

OK  
Hon. Aldous

Republic of the Philippines  
Province of Cagayan  
**TUGUEGARAO CITY**

**NINTH CITY COUNCIL**

**COMMITTEE REPORT NO. 168-2024**  
May 22, 2024

**COMMITTEE ON HEALTH AND SANITATION-LEAD  
COMMITTEE ON RULES, LAWS AND ETHICS  
COMMITTEE ON YOUTH AND SPORTS DEVELOPMENT**

**PRESENT:**

- |                                 |  |
|---------------------------------|--|
| HON. KARINA S. GAUANI-VIERNES   | - Vice Chairperson, Committee on Health and Sanitation<br>Member, Committee on Youth and Sports Development                          |
| HON. IMOGEN CLAIRE M. CALLANGAN | - Chairperson/Sponsor, Committee on Health and Sanitation (Via Teleconferencing)   |
| HON. JUDE T. BAYONA             | - Member, Committee on Health and Sanitation<br>-Vice Chairperson, Committee on Rules, Laws and Ethics                               |
| HON. TIRSO V. MANGADA           | - Member, Committee on Health and Sanitation<br>-Member, Committee on Youth and Sports Development                                   |
| HON. MARC ALDOUS C. BACCAY      | - Chairperson, Committee on Rules, Laws and Ethics   |
| HON. ARNEL T. ARUGAY            | - Member, Committee on Rules, Laws and Ethics (Via Teleconferencing)   |
| HON. MARIA ROSARIO B. SORIANO   | - Member, Committee on Rules, Laws and Ethics<br>-Vice Chairperson, Committee on Youth and Sports Development (Via Teleconferencing) |
| HON. GRACE B. ARAGO             | - Member, Committee on Rules, Laws and Ethics  |
| HON. CERENE PEARL T. QUILANG    | - Chairperson, Committee on Youth and Sports Development   |
| HON. MARK ANGELO B. DAYAG       | - Member, Committee on Youth and Sports Development  |

**RESOURCE PERSONS:**

- |                             |                         |
|-----------------------------|-------------------------|
| MR. JOEL C, BARIUAN         | - BPLO/LO 3             |
| DR. CLEOFE MARY JANE TORRES | - DepEd Tuguegarao City |
| MR. ALLAN L. SIBAL          | - DOH Representative    |
| MS. CLARIBEL BALQUERA       | - BPLO Rep.             |

Schools Representatives:

- MR. MARC TAMAYAO
- MS. IVY ROSE TRUMATA
- MS. KHYRIE HARISSON
- MS. ANGEL ZINGAPAN
- MS. GIANNE BALOLONG
- MS. PAULENE MAE GARCIA
- MS. QUEEN AIYAJRAH BULAQUI
- MR. RANDALL TALAMAYAN
- MR. XYREEL ANDREI CALAGUI
- MS. AYESA JOY TULAUAN
- MR. JOSHUA TUMANGUIL
- MS. ASHLEY NICOLE TANGUILAN
- MR. CHARLES CASTILLO

Adopted during the 93<sup>rd</sup> ms. May 28, 2024

## FOR THE PRESIDING OFFICER:

The joint committees met and deliberated on the referral:

### COMMITTEE REPORT NO. 168-2024

#### SUBJECT:

Draft Ordinance Regulating the Sale, Distribution and Usage of Electronic Vapored Nicotine/Non-Nicotine and Heated Tobacco Products in Tuguegarao City and Providing Penalties in Violations Thereof – sponsored by Hon. Bienvenido C. De Guzman II et. al.

