



S E N A T E

S. No. 2239

PREPARED BY THE COMMITTEES ON TRADE, COMMERCE AND
ENTREPRENEURSHIP (UPON THE RECOMMENDATION OF
THE SUBCOMMITTEE ON SENATE BILL NOS. 197, 496,
541, 1183, 1951 AND 2099); HEALTH AND DEMOGRAPHY;
AND FINANCE WITH SENATORS PACQUIAO,
SOTTO III, ZUBIRI, RECTO, TOLENTINO AND CAYETANO
AS AUTHORS THEREOF

AN ACT REGULATING THE IMPORTATION,
MANUFACTURE, SALE, PACKAGING, DISTRIBUTION,
USE, AND COMMUNICATION OF VAPORIZED
NICOTINE AND NON-NICOTINE PRODUCTS

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

1 SECTION 1. *Short Title.* – This Act shall be known as
2 the “Vaporized Nicotine and Non-Nicotine Products
3 Regulation Act”.

4 SEC. 2. *Declaration of Policy.* – It is hereby declared
5 the policy of the State to protect and promote the right to

1 health of the people and instill health consciousness among
2 them.

3 It is further declared the policy of the State to enact a
4 balanced policy whereby these novel consumer products
5 are properly regulated using internationally accepted
6 product standards in order to protect the citizens from the
7 hazards of regulated, unregulated and substandard vapor
8 products and heated tobacco products.

9 For this purpose, the government shall regulate the
10 importation, assembly, manufacture, sale, packaging,
11 distribution, use, advertisement, promotion and
12 sponsorship of Vaporized Nicotine and Non-Nicotine
13 Products in order to promote a healthy environment,
14 protect the citizens from any potential hazards of these
15 novel consumer products, reduce the harm caused by
16 smoking and ensure that the sale to minors and the illicit
17 trade of Vaporized Nicotine and Non-Nicotine Products in
18 the country are prevented.

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

3 (a) *Advertising* refers to the business of
4 conceptualizing, presenting, making available and
5 communicating to the public, through any form of mass
6 media, any fact, data or information about the attributes,
7 features, quality or availability of consumer products,
8 services or credit. For the purpose of this Act, advertising
9 shall be understood as Vaporized Nicotine and Non-
10 Nicotine Products advertising and shall not include non-
11 promotional communication intended for informational
12 purposes only;

13 (b) *Child-resistant* shall refer to the type of containers
14 that can be opened only by operating, puncturing or
15 removing one of its functional and necessary parts using a
16 tool that is not supplied with the container and comply
17 with the existing standards on child-resistant packaging;

1 (c) *Designated Vaping Area* shall refer to an assigned
2 indoor or outdoor area where the use of Vaporized Nicotine
3 and Non-Nicotine Products shall be allowed;

4 (d) *Distributor* shall refer to any entity to whom
5 Vaporized Nicotine and Non-Nicotine Products is delivered
6 to or sold for purposes of distribution in commerce, except
7 that such term does not include a manufacturer or retailer
8 or common carrier of such product;

9 (e) *Heated Tobacco Products (HTPs), also referred to*
10 *as Heated Tobacco Product Consumables or Heat-Not-*
11 *Burn-Product Consumables*, shall refer to tobacco products
12 that are intended to be consumed through heating tobacco,
13 either electronically or through other means sufficient to
14 release an aerosol that can be inhaled, without combustion
15 of the tobacco. Heated Tobacco Product Consumables or
16 Heat-Not-Burn Product Consumables may also include
17 liquid solutions and gels that are part of the product and
18 are heated to generate an aerosol. HTPs may or may not
19 operate by means of a Heated Tobacco Product Device;

1 (f) *Heated Tobacco Product Device or HTP Device*
2 shall refer to the component or combination of components
3 of a Heated Tobacco Product System intended to be used in
4 combination with HTP Consumables that generate an
5 aerosol without combustion;

6 (g) *Heated Tobacco Product System or HTP System*
7 shall refer to a HTP Consumable and HTP Device that are
8 intended to be used together as a system;

9 (h) *Manufacturer* shall refer to an establishment
10 engaged in any and all operations involved in the
11 production of Vaporized Nicotine and Non-Nicotine
12 Products including preparatory processing, compounding,
13 formulating, filling, refilling, packaging, repackaging,
14 altering, ornamenting, finishing and labeling for the
15 purpose of its storage, sale or distribution;

16 (i) *Nicotine* shall refer to nicotinic alkaloids, including
17 any salt or complex of nicotine whether derived from
18 tobacco or synthetically produced;

1 (j) *Nicotine Mixture* shall refer to the nicotine-
2 containing liquid, solid or other non-tobacco substance in
3 the product;

