
19

20 (c) The prescribed textual warning for the unit packaging or any
21 outside packaging of ENDS/ENNDS refills or HTP consumables shall be the
22 following:
23

24 “THIS PRODUCT IS NOT RISK-FREE. IT CONTAINS NICOTINE
25 WHICH IS A HIGHLY ADDICTIVE SUBSTANCE. IT IS NOT
26 RECOMMENDED FOR USE BY NON-SMOKERS.”

27 SEC. 5. *Tamper-resistant and Child-resistant Design.* – All
28 e-liquid receptacles shall be child-resistant, tamper-resistant, and shall be
29 protected against breakage and leakage.

1 SEC. 6. *Minimum Age Sales and Purchase.* – The minimum allowable
2 age for the purchase, sale and use of ENDS/ENNDS, HTPs, or novel tobacco
3 products shall be eighteen (18) years old.

4
5 It shall not be a defense for the person selling or distributing
6 ENDS/ENNDS, HTPs, or novel tobacco products for the lack of information
7 on the real age of the purchaser, or that the products was for the
8 consumption of a person below eighteen (18) years old.

9
10 SEC. 7. *Proof of Age Verification.* – Retailers shall ensure that no
11 individual purchasing ENDS/ENNDS, HTPs, or novel tobacco products is
12 below eighteen (18) years old. Retailers shall verify the age of all buyers by
13 requiring the presentation of any valid government-issued identification card
14 exhibiting the buyer’s photograph and age or date of birth.

15
16 SEC. 8. *Online Trade.* – The sale or distribution of ENDS/ENNDS,
17 HTPs, or novel tobacco products through internet websites or via
18 e-commerce and other similar media shall be allowed: *Provided*, That the
19 seller or distributor shall adopt measures to ensure that access to a website
20 via the internet, an e-commerce platform or other similar media shall be
21 restricted to persons eighteen (18) years old or older: *Provided, further*, That
22 the website shall bear the signages required under this Act.

23 A website or e-commerce platform or other similar media are deemed
24 restricted if a person cannot obtain access beyond the first page of the
25 website, unless the person has self-declared or otherwise established that
26 the person is at least eighteen (18) years of age.

27 *Provided, further*, That the sale or distribution of vaporized nicotine
28 products through internet website or via e-commerce and/or other similar
29 media shall only be made by online sellers, distributors, or accredited
30 resellers registered with the DTI or SEC, and the products being sold and
31 advertised online shall be compliant with the health warning requirements

1 indicated herein, as well as the BIR-prescribed tax stamp or other fiscal
2 marks.

3
4 The Secretary of Trade and Industry, upon due notice and hearing,
5 shall have the power to issue an order directing that a noncompliant
6 website, webpage, online application, social media account, or other similar
7 platform, be taken down.

8
9 SEC. 9. *Floor Price.* – The Bureau of Internal Revenue is mandated
10 to issue a revenue regulation prescribing the floor price or the minimum
11 price of Vaporized Nicotine and Other Non-Combustible Nicotine Products,
12 taking into account the sum of their excise tax, value-added tax, and a
13 reasonable production cost.

14
15 SEC. 10. *Sales within School Perimeters.* – The sale or distribution of
16 ENDS/ENNDS, HTPs, or novel tobacco products within one hundred (100)
17 meters from any point of the perimeter of a school, playground, or other
18 facility frequented by minors shall be prohibited.

19
20 SEC. 11. *Point-of-Sale Signage.* – Point-of-sale establishments
21 offering, selling, or distributing ENDS/ENNDS, HTPs, or novel tobacco
22 products shall post the following statement in a clear and conspicuous
23 manner: “SALE/DISTRIBUTION TO OR PURCHASE BY PERSONS BELOW
24 EIGHTEEN (18) YEARS OF AGE IS UNLAWFUL” or “IT IS UNLAWFUL FOR
25 ENDS/ENNDS, HTPs, OR NOVEL TOBACCO PRODUCTS TO BE
26 SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER
27 EIGHTEEN (18) YEARS OLD” or “BAWAL MAGBENTA NG ENDS/ENNDS,
28 HTP, O NOVEL TOBACCO PRODUCTS SA MGA TAONG WALA PANG
29 LABINGWALONG (18) TAONG GULANG.”