#### FINDINGS:

1. Executive Order No. 106 series of 2020 stated that the World Health Organization (WHO) issued a report in August 2016 on Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS).
2. Republic Act No. 9711, also known as the “Food and Drug Administration (FDA) Act of 2009”, mandates the protection and promotion of the right to health of the Filipino people, including the regulation of products that may impact their health.
3. Executive Order No. 08, “An order strengthening the adoption of the Guideline of the National Government on Tobacco and Vape use prevention and control in City” was issued on March 8, 2024 by the Local Chief Executive.
4. A wide range of electronic vaporized nicotine/non-nicotine and heated tobacco products have been introduced in the Philippines and globally which are hand-held consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion.
5. There is a need for the Tuguegarao City Government to prevent the growing numbers of users indulged in vaping-electronic cigarettes by prohibiting the sale and marketing of said products to persons below 18 years old.
6. After the committee discussion, the following were the amendments introduced to the said ordinance as well as some suggestions to be done:
  - a. In Section 5, add letter **i** with a statement ***“within 100 meters from any point of the perimeter of a school”***;
  - b. In Section 6, change covered by **Section 3** to **Section 5** which shall be read ***covered by Section 5***;
  - c. In Section 11, include the word **Use** which shall be read as ***“Prohibition on Use, Sale and Promotion within school perimeters”***;
  - d. Hon. Callangan requested that Section 6 and Section 14 shall be integrated since both referred to only one topic;
  - e. In Section 16, include the School Division Office Representative, Commission on Higher Education (CHED), Civil Service Commission (CSC), Department of Trade and Industry (DTI) and Department of Health (DOH);
  - f. The following shall be included in Section 17:
    - the Technical Working Group should coordinate with the Civil Service Commission regarding the designated vaping areas within the government facilities.
    - Formulate policies for the detection and distribution of vape devices;
  - g. In Section 21, add on the last sentence the phrase ***“before rendering such service”***;
  - h. Section 22 will be referred to the principal sponsor for further clarification; and
  - i. To revisit the Anti-Smoking Task Force on Section 23.

#### RECOMMENDATION:

Finding the subject to be in order and meritorious, the joint committees favorably recommend the passage of a Draft Ordinance Regulating the Sale, Distribution and Usage of Electronic Vapored Nicotine/Non-Nicotine and Heated Tobacco Products in Tuguegarao City and Providing Penalties in Violations Thereof subject for the conduct of a public hearing.

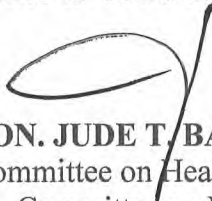
Respectfully submitted:



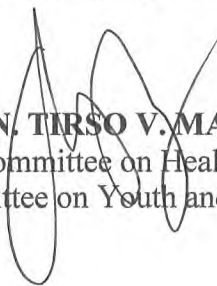
**HON. IMOGEN CLAIRE M. CALLANGAN**  
Chairperson/Sponsor, Committee on Health and Sanitation



**HON. KARINA S. GAUANI-VIERNES**  
Vice Chairperson, Committee on Health and Sanitation  
Member, Committee on Youth and Sports Development



**HON. JUDE T. BAYONA**  
Member, Committee on Health and Sanitation  
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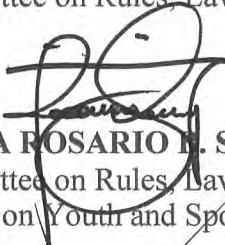


**HON. TIRSO V. MANGADA**  
Member, Committee on Health and Sanitation  
Member, Committee on Youth and Sports Development

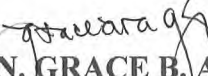
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Member, Committee on Rules, Laws and Ethics  
Member, Committee on Youth and Sports Development



**HON. GRACE B. ARAGO**  
Committee on Rules, Laws and Ethics



**HON. CERENE PEARL T. QUILANG**  
Chairperson, Committee on Youth and Sports Development



**HON. MARK ANGELO B. DAYAG**  
Member, Committee on Youth and Sports Development

**DRAFT ORDINANCE REGULATING THE SALE, DISTRIBUTION AND USAGE OF ELECTRONIC  
VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS IN  
TUGUEGARAO CITY AND PROVIDING PENALTIES IN VIOLATIONS THEREOF.**

**Sponsors: Hon. Bienvenido C. De Guzman II  
Hon. Ronaldo S. Ortiz  
Hon. Jude T. Bayona  
Hon. Tirso V. Mangada  
Hon. Marc Aldous C. Baccay  
Hon. Imogen Claire M. Callangan  
Hon. Cerene Pearl T. Quilang**

**WHEREAS**, Article II, Sections 15 and 16 of the Constitution mandates the State to protect and promote the right to health of the people and instill health consciousness among them, as well as protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;