4 (k) *Nicotine Shots* refer to nicotine in liquid or any
5 other form/substances that is added to or mixed with vapor
6 product refills or cartridges that has the effect of
7 increasing the dosage or nicotine concentration in a refill
8 or cartridge;

9 (l) *Package* shall refer to packs, boxes, cartons, or
10 containers of any kind in which Vapor Products or HTPs
11 are contained when offered for sale to consumers;

12 (m) *Principal display surface* shall refer to the panel
13 of the package that faces the consumer when displayed for
14 sale;

15 (n) *Point of Sale* shall refer to any location, physical
16 or online, where an individual can purchase or obtain
17 Vaporized Nicotine and Non-Nicotine Products, which may
18 include a product testing area;

1 (o) *Product Demonstration*, shall refer to the testing
2 of Vaporized Nicotine and Non-Nicotine Products
3 conducted by a trained product expert who shall explain
4 the characteristics, operation and maintenance of the
5 product for the purpose of informing and familiarizing a
6 prospective buyer, who is of legal age for the purpose of
7 this Act;

8 (p) *Promotion* shall refer to an event or activity
9 organized by or on behalf of a Vaporized Nicotine and Non-
10 Nicotine Products manufacturer, importer, distributor, or
11 retailer with the aim of promoting a brand of a Vaporized
12 Nicotine and Non-Nicotine Products, which event or
13 activity would not occur if not for the support given to it by
14 or on behalf of the Vaporized Nicotine and Non-Nicotine
15 Products manufacturer, importer, distributor, or retailer.
16 This includes the paid use of Vaporized Nicotine and Non-
17 Nicotine Products bearing the brand names, trademarks,
18 logos, and the like by performers in movies, television and
19 other forms of entertainment as well as other live
20 promotional events such as fairs, trade shows, concerts,

1 and similar events. For the purpose of this Act, promotion
2 shall be understood as Vaporized Nicotine and Non-
3 Nicotine Products promotion;

4 (q) *Promotional* shall refer to the act of publicizing a
5 product to an individual, group or the general public for
6 the sole purpose of increasing sales or promoting
7 awareness of the products;

8 (r) *Refill* shall refer to a container for holding e-liquid
9 or nicotine mixture;

10 (s) *Retailer* shall refer to any establishment which
11 sells or offers to sell any Vaporized Nicotine and Non-
12 Nicotine Products directly to an individual, group or the
13 general public;

14 (t) *Sponsorship* shall refer to any public or private
15 contribution, whether in cash or in kind, from a third party
16 in relation to an event, team, or activity made with the aim
17 of promoting a brand of Vaporized Nicotine and Non-
18 Nicotine Products, which event, team or activity would still
19 exist or occur without such contribution. For the purpose of

1 this Act, sponsorship shall be understood as Vaporized
2 Nicotine and Non-Nicotine Products sponsorship;

3 (u) *Tamper-resistant* shall refer to the type of
4 packages constructed such that it has one or more
5 indicators or barriers to entry which, if breached or
6 missing, can reasonably be expected to provide visible
7 evidence that the product or its packaging has been
8 opened, or otherwise comply with standards on tamper-
9 resistant packaging;

10 (v) *Vapor Products, also referred to as Vapor Products*
11 *Refills*, shall refer to the liquid, solid, gel or combination,
12 which may or may not contain nicotine, that is transformed
13 into an aerosol without combustion by a Vapor Product
14 Device;

15 (w) *Vapor Product Device* shall refer to a device or a
16 combination of devices used to heat a Vapor Product, to
17 produce an aerosol, mist, or vapor that users inhale. These
18 may include combinations of a liquid solution or gel, that
19 are heated and transformed into an aerosol without

1 combustion through the employment of a mechanical or
2 electronic heating element, battery, or circuit, and
3 includes, but is not limited to a cartridge, a tank, or a
4 device without a cartridge or tank;

5 (x) *Vapor Product System, also referred to as*
6 *electronic nicotine/non-nicotine delivery systems* shall refer
7 to the specific combination consisting of the Vapor Product
8 Refill and Vapor Product Device which, based on the
9 information made available to the consumer by the
10 provider, are intended to be used together; and

11 (y) *Vaporized Nicotine and Non-Nicotine Products*
12 shall refer to the category of products used in both HTP
13 System and Vapor Product System, as defined herein,
14 which are novel consumer goods that generate a nicotine-
15 containing or non-nicotine containing aerosol without
16 combustion.

