HOUSE OF REPRESENTATIVES

H. No. 9007


AN ACT

REGULATING THE MANUFACTURE, USE, SALE, PACKAGING, DISTRIBUTION, ADVERTISEMENT AND PROMOTION OF ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS, HEATED TOBACCO PRODUCTS, AND NOVEL TOBACCO PRODUCTS
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 “Non-Combustible Nicotine Delivery Systems Regulation Act.”

SEC. 2. Declaration of Policy. – It is the policy of the State to protect and promote the right to health of the people and instill health consciousness among them.

Pursuant thereto, the government shall regulate the manufacture, importation, sale, distribution, use, advertisement, promotion, and sponsorship of electronic nicotine and non-nicotine delivery systems (ENDS/ENNDS), heated tobacco products (HTPs), and novel tobacco products in order to promote a healthy environment and protect the citizens from any hazard of ENDS/ENNDS, HTPs, and novel tobacco products.

It is further declared the policy of the State to consider harm reduction measures as a public health strategy by ensuring that non-combustible alternatives to cigarettes are properly regulated.

SEC. 3. Definition of Terms. – As used in this Act:

(a) Aerosolizing refers to the act of using HTPs;

(b) Advertising refers to conceptualizing, presenting, making available and communicating to the public, through any form of media platform, any fact, data, or information about the attributes, features, quality or availability of consumer products, services, or credit. Advertising shall be understood as ENDS/ENNDS, HTP, or novel tobacco product advertising;
(c) Child-resistant canister refers to a container constructed such that it can be opened only by operating, puncturing or removing one of its functional and necessary parts using a tool that is not supplied with the container;

(d) Designated Vaping Area (DVA) refers to an area where the use of ENDS/ENNDS, HTPs, and novel tobacco products shall be allowed, which may be in an open space or separate area with proper ventilation. Smoking shall not be allowed in DVAs;

(e) Distributor refers to any person to whom ENDS/ENNDS, HTPs, or novel tobacco products is delivered to or sold for purposes of distribution in commerce, except that such term does not include a manufacturer or retailer or common carrier of such product;

(f) Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS) refer to devices or a combination of devices, often resembling cigarettes, cigars or pipes, containing a receptacle designed to hold liquid or solid particles and a battery-powered or electronic heating device used to heat the liquid or solid particles, which may or may not contain nicotine, to produce an aerosol, mist, or vapor that users inhale by mimicking the act of smoking;

(g) Electronic liquid or e-liquid, refill, or juice refers to articles which may or may not contain nicotine, designed to be used in conjunction with ENDS/ENNDS for inhalation;

(h) Emissions refer to substances that are released when a product is consumed as intended, such as substances found in cigarette smoke, or the aerosol, mist, or vapor generated by ENDS/ENNDS, HTPs, or novel tobacco products;
(i) **Heated tobacco products (HTPs)** or "**Heat-not-burn**" **products (HNBs)** refer to tobacco products that are consumed by heating tobacco, either electronically or through other means, sufficient to release an aerosol that can be inhaled, without burning or combusting the tobacco. HTPs or HNBs include liquid solutions and gels that are part of the product and are heated to generate an aerosol;

(j) **Ingredient** refers to any substance that is added to the mixture and present in the finished product;

(k) **Manufacturer** refers to an establishment engaged in any and all operations involved in the production of ENDS/ENNDS, HTPs, or novel tobacco products including preparatory processing, compounding, formulating, filling, refilling, packaging, repackaging, altering, ornamenting, finishing, and labeling with the end in view of its storage, sale, or distribution;

(l) **Nicotine** refers to nicotinic alkaloids, including any salt or complex of nicotine whether derived from tobacco or synthetically produced;

(m) **Nicotine Mixture** refers to the nicotine-containing liquid, solid or other non-tobacco substance in a heated tobacco product;

(n) **Nicotine Shot** refers to nicotine in liquid or any other form that is added to or mixed with e-liquids that has the effect of increasing the dosage or nicotine content of an e-liquid;

(o) **Novel tobacco product** refers to all substances, devices, and innovations either made partly of tobacco leaf as raw material or containing nicotine from tobacco, already existing or to be developed in the future, intended to be used as substitute for cigarettes, conventional tobacco products, ENDS/ENNDS or HTPs;
(p) **Package** refers to any material, including printed material, packs, boxes, cartons, or containers of any kind in which ENDS/ENNDS, HTPs, or novel tobacco products are contained in, which is offered for sale to consumers and excludes any outer packaging used for transportation or shipment;