**WHEREAS**, Executive Order No. 106 series of 2020 stated that the World Health Organization (WHO) issued a report in August 2016 on Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS), which noted that (i) the use of adulterated and even unadulterated ENDS/ENNDS produces aerosol that ordinarily includes toxicants which trigger a range of significant pathological changes, and (ii) ENDS/ENNDS are unlikely to be harmless, such that long-term use is expected to increase the risk of chronic obstructive pulmonary disease, lung cancer, possible cardiovascular disease, as well as some other diseases associated with smoking;

**WHEREAS**, Republic Act (RA) No. 11467 mandates the Food and Drug Administration (FDA) to periodically determine and regulate, consistent with evolving medical and scientific studies, the manufacture, importation, sale, packaging, advertising and distribution of heated tobacco products (HTPs) and ENDS/ENNDS, including banning the sale to persons below twenty-one (21) years old;

**WHEREAS**, RA No. 7394 or the "Consumer Act of the Philippines," declares it a policy of the State to ensure safe and good quality of food, drugs, cosmetics and devices, and regulate their production, sale, distribution and advertisement, to protect the health of consumers, and designates the Department of Health (DOH), through the FDA, as implementing agency therefor;

**WHEREAS**, Republic Act No. 9711, also known as the "Food and Drug Administration (FDA) Act of 2009", mandates the protection and promotion of the right to health of the Filipino people, including the regulation of products that may impact the health;

**WHEREAS**, a wide range of electronic vaporized nicotine/non-nicotine and heated tobacco products have been introduced in the Philippines and globally which are hand-held consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion;

**WHEREAS**, there is a need for the Tuguegarao City Government to prevent the growing numbers of users indulged in vaping- electronic cigarettes by prohibiting the sale and marketing of said products to persons below 18 years old;

**WHEREAS**, on March 8, 2024, Tuguegarao City Mayor, Honorable Maila Rosario S. Ting Que issued Executive No. 08 An order strengthening the adoption of the Guideline of the National Government on Tobacco and Vape use prevention and control in City.

**WHEREAS**, in order to fully protect the health and welfare of the citizens of Tuguegarao City, there is a need to pass an ordinance regulating the use of **ELECTRONIC VAPORIZED**

**NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS** in public places and conveyances, including its advertising and promotion, and prohibiting the sale and usage of the same to minors.

**NOW THEREFORE**, be it **ORDAINED** by the Sangguniang Panlungsod of Tuguegarao City, that:

**Section 1. SHORT TITLE.** – This ordinance shall be known as the **“TUGUEGARAO CITY ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE AND HEATED TOBACCO PRODUCTS REGULATION ORDINANCE OF 2024”**

**SECTION 2. DECLARATION OF POLICY.** – It is hereby declared a policy of Tuguegarao City to safeguard its citizens from hazardous products consistent with the constitutional mandate to promote the general welfare of its inhabitants by regulating the sale, distribution, marketing/advertising and use of electronic vaporized nicotine/non-nicotine and heated tobacco products.

**SECTION 3. COVERAGE.** – This Ordinance shall apply to all persons, whether residents or not, and in all places found within the territorial jurisdiction of Tuguegarao City.

**SECTION 4. DEFINITION OF TERMS.** – As used in this Ordinance:

- a. **ADVERTISEMENT** – refers to the form through which the advertising information is disseminated, which includes, but is not limited to print, broadcast, cinema, out-of-home, merchandising materials, digital, social media, and mobile ads.
- 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.*
- c. **DESIGNATED VAPING AREA (DVA)**- refers to designated space, either indoors or outdoors, where the use of Vaporized Nicotine and Non-Nicotine products is permitted.
- d. **DISTRIBUTOR** - refers to any entity to whom Vaporized Nicotine and Non-Nicotine Products, or their devices, or is delivered or sold for purposes of distribution in commerce, except that such term does not include a manufacturer, retailer or common carrier of such product.
- e. **ELECTRONIC VAPORIZED NICOTINE/NON-NICOTINE DELIVERY SYSTEMS (ENDS/ENNDS)** – otherwise known as electronic cigarettes or vapes, are e-liquids, solutions or refills, whether or not containing nicotine, and an electronic delivery device, or any combination therefore, that produce an aerosol, mist or vapour that users inhale by mimicking the act of smoking.  
ENDS/ENNDS deliver nicotine and/or other chemicals to the lungs after one end of plastic or metal cylinder is placed in the mouth, like a cigarette or cigar, and inhaled to draw a mixture of air and vapors from the device into the respiratory system. These contain electronic vaporization systems, rechargeable batteries and chargers, electronic controls and replaceable cartridges containing nicotine and/or other chemicals. For the avoidance of doubt, the term ENDS/ENNDS is coextensive with the term “vapor products” as defined in RA No. 11467.
- f. **ENCLOSED AREA** - refers to an area that is physically separated from adjacent areas by walls or partitions and a roof or ceiling. The walls or partitions must be continuous, interrupted only by doors and windows. The

mere presence of a food or ceiling over the structure, but without walls or partitions surrounding said structure, does not constitute an enclosed area.