17 SEC. 4. *Packaging and Health Warnings.* – All Vapor
18 Product Refills and HTP Consumables shall comply with
19 the following packaging requirements:

1 (a) The unit packaging or any outside consumer
2 packaging of Vapor Product Refills or HTP Consumables
3 shall bear the following health warnings:

4 (i) A highly visible, full-color graphic health warning
5 prescribed under Republic Act No. 10643 or the Graphic
6 Health Warnings Law, along with a textual health
7 warning required herein, which shall be printed on fifty
8 percent (50%) of the principal display surfaces of the
9 Vaporized Nicotine and Non-Nicotine Products and shall
10 occupy fifty percent (50%) of the front and fifty percent
11 (50%) of the back panel of the packaging.

12 The content, format, and specifications of the graphic
13 health warnings shall be designated by the DOH.

14 (ii) A textual health warning which states: “This
15 product is harmful and contains nicotine which is a highly
16 addictive substance. It is not recommended for use by non-
17 smokers”.

18 The textual warning shall use no more than twenty
19 percent (20%) of the entire area of the graphic health

1 warning and shall appear in clearly legible type and in
2 contrast by typograph, layout and color, without the use of
3 any border, frame or any other design that will effectively
4 lessen the size of the textual warning;

5 (b) Nothing shall be printed or applied on a location
6 where it is likely to obscure or cover, in part or in whole,
7 the health warning;

8 (c) No part of the warning may be obliterated,
9 obscured, folded, severed or become unreadable when the
10 package is opened or closed or when a wrapper on the
11 package is removed; and

12 (d) The internal revenue fiscal marking requirements
13 under Republic Act No. 8424 or the National Internal
14 Revenue Code, as amended, and other related regulations,
15 whenever applicable, shall be complied with: *Provided*,
16 That vapor product refills, HTP consumables
17 manufactured or produced in the Philippines for domestic
18 sales or consumption shall only be in such packages and
19 bear such marks or brands as prescribed by the Bureau of

1 Internal Revenue (BIR): *Provided, further,* That goods of
2 similar character imported into the Philippines shall
3 likewise be packed and marked in such manner as may be
4 required by the BIR and that in no case shall vapor
5 product refills and/or HTP consumables intended or offered
6 for export shall be distributed in the local market.

7 SEC. 5. *Tamper-resistant and Child-resistant Design.* –

8 The receptacles of Vapor Product Refills shall be child-
9 resistant, tamper-resistant, and shall be protected against
10 breakage and leakage.

11 Non-refillable receptacles shall not be tampered with
12 and refilled.

13 SEC. 6. *Minimum Age Sales and Purchase.* – The
14 minimum allowable age for the purchase, sale and use of
15 Vaporized Nicotine and Non-Nicotine Products shall be
16 eighteen (18) years old.

17 It shall not be a defense for the person selling or
18 distributing that he/she did not know or was not aware of
19 the real age of the purchaser. Neither shall it be a defense

1 that he/she did not know nor had any reason to believe
2 that the product was for the consumption of a person below
3 eighteen (18) years of age.

4 SEC. 7. *Proof-of-Age Verification.* – Retailers shall
5 ensure that no individual below eighteen (18) years of age
6 is allowed to purchase Vaporized Nicotine and Non-
7 Nicotine Products. It shall be the responsibility of retailers
8 to verify the age of buyers. For this purpose, the
9 presentation of any valid government-issued identification
10 card exhibiting the buyer’s photograph and age or date of
11 birth shall be required. Retailers shall ensure direct
12 delivery only to individuals who must be eighteen (18)
13 years old and above.

14 SEC. 8. *Online Trade.* – The sale or distribution of
15 Vaporized Nicotine and Non-Nicotine Products through
16 internet websites or via e-commerce and/or other similar
17 media platforms, shall be allowed: *Provided*, That the
18 manufacturer, importer, seller or distributor shall adopt
19 measures to ensure that persons below eighteen (18) years

1 of age are denied access thereto and that the internet
2 website shall bear the signages required under this Act.

3 In compliance with the aforementioned age
4 restriction, and when seeking access to such media
5 platform, the person's legal age shall be self-declared in the
6 opening first page of the website.

7 *Provided, further,* That the sale or distribution of
8 Vaporized Nicotine and Non-Nicotine Products through
9 internet websites or via e-commerce and/or other similar
10 media platforms shall only be made by online sellers or
11 distributors registered with the Department of Trade and
12 Industry (DTI) or the Securities and Exchange Commission
13 (SEC), and the products being sold and advertised online
14 shall be compliant with the health warning requirements
15 indicated herein, as well as the BIR-prescribed tax stamp
16 or other fiscal marks: *Provided, finally,* That the delivery
17 of Vaporized Nicotine and Non-Nicotine Products
18 purchased online shall also comply with Section 7 of this
19 Act.

