

SIXTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

Secretary of the Senate

15 JAN -5 P3 53

SENATE  
S. B. No. 2548

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Introduced by Senator Miriam Defensor Santiago

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AN ACT  
PROTECTING CHILDREN FROM EXPOSURE TO ENVIRONMENTAL TOBACCO  
SMOKE IN FACILITIES PROVIDING CHILDREN'S SERVICES

EXPLANATORY NOTE

The Constitution provides that:

Article 2, Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Article 13, 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 Act is to lessen, if not totally eliminate, children's exposure to cigarette smoke in public places and facilities

that offer services for children, by providing eligibility requirements for persons providing children's services that request financial assistance from the government.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
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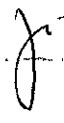
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<sup>1</sup> This bill was originally filed during the Thirteenth Congress, First Regular Session.

Office of the Secretary

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

1 AN ACT  
2 PROTECTING CHILDREN FROM EXPOSURE TO ENVIRONMENTAL TOBACCO  
3 SMOKE IN FACILITIES PROVIDING CHILDREN'S SERVICES  
4  
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6 SECTION 1. *Short Title.* - This Act shall be known as "Preventing Our Kids  
7 From Inhaling Deadly Smoke (PRO-KIDS) Act of 2014."

8 SECTION 2. *Definitions.* - As used in this Act, the following 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  
16 provision of children's services by such person, unless such person establishes and makes  
17 a good-faith effort to enforce a nonsmoking policy that meets or exceeds the  
18 requirements of subsection (b).

1 B. NONSMOKING POLICY – A nonsmoking policy meets the requirements of this  
2 subsection if such policy prohibits smoking in each portion of an indoor facility used in  
3 connection with the provision of children’s services, and, where appropriate, such policy  
4 requires that signs reading “No Smoking” be posted in each facility to communicate the  
5 policy.

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

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

15 2. the person will establish and make a good-faith effort to enforce an alternative  
16 nonsmoking policy that will protect children from exposure to environmental tobacco  
17 smoke to the maximum extent possible; or

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

21 D. TECHNICAL ASSISTANCE - The Secretary of Health shall provide technical  
22 assistance to government agencies and other persons who request such assistance,  
23 including:

24 1. information on smoking cessation programs for employees; and

1           2. information to assist such agencies and persons in complying with this Act.

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

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

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

Approved.

/dpmDec2014