- g. **HEATED TOBACCO PRODUCTS (HTPs)** – refers to a product that may be consumed through heating tobacco, either electronically or through other means, sufficient to release an aerosol that can be inhaled, without burning or combustion of the tobacco which include liquid solution and gels that are part of the product and are heated to generate an aerosol.
- h. **MASS MEDIA** - refers to any medium of communication which reaches a mass of people. For this purpose, mass media includes print media such as, but not limited to newspapers, 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. For the purpose of this Ordinance, communications designed to reach persons by private, postal or regular mail, electronic mail (e-mail), and similar means shall not be considered as mass media.
- i. **MINOR** - refers to any person below the age of eighteen (18) years.
  - Within 100 meters from any point of the perimeter of a school.
- j. **NICOTINE** - refers to nicotinic alkaloids, which include any salt or complex of nicotine, whether synthetically produced or derived from tobacco.
- k. **NICOTINE MIXTURE** - refers to any liquid, solid, or non-tobacco substance in the product that contains nicotine.
- l. **NICOTINE RECEPTACLE** - refer to bottles, boxes, cartons, or containers of any kind in which a nicotine-containing solution or any related product is offered for sale to consumers for use with a Vaporized Nicotine and Non-Nicotine Products product system.
- m. **NICOTINE SHOTS/CONCENTRATES** – refers to nicotine liquid or any other form/substances that is added to or mixed with a vapor product or HTP refill or cartridge to increase the nicotine dosage or concentration in refill or cartridge.
- n. **NOVEL TOBACCO PRODUCTS (NTPs)** – refers to all non- combusted substances, devices and innovations entirely or partly made of tobacco leaf as raw material, already existing or to be developed in the future, intended to be used as substitutes for cigarettes, conventional tobacco products.
- o. **PACKAGE** – refers to packs, boxes, cartons or containers of any kind whereby Electronic Vaporized Nicotine/Non-nicotine and Heated Tobacco products are contained when made available for purchase by consumers.
- p. **PERIMETER**- when used in this Ordinance in relation to sale of, and outdoor advertisements for, Electronic Vaporized Nicotine/Non-Nicotine and Heated Tobacco Products, the term shall refer to any point in the boundaries as indicated in the Original Certificate of Title or Transfer Certificate of Title of the tract of land that is actually used or occupied by a public school, public playground owned by the government or other facility frequented particularly by persons below eighteen (18) years of age who are or are intended to be the principal users or patrons of such

facility, whether or not said tract of land is separated by adjacent tracts by a wall or fence.