1 SEC. 9. *Sales and Promotion Within School*
2 *Perimeters.* – The sale, promotion, advertising, and product
3 demonstration of Vaporized Nicotine and Non-Nicotine
4 Products within one hundred (100) meters from any point
5 of the perimeter of a school, playground or other facility
6 frequented particularly by minors shall be prohibited.

7 SEC. 10. *Point-of-Sale Signage.* – Point-of-sale
8 establishments offering, selling, or distributing Vaporized
9 Nicotine and Non-Nicotine Products shall post the
10 following statement in a clear and conspicuous manner:
11 “THE SALE OR DISTRIBUTION OF VAPORIZED
12 NICOTINE AND NON-NICOTINE PRODUCTS TO OR
13 BY PERSONS BELOW EIGHTEEN (18) YEARS OF AGE
14 IS ILLEGAL. THE PRODUCTS ARE HARMFUL AND
15 CONTAIN NICOTINE WHICH IS HIGHLY ADDICTIVE
16 SUBSTANCE. IT IS NOT RECOMMENDED FOR USE BY
17 NON-SMOKERS” or “*BAWAL MAGBENTA O BUMILI NG*
18 *VAPORIZED NICOTINE AND NON-NICOTINE*
19 *PRODUCTS SA MGA TAONG WALA PANG*
20 *LABINGWALONG (18) TAONG GULANG. ANG*

1 *PRODUKTONG ITO AY NAKAKASAMA SA*
2 *KALUSUGAN AT MAYROONG NICOTINE, ISANG*
3 *NAKAKALULONG NA KEMIKAL. HINDI ITO*
4 *INIREREKOMENDA NA GAMITIN NG MGA HINDI*
5 *NANINIGARILYO.”*

6 SEC. 11. *Display of Products.* – Vaporized Nicotine
7 and Non-Nicotine Products shall not be displayed
8 immediately next to products of particular interest to
9 minors.

10 SEC. 12. *Product Communication Restrictions.* –
11 Advertisements and other forms of consumer
12 communication shall be allowed in points-of-sale or retail
13 establishments, through direct marketing, and on the
14 internet: *Provided,* That the following guidelines shall
15 apply:

16 (a) These shall not be targeted to or particularly
17 appeal to persons under eighteen (18) years of age;

18 (b) All product communications shall contain the
19 following health warning: “Government warning: This

1 product is harmful and contains nicotine which is a highly
2 addictive substance. This is for use only by adults and is
3 not recommended for use by non-smokers”.

4 (c) These and other forms of consumer communication
5 of Vaporized Nicotine and Non-Nicotine Products shall not
6 feature a minor, a celebrity or social media influencer or
7 contain an endorsement, implied or express, by a celebrity
8 or social media influencer. Individual or team athletes,
9 artists, performers, influencers, and health professionals
10 are likewise prohibited from promoting or encouraging the
11 use of Vaporized Nicotine and Non-Nicotine Products;

12 (d) Any posts, messages, or images depicting smoking
13 or vaping as a lifestyle, or promoting or encouraging
14 smoking or vaping, or the purchase or use of vaporized
15 nicotine and non-nicotine products, trademarks, brand
16 names, design, and manufacturer’s names shall be
17 prohibited;

18 (e) Markings or characters that are likely to appeal to
19 the youth such as the use of cartoons, anime, manga,

1 animated characters, youth influencers, personalities and
2 the like are prohibited;

3 (f) These should not undermine quit-smoking
4 messages and should not encourage non-tobacco or non-
5 nicotine users to use Vaporized Nicotine and Non-Nicotine
6 Products;

7 (g) These shall not contain any information that is
8 false or not scientifically substantiated, particularly with
9 regard to product characteristics, health effects, risks or
10 emissions consistent with Section 17 of this Act;

11 (h) Product testing and/or demonstration shall be
12 allowed in locations that sell Vaporized Nicotine and Non-
13 Nicotine Products or their devices;

14 (i) Online advertisements on e-commerce platforms
15 shall only be visible after the appropriate age verification
16 measures under this Act;

17 (j) These restrictions apply to commercial
18 communications only and shall not prevent a company
19 from providing information regarding its company, its

1 products and other non-promotional information on
2 Vaporized Nicotine and Non-Nicotine Products;

3 (k) No Vaporized Nicotine and Non-Nicotine Products
4 advertisements may be placed on objects or places outside
5 points of sale such as, but not limited to, vehicles of any
6 kind, billboards, posters, streamers;

7 (l) The sale of vapor products that are packaged,
8 labeled, presented, or marketed with flavor descriptors
9 that are proven to unduly appeal particularly to minors
10 shall be prohibited. A flavor descriptor is presumed to
11 unduly appeal to minors if it includes a reference to a fruit,
12 a candy brand, dessert, or to a cartoon character.