30
31 SEC. 12. *Product Communication Restrictions.* – Advertisements shall
32 be allowed in retailer establishments, through direct marketing, and on the
33 internet. These shall not be aimed at or particularly appeal to persons under

1 eighteen (18) years of age. These should not undermine quit-smoking
2 messages and should not encourage non-tobacco and non-nicotine users to
3 use ENDS/ENNDS, HTPs, or novel tobacco products. These should not
4 contain any information that is untrue in particular with regard to product
5 characteristics, health effects, risks or emissions.

6
7 SEC. 13. *Restrictions on ENDS/ENNDS, HTP, and Novel Tobacco*
8 *Product Promotions.* - The following restrictions shall apply on all
9 ENDS/ENNDS, HTP, and novel tobacco product promotions:

10 (a) Promotions must be directed only to persons at least eighteen (18)
11 years old. No person below eighteen (18) years old may participate in such
12 promotions. The participants in promotions must be required to provide
13 proof of age;

14
15 (b) Communications to consumers about ENDS/ENNDS, HTP, and
16 novel tobacco product promotions shall comply with the provisions of this
17 Act governing ENDS/ENNDS, HTP, and novel tobacco product advertising.
18 In addition to the required health warning, the age requirement for
19 participation in any promotion must be clearly marked on the program
20 materials distributed to consumers;

21
22 (c) All stalls, booths, and other displays concerning ENDS/ENNDS,
23 HTP, and novel tobacco product promotions must be limited to point-of-sale
24 locations or adult-only facilities;

25 (d) Telephone, mobile, or electronic communications concerning
26 promotional offers, programs or events must include a recorded health
27 warning message in English or Filipino consistent with the warnings
28 specified in this Act;

29 (e) No placement shall be made by any manufacturer, distributor, or
30 retailer of any ENDS/ENNDS, HTP, or novel tobacco product or

1 ENDS/ENNDS, HTP, or novel tobacco product package or advertisement as
2 a theatrical property or prop in any television program or motion picture
3 produced for viewing by the general public or in a video, media storage
4 device, or on video game machine;

5
6 (f) No merchandise such as t-shirts, caps, sweatshirts, visors,
7 backpacks, sunglasses, writing implements and umbrellas may be
8 distributed, sold or offered, directly or indirectly, with the name, logo or
9 other markings of an ENDS/ENNDS, HTP, or novel tobacco product brand
10 displayed so as to be visible to others when worn or used;

11
12 (g) No name, logo, or other markings of an ENDS/ENNDS, HTP, or
13 novel tobacco product brand or element of a brand-related marketing
14 activity may appear on items that are marketed to or likely to be used by
15 minors such as sports equipment, toys, dolls, miniature replicas of racing
16 vehicles, video games, and food. The manufacturer or company must take
17 all available measures to prevent third parties from using the company's
18 brand names, logos, or other proprietary material on products that are
19 directed toward minors; and

20
21 (h) No ENDS/ENNDS, HTP, or novel tobacco product advertisements
22 may be placed on shopping bags.

23
24 SEC. 14. *Ban on Sponsorships.* – ENDS/ENNDS, HTP, and novel
25 tobacco product companies are hereby prohibited from sponsoring any
26 sport, concert, cultural or art event, as well as individual and team athletes,
27 artists or performers where such sponsorship shall require or involve the
28 advertisement or promotion of any ENDS/ENNDS, HTP, or novel tobacco
29 product company, ENDS/ENNDS, HTP, or novel tobacco product use, name,
30 logo or trademarks and other words, symbols, designs, colors or other
31 depictions commonly associated with or likely to identify an ENDS/ENNDS,
32 HTP, or novel tobacco product: *Provided*, That the attribution only to the
33 name of the company in the roster of sponsors shall be allowed.

1 SEC. 15. *Use of ENDS/ENNDS, HTPs, and Novel Tobacco Products in*
2 *Public Places.* – The use of ENDS/ENNDS, HTPs, and other novel tobacco
3 products that emit vapor shall be prohibited in all enclosed public places
4 except in DVAs.

5
6 The use of these products are also absolutely prohibited in the
7 following public places:

8
9 (a) Centers of youth activity such as playschools, preparatory schools,
10 elementary schools, high schools, colleges and universities, youth hostels
11 and recreational facilities for persons under eighteen (18) years old;

12
13 (b) Elevators and stairwells;

14
15 (c) Locations in which fire hazards are present, including gas stations
16 and storage areas for flammable liquids, gas, explosives or combustible
17 materials;

18
19 (d) Within the buildings and premises of public and private hospitals,
20 medical, dental and optical clinics, health centers, nursing homes,
21 dispensaries and laboratories;

22 (e) Within the building and premises of government offices, except for
23 designated vaping areas;

24
25 (f) Public conveyances and public facilities including airport and ship
26 terminals, train and bus stations, restaurants and conference halls, except
27 for designated vaping areas; and

28 (g) Food preparation areas.