(q) **Principal display surface** refers to the panel of the package that faces the consumer when displayed for sale;

(r) **Promotion** refers to an event or activity organized by or on behalf of an ENDS/ENNDS, HTP, or novel tobacco product manufacturer, importer, distributor, seller or retailer with the aim of promoting a brand of ENDS/ENNDS, HTP, or novel tobacco product, which event or activity would not occur but for the support given to it by or on behalf of the ENDS/ENNDS, HTP, or novel tobacco product manufacturer, importer, distributor, seller or retailer. It may also refer to the display of an ENDS/ENNDS, HTP, or novel tobacco product or manufacturer's name, trademark, logo, and the like on non-ENDS/ENNDS, non-HTP, or non-novel tobacco products at such events or to otherwise promote the sale or use of the products. This includes the paid use of ENDS/ENNDS, HTPs, or novel tobacco products bearing the brand names, trademarks, tradenames, logos, and the like in movies, television and other forms of entertainment. Promotion shall be understood as ENDS/ENNDS, HTP, or novel tobacco product promotion;

(s) **Refill container** refers to any material, bottle, or container that holds and is in direct contact with an e-liquid or nicotine mixture that is intended to be used in conjunction with ENDS/ENNDS;

(t) **Retailer** refers to any establishment which sells or offers to sell any ENDS/ENNDS, HTP, or novel tobacco product directly to the general public;
(u) **Sponsorship** refers to any public or private contribution from a third party in relation to an event, team, or activity made with the aim of promoting a brand of ENDS/ENNDS, HTPs, or novel tobacco products, which event, team or activity would still exist or occur without such contribution. Sponsorship shall be understood as ENDS/ENNDS, HTP, or novel tobacco product sponsorship;

(v) **Tamper-resistant** refers to the quality of a product that assures its safety from tampering, alteration, or corruption, usually through the presence of one or more features in its packaging which, if breached or missing, can reasonably be expected to provide visible evidence that the product or its packaging has been opened;

(w) **Vape-free Buffer Zone** or **Buffer Zone** refers to a ventilated area between the door of a designated vaping area not located in an open space and a vape-free area. There shall be no opening that will allow air to escape from the buffer zone to the vape-free area, except for a single door equipped with an automatic door closer. Such door should be distinct from the door of the designated vaping area, which shall be at least two (2) meters away from the other;

(x) **Vaping** refers to the act of using ENDS/ENNDS; and

(y) **Vapor Products** refer to ENDS/ENNDS which are combinations of a liquid solution or gel that transforms into aerosol without combustion through the employment of a mechanical or electronic heating element, battery, or circuit that can be used to heat such solution or gel, and includes a cartridge, tank, and the device without a cartridge or tank. It is commonly known as nicotine salt/salt nicotine, and conventional “freebase” or “classic” nicotine, and other similar products: Provided, That all vapor products shall be covered by this Act regardless of nicotine content.
SEC. 4.  Packaging and Health Warnings. – All manufacturers, importers, and distributors duly authorized to sell ENDS/ENNDS refills and HTP consumables shall comply with the following packaging requirements:

(a) The unit packaging or any outside packaging of ENDS/ENNDS refills or HTP consumables shall bear the prescribed textual warning that shall be printed on thirty percent (30%) of the bottom portion of the principal display surfaces of the product and shall occupy thirty percent (30%) of the front and thirty percent (30%) of the back panel of the packaging. 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 materials on the package. The health warning shall occupy a total area of less than fifty percent (50%) of the total warning frame;

(b) The internal revenue fiscal marking requirements under Republic Act No. 8424 or the National Internal Revenue Code, as amended, and other related regulations, whenever applicable, shall be complied with; and

(c) The prescribed textual warning for the unit packaging or any outside packaging of ENDS/ENNDS refills or HTP consumables shall be the following:

"THIS PRODUCT IS NOT RISK-FREE. IT CONTAINS NICOTINE WHICH IS A HIGHLY ADDICTIVE SUBSTANCE. IT IS NOT RECOMMENDED FOR USE BY NON-SMOKERS."