13 SEC. 13. *Restrictions on Vaporized Nicotine and Non-*
14 *Nicotine Product Promotional Activities.* – The following
15 restrictions shall apply to any promotional activity related
16 to Vaporized Nicotine and Non-Nicotine Products:

17 (a) Promotional events and activities, such as, but not
18 limited to, product sampling or product offers, shall only be
19 conducted by trained product experts and must be directed

1 only to persons at least eighteen (18) years of age. No
2 person below eighteen (18) years of age shall participate in
3 such promotions. The participants in such promotions shall
4 be required to provide proof of age: *Provided*, That the
5 invitation to these promotion events and activities shall
6 contain the appropriate health warnings;

7 (b) Communications to consumers about promotional
8 events for Vaporized Nicotine and Non-Nicotine Products
9 shall comply with the provisions of this Act governing
10 Vaporized Nicotine and Non-Nicotine Products advertising.
11 In addition to the required health warning, the age
12 requirement for participation in any promotional activity
13 must be clearly marked on the program materials
14 distributed to consumers;

15 (c) No Vaporized Nicotine and Non-Nicotine Products
16 shall have a medicinal claim on its marketing materials or
17 packaging unless such claim is approved by the Food and
18 Drug Administration pursuant to Republic Act No. 9711;

1 (d) All stalls, booths, and other displays concerning
2 Vaporized Nicotine and Non-Nicotine Products promotions
3 must be limited to point-of-sale locations or adult-only
4 facilities;

5 (e) Telecommunications concerning promotional
6 offers, programs or events must include a recorded health
7 warning message in English or Filipino consistent with the
8 warnings specified in this Act;

9 (f) No product promotional placement or
10 advertisement shall be made by any manufacturer,
11 distributor, or retailer of any Vaporized Nicotine and Non-
12 Nicotine Product package, including use of the product, in
13 any manner, in a video game or in any television program
14 or motion picture authorized by regulatory agencies
15 concerned for viewing by the general public;

16 (g) No promotional merchandise such as, but not
17 limited to, t-shirts, caps, sweatshirts, visors, backpacks,
18 sunglasses, writing implements and umbrellas, may be
19 distributed, sold or offered, directly or indirectly, with the

1 name, logo or other indicia of a Vaporized Nicotine and
2 Non-Nicotine Products brand displayed so as to be visible
3 to others when worn or used;

4 (h) No name, logo, or other indicia of a Vaporized
5 Nicotine and Non-Nicotine Products brand, may appear on
6 promotional merchandise or element of a brand-related
7 marketing activity that is marketed to or likely to be used
8 by minors such as, but not limited to, sports equipment,
9 toys, dolls, video games, and food. The manufacturer or
10 company must take all available measures to prevent third
11 parties from using the company's brand names, logos, or
12 other proprietary symbol on products that are directed
13 toward minors; and

14 (i) No Vaporized Nicotine and Non-Nicotine Products
15 advertisements may be placed on shopping bags.

16 SEC. 14. *Restrictions on Sponsorship.* – The following
17 restrictions shall apply on all Vaporized Nicotine and Non-
18 Nicotine Products promotional sponsorships:

1 (a) Sponsorships shall be limited to industry
2 associations or trade events, where only persons at least
3 eighteen (18) years of age shall be allowed to participate.
4 No person below eighteen (18) years of age may participate
5 in such a sponsored event. The participants in the
6 sponsored event shall be required to provide proof of age.
7 Sponsorship shall be absolutely prohibited in any sport,
8 concert, cultural or art event: *Provided*, That invitations to
9 these trade events shall contain the appropriate health
10 warnings;

11 (b) Communications to consumers about Vaporized
12 Nicotine and Non-Nicotine Products sponsored events shall
13 comply with the provisions of this Act governing Vaporized
14 Nicotine and Non-Nicotine Products advertising. In
15 addition to the mandatory health warning, the age
16 requirement for participation in any sponsored events
17 must be clearly marked on the program materials
18 distributed to consumers;

1 (c) All display materials concerning Vaporized
2 Nicotine and Non-Nicotine Products sponsored events
3 must be limited to point-of-sale locations or adult-only
4 facilities;

5 (d) Telecommunications concerning sponsored events
6 must include a recorded health warning message in
7 English or Filipino consistent with the warnings specified
8 in this Act;

9 (e) No merchandise such as, but not limited to, t-
10 shirts, caps, sweatshirts, visors, backpacks, sunglasses,
11 writing implements, school notebooks, umbrellas and other
12 accessories, may be distributed, sold or offered, directly or
13 indirectly during the sponsored event, with the name, logo
14 or other indicia of a Vaporized Nicotine and Non-Nicotine
15 Products brand; and

16 (f) Such other restrictions on the product sponsorship
17 as determined by DTI.