- q. **POINT OF SALE** - refers to any location, whether physical or online at which an individual can purchase Vaporized Nicotine and Non-Nicotine products.
- r. **POST MARKETING SURVEILANCE (PMS)** – refers to activities involved in the safety, efficacy, and quality monitoring of health products which include adverse events reporting, product safety update reporting, collection and testing of health products in the market.
- s. **PREMISES** - refers to a tract of land including its buildings thereon, including the open spaces between the buildings located on the same tract of land and within the perimeter of said tract of land.
- t. **PRODUCT DEMONSTRATION** - refers to the testing of an HTP System or Vapor product System conducted by a trained product expert who shall examine and explain the characteristics, operation and maintenance of the product.
- u. **PROMOTION** - refers to an event or activity organized by or on behalf of a vapor products and heated tobacco products manufacturer, distributor or retailer with the aim of promoting a brand of vapor products and/or heated tobacco products, which event or activity would not occur but for the support given to it by or on behalf of the vapor products and/or heated tobacco products manufacturer, distributor or retailer. It may also refer to the display of a vapor products and/or heated tobacco products or manufacturer's name, trademark, logo, and the like on non- vapor product or non-heated tobacco product. This includes the paid use of vapor products and/or heated tobacco products bearing the brand names, trademarks, logos, and the like in movies, television and other forms of entertainment.
- v. **PUBLIC CONVEYANCES** - refers to modes of transportation servicing the general population, such as but not limited to, elevators, airplanes, buses, taxicabs, ships, jeepney, light rail transits, tricycles, and similar vehicles.
- w. **PUBLIC PLACES**- refers to enclosed or confined areas of all places of worship, hospitals or other healthcare centers, public conveyances, government offices, and educational or recreational facilities primarily intended for minors.
- x. **RETAILER** – refers to any establishment which sells or offers to sell any vapor products and/or heated tobacco products directly to an individual, group or the general public.
- y. **REFILLS AND CARTRIDGES** – refers to articles, which may or may not contain nicotine, designed to be used in conjunction with vapor product or heated tobacco products electronic delivery devices for inhalation.
- z. **VAPING**- refers to the act of using an Electronic Vaporized Nicotine and Non-Nicotine Products where a user inhales from the device and exhales the vapor.
- aa. **VAPOR PRODUCTS SYSTEM** - also referred to as electronic nicotine or non-nicotine delivery systems (ENDS/ENNDS), which are a combination consisting of the Vapor Product Refill and Vapor Product Device which,

based on the information made available to the consumer by the provider, are intended to be used together.

**bb. VAPORIZED NICOTINE or NON-NICOTINE PRODUCTS** - refers to both Heated Tobacco Products and Vapor Products, as defined herein, which are novel consumer goods that generate a nicotine-containing or non-nicotine-containing aerosol without combustion.

**SECTION 5. PROHIBITED AREAS.** – The use of Electronic Vaporized Nicotine and Non-Nicotine Products indoors is prohibited in:

- a. Churches and other similar places where people congregate for worship;
- b. Within the buildings and premises of public and private hospitals, medical, dental and optical clinics, health centers, nursing homes, dispensaries and laboratories;
- c. Within the building and premises of government and non-government offices;
- d. Centers of youth activity such as play grounds, both public and private schools, youth hostels and recreational facilities for persons eighteen (18) years old below;
- e. Elevators and stairwells;
- f. Locations in which fire hazards are present, including gas stations and storage areas for flammable liquids, gas explosives or combustible materials;
- g. Public conveyances and public facilities including airport and ship terminals and train and bus stations, restaurants, conference halls;
- h. Food preparation areas.

Except in designated vaping areas (DVAs), or in point-of-sale establishments for purposes of conducting product demonstration in line with Section 8 of City Ordinance No. 40-2017.

**SECTION 6. DESIGNATION OF VAPING AREAS.** – In all enclosed places that are open to the general public, and private workplaces, and other places not covered by Section 5 of this Ordinance, such areas may include a designated vaping area within the building, which may be in an open space, or in a separate area with proper ventilation, but shall not be located within the same room that has been designated as a smoking area in line with Section 8 of City Ordinance No. 40-2017 states that “The owner, proprietor, possessor, manager, or administrator of establishments mentioned in subsections a, b and c of Section 6 are hereby required to provide their smoking areas. Such areas may include a Designated Smoking Area (DSA) within the building, which may be an open space or separate area with proper ventilation, but shall not be located within the same room that has been designated as a non-smoking area”.

**SECTION 7. VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS BAN IN PUBLIC CONVEYANCES: EXCEPTION.** – The absolute ban on vaping in public conveyances mentioned in the preceding section does not apply in inter-island vessels, where vaping areas have been designated.

**SECTION 8. MINIMUM AGE SALES AND PURCHASE.** – Under this Ordinance, it shall be unlawful:

- a. For any retailer to sell or distribute Vaporized Nicotine and Non-Nicotine Products to a person below eighteen (18) years of age;
- b. To purchase Vaporized Nicotine and Non-Nicotine Products from a person below eighteen (18) years of age;
- c. For a person below eighteen (18) years of age to sell Vaporized Nicotine and Non-Nicotine Products, and



- d. For a person below eighteen (18) years of age to purchase Vaporized Nicotine and Non-Nicotine Products.

**SECTION 9. 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 Vaporized Nicotine and Non-Nicotine Products is below eighteen (18) years of age.

