

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

6 AUG 22 2014

SENATE
S.B. No. 2444

RECEIVED



Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Cigarette smoking causes a variety of diseases and starting to smoke at a younger age naturally increases the risk of death from a smoking related-cause.

According to a 2003-2004 study, tobacco use among the youth in the Philippines disclosed an increase in the accessibility of cigarettes to Filipino adolescents. Two in 10 students aged 12 to 17 currently use some form of tobacco. The study also showed that almost half of Filipino youth smokers can buy their cigarettes in the stores and this accessibility had increased the figure by 28.1% since the last study conducted in 2000.

Although there is a regulatory provision regarding sales to minors, the regulation does not seem to solve the problem because according to the study, stores are still very aggressive in increasing their sales. To minimize if not totally prevent underage smoking, a penalty on both the seller and the buyer is needed. Likewise, stricter monitoring of sales to underage smokers should be done through the method of giving rewards to informers.

The Constitution, in Article 2 on Declaration of State Principles and Policies provides for policy statements regarding health and the youth. Sections 13 and 15 of the Constitution are specific examples of the policies. The Constitution, Article 2, Section 13, first sentence provides that:

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.

On the other hand, Section 15 states that:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

In line with the specific mandate of the Constitution for the government to protect the health of the youth, this bill aims to prevent underage smoking by restricting the youth's access to tobacco products.


MIRIAM DEFENSOR SANTIAGO

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

6 AUG 22 2006

SENATE
S.B. No. 2444

RECEIVED



Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROHIBIT A MINOR FROM PURCHASING OR POSSESSING TOBACCO PRODUCTS

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 “Underage Tobacco Access Restriction Act of 2006.”

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to promote the health and general welfare of the youth by restricting their access to tobacco products.

SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms shall mean:

- (1) “Minor” means a person eighteen years of age or younger;
- (2) “Tobacco products” include, but are not limited to, cigarettes, tobacco, cigarette paper, or a substitute for them;
- (3) “Proof of age” means a driver’s license or other documentary or written evidence that the individual is eighteen years of age or older.

SECTION 4. *Prohibitions.* – (A) A person eighteen years old and below may not purchase or knowingly possess tobacco products. Possession is prima facie evidence that the tobacco product is knowingly possessed.

(B) A person may not falsely represent his age for the purpose of procuring tobacco products.

(C) It is unlawful for a person to sell, furnish, give, or provide a person under the age of twenty-one with tobacco products.

(D) It is unlawful for a person to distribute a tobacco product sample to a person under the age of twenty-one. A person engaged in sampling shall demand proof of age from a prospective recipient if an ordinary person would conclude on the basis of appearance that the prospective recipient may be under the age of eighteen.

SECTION 5. *Penalties.* –

(A) A person violating the provisions of this Act, either in person, by agent, or in another way, shall, upon conviction, be punished as follows:

- (1) for a first offense, by a fine not exceeding one thousand five hundred pesos;
- (2) for a second offense, by a fine not exceeding three thousand pesos; and
- (3) for a third or subsequent offense, by a fine of not less than five thousand pesos or imprisonment for not more than one year and not less than sixty days, or both, provided that existing laws as to non-imprisonment of minors shall be followed.

(B) One-half of a fine imposed must be paid to the informer of the offense and the other half to the treasurer of the local government unit where the person was the convicted.”

SECTION 6. *Duty of the Secretary of Health.* – (A) The Secretary of Health shall provide for the enforcement of this Act in a manner that reasonably may be expected to reduce the extent to which tobacco products are sold or distributed to persons under the age of eighteen and annually shall conduct random, unannounced inspections at locations where tobacco products are sold or distributed to ensure compliance with this Act. The Secretary shall designate an enforcement officer to conduct the annual inspections. Penalties collected pursuant to this Act must be used to offset the costs of enforcement.

(B) The Department of Health (Department) shall develop and implement a Youth Smoking Prevention Plan for the purpose of preventing and reducing cigarette smoking by people under the age of eighteen.

(C) The Youth Smoking Prevention Plan must address prevention, cessation, and control of smoking by people under the age of eighteen and may include, but is not limited to:

- (1) media campaigns;
- (2) school based youth programs;
- (3) community based youth programs;
- (4) business, community, and school partnerships;
- (5) programs focusing on the enforcement and administration of related tobacco laws, including retailer education;
- (6) surveillance and evaluations;
- (7) chronic disease and health-related programs.

(D) (1) To assist in carrying out the purposes of the plan, the Department may award youth smoking prevention grants to local agencies, organizations, and entities based on criteria developed by the Department.

(2) As a condition for the receipt of funds under this Act, a grantee shall agree to file a report with the Department, as to the following:

- (a) amount received as a grant and the expenditures made with the proceeds of the grant;
- (b) a description of the program offered and the number of youths who participated in the program; and
- (c) specific elements of the program meeting the criteria set forth in the state plan.

(E) The plan shall provide for a grant for an annual nationwide school-based survey to measure cigarette use and behaviors towards cigarette use by individuals in grades six through fourth year high school. This survey shall:

- (1) involve a statistically valid sample of the individuals in each grade from sixth through fourth year high school;
- (2) not include any individual who is nineteen years or older; and
- (3) be made available to the public, along with the resulting data, excluding respondent identities and respondent-identifiable data.”

SECTION 7. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *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 9. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,