

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

7 JUL -5 1977

SENATE
S. B. No. 1202

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution provides that:

Article II, Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Article XIII, Section 11. The State shall adopt an integrated and comprehensive approach to health development -xxx- There shall be priority for the needs of the underprivileged sick, elderly, disabled, women, and children.

Studies show that exposure to secondhand tobacco smokes increases a person's chance of contracting respiratory ailments. Children are especially susceptible to the harmful effects of secondhand smoke, because they are powerless to avoid exposure to it.

Although there have been various attempts at enforcing a smoking ban in public areas, these efforts have failed dismally. The purpose of this bill is to lessen, if not totally eliminate, children's exposure to cigarette smoke in public places that offer services for children, by providing eligibility requirements for persons providing children's services that request financial assistance from the government.*


Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
[Signature]

* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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

7 JUL -5 2007

SENATE
S. B. No. 1202

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

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

6 SECTION 1. *Short Title.* – This Act shall be known as the “Preventing Our Kids From
7 Inhaling Deadly Smoke (PRO-KIDS) Act of 2007.”

8 SECTION 2. *Definitions.* – As used in this Act, the term:

9 (A) “Children” means individuals who have not attained the age of 6.

10 (B) “Children’s services” means:

11 (1) Direct health services routinely provided to children; or

12 (2) Any other direct services routinely provided primarily to children.

13 SECTION 3. *Prohibition of Government Funding or Financial Assistance.*

14 (A) *In General.* – Notwithstanding any other provision of law, no government funds or
15 financial assistance may be provided to, or used by, any person with respect to the provision of
16 children’s services by such person, unless such person establishes and makes a good-faith effort
17 to enforce a nonsmoking policy that meets or exceeds the requirements of paragraph (B).

18 (B) *Nonsmoking Policy.* – A nonsmoking policy meets the requirements of this
19 subsection if such policy prohibits smoking in each portion of an indoor facility used in
20 connection with the provision of children’s services, and, where appropriate, such policy requires
21 that signs reading “No Smoking” be posted in each such facility to communicate the policy.
22 Such policy may allow smoking in those portions of the facility:

23 (1) In which such services are not normally provided directly to children; and

1 (2) That are ventilated separately from those portions of the facility in which such
2 services are normally provided directly to children.

3 (C) *Waiver.* – A person described in paragraph (A) may publicly petition the government
4 agency from which the person receives government funds or financial assistance for a waiver of
5 the requirements of paragraph (B). A waiver may be granted, after an opportunity for public
6 hearing and comment, only if the person provides assurances satisfactory to the government
7 agency that:

8 (1) Unusual extenuating circumstances prevent the person from establishing or
9 enforcing the nonsmoking policy described in paragraph (B) such as the person shares space in
10 an indoor facility with another person and cannot obtain an agreement with the other person to
11 abide by the nonsmoking policy described in paragraph (B); and the person will establish and
12 make a good-faith effort to enforce an alternative nonsmoking policy that will protect children
13 from exposure to environmental tobacco smoke to the maximum extent possible; or

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

17 (D) *Technical Assistance.* – The Secretary of Health or his duly authorized agent shall
18 provide technical assistance to government agencies and other persons who request such
19 assistance, including:

20 (1) Information on smoking cessation programs for employees; and

21 (2) Information to assist such agencies and persons in complying with this Act.

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

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

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

3 Approved.