SEC. 5.  Tamper-resistant and Child-resistant Design. – All e-liquid receptacles shall be child-resistant, tamper-resistant, and shall be protected against breakage and leakage.
SEC. 6.  Minimum Age Sales and Purchase. – The minimum allowable age for the purchase, sale and use of ENDS/ENNDS, HTPs, or novel tobacco products shall be eighteen (18) years old.

It shall not be a defense for the person selling or distributing ENDS/ENNDS, HTPs, or novel tobacco products for the lack of information on the real age of the purchaser, or that the products was for the consumption of a person below eighteen (18) years old.

SEC. 7.  Proof of Age Verification. – Retailers shall ensure that no individual purchasing ENDS/ENNDS, HTPs, or novel tobacco products is below eighteen (18) years old. Retailers shall verify the age of all buyers by requiring the presentation of any valid government-issued identification card exhibiting the buyer’s photograph and age or date of birth.

SEC. 8.  Online Trade. – The sale or distribution of ENDS/ENNDS, HTPs, or novel tobacco products through internet websites or via e-commerce and other similar media shall be allowed: Provided, That the seller or distributor shall adopt measures to ensure that access to a website via the internet, an e-commerce platform or other similar media shall be restricted to persons eighteen (18) years old or older: Provided, further, That the website shall bear the signages required under this Act.

A website or e-commerce platform or other similar media are deemed restricted if a person cannot obtain access beyond the first page of the website, unless the person has self-declared or otherwise established that the person is at least eighteen (18) years of age.

Provided, further, That the sale or distribution of vaporized nicotine products through internet website or via e-commerce and/or other similar media shall only be made by online sellers, distributors, or accredited resellers registered with the DTI or SEC, and the products being sold and advertised online shall be compliant with the health warning requirements
indicated herein, as well as the BIR-prescribed tax stamp or other fiscal marks.

The Secretary of Trade and Industry, upon due notice and hearing, shall have the power to issue an order directing that a noncompliant website, webpage, online application, social media account, or other similar platform, be taken down.

SEC. 9. **Floor Price.** – The Bureau of Internal Revenue is mandated to issue a revenue regulation prescribing the floor price or the minimum price of Vaporized Nicotine and Other Non-Combustible Nicotine Products, taking into account the sum of their excise tax, value-added tax, and a reasonable production cost.

SEC. 10. **Sales within School Perimeters.** – The sale or distribution of ENDS/ENNDS, HTPs, or novel tobacco products within one hundred (100) meters from any point of the perimeter of a school, playground, or other facility frequented by minors shall be prohibited.

SEC. 11. **Point-of-Sale Signage.** – Point-of-sale establishments offering, selling, or distributing ENDS/ENNDS, HTPs, or novel tobacco products shall post the following statement in a clear and conspicuous manner: “SALE/DISTRIBUTION TO OR PURCHASE BY PERSONS BELOW EIGHTEEN (18) YEARS OF AGE IS UNLAWFUL” or “IT IS UNLAWFUL FOR ENDS/ENNDS, HTPs, OR NOVEL TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER EIGHTEEN (18) YEARS OLD” or “BAWAL MAGBENTA NG ENDS/ENNDS, HTP, O NOVEL TOBACCO PRODUCTS SA MGA TAONG WALA PANG LABINGWALONG (18) TAONG GULANG.”

SEC. 12. **Product Communication Restrictions.** – Advertisements shall be allowed in retailer establishments, through direct marketing, and on the internet. These shall not be aimed at or particularly appeal to persons under
eighteen (18) years of age. These should not undermine quit-smoking messages and should not encourage non-tobacco and non-nicotine users to use ENDS/ENNDS, HTPs, or novel tobacco products. These should not contain any information that is untrue in particular with regard to product characteristics, health effects, risks or emissions.