It shall not be a defense for the person selling or distributing that he/she did not know or was 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 Vaporized Nicotine and Non-Nicotine Products was for the consumption of the minor to whom it was sold.

**SECTION 10. PROHIBITION ON ONLINE SALE AND DISTRIBUTIONS TO PERSON BELOW EIGHTEEN YEARS OLD** – the sale and/or distribution of Vaporized Nicotine and Non-Nicotine Products, their devices and Novel Tobacco Products through internet websites or via e-commerce and/or other similar media platforms shall be allowed; provided, that the retailer or distributor shall adopt measures to ensure that person below eighteen (18) years of age are denied access thereto and that the internet website shall bear the signage's required under this ordinance.

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

Provided, further, that the sale or distribution of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products through internet websites or via e-commerce and/or other similar media platform shall only be made by online sellers or distribution registered with the Department of Trade and Industry (DTI) or the Securities and Exchange Commissions (SEC).

**SECTION 11. PROHIBITION ON USE, SALE AND PROMOTION WITHIN SCHOOL PERIMETERS** – the sale, promotion, advertising, and product demonstration of Vaporized Nicotine and Non-nicotine products or Novel Tobacco Products within one hundred (100) meters from any point of the perimeter of a school, playground or other facility frequented particularly by minors shall be prohibited.

**SECTION 12. POINT-OF-SALE SIGNAGE** – Point-of-Sale establishments offering, distributing or selling Vaporized Nicotine and Non-Nicotine products shall post the following statement in a clear and conspicuous manner:

"The sale or distribution of Vaporized Nicotine and Non-Nicotine Products to or by persons below eighteen (18) years of age is illegal. These products are harmful and contain nicotine which is a highly addictive substance. It is not recommended for use by nonsmokers." or "***Ang pagbenta at pagbili ng Vaporized Nicotine and Non-Nicotine Products sa mga taong wala pang labingwalong (18) taong gulang ay pinagbabawal. Ang mga produktong ito ay nakakasama sa kalusugan at mayroong nicotine, isang nakakalulong na kemikal kaya hindi ito inirerekomenda na gamitin ng lahat tao.***"

**SECTION 13. RESTRICTIONS ON VAPORIZED NICOTINE AND NON-NICOTINE PRODUCT ADVERTISEMENT ACTIVITIES.** – Advertisements shall be allowed in points-of-sale, through direct marketing, and on the internet. The following restrictions shall apply to all vaporized nicotine and non-nicotine product advertisements:

- a. Advertisements , such as, but not limited to, product sampling or product offers, shall only be conducted by trained product experts and must be directed only to persons at least eighteen (18) years of age. No person below eighteen (18) years of age shall participate in such advertisements. The participants in such advertisements shall be required to provide proof of their age: *Provided, That*

the invitation to these promotional events and activities shall contain the appropriate health warnings;

- b. Communications to consumers about promotional events for Vaporized Nicotine and Non-Nicotine Products or shall comply with the provisions of this Act governing Vaporized Nicotine and Non-Nicotine Product advertising. In addition to the required health warning, the age requirement for participation in any advertising activity must be clearly marked on the program materials distributed to consumers;
- c. No Vaporized Nicotine and Non-Nicotine Products shall have a medicinal claim on its marketing materials or packaging unless such claim is approved by the FDA pursuant to Republic Act No. 9711;
- d. All stalls, booths, and other displays concerning Vaporized Nicotine and Non-Nicotine Product advertisements must be limited to point-of-sale locations or adult-only facilities;
- e. Telecommunication concerning advertisement offers, programs or events must include a recorded health warning message in English or Filipino consistent with the warnings specified in this Ordinance. "This product may damage your health and is addictive." and the health warning shall occupy ten percent of the bottom area of the advertisement.
- f. No promotional merchandise such as, but not limited to, 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 indicia of a Vaporized Nicotine and Non-Nicotine Product or Novel Tobacco Product brand displayed so as to be visible to others when worn or used;
- g. No name, logo, or other indicia of a Vaporized Nicotine and Non-Nicotine Product or Novel Tobacco Product brand may appear on promotional merchandise or element of a brand-related marketing activity that is marketed to or likely to be used by minors such as, but not limited to, sports equipment, toys, dolls, 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 symbol on products that are directed toward minors;
- h. Advertisements shall only depict persons who are or who appear to be above twenty-five (25) years of age;
- i. Advertisements shall not show, portray or depict scenes where the actual use of, act of using, or puffing of Vaporized Nicotine and Non-Nicotine Product is displayed;
- j. Advertisements should not undermine quit-smoking messages and encourage non-tobacco or non-nicotine users to use the product.
- k. Advertisements containing any information or element that is untrue or not scientifically substantiated, in particular with regard to product characteristics, health effects, risks or emissions; and
- l. Promotional communications shall allow for adult consumers to learn about the availability of Vaporized Nicotine and Non-Nicotine Products or, receive information about how to use them, try them before purchasing them, subject to proof of age and certification of smoker status, and receive pre-sale and after-sales support.