18 SEC. 15. *Use in Public Place.* – The use of Vaporized
19 Nicotine and Non-Nicotine Products shall be allowed in

1 public places except that indoor use shall be limited to
2 designated vaping areas, or in point-of-sale establishments
3 for purposes of conducting product demonstrations.

4 The use of Vaporized Nicotine and Non-Nicotine
5 Products shall be absolutely prohibited in the following
6 public places:

7 (a) Centers of youth activity such as playschools,
8 preparatory schools, elementary schools, high schools,
9 colleges and universities, youth hostels and recreational
10 facilities for persons under eighteen (18) years old;

11 (b) Elevators and stairwells;

12 (c) Locations in which fire hazards are present,
13 including gas stations and storage areas for flammable
14 liquids, gas, explosives or combustible materials;

15 (d) Within the buildings and premises of public and
16 private hospitals, medical, dental, and optical clinics,
17 health centers, nursing homes, dispensaries and
18 laboratories;

1 (e) Public conveyances and public facilities including
2 airport and ship terminals and train and bus stations,
3 restaurants and conference halls, except for separate
4 designated vaping areas;

5 (f) Food preparation areas; and

6 (g) Churches and other similar places where people
7 congregate for worship.

8 SEC. 16. *Smoking and Vaping Restriction Awareness*
9 *Campaign.* – The DOH, in coordination with other
10 concerned agencies as may be necessary, shall prescribe
11 guidelines with the implementation of smoking and vaping
12 restriction awareness campaigns, which may include, but
13 not limited to, information drives and posting of warning
14 sign images in public. As part of the whole of society
15 approach for a genuine smoke and vape free environment,
16 the private sector shall also be encouraged to undertake
17 restriction awareness campaigns on smoking and vaping,
18 including but not limited to, censoring and not supporting
19 advertisements promoting smoking and vaping.

1 SEC. 17. *Standards for Designated Vaping Areas.* –
2 Designated Vaping Areas (DVAs) shall comply with the
3 following standards:

4 (a) Persons below eighteen (18) years of age shall not
5 be allowed within the DVA;

6 (b) Every DVA shall have the following signages
7 highly visible and prominently displayed:

8 (i) “Vaping Area” signage; and

9 (ii) Prohibition on entry of persons below eighteen
10 (18) years of age and pregnant women.

11 (c) Smoking shall not be allowed in DVAs;

12 (d) The number of persons allowed inside shall be
13 controlled by the establishment owner taking into
14 consideration the size of the DVA and its location;

15 (e) The DVA shall be in an open space in an outdoor
16 area, or in a separate indoor area with proper ventilation;

17 (f) If the DVA is located indoors, there shall be no
18 opening that will allow air to escape from the DVA to the

1 smoke/vape-free area of the building or conveyance, except
2 for a single door equipped with an automatic door closer;

3 (g) The DVA and its ventilation outlets shall not be
4 located in or within ten (10) meters from entrances, exits
5 or any place where people pass or congregate, or in front of
6 air intake ducts;

7 (h) The combined area of the DVA and the buffer zone
8 shall not be larger than twenty percent (20%) of the total
9 floor area of the building or conveyance; Provided, That in
10 no case shall such area be less than ten (10) square meters;

11 (i) No building or conveyance shall have more than
12 one (1) DVA;

13 (j) The ventilation system for the DVA, other than in
14 open space and for the buffer zone, shall be independent of
15 all ventilation systems for the rest of the building or
16 conveyance;

17 (k) Minors shall not be allowed inside the DVA and
18 the buffer zone; and

1 (l) There shall be no selling, serving or offering of food
2 and beverages in the DVA and its buffer zone.

3 *Provided*, That nothing in this Act shall compel
4 persons in charge to establish DVAs nor prevent them from
5 instituting more stringent measures in their building and
6 establishment to better ensure a vape-free environment in
7 their premises.

8 SEC. 18. *Product Standard Requirements.* – The DTI,
9 in consultation with the Food and Drug Administration,
10 shall set technical standards for safety, consistency and
11 quality for the products requiring registration in the
12 immediately succeeding section based on international
13 standards. The compliance with these product standards
14 shall be mandatory.