1 For purposes of this section, *public places* refer to enclosed or
2 confined areas of all hospitals, medical clinics, schools, public
3 transportation terminals and offices, and buildings such as private and
4 public offices, recreational places, shopping malls, movie houses, hotels,
5 restaurants, and the like, while *public conveyances* refer to modes of
6 transportation servicing the general population, such as, but not limited to,
7 elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits,
8 tricycles, and similar vehicles.

9
10 SEC. 16. *Standards for DVAs.* – DVAs shall comply with the following
11 standards:

12
13 (a) There shall be no opening that will allow air to escape from the
14 DVA to the vape-free area of a building or conveyance, except for a single
15 door equipped with an automatic door closer: *Provided*, That if the DVA is
16 not located in an open space, such door shall open directly towards a buffer
17 zone;

18
19 (b) They shall not be located within ten (10) meters of entrances,
20 exits or any place where people pass or congregate, or in front of air intake
21 ducts;

22 (c) The combined area of the DVA and the buffer zone shall not be
23 larger than twenty percent (20%) of the total floor area of the building or
24 conveyance: *Provided*, That in no case shall such be less than ten (10)
25 square meters;

26
27 (d) No building or conveyance shall have more than one DVA:
28 *Provided*, That persons in charge of the building or conveyance have the
29 option of establishing one designated smoking area as defined under
30 Republic Act No. 9211, otherwise known as the “Tobacco Regulation Act of
31 2003”, and one DVA therein, subject to the same standards under this

1 section, with a combined area not exceeding twenty percent (20%) of the
2 total floor area of the building or conveyance;

3
4 (e) The ventilation system for the DVA other than in an open space
5 and for the buffer zone shall be independent of all ventilation systems
6 servicing the rest of the building or conveyance;

7
8 (f) Persons below eighteen (18) years of age shall not be allowed
9 within the DVA and the buffer zone; and

10
11 (g) Every DVA shall have the following signages highly visible and
12 prominently displayed:

13
14 (i) "Vaping Area" signage; and

15 (ii) Prohibition on entry of persons below eighteen (18) years old.

16
17 Nothing in this Act shall compel owners, administrators, or
18 persons-in-charge to establish DVAs, or prevent them from instituting more
19 stringent measures in regulating the use of ENDS/ENNDS, HTPs, or novel
20 tobacco products within their premises.

21
22 SEC. 17. *Product Standard Requirements for ENDS/ENNDS.* – The
23 Department of Trade and Industry (DTI), in consultation with the FDA, shall
24 set standards for market entry notification and standards on flavors and
25 additives used in the manufacture of e-liquids and refills, as well as on
26 electronic components of ENDS/ENNDS, guided by the following:

27
28 (a) Nicotine salt products shall have a maximum of two milliliters (2
29 ml.)-sized tank with a maximum of sixty-five milligrams per milliliter
30 (65mg/ml) of nicotine. Nicotine salt products that have a nicotine content of
31 up to sixty-five milligrams per milliliter (65mg./ml.) shall be classified as
32 consumer products: *Provided*, That nicotine salt products should not deliver

1 a level of nicotine in the aerosol in excess of the level of nicotine in the
2 smoke of a reference cigarette over the same number of comparable puffs;

3
4 (b) Freebase products shall have a maximum of five milliliters (5 ml.)
5 tank with a maximum of fifty milliliters (50 ml.) refill package, and a
6 maximum of sixty-five milligrams per milliliter (65mg./ml.) of nicotine.
7 Freebase products that have a nicotine content of up to sixty-five milligrams
8 per milliliter (65mg./ml.) shall be classified as consumer products: *Provided*,
9 That freebase products should not deliver a level of nicotine in the aerosol in
10 excess of the level of nicotine in the smoke of a reference cigarette over the
11 same number of comparable puffs;

12
13 (c) The substances listed below may not be added ENDS/ENNDS:

14 (i) Additives that have carcinogenic, mutagenic or reprotoxic
15 properties in unburnt form;

16
17 (ii) Vitamins or other additives that create the impression that the
18 product has a health benefit or presents reduced health risks;

