

[REPUBLIC ACT NO. 9211, June 23, 2003]

**AN ACT REGULATING THE PACKAGING, USE, SALE,
DISTRIBUTION AND ADVERTISEMENTS OF TOBACCO PRODUCTS
AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* — This act shall be known as the Tobacco Regulation Act of 2003.

SEC. 2. *Policy.* — It is the policy of the State to protect the populace from hazardous products and promote the right to health and instill health consciousness among them. It is also the policy of the State, consistent with the Constitutional ideal to promote the general welfare, to safeguard the interests of the workers and other stakeholders in the tobacco industry. For these purposes, the government shall institute a balanced policy whereby the use, sale and advertisements of tobacco products shall be regulated in order to promote a healthful environment and protect the citizens from the hazards of tobacco smoke, and at the same time ensure that the interests of tobacco farmers, growers, workers and stakeholders are not adversely compromised.

SEC. 3. *Purpose.* — It is the main thrust of this Act to:

- a. Promote a healthful environment;
- b. Inform the public of the health risks associated with cigarette smoking and tobacco use;
- c. Regulate and subsequently ban all tobacco advertisements and sponsorships;
- d. Regulate the labeling of tobacco products;
- e. Protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;
- f. Assist and encourage Filipino tobacco farmers to cultivate alternative agricultural crops to prevent economic dislocation; and
- g. Create an Inter-Agency Committee on Tobacco (IAC-Tobacco) to oversee the implementation of the provisions of this Act.

SEC. 4. *Definitions of Terms.* — As used in this Act:

- a. "Advertisement" - refers to any visual and/or audible message disseminated to the public about or on a particular products that promote and give publicity by words, designs, images or any other means through broadcast electronic, print or whatever form of mass media, including outdoor advertisements, such as but not limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as tobacco advertisement.

- b. "Advertising" - refers to the business of conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data or information about the attributes, features, quality or availability of consumer products, services or credit. For the purpose of this Act, advertising shall be understood as tobacco advertising. This shall specifically refer to any messages and images promoting smoking; the purchase or use of cigarette or tobacco products; and cigarette or tobacco trademarks, brand names, design and manufacturer's names;
- c. "Advertiser" - refers to a person or entity on whose account or for whom an advertisement is prepared and disseminated by the advertising agency, which is a service established and operated for the purpose of counseling or creating and producing and/or implementing advertising programs in various forms of media;
- d. "Cigarette" - refers to any roll or tabular construction, which contains tobacco or its derivatives and is intended to be burned or heated under ordinary conditions of use;
- e. "Distributor" - refers to any person to whom a tobacco products is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such products;
- f. "Mass Media" - refers to any medium of communication designed to reach a mass of people. For this purpose, mass media includes print media such as, but not limited to, newspaper, magazines, and publications; broadcast media such as. But not limited to, radio, television, cable television, and cinema; electronic media such as but not limited to the internet;
- g. "Minor" - refers to any person below eighteen (18) years old;
- h. "Manufacturer" - refers to any person or entity, including a re-packer, who makes, fabricates, assembles, processes, or labels a finished product;
- i. "Package" - refers to packs, boxes, cartons or containers of any kind in which any tobacco product is offered for sale to consumers;
- j. "Person" - refers to an individual, partnership, corporation or any other business or legal entity;
- k. "Point-of-Sale" - refers to any location at which an individual can purchase or otherwise obtain tobacco products;
- l. "Promotion" - refers to an event or activity organized by or on behalf of a tobacco manufacturer, distributor or retailer with the aim of promoting a brand of tobacco product, which event or activity would not occur but for the support given to it by on behalf of the tobacco manufacturer, distributor or retailer. It may also refer to the display of a tobacco product or manufacturer's name, trademark, logo, etc. on non-tobacco products. This includes the paid use of tobacco products bearing the brand names, trademarks, logos, etc. in movies, television and other forms of entertainment. For the purpose of this Act, promotion shall be understood as tobacco promotion;
- m. "Public Conveyances" - refers to modes of transportation servicing the general population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepneys, light rail transits, tricycles, and similar vehicles;
- n. "Public Places" - refer to enclosed or confined areas of all hospitals, medical clinics, schools; public transportation terminals and offices, and buildings such as private and public offices, recreational places, shopping malls, movie houses, hotels, restaurants, and the like;
- o. "Retailer" - refers to any person who or entity that sells tobacco products to individuals for personal consumption;

- p. "Smoking" - refers to the act of carrying a lighted cigarette or other tobacco products, whether or not it is being inhaled or smoked;
- q. "Sponsorship" - refers to any public or private contribution to a third party in relation to an event, team or activity made with the aim of promoting a brand of tobacco product, which event, team or activity would still exist or occur without such contribution. For the purpose of this Act, sponsorship shall be understood as tobacco sponsorship;
- r. "Tobacco" - refers to agricultural components derived from the tobacco plant, which are processed for use in the manufacturing of cigarettes and other tobacco products;
- s. "Tobacco Product" - refers to any product that consist of loose tobacco that contains nicotine and is intended for use in a cigarette, including any product containing tobacco and intended for smoking or oral or nasal use. Unless state otherwise, the requirements of this Act pertaining to cigarettes shall also apply to other tobacco products;
- t. "Tobacco Grower" - refers to any person who plants tobacco before the enactment of this Act and classified as such by the National Tobacco Administration (NTA); and
- u. "Warning" - refers to the notice printed on the tobacco product or its container and/or displayed in print or aired in broadcast or electronic media including outdoor advertising and which shall bear information on the hazards of tobacco use.