**SECTION 14. STANDARDS FOR DESIGNATE VAPING AREAS** — Designated Vaping Areas (DVAs) shall comply with the following standards:

- a. Person below eighteen (18) years of age shall not be allowed within the DVA;
- b. Every DVA shall have the following signage's highly visible and prominently displayed:
  - (i) "Vaping Area" signage; and
  - (ii) Prohibition on entry of persons below eighteen (18) years of age and pregnant women.
- c. Smoking shall not be allowed in DVAs;
- d. The number of persons allowed inside shall be controlled by the establishment owner, taking into consideration the size of the DVA and its location;
- e. The DVA shall be in an open space in an outdoor area, or in a separate indoor area with proper ventilation;
- f. The DVA and its ventilation outlets shall not be located in or within ten (10) meters from entrances, exits or any place where people pass or congregate, or in front of air intake ducts;
- g. 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 area be less than ten (10) square meters;
- h. No building or conveyance shall have more than one (1) DVA;
- i. The ventilation system for the DVA, other than in open space and for the buffer zone, shall be independent of all ventilation systems for the rest of the building or conveyance;
- j. Minors shall not be allowed inside the DVA and the buffer zone; and
- k. There shall be no selling, serving or offering of food and beverages in the DVA and its buffer zone unless the DVA is located in a point-of-sale.

*Provided*, that nothing in this Ordinance shall compel persons in charge to establish DVAs nor prevent them from instituting more stringent measures in their building and establishment to better ensure a Vape-free environment in their premises.

**SECTION 15. PUBLIC INFORMATION AND AWARENESS.** – The Tuguegarao City Information Office, in coordination with the City Health Office and the Business Permit Licensing Office, shall conduct massive information, education and communication campaigns (print, radio, television and internet) and shall also include the promotion of the non-use of Vaporized Nicotine and Non-Nicotine products especially to any person below the age of eighteen (18) years. The information and education campaign shall include the production and distribution of materials related and consistent with the provisions of this ordinance.

**SECTION 16. TECHNICAL WORKING GROUP.** – For the purpose of this ordinance a Technical Working Group shall be established, which will be composed of the following:

Chairperson : City Mayor

Vice Chairpersons : Chairperson of SP Committee on Health and Sanitation  
Chairperson of SP Committee on Sustainability, Climate Change,  
Environmental Protection and Ecology

Members :

- a. Business Permit and Licensing Office
- b. Chairperson of SP Committee on Laws, Rules and Ethics
- c. City Health Officer;

- d. City Administrator;
- e. City Environment and Natural Resources Office;
- f. City Information Office;
- g. City Treasurer Office;
- h. City Legal Office;
- i. Tuguegarao Component City Police Station;
- j. Public Safety and Security Office (PSSO)
- k. Liga ng mga barangay PRESIDENT
- l. SK FEDERATION PRESIDENT
- m. A representative from Vaporized Nicotine and Non-Nicotine product Retailers;
- n. Representatives from the Business Sector; and
- o. A representative from a duly recognized Health Advocates Group accredited by the Sangguniang Panlungsod and to be appointed by the City Mayor.
- p. School Division Office Representative
- q. Commission on Higher Education (CHED)
- r. Civil Service Commission (CSC)
- s. Department of Trade and Industry (DTI)
- t. Department of Health (DOH)

**SECTION 17. FUNCTIONS OF THE TECHNICAL WORKING GROUP.** – The Technical Working Group shall have the following functions:

- a. Formulate Implementing Rules and Regulations as well as the Guidelines in the proper implementation of this ordinance.
- b. Identify the health and environmental advocacies, programs and projects concerning Vaporized Nicotine and Non-Nicotine Products and smoking related issues to be funded from the fifty percent (50%) proceeds from the fines collected.
- c. Recommend measures for the proper implementation of the ordinance in coordination with the Tuguegarao Anti-Smoking Task Force.
- d. The Technical Working Group should coordinate with the Civil Service Commission regarding the designated vaping areas within the government facilities.
- e. Formulate policies for the detection and distribution of vape devices.

