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SENATE

S.B. No. 197



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INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

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AN ACT  
BANNING THE USE OF CIGARETTES, ELECTRONIC CIGARETTES OR VAPES,  
AND SIMILAR TOBACCO PRODUCTS IN ALL PUBLIC AND ENCLOSED  
SPACES

EXPLANATORY NOTE

The 1987 Constitution proclaims that the State shall protect and promote the right to health of the people and instill health consciousness among them.


Tobacco use has been a constant threat to the safety of the constituents of the country.

Republic Act 8749 or the Philippine Clean Air Act of 1999 and Republic Act 9211 or the Tobacco Regulation Act of 2003 see that certain public places and enclosed public areas are smoke free. However, there is a need to ban tobacco smoking in all public places due to the established evidence that tobacco exposure and consumption may lead to death, diseases, disabilities, poor health, and social, economic, and environmental repercussions.

The purpose of this bill is to lessen, if not totally eradicate, the exposure of Filipinos to tobacco smoke and e-cigarette smoke in all public places and enclosed areas.

Alongside with this purpose, this measure seeks to ban *sari sari stores*, convenience stores, markets, and other stores to sell, advertise, and promote e-cigarettes or tobacco products to minors.

In view of the foregoing, the approval of this bill is earnestly sought.



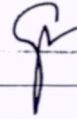
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*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

- 1 **Section 1.** *Title.* – This Act shall be known as the “Smoking Ban Act of 2019.”  
2
- 3 **Section 2.** *Declaration of Policy.* – It is the policy of the State to protect and promote the  
4 right to health of the people and instill health consciousness among them.  
5
- 6 **Section 3.** *Definition of Terms.* – As used in this Act:  
7
- 8 a. *Advertising / Promotion* refers to any form of commercial communication,  
9 recommendation or action that aims to promote tobacco products or tobacco use  
10 directly or indirectly;
- 11 b. *Designated Smoking Area (DSA)* refers to an area of a building or conveyance where  
12 smoking is allowed. It can be an open space or separate area with proper ventilation  
13 subject to the standards of this Act;
- 14 c. *Enclosed* refers to the means of being covered by a roof or another similar kind with  
15 one or more walls, wherein the openings on the walls or sides have an aggregate area  
16 that is less than half of the total wall space. It must include doors and windows that  
17 can be opened and closed that may be used as openings;
- 18 d. *Electronic cigarette or Vape* refers to small hand-carry devices that converts liquid  
19 into mist that can be inhaled into the lungs.
- 20 e. *Minor* refers to any person below eighteen (18) years of age;
- 21 f. *Non-Smoking Buffer Zone* refers to a ventilated area between the door of a DSA not  
22 located in an open space and a smoke-free area. There shall be no opening that will  
23 allow air to escape from the Non-Smoking Buffer Zone to the smoke-free area.
- 24 g. *Open Spaces* refers to areas which are not covered by a roof or any similar structure.
- 25 h. *Person-in-charge* refers to the head of a company, corporation, partnership or  
26 association, owner, operator, proprietor, or the administrator, superintendent, or dean.
- 27 i. *Point-of-sale* refers to any location a person can purchase tobacco products.



- 1 j. *Public Conveyances* refers to modes of transportation.
- 2 k. *Public places* refers to all places accessible or open to the public whether indoor or
- 3 outdoor.
- 4 l. *Smoke-free* refers to air that is free from tobacco smoke.
- 5 m. *Smoking* refers to the possession of a lit tobacco product.
- 6 n. *Tobacco Products* refers to products made of tobacco leaves as raw material and then
- 7 processed and manufactured to be used for smoking, sucking, chewing, or snuffing.
- 8 o. *Workplace* refers to any place used by people for their employment.
- 9

10 **Section 4.** *Scope.* – This Act shall apply to all people, whether resident of not, and in all  
11 places in the territorial jurisdiction of the Philippines.

12 **Section 5.** *Prohibited Acts.* – The following are declared unlawful:

- 14 a. Smoking within enclosed public places or public conveyances, whether stationary
- 15 or moving, with the exception of Designated Smoking Areas (DSAs) fully
- 16 compliant of this Act.
- 17 b. For persons-in-charge to allow or tolerate smoking in public places or public
- 18 conveyances, outside of DSAs that are compliant of this Act.
- 19 c. For any person or establishment to sell, distribute, or purchase tobacco products to
- 20 and from minors. Ignorance of the minor’s age shall not be considered a defense.
- 21 d. For a minor to smoke, sell, or buy any tobacco product.
- 22 e. Ordering or instructing a minor to use, light up, buy, sell, distribute, deliver,
- 23 advertise, or promote tobacco products.
- 24 f. Selling or distributing tobacco products in schools, playgrounds, youth hostels, or
- 25 recreational facilities, or any point within 100 meters from any perimeter of these
- 26 places, to minors.
- 27 g. Placing, posting, displaying, or distributing advertisements or promotional
- 28 materials of tobacco products within 100 meters of a school perimeter,
- 29 playground, and other facilities frequently occupied by minors.
- 30 h. Placing any form of tobacco advertisement outside a point-of-sale establishment.
- 31