19
20 (iii) Caffeine, taurine, or other additives and stimulant compounds
21 that are associated with energy and vitality;

22
23 (iv) Additives having coloring properties for emissions;

24
25 (v) Ethylene glycol;

26
27 (vi) Diethylene glycol;

28
29 (vii) Diacetyl; and

30 (viii) 2,3-pentanedione;

31

1 (d) Only ingredients of high purity shall be used in the manufacture of
2 the nicotine-containing liquid. Except for nicotine, only ingredients that do
3 not pose risk to human health in heated or unheated form shall be used in
4 the nicotine-containing liquid;

5
6 (e) Producers of electrical devices intended to be used in combination
7 with ENDS/ENNDS shall ensure that such devices comply with the
8 applicable electrical safety standards as may be determined by the Bureau
9 of Product Standards of the DTI;

10
11 (f) Batteries must comply with applicable industry requirements as
12 may be determined by the Bureau of Product Standards of the DTI;

13 (g) All ingredients in the product should be listed on the label where
14 they are used in quantities of 0.1% or more of the final formulation of the
15 e-liquid. Where a flavor ingredient contains several component chemicals, it
16 can be described on the label by the name of the flavor. For confidentiality
17 reasons, companies may choose to describe individual ingredients used in
18 quantities below 0.1% of the final formulation by category;

19
20 (h) A full list of ingredients in the flavoring must be included in
21 notifications through the DTI;

22
23 (i) Nicotine, propylene glycol, and glycerol used in the manufacture of
24 the e-liquids shall meet the requirements of either the European or
25 American Pharmacopoeia and other ingredients in the manufacture of the
26 e-liquids, such as flavors, shall be of food grade; and

27 (j) Packs shall include an information leaflet about safe use of the
28 product. This shall also include appropriate advice on product storage,
29 particularly on how to ensure the battery does not malfunction.

30

1 Except for plain fruit flavors, nuts, coffee, tea, vanilla, caramel,
2 tobacco, menthol, and mint, flavored e-liquids shall be prohibited.

3
4 SEC. 18. *Product Standard Requirements for HTPs.* – The DTI, in
5 consultation with the National Tobacco Administration (NTA) and the Food
6 and Drug Administration (FDA), shall set standards on HTPs with regard to
7 consumables and the electronic components used in conjunction therewith,
8 guided by the following requirements:

9
10 (a) Manufacturers of electrical devices intended to be used in
11 combination with HTPs shall ensure that such devices do not combust or
12 burn the tobacco mixture in HTPs;

13 (b) Manufacturers of electrical devices intended to be used in
14 combination with HTPs shall ensure that such devices comply with the
15 applicable safety standards as may be determined by the Bureau of Product
16 Standards of the DTI;

17
18 (c) Batteries must comply with applicable industry requirements as
19 may be determined by the Bureau of Product Standards of the DTI; and

20
21 (d) The substances listed below may not be added to the tobacco
22 mixture in HTP consumables:

23
24 (i) Additives, other than tobacco, that have carcinogenic, mutagenic
25 or reprotoxic properties in unburnt form;

26 (ii) Vitamins or other additives that create the impression that the
27 product has a health benefit or presents reduced health risks;

28
29 (iii) Caffeine, taurine, or other additives and stimulant compounds
30 that are associated with energy and vitality;

1 (iv) Additives having coloring properties for emissions;

2
3 (v) Ethylene glycol;

4
5 (vi) Diethylene glycol;

6
7 (vii) Diacetyl; and

8
9 (viii) 2,3-pentanedione.

10 SEC. 19. *Restriction on the Retail and Sale of Nicotine Shots.* – The
11 retail or use of nicotine shots or concentrates shall be strictly prohibited.

12
13 SEC. 20. *Role of the Department of Trade and Industry, the Food and*
14 *Drug Administration, the National Tobacco Administration, and Other*
15 *Concerned Agencies.* – The DTI, in consultation with the FDA, the National
16 Tobacco Administration (NTA), and other concerned agencies, shall
17 promulgate rules, regulations, and standards, consistent with the provisions
18 of this Act, on packaging, ingredients, health warnings, detailed information
19 on the allowable nicotine-containing e-liquid, the strength of e-liquids,
20 compliance with applicable electrical standards as well as with applicable
21 industry standards for batteries.

22 The DTI shall, in coordination with the FDA, monitor closely the
23 compliance of manufacturers, importers, distributors, and retailers with
24 this Act through surveillance inspections and investigations.