**SECTION 18. PUNISHABLE ACTS.** – The following acts are punishable under this Ordinance:

- a. Vaping in public places where vaping is expressly prohibited under Section 5 of this Ordinance;
- b. Non-compliance with Section 6 of this Ordinance where an establishment owner requires vapers to use the same designated smoking areas provided under the Vaporized Nicotine and Non-Nicotine Products Regulation Act unless vaping is allowed in the entire establishment;
- c. Sale of Vaporized Nicotine and Non-Nicotine Products to or by any person below eighteen (18) years of age;
- d. Use of Vaporized Nicotine and Non-Nicotine Products by any person below eighteen (18) years of age;
- e. Non-compliance with the restrictions on Vaporized Nicotine and Non-Nicotine Products promotions and advertisements;

Distribution of samples of Vaporized Nicotine and Non-Nicotine Products to any person below eighteen (18) years of age.

**SECTION 19. PENALTIES.** – The following shall be the penalties to be imposed to offenders and business establishments in violation of this Ordinance:

- a. **First offense** - stern warning

- b. **Second offense** - a fine of One Thousand Pesos (P1, 000.00) or one (1) day of community service in their respective barangay;
- c. **Third offense** - a fine of Two Thousand Five Hundred Pesos (P2, 500.00) or two (2) days of community service;
- d. **Fourth offense** - a fine of Five Thousand Pesos (P5, 000.00) or community service of five (5) days, and cancellation or revocation of the business permits and licenses to operate of business establishments.

**SECTION 20. MINOR OFFENDER.** – A minor offender of this ordinance, shall be dealt with in accordance with the provisions of Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006.

**SECTION 21. COMMUNITY SERVICE.**

- a. The apprehended violator who opts to render community service, shall report to the City Health Office (CHO) and shall attend seminar/training with topics relating to Smoking and activities such as clean up drive in their respective barangay or other community development programs being implemented by the City Government before rendering such service.

**SECTION 22. ADMINISTRATIVE PENALTIES.** – Any person violating the provisions of this ordinance shall be issued a citation ticket, may pay outright directly to the City Treasury Office, or shall be required to report to the City Health Office within three (3) days after the issuance, where he/she shall either pay the fine imposed or render community service, or else be charged in court.

**SECTION 23. ENFORCEMENT.** – **Members of the PNP, authorized law enforcers of the City or members of the Tuguegarao Anti-Smoking Task Force of Section 23 of City Ordinance No. 40-2017 shall apprehend and issue citation tickets to any violators of this ordinance.**

The process of issuance of citation tickets shall be dealt with in accordance with the provisions of the City Ordinance No. 40-2017 "An Ordinance amending Tuguegarao City Anti-Smoking Ordinance no. 01-2009".

**Section 24. SOURCE OF FUNDS.** – The funding and appropriations of this ordinance shall be sourced from the Annual Budget or any supplemental budget for the availability of funds.

**Section 25. TRUST FUND.** – Fifty Percent (50%) of the collected fines in violation of the provisions of this ordinance shall be set aside in a trust fund which shall be used exclusively for the activities to be conducted by the Technical Working Group and the Taskforce created herein.

**Section 26. IMPLEMENTING RULES AND REGULATIONS.** – Within 15 days from the approval of this Ordinance, the necessary implementing rules and regulations shall be formulated by the Technical Working group for the proper and effective implementation of this Ordinance.

**Section 27. REPEALING CLAUSE.** – All other ordinances or parts thereof which are inconsistent with the provision of this Ordinance are hereby repealed, amended and/or modified accordingly.

**Section 28. SEPARABILITY CLAUSE.** – Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, other provisions not affected by such declaration shall remain in full force and effect.

**Section 29. EFFECTIVITY.** – This Ordinance shall take effect upon its approval.