15 SEC. 19. *Product Registration.* – All manufacturers
16 and importers of the following products shall register with
17 the DTI by submitting information demonstrating
18 conformity with Section 17 of this Act:

19 (a) Heated tobacco product consumable;

1 (b) Heated tobacco product device;

2 (c) Vapor product refill; and

3 (d) Vapor product device;

4 Vaporized Nicotine and Non-Nicotine Products,
5 heated tobacco product devices and vapor product devices
6 may be sold to the general public after submission of the
7 product registration requirements under this Act.

8 The DTI may order the immediate recall, ban or
9 seizure from public sale or distribution of Vaporized
10 Nicotine and Non-Nicotine Products, HTP devices and
11 vapor product devices for failure to comply with this
12 section in relation to Section 17 of this Act.

13 Only duly registered Vaporized Nicotine and Non-
14 Nicotine Products or their devices and vapor product refills
15 and HTP consumables with the applicable GHW are
16 allowed to be sold, advertised or distributed through
17 whatever means.

18 For online sales, the Secretary of Trade and Industry,
19 upon due process, shall have the power to issue an order

1 directing that a non-compliant website, webpage, online
2 application, social media account, or other similar
3 platform, be taken down. The DTI shall order the
4 immediate recall, ban or seizure from public sale or
5 distribution of non-compliant Vaporized Nicotine and Non-
6 Nicotine Products or their devices, as provided under this
7 section. The DTI shall also maintain a list on their website,
8 to be updated monthly, of brands of Vaporized Nicotine
9 and Non-Nicotine Products registered with the DTI that
10 are eligible to be sold online. The DTI shall have the
11 prerogative to refer the matter to the BIR for appropriate
12 action.

13 Internet websites and/or e-commerce and/or other
14 similar media selling platforms providers shall ensure
15 compliance of online sellers/retailers with the DTI and BIR
16 registration requirements and other provisions of this Act.

17 *SEC. 20. Restriction on the Retail and Sale of Nicotine*
18 *Shots.* – The retail or use of nicotine shots and/or
19 concentrates shall be strictly prohibited.

1 SEC. 21. *Jurisdiction.* – The DTI shall have exclusive
2 jurisdiction over any and all issues, requirements, and
3 subject matters related to Vaporized Nicotine and Non-
4 Nicotine Products which are provided for in this Act.

5 SEC. 22. *Floor Price.* – The BIR is mandated to issue a
6 revenue regulation prescribing the floor price or the
7 minimum price of Vaporized Nicotine and Non-Nicotine
8 Products taking into account the sum of their excise tax,
9 value added tax, and a reasonable production cost.

10 SEC. 23. *Penalties for Noncompliance.* – The following
11 penalties shall apply:

12 (a) For violation of Sections 15 and 16:

13 (i) On the first offense, a fine of Two thousand pesos
14 (P2,000.00) shall be imposed;

15 (ii) On the second offense, a fine of Ten thousand
16 pesos (P10,000.00) shall be imposed;

17 (iii) On the third offense, a fine of Twenty thousand
18 pesos (P20,000.00): Provided, That the business permits

1 and licenses, in the case of a business entity or
2 establishment shall be revoked or cancelled.

3 (b) For violation of Sections 6, 7, 9, 10, 11 and 19:

4 (i) On the first offense, any person or any business
5 entity or establishment selling to, distributing or
6 purchasing Vaporized Nicotine and Non-Nicotine Products
7 for a minor shall be fined the amount of Ten thousand
8 pesos (P10,000.00) or an imprisonment of not more than
9 thirty (30) days, upon the discretion of the court. For
10 succeeding offenses, both penalties shall apply in addition
11 to the revocation of business licenses or permits in the case
12 of a business entity or establishment.

13 (ii) If the violation is by an establishment of business
14 entity, the owner, president, manager, or the most senior
15 officers thereof shall be held liable for the offense.

16 (iii) If a minor is caught selling, buying or using any
17 Vaporized Nicotine and Non-Nicotine Products, the DOH
18 and the Department of Social Welfare and Development
19 (DSWD) shall implement appropriate intervention

1 programs, including but not limited to, counselling of the
2 minor and the minor's parent/guardian.

3 (c) For violation of Sections 8, 12, 13, 14 and 17:

4 (i) On the first offense, a fine of One hundred
5 thousand pesos (P100,000.00);

6 (ii) On the second offense, a fine of Two hundred
7 thousand pesos (P200,000.00);

8 (iii) On the third offense, a fine of Four Hundred
9 Thousand Pesos (P400,000.00); or imprisonment of not
10 more than three (3) years, or both, at the discretion of the
11 court: *Provided*, That the business permits and licenses, in
12 the case of a business entity or establishment shall be
13 revoked or cancelled.