25
26 SEC. 21. *Role of Local Government Units.* – The cities and
27 municipalities shall adopt ordinances consistent with this Act to assist the
28 relevant national government agencies in the effective implementation of the
29 provisions thereof, including the apprehension of violators and the
30 institution of criminal proceedings.

1 SEC. 22. *Penalties for Noncompliance.* – The following penalties shall
2 apply individually to manufacturers, importers, distributors, and sellers of
3 ENDS/ENNDS, HTPs, or novel tobacco products as well as their agents for
4 any violation of this Act:

5
6 (a) On the first offense, a fine of not more than Five hundred
7 thousand pesos (P500,000.00);

8
9 (b) On the second offense, a fine of not more than Seven hundred fifty
10 thousand pesos (P750,000.00); and

11
12 (c) On the third offense, a fine of not more than One million pesos
13 (P1,000,000.00) or imprisonment of not more than five (5) years, or both, at
14 the discretion of the court: *Provided*, That the business permits and
15 licenses, in the case of a business entity or establishment shall be revoked
16 or cancelled.

17
18 Noncompliant ENDS/ENNDS, HTPs, and novel tobacco products
19 found in the market for sale or distribution shall be subject to confiscation.

20
21 If the guilty officer of a manufacturer, importer, distributor, or seller of
22 ENDS/ENNDS, HTPs, or novel tobacco products, or their agents, is a foreign
23 national, the officer shall be deported after service of sentence and/or
24 payment of applicable fines without need of further deportation proceedings
25 and shall be permanently barred from reentering the Philippines.

26
27 SEC. 23. *Congressional Oversight Committee on ENDS/ENNDS, HTPs,*
28 *and Novel Tobacco Products.* – A Congressional Oversight Committee on
29 ENDS/ENNDS, HTPs, and novel tobacco products (COC-ENDS/ENNDS,
30 HTPs and NTPs) is hereby constituted to monitor and review the
31 implementation of this Act for a period not exceeding three (3) years. The
32 COC-ENDS/ENNDS, HTPs and NTPs shall be composed of the Chairpersons
33 of the Senate Committees on Health, Trade and Commerce, Agriculture, and

1 Public Information, and the House of Representatives Committees on Trade
2 and Industry, Health, Public Information, and Agriculture, and a Member of
3 the House of Representatives representing the tobacco producing provinces,
4 to be nominated by a majority of the Members of the House of
5 Representatives from tobacco producing districts.

6
7 The Secretariat of the COC-ENDS/ENNDS, HTPs and NTPs shall be
8 drawn from the existing secretariat personnel of the standing committees
9 comprising the Congressional Oversight Committee and its funding
10 requirements shall be charged against the appropriations of both the House
11 of Representatives and Senate of the Philippines.

12
13 SEC. 24. *Implementing Rules and Regulations.* – Within ninety (90)
14 days from the date of the effectivity of this Act, the DTI shall, in consultation
15 with the Department of Health (DOH), NTA and other relevant government
16 agencies, issue the rules and regulations for the implementation of this Act.

17
18 SEC. 25. *Usage of Local Tobacco Products.* – Manufacturers are
19 encouraged to use local tobacco products for e-liquids and HTPs sold in the
20 Philippines.

21 SEC. 26. *Appropriations.* – The amount necessary to implement the
22 provisions of this Act shall be charged against the current year's
23 appropriations of the concerned national government agencies. Thereafter,
24 such funds as may be necessary for the continued implementation of this
25 Act shall be included in the budgets of the concerned national government
26 agencies under the annual General Appropriations Act.

27
28 SEC. 27. *Transitory Provisions.* – Existing industries and businesses
29 affected by the implementation of this Act shall be given an eighteen (18)-
30 month transitory period from the effectivity of the implementing rules and
31 regulations of this Act to comply with the requirements herein.

32

1 SEC. 28. *Separability Clause.* – If any provision or any part hereof is
2 held invalid or unconstitutional, the remainder of the law or the provisions
3 not otherwise affected shall remain valid and subsisting.

4
5 SEC. 29. *Repealing Clause.* – Any law, presidential decree or
6 issuance, executive order, letter of instruction, administrative order, rule or
7 regulation contrary to or inconsistent with the provisions of this Act is
8 hereby repealed, modified, or amended accordingly.

9
10 SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after
11 its publication in the *Official Gazette* or in a newspaper of general
12 circulation.

Approved,