SEC. 13. Restrictions on ENDS/ENNDS, HTP, and Novel Tobacco Product Promotions. – The following restrictions shall apply on all ENDS/ENNDS, HTP, and novel tobacco product promotions:

(a) Promotions must be directed only to persons at least eighteen (18) years old. No person below eighteen (18) years old may participate in such promotions. The participants in promotions must be required to provide proof of age;

(b) Communications to consumers about ENDS/ENNDS, HTP, and novel tobacco product promotions shall comply with the provisions of this Act governing ENDS/ENNDS, HTP, and novel tobacco product advertising. In addition to the required health warning, the age requirement for participation in any promotion must be clearly marked on the program materials distributed to consumers;

(c) All stalls, booths, and other displays concerning ENDS/ENNDS, HTP, and novel tobacco product promotions must be limited to point-of-sale locations or adult-only facilities;

(d) Telephone, mobile, or electronic communications concerning promotional offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Act;

(e) No placement shall be made by any manufacturer, distributor, or retailer of any ENDS/ENNDS, HTP, or novel tobacco product or
ENDS/ENNDS, HTP, or novel tobacco product package or advertisement as a theatrical property or prop in any television program or motion picture produced for viewing by the general public or in a video, media storage device, or on video game machine;

(f) No merchandise such as t-shirts, caps, sweatshirts, visors, backpacks, sunglasses, writing implements and umbrellas may be distributed, sold or offered, directly or indirectly, with the name, logo or other markings of an ENDS/ENNDS, HTP, or novel tobacco product brand displayed so as to be visible to others when worn or used;

(g) No name, logo, or other markings of an ENDS/ENNDS, HTP, or novel tobacco product brand or element of a brand-related marketing activity may appear on items that are marketed to or likely to be used by minors such as sports equipment, toys, dolls, miniature replicas of racing vehicles, video games, and food. The manufacturer or company must take all available measures to prevent third parties from using the company's brand names, logos, or other proprietary material on products that are directed toward minors; and

(h) No ENDS/ENNDS, HTP, or novel tobacco product advertisements may be placed on shopping bags.

SEC. 14. Ban on Sponsorships. – ENDS/ENNDS, HTP, and novel tobacco product companies are hereby prohibited from sponsoring any sport, concert, cultural or art event, as well as individual and team athletes, artists or performers where such sponsorship shall require or involve the advertisement or promotion of any ENDS/ENNDS, HTP, or novel tobacco product company, ENDS/ENNDS, HTP, or novel tobacco product use, name, logo or trademarks and other words, symbols, designs, colors or other depictions commonly associated with or likely to identify an ENDS/ENNDS, HTP, or novel tobacco product: Provided, That the attribution only to the name of the company in the roster of sponsors shall be allowed.
SEC. 15. Use of ENDS/ENNDS, HTPs, and Novel Tobacco Products in Public Places. – The use of ENDS/ENNDS, HTPs, and other novel tobacco products that emit vapor shall be prohibited in all enclosed public places except in DVAs.

The use of these products are also absolutely prohibited in the following public 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, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;

(e) Within the building and premises of government offices, except for designated vaping areas;

(f) Public conveyances and public facilities including airport and ship terminals, train and bus stations, restaurants and conference halls, except for designated vaping areas; and

(g) Food preparation areas.
For purposes of this section, *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, while *public conveyances* refer 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.

SEC. 16. *Standards for DVAs.* — DVAs shall comply with the following standards:

(a) There shall be no opening that will allow air to escape from the DVA to the vape-free area of a building or conveyance, except for a single door equipped with an automatic door closer: *Provided,* That if the DVA is not located in an open space, such door shall open directly towards a buffer zone;

(b) They shall not be located within ten (10) meters of entrances, exits or any place where people pass or congregate, or in front of air intake ducts;

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

(d) No building or conveyance shall have more than one DVA: *Provided,* That persons in charge of the building or conveyance have the option of establishing one designated smoking area as defined under Republic Act No. 9211, otherwise known as the “Tobacco Regulation Act of 2003”, and one DVA therein, subject to the same standards under this
section, with a combined area not exceeding twenty percent (20%) of the
total floor area of the building or conveyance;

e) The ventilation system for the DVA other than in an open space
and for the buffer zone shall be independent of all ventilation systems
servicing the rest of the building or conveyance;

f) Persons below eighteen (18) years of age shall not be allowed
within the DVA and the buffer zone; and

g) Every DVA shall have the following signages highly visible and
prominently displayed:

(i) "Vaping Area" signage; and

(ii) Prohibition on entry of persons below eighteen (18) years old.

