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SENATE
P. S. R. No. 127

RECEIVED BY: *Yes*

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REGULATION OR OUTRIGHT BAN OF ELECTRONIC NICOTINE DEVICES OR E-CIGARETTES DUE TO THEIR INCREASING POPULARITY, THE CONFLICTING CLAIMS OF THE PRODUCTS' HEALTH BENEFITS AND HAZARDS, AND ITS IMPACT ON EXISTING LEGISLATION, PARTICULARLY THOSE REGARDING TOBACCO PRODUCTS

WHEREAS, the Constitution, Article 2, Section 15 mandates that: "The State shall protect and promote the right to health of the people and instill health consciousness among them";

WHEREAS, *The Philippine Star* reported in its 25 July 2013 issue that, in a public hearing held on 24 July 2013 at the Food and Drug Association (FDA) central office, members of Philippine Pediatric Association (PPA) and other medical associations called for a total ban on the manufacture and sale of Electronic Nicotine Delivery Devices (ENDs) or e-cigarettes;

WHEREAS, representatives of these medical associations alleged that e-cigarettes deliver unwanted chemicals into the body that could cause cancer and other deadly diseases;

WHEREAS, PPA representatives suggested that the government monitor and regulate nicotine delivery devices such as e-cigarettes to protect non-smokers, particularly children, as these devices now flood the market and are even sold by sidewalk vendors;

WHEREAS, according to the news report, distributors and e-cigarette users present in the public hearing asked the FDA to provide them with legal status so that they could continue with their business;

WHEREAS, representatives of the Philippine E-cigarette Makers Association said that the e-cigarette is an alternative to tobacco smoking, and also assured the public that the device is not being sold to minors;

WHEREAS, the e-cigarette manufacturer group said that they were open to government regulation of the industry, and that they would present expert findings that will prove that the use of e-cigarettes is safe;

WHEREAS, e-cigarette users who attended the hearing said that that e-cigarettes could suppress tobacco smoking while providing pleasure to the user;

WHEREAS, the e-cigarette manufacturing is reportedly growing into a multi-billion peso industry, and is becoming popular worldwide;

WHEREAS, the news report said the FDA would consider all the views and opinions in the public hearing in formulating a proposal for the regulation on e-cigarettes;

WHEREAS, in an earlier report in the news website *Rappler* last 24 July 2013, FDA Director Director Kenneth Hartigan-Go said it is best to ban the product altogether, since any effort to regulate ENDS or e-cigarettes would result in a waste of government funds and manpower;

WHEREAS, the FDA director said that the agency will face various challenges in regulating ENDS, among them:

- The need to differentiate smoking areas, under Republic Act No. 9211 or the Tobacco Regulation Act of 2003, from areas allowing the use of e-cigarettes;
- The difficulty of classifying of ENDS as a consumer product;
- The emerging proliferation of do-it-yourself e-cigarettes;
- The lack of scientific consensus in the global medical community regarding the safety, benefits, and harm from e-cigarettes
- The sale of e-cigarettes online, making it available for minors despite e-cigarette stores practicing self-regulation by prohibiting sales to children;

WHEREAS, Congress has passed various legislation with regard to tobacco products such as R.A. No 9211, as well as tax laws on these products, in consonance with the State's policy to protect the health of Filipinos;

WHEREAS, the emerging popularity of e-cigarettes compel Congress to pursue legislation that responds to this latest development that affects the health of smokers, non-smokers, and those who wish to quit smoking;

WHEREAS, Congress should work with the FDA to bolster research on the health hazards and/or benefits of e-cigarettes in order to efficiently regulate its manufacturing, distribution, and sale, or, if research deems it hazardous, outright ban of the product.

WHEREFORE, be it hereby resolved by the Philippine Senate to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the regulation or outright ban of electronic nicotine devices or e-cigarettes due to their increasing popularity, the conflicting claims of the products' health benefits and hazards, and its impact on existing legislation, particularly those regarding tobacco products.

Adopted,

Miriam Defensor Santiago
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