32 **Section 6.** *Standards for Designated Smoking Areas (DSAs).* – All DSAs shall strictly  
33 comply with the following standards:

- 34
- 35 a. There shall be no opening that would allow air to escape from the DSA to smoke-
- 36 free areas of buildings or conveyance, except for a single door equipped with an
- 37 automatic door closer; provided, if the DSA is not located in an open space, the
- 38 door shall open directly towards a Non-Smoking Buffer Zone (Buffer Zone) as
- 39 defined in this Act;
- 40 b. DSAs shall not be located within 10 meters of entrances, exits, or any place where
- 41 people pass, or in front of air intake ducts;
- 42 c. The combined area of the DSA and the Buffer Zone shall not be larger than 20%
- 43 of the total floor area of a building or conveyance, provided that the area shall not
- 44 be less than 10 square meters;

- 1 d. All buildings and conveyance shall only have one DSA;
- 2 e. All DSAs, other than in open spaces, shall be independent of all ventilation
- 3 systems servicing the rest of the building or conveyance;
- 4 f. Minors are not allowed inside DSAs or Buffer Zones;
- 5 g. DSAs shall have the following signages highly visible to the public:
- 6 1. "Smoking Area" signage;
- 7 2. Graphic health warnings on tobacco use effects;
- 8 3. Prohibition of entry of minors.
- 9 h. Other standards and specifications as prescribed in Republic Act 9211.

10  
11 No DSAs are allowed in the following public areas:

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- 13 a. Centers for youth activity;
- 14 b. Elevators and stairwells;
- 15 c. Locations in which fire hazards are present;
- 16 d. Public and private hospitals;
- 17 e. Food preparation areas.

18  
19 **Section 7.** *Obligations of Persons-in-Charge.* – Persons-in-charge shall:

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- 21 a. Prominently post and display "No Smoking" Signage in locations most visible to
- 22 the public in areas where smoking is prohibited. The sign shall be at least 8 x 11
- 23 inches in size;
- 24 b. Remove ash trays and other receptacles for disposing cigarette refuse in places
- 25 where smoking is prohibited;
- 26 c. For persons-in-charge of schools, public playgrounds, youth hostels, and
- 27 recreational facilities for minor, or any other place frequently occupied by minors,
- 28 to post a sign prohibiting the selling, advertising, and promoting of tobacco
- 29 products within 100 meters of their perimeter.
- 30 d. For persons-in-charge of any point-of-sale establishments to display health risks
- 31 and consequences of tobacco use, as prescribed by the Department of Health;
- 32 e. Establish internal procedure and measures in which this Act shall be implemented
- 33 and ordered within his or her area of jurisdiction;
- 34 f. Ensure that all employees are aware of this Act before implementation and
- 35 enforcement;
- 36 g. For all signages to have several versions with local dialects or in English.
- 37

38 **Section 8.** *Persons Liable.* – the following are liable and shall be punished in accordance

39 with the governing provisions of this Act, Republic Act 9211, and other applicable laws:

- 40 a. Any person or entity who commits prohibited acts;
- 41 b. Persons-in-charge who knowingly allow, abet, authorize, or tolerate the prohibited
- 42 acts, or have failed to fulfill their duties and obligations enumerated in this Act.
- 43



1 **Section 9. Penalties.** – Violations of this Act shall be in accordance with the applicable  
2 penalties provided in Republic Act 9211 and other applicable laws.

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4 **Section 10. Smoking Cessation Program.** – LGUs and the respective City/Municipality  
5 Health Officer, in coordination with DOH, are to develop, promote, and implement their  
6 respective Local Smoking Cessation Programs consistent with the National Smoking  
7 Cessation Program established under RA 9211. They are to encourage the participation of  
8 public and private facilities and to assist smokers who are willing to quit.

9  
10 **Section 11. Smoke-Free Task Force** – All cities and municipalities are required to form a  
11 local Smoke-Free Task Force to carry out the provisions of this Act.

12  
13 **Section 12. Appropriations.** – The amount necessary to implement the provisions of this Act  
14 shall be included in the budget of the concerned national government agencies under the  
15 annual General Appropriations Act.

16  
17 **Section 13. Separability Clause.** – If any part or provision of this Act is held invalid or  
18 unconstitutional, other provisions not affected thereby shall remain in force and effect.

19  
20 **Section 14. Repealing Clause.** – The provisions of any law, whether general or special,  
21 rules and regulations and other issuances or parts thereof which are inconsistent with the Act  
22 are hereby repealed, amended or modified accordingly.

23  
24 **Section 15. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its  
25 publication in the Official Gazette or in at least two (2) national newspapers of general  
26 circulation.

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29  
30 *Approved,*