Nothing in this Act shall compel owners, administrators, or
persons-in-charge to establish DVAs, or prevent them from instituting more
stringent measures in regulating the use of ENDS/ENNDS, HTPs, or novel
tobacco products within their premises.

SEC. 17. Product Standard Requirements for ENDS/ENNDS. – The
Department of Trade and Industry (DTI), in consultation with the FDA, shall
set standards for market entry notification and standards on flavors and
additives used in the manufacture of e-liquids and refills, as well as on
electronic components of ENDS/ENNDS, guided by the following:

(a) Nicotine salt products shall have a maximum of two milliliters (2
ml.)-sized tank with a maximum of sixty-five milligrams per milliliter
(65mg/ml) of nicotine. Nicotine salt products that have a nicotine content of
up to sixty-five milligrams per milliliter (65mg./ml.) shall be classified as
consumer products: Provided, That nicotine salt products should not deliver
a level of nicotine in the aerosol in excess of the level of nicotine in the
smoke of a reference cigarette over the same number of comparable puffs;

(b) Freebase products shall have a maximum of five milliliters (5 ml.)
tank with a maximum of fifty milliliters (50 ml.) refill package, and a
maximum of sixty-five milligrams per milliliter (65mg./ml.) of nicotine.
Freebase products that have a nicotine content of up to sixty-five milligrams
per milliliter (65mg./ml.) shall be classified as consumer products: Provided,
That freebase products should not deliver a level of nicotine in the aerosol in
excess of the level of nicotine in the smoke of a reference cigarette over the
same number of comparable puffs;

(c) The substances listed below may not be added ENDS/ENNDS:

(i) Additives that have carcinogenic, mutagenic or reprotoxic
properties in unburnt form;

(ii) Vitamins or other additives that create the impression that the
product has a health benefit or presents reduced health risks:

(iii) Caffeine, taurine, or other additives and stimulant compounds
that are associated with energy and vitality;

(iv) Additives having coloring properties for emissions;

(v) Ethylene glycol;

(vi) Diethylene glycol;

(vii) Diacetyl; and

(viii) 2,3-pentanedione;
(d) Only ingredients of high purity shall be used in the manufacture of the nicotine-containing liquid. Except for nicotine, only ingredients that do not pose risk to human health in heated or unheated form shall be used in the nicotine-containing liquid;

(e) Producers of electrical devices intended to be used in combination with ENDS/ENNDS shall ensure that such devices comply with the applicable electrical safety standards as may be determined by the Bureau of Product Standards of the DTI;

(f) Batteries must comply with applicable industry requirements as may be determined by the Bureau of Product Standards of the DTI;

(g) All ingredients in the product should be listed on the label where they are used in quantities of 0.1% or more of the final formulation of the e-liquid. Where a flavor ingredient contains several component chemicals, it can be described on the label by the name of the flavor. For confidentiality reasons, companies may choose to describe individual ingredients used in quantities below 0.1% of the final formulation by category;

(h) A full list of ingredients in the flavoring must be included in notifications through the DTI;

(i) Nicotine, propylene glycol, and glycerol used in the manufacture of the e-liquids shall meet the requirements of either the European or American Pharmacopoeia and other ingredients in the manufacture of the e-liquids, such as flavors, shall be of food grade; and

(j) Packs shall include an information leaflet about safe use of the product. This shall also include appropriate advice on product storage, particularly on how to ensure the battery does not malfunction.
Except for plain fruit flavors, nuts, coffee, tea, vanilla, caramel, tobacco, menthol, and mint, flavored e-liquids shall be prohibited.

SEC. 18. Product Standard Requirements for HTPs. – The DTI, in consultation with the National Tobacco Administration (NTA) and the Food and Drug Administration (FDA), shall set standards on HTPs with regard to consumables and the electronic components used in conjunction therewith, guided by the following requirements:

(a) Manufacturers of electrical devices intended to be used in combination with HTPs shall ensure that such devices do not combust or burn the tobacco mixture in HTPs;

(b) Manufacturers of electrical devices intended to be used in combination with HTPs shall ensure that such devices comply with the applicable safety standards as may be determined by the Bureau of Product Standards of the DTI;

(c) Batteries must comply with applicable industry requirements as may be determined by the Bureau of Product Standards of the DTI; and

(d) The substances listed below may not be added to the tobacco mixture in HTP consumables:

(i) Additives, other than tobacco, that have carcinogenic, mutagenic or reprotoxic properties in unburnt form;

(ii) Vitamins or other additives that create the impression that the product has a health benefit or presents reduced health risks;

(iii) Caffeine, taurine, or other additives and stimulant compounds that are associated with energy and vitality;
(iv) Additives having coloring properties for emissions;
(v) Ethylene glycol;
(vi) Diethylene glycol;
(vii) Diacetyl; and
(viii) 2,3-pentanedione.

