

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. B. No. 1229

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

**A BILL
TO PROTECT CHILDREN FROM EXPOSURE TO ENVIRONMENTAL TOBACCO
SMOKE IN THE PROVISION OF CHILDREN'S SERVICES**

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

SECTION 1. *Short Title.* – This Act shall be known as the “Preventing Our Kids From Inhaling Deadly Smoke (PRO-KIDS) Act of 1998.”

SECTION 2. *Definitions.* - As used in this Act, the terms:

- (1) “Children” means individuals who have not attained the age of 6.
- (2) “Children’s services” means:
 - (A) direct health services routinely provided to children; or
 - (B) any other direct services routinely provided primarily to children.

SECTION 3. *Prohibition of Government Funding or Financial Assistance.* - (a) IN GENERAL – Notwithstanding any other provision of law, no government funds or financial assistance may be provided to, or used by, any person with respect to the provision of children’s services by such person, unless such person establishes and makes a good-faith effort to enforce a nonsmoking policy that meets or exceeds the requirements of subsection (b).

(b) NONSMOKING POLICY – A nonsmoking policy meets the requirements of this subsection if such policy prohibits smoking in each portion of an indoor facility used in connection with the provision of children’s services, and, where appropriate, such policy requires that signs reading

“No Smoking” be posted in each such facility to communicate the policy. Such policy may allow smoking in those portions of the facility:

- (1) in which such services are not normally provided directly to children; and
- (2) that are ventilated separately from those portions of the facility in which such services are normally provided directly to children.

(c) **WAIVER** - A person described in subsection (a) may publicly petition the government agency from which the person receives government funds or financial assistance for a waiver of the requirements of subsection (b). A waiver may be granted, after an opportunity for public hearing and comment, only if the person provides assurances satisfactory to the government agency that:

(1)(A) unusual extenuating circumstances prevent the person from establishing or enforcing the nonsmoking policy described in subsection (b) (such as the person shares space in an indoor facility with another person and cannot obtain an agreement with the other person to abide by the nonsmoking policy described in subsection (b)); and

(B) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the maximum extent possible; or

(2) the person will establish and make a good-faith effort to enforce an alternative nonsmoking policy that will protect children from exposure to environmental tobacco smoke to the same degree as the policy described in subsection (b).

(d) **TECHNICAL ASSISTANCE** - The Secretary of Health (or a designee of the Secretary) shall provide technical assistance to government agencies and other persons who request such assistance, including:

- (1) information on smoking cessation programs for employees; and
- (2) information to assist such agencies and persons in complying with this Act.

SECTION 4. *Separability Clause.* - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

SECTION 5. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 6. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 1212