HEALTHFUL ENVIRONMENT

SEC. 5. *Smoking Ban in Public Places.* — Smoking shall be absolutely prohibited in the following places:

- a. Centers of youth activity such as playschools, preparatory schools, elementary schools, high schools, colleges and universities, youth hostels and recreational facilities for persons under eighteen (18) years old;
- b. Elevators and stairwells;
- c. Locations in which fire hazards are present including gas stations and storage areas for flammable liquids, gas, explosives or combustible materials;
- d. Within the buildings and premises of public and private hospitals, medical, and optical, health centers, nursing homes, dispensaries and laboratories;
- e. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants and conference halls, except for separate smoking areas; and
- f. Food preparation area.

SEC. 6. *Designated Smoking and Non-Smoking Areas.* — In all enclosed places that are open to the general public, private workplaces and other places not covered under the preceding section, where smoking may expose a person other than the smoker to tobacco smoke, the owner, proprietor, operator, possessor, manager or administrator of such places shall establish smoking and non-smoking areas. Such areas may include a designated smoking area within the building, which may be in an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as non-smoking area.

All designated smoking areas shall have at least one (1) legible and visible sign

posted, namely "SMOKING AREA" for the information and guidance of all concerned. In addition, the sign or notice posted shall include a warning about the health effects of direct or secondhand exposure to tobacco smoke. Non-smoking area shall likewise have at least one (1) legible and visible sign, namely: "NON-SMOKING AREA" or "NO SMOKING."

ACCESS RESTRICTIONS

SEC. 7. *Vending Machines, Self-Service Facilities.* — Unless the vending machine has a mechanism for age verification, the sale or distribution of tobacco products to minors by means of a vending machine or any self-service facility or similar contraption or device is prohibited, except at point-of-sale establishments.

SEC. 8. *Retailer Compliance with Respect to Self-Service Facilities.* — Each retailer shall ensure that all tobacco-related self-service displays or facilities, advertising, labeling and other items that are located in the establishment of the retailer and that do not comply with the requirements of this Act are removed or are brought into compliance with the requirements of this Act.

SEC. 9. *Minimum Age Sales.* — Under this Act, it shall be unlawful:

- a. For any retailer of tobacco products to sell or distribute tobacco products to any minor;
- b. For any person to purchase cigarettes or tobacco products from a minor;
- c. For a minor to sell or buy cigarettes or any tobacco product; and
- d. For a minor to smoke cigarettes or any other tobacco products.

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the cigarette or any other tobacco product was for the consumption of the minor to whom it was sold.

SEC. 10. *Sale of Tobacco Products Within School Perimeters.* — The sale or distribution of tobacco products is prohibited within one hundred (100) meters from any point of the perimeter of a school, public playground or other facility frequented particularly by minors.

SEC. 11. *Signage.* — Point-of-Sale establishments offering, distributing or selling tobacco products to consumers, shall post the following statement in a clear and conspicuous manner: "SALE/DISTRIBUTION TO OR PURCHASE BY MINORS OF TOBACCO PRODUCTS IS UNLAWFUL" or "IT IS UNLAWFUL FOR TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE."

SEC. 12. *Proof of Age Verification.* — In case of doubt as to the age of the buyer, retailers shall verify, by means of any valid form of photographic identification containing the date of birth of the bearer, that no individual purchasing a tobacco product is below eighteen (18) years of age.

ADVERTISING AND PROMOTIONS

SEC. 13. *Warning on Cigarette Packages.* — Under this Act:

- a. All packages in which tobacco products are provided to consumers withdrawn from the manufacturing facility of all manufacturers or imported into the Philippines intended for sale to the market, starting 1 January 2004, shall be printed, in either English or Filipino, on a rotating basis or separately and simultaneously, the following health warnings:

"GOVERNMENT WARNING: Cigarette Smoking is Dangerous to Your Health;"

"GOVERNMENT WARNING: Cigarettes are Addictive;"

"GOVERNMENT WARNING: Tobacco Smoke Can Harm Your Children;" or

"GOVERNMENT WARNING: Smoking Kills."

- b. Upon effectivity of this Act until 30 June 11006, the health warning shall be located on one side panel of every tobacco product package and occupy not less than fifty percent (50%) of such side panel including any border or frame.
- c. Beginning 1 July 2006, the health warning shall be located on the bottom portion of one (1) front panel of every tobacco product package and occupy not less than thirty percent (30%) of such front panel including any border or frame. The text of the warning shall appear in clearly legible type in black text on a white background with a black border and in contrast by typography, layout or color to the other printed matters on the package. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame.
- d. The warnings shall be rotated periodically, or separately and simultaneously printed, so that within any twenty-four (24) month period, the four (4) variations of the warnings shall appear with proportionate frequency.
- e. The warning shall not be hidden or obscured by other printed information or images, printed in a location where tax or fiscal stamps are likely to be applied to the package is opened. If the warning to be printed on the package is likely to be obscured or obliterated by a wrapper on the package, the warning must be printed on both the wrapper and the package.
- f. In addition to the health warning, all packages of tobacco products that are provided to consumers shall contain, on one side panel, the following statement in a clear, legible and conspicuous manner: "NO SALE TO MINORS" or "NOT FOR SALE TO MINORS." The statement shall occupy an area of not less than ten percent (10%) of such side panel and shall appear in contrast by color, typography or layout with all the other printed material on the side panel.
- g. No other printed warnings, except the health warning and the message required in this Section, paragraph f. shall be placed on cigarette packages.

SEC. 14. *Warnings in Advertising.* — Under this Act:

- a. All tobacco advertising in mass media shall contain either in English or Filipino, the following health warning: "GOVERNMENT WARNING: Cigarette Smoking is Dangerous to your Health."
- b. For print and outdoor advertisements, the warning frame shall be centered across the bottom of the advertisement and occupy a total area of not less than fifteen percent (15%) of such advertisement including any border or frame. The health warning shall occupy a total area of not less than fifty (50%)