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

SEC. 20. Role of the Department of Trade and Industry, the Food and Drug Administration, the National Tobacco Administration, and Other Concerned Agencies. – The DTI, in consultation with the FDA, the National Tobacco Administration (NTA), and other concerned agencies, shall promulgate rules, regulations, and standards, consistent with the provisions of this Act, on packaging, ingredients, health warnings, detailed information on the allowable nicotine-containing e-liquid, the strength of e-liquids, compliance with applicable electrical standards as well as with applicable industry standards for batteries.

The DTI shall, in coordination with the FDA, monitor closely the compliance of manufacturers, importers, distributors, and retailers with this Act through surveillance inspections and investigations.

SEC. 21. Role of Local Government Units. – The cities and municipalities shall adopt ordinances consistent with this Act to assist the relevant national government agencies in the effective implementation of the provisions thereof, including the apprehension of violators and the institution of criminal proceedings.
SEC. 22. Penalties for Noncompliance. – The following penalties shall apply individually to manufacturers, importers, distributors, and sellers of ENDS/ENNDS, HTPs, or novel tobacco products as well as their agents for any violation of this Act:

(a) On the first offense, a fine of not more than Five hundred thousand pesos (P500,000.00); 

(b) On the second offense, a fine of not more than Seven hundred fifty thousand pesos (P750,000.00); and 

(c) On the third offense, a fine of not more than One million pesos (P1,000,000.00) or imprisonment of not more than five (5) years, or both, at the discretion of the court: Provided, That the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

Noncompliant ENDS/ENNDS, HTPs, and novel tobacco products found in the market for sale or distribution shall be subject to confiscation.

If the guilty officer of a manufacturer, importer, distributor, or seller of ENDS/ENNDS, HTPs, or novel tobacco products, or their agents, is a foreign national, the officer shall be deported after service of sentence and/or payment of applicable fines without need of further deportation proceedings and shall be permanently barred from reentering the Philippines.

SEC. 23. Congressional Oversight Committee on ENDS/ENNDS, HTPs, and Novel Tobacco Products. – A Congressional Oversight Committee on ENDS/ENNDS, HTPs, and novel tobacco products (COC-ENDS/ENNDS, HTPs and NTPs) is hereby constituted to monitor and review the implementation of this Act for a period not exceeding three (3) years. The COC-ENDS/ENNDS, HTPs and NTPs shall be composed of the Chairpersons of the Senate Committees on Health, Trade and Commerce, Agriculture, and
Public Information, and the House of Representatives Committees on Trade and Industry, Health, Public Information, and Agriculture, and a Member of the House of Representatives representing the tobacco producing provinces, to be nominated by a majority of the Members of the House of Representatives from tobacco producing districts.

The Secretariat of the COC-ENDS/ENNDS, HTPs and NTPs shall be drawn from the existing secretariat personnel of the standing committees comprising the Congressional Oversight Committee and its funding requirements shall be charged against the appropriations of both the House of Representatives and Senate of the Philippines.

SEC. 24. *Implementing Rules and Regulations.* – Within ninety (90) days from the date of the effectivity of this Act, the DTI shall, in consultation with the Department of Health (DOH), NTA and other relevant government agencies, issue the rules and regulations for the implementation of this Act.

SEC. 25. *Usage of Local Tobacco Products.* – Manufacturers are encouraged to use local tobacco products for e-liquids and HTPs sold in the Philippines.

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

SEC. 27. *Transitory Provisions.* – Existing industries and businesses affected by the implementation of this Act shall be given an eighteen (18)-month transitory period from the effectivity of the implementing rules and regulations of this Act to comply with the requirements herein.
SEC. 28. *Separability Clause.* – If any provision or any part hereof is held invalid or unconstitutional, the remainder of the law or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 29. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SEC. 30. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,