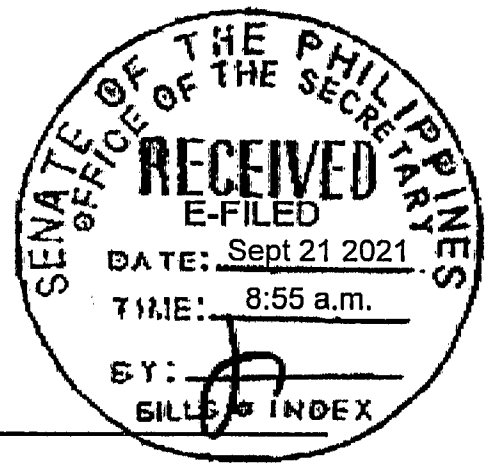


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

SENATE
S. No. 2410



Introduced by SENATOR PIA S. CAYETANO

AN ACT
INCREASING THE MINIMUM AGE OF ACCESS FOR TOBACCO PRODUCTS,
THEREBY AMENDING FOR THIS PURPOSE REPUBLIC ACT 9211, OTHERWISE
KNOWN AS THE TOBACCO REGULATION ACT OF 2003

EXPLANATORY NOTE

During a time when the world is suffering from a health pandemic brought about by COVID-19, taking care of one's health is of utmost importance in order to fight such deadly virus. According to the Philippine Pediatric Society (PPS) - Tobacco Control Advocacy Group, there is a startling connection between cigarette and/or vape smoking and COVID-19, which can result in critical hospitalization and even death.¹ The Department of Health also joined PPS in pushing for tobacco cessation and reminding the public of the risks of cigarette and vape smoking in connection to COVID-19.²

The epidemic of tobacco use in the country calls to mind Article II, Section 15 of the Constitution which expressly provides that the State shall protect the right to health of the people and instill health consciousness among them. Thus, it is unequivocally the State's mandate to protect the people, most especially the youth, from the long-term health impacts of the use of tobacco products to the user and to the society.

This bill proposes to increase the minimum age of access for tobacco products from eighteen years (18) of age to twenty-one (21), consistent with Republic Act No. 11467 or the "2020 Sin Tax Law", which mandates the minimum age of access to vaporized and heated tobacco products at twenty-one (21) years old. By increasing the age of access to these harmful products, the State is fulfilling its role of reaffirming the right of the Filipino people, most especially the youth, to the highest standard of health, especially at a time when the country is experiencing and still being threatened by the ill effects of COVID-19.

In view of the foregoing, the immediate passage of the bill and approval of the same is earnestly sought.

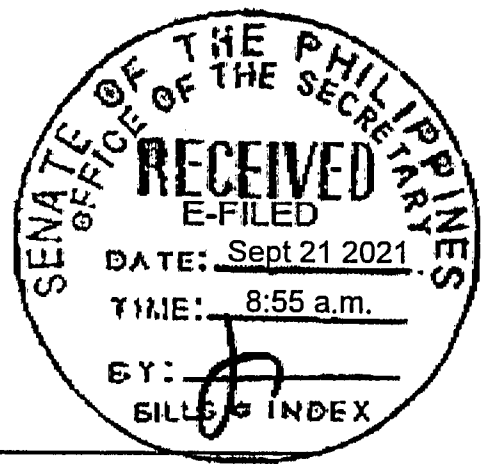
Pia S. Cayetano
PIA S. CAYETANO

¹ Mocon-Ciriaco, C. "DOH, PPS push for tobacco cessation, cite Covid-19 risks." *Business Mirror*. 11 November 2020. Accessed from: https://businessmirror.com.ph/2020/11/11/doh-pps-push-for-tobacco-cessation-cite-covid-19-risks/?fbclid=IwAR1aaUR7hYSu_mrqjIvaKOM93yDfosMh_WjTuv-dk0ZhGAW3xfDsASQ-7vc.

² *Ibid.*

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

1 **SECTION. 1.** Section 4 of Republic Act No. 9211 or the Tobacco Regulation Act
2 of 2003 is hereby amended to read as follows:

3 “Sec. 4. *Definition of Terms.* – As used in this Act:

4 **V. YOUNG PERSON - REFERS TO ANY PERSON BELOW**
5 **TWENTY-ONE (21) YEARS OLD.”**

6
7 **SEC. 2.** Section 9 of the same Act is hereby amended to read as follows:

8 “Sec. 9. *Minimum Age Sales.* – Under this Act, it shall be unlawful:

9 a. For any retailer of tobacco products to sell or distribute
10 tobacco products to any **YOUNG PERSON** [minor];

11 b. For any person to purchase cigarettes or tobacco products
12 from a **YOUNG PERSON** [minor];

13 c. For a **YOUNG PERSON** [minor] to sell or buy cigarettes or
14 any tobacco product; and

15 d. For a **YOUNG PERSON** [minor] to smoke cigarettes or
16 **USE** any other tobacco products.

17
18 It shall not be a defense for the person selling or distributing that he/she
19 did not know or was not aware of the real age of the **YOUNG PERSON**

1 [minor]. Neither shall it be a defense that he/she did not know nor had
2 any reason to believe that the cigarette or any other tobacco product
3 was for the consumption of the **YOUNG PERSON** [minor] to whom it
4 was sold.”

5
6 **SEC. 3.** Section 12 of the same Act is hereby amended to read as follows:

7 “Sec. 12. *Proof of Age Verification.* – In case of doubt as to the age of
8 the buyer, retailers shall verify, by means of any valid form of
9 photographic identification containing the date of birth of the bearer,
10 that no individual purchasing a tobacco product is below **TWENTY-**
11 **ONE (21)** [eighteen (18)] years of age.”

12
13 **SEC. 4. *Separability Clause.*** - Should any provision of this Act be declared
14 unconstitutional, the remaining parts not affected thereby shall remain valid and
15 operational.

16
17 **SEC. 5. *Repealing Clause.*** - All other laws, decrees, orders, circulars, issuances,
18 rules and regulations and parts thereof which are inconsistent with this Act are hereby
19 repealed, amended or modified accordingly.

20
21 **SEC. 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
22 in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,