14 (d) Violation of Sections 4 and 5 of this Act shall be
15 penalized in accordance with the following penalties:

16 (i) On the first offense, a fine of Two million pesos
17 (P2,000,000.00) and imprisonment of two (2) years;

1 (ii) On the second offense, a fine of Four million pesos
2 (P4,000,000.00) and imprisonment of four (4) years;

3 (iii) on the third offense, a fine of Five million pesos
4 (P5,000,000.00) and imprisonment six (6) years: *Provided,*
5 That the business permits and licenses, in the case of a
6 business entity or establishment shall be revoked or
7 cancelled.

8 Online sellers and distributors of Vaporized Nicotine
9 and Non-Nicotine Products and online platforms that are
10 non-compliant with Section 8 of this Act shall be ordered
11 by the DTI to immediately suspend trading of such
12 products and shall be liable for the fines and penalties
13 imposed under this Section. Suspension shall continue
14 until the manufacturer, seller, distributor or online
15 platform has complied with the requirements provided
16 under Section 8 of this Act.

17 The BIR shall order the immediate recall, ban or
18 seizure from public sale or distribution of Vaporized
19 Nicotine and Non-Nicotine Products not registered with

1 the BIR, including those sold online. This is without
2 prejudice to the filing of the appropriate cases and
3 collection of correct taxes and duties, including applicable
4 fines and penalties under the Republic Act No. 8424 or the
5 National Internal Revenue Code (NIRC), as amended, and
6 Republic Act No. 10863 or the “Customs Modernization
7 and Tariff Act (CMTA)”.

8 The DTI and BIR, in consultation with relevant
9 stakeholders, shall design, promulgate and utilize new and
10 emerging innovative tools and technologies to ensure that
11 only registered Vaporized Nicotine and Non-Nicotine
12 Products are made available in the market.

13 If the guilty officer is a foreign national, the officer
14 shall be deported after service of sentence and/or payment
15 of applicable fines without need of further deportation
16 proceedings and shall be permanently barred from re-
17 entering the Philippines.

18 SEC. 24. *Congressional Oversight Committee on*
19 *Vaporized Nicotine Products.* – A Congressional Oversight

1 Committee on Vaporized Nicotine and Non-Nicotine
2 Products (COC-VNP) is hereby constituted to monitor and
3 review the implementation of this Act for a period not
4 exceeding three (3) years. The COC-VNP shall be composed
5 of the Chairpersons of the Senate Committees on Health,
6 Trade and Commerce, Agriculture, and Public Information,
7 and the House of Representatives Committees on Trade
8 and Industry, Health, Public Information, and Agriculture,
9 and a Member of the House of Representatives
10 representing the tobacco producing provinces.

11 The Secretariat of the COC-VNP shall be drawn from
12 the existing personnel of the standing committees
13 comprising the Congressional Oversight Committee and its
14 funding requirements shall be charged against the
15 appropriations of both the House of Representatives and
16 Senate of the Philippines.

17 SEC. 25. *Implementing Rules and Regulation.* –
18 Within three (3) months from the date of effectivity of this
19 Act, the DTI, in consultation with the Food and Drug

1 Administration, shall issue the implementing rules and
2 regulations (IRR) for this Act. The non-issuance of the IRR
3 shall not prevent the implementation of this Act upon its
4 effectivity.

5 SEC. 26. *Appropriations.* – The amount necessary to
6 implement the provisions of this Act shall be charged
7 against the current year’s appropriations of the national
8 government agencies concerned. Thereafter, such funds as
9 may be necessary for the continued implementation of this
10 Act shall be included in the budgets of the national
11 government agencies concerned under the annual General
12 Appropriations Act.

13 SEC. 27. *Transitory Provision.* – Manufacturers,
14 distributors, importers and sellers of Vaporized Nicotine
15 and Non-Nicotine Products shall be given an eighteen (18)-
16 month transitory period from the issuance of the
17 implementing rules and regulations of this Act to comply
18 with the requirements herein.

1 SEC. 28. *Separability Clause.* – If any provision or any
2 part hereof is held invalid or unconstitutional, the
3 remainder of the law or the provisions not otherwise
4 affected shall remain valid and subsisting.

5 SEC. 29. *Repealing Clause.* – All laws, decrees, rules
6 and regulations or parts thereof which may govern any and
7 all issues, requirements, statements and subject matters
8 related to Vaporized Nicotine and Non-Nicotine Products
9 which are provided for in this Act, and those other laws,
10 decrees, rules and regulations or parts thereof which are
11 inconsistent with the provisions of this Act, are hereby
12 repealed, amended or modified accordingly.

13 SEC. 30. *Effectivity.* – This Act shall take effect fifteen
14 (15) days after its publication in the *Official Gazette* or in
15 at least two (2) newspapers of general circulation.

Approved,