



Republic of the Philippines
QUEZON CITY COUNCIL

Quezon City
19th City Council

PO19CC-214

36th Regular Session

ORDINANCE NO. SP- 2341, S-2014

AN ORDINANCE PROHIBITING THE SALE OF E-CIGARETTES TO MINORS AND PROVIDING STRICTER PENALTIES THEREBY AMENDING ORDINANCE NO. SP-681, S-1998, ENTITLED "AN ORDINANCE PROHIBITING THE SALE OF CIGARETTES, CIGAR, TOBACCO AND SIMILAR PRODUCTS TO ALL MINORS BY ALL PERSONS, NATURAL OR JURIDICAL, AND ALL ESTABLISHMENTS LOCATED IN QUEZON CITY".

Introduced by Councilor JULIENNE ALYSON RAE V. MEDALLA.

Co-Introduced by Councilors Anthony Peter D. Crisologo, Ricardo T. Belmonte, Jr., Dorothy A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Ranulfo Z. Ludovica, Ramon P. Medalla, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Marvin C. Rillo, Raquel S. Malañgen, Jessica Castelo Daza, Bayani V. Hipol, Jose A. Visaya, Godofredo T. Liban II, Andres Jose G. Yllana, Jr., Allan Butch T. Francisco, Karl Edgar Castelo, Candy A. Medina, Diorella Maria G. Sotto, Marivic Co-Pilar, Rogelio "Roger" P. Juan, Melencio "Bobby" T. Castelo, Jr., Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, electronic cigarettes or e-cigarettes, are battery-operated products often resembling cigarettes, cigars or pipes, designed to convert liquid nicotine, flavors, and other chemicals into vapor inhaled by the user;

WHEREAS, the popularity of e-cigarettes has increased since they were first introduced. While the effects of e-cigarettes remain largely unknown, early studies indicate that they pose potential dangers for users, as well as for non-users who passively inhale these chemical vapors;

WHEREAS, the U.S. Food and Drug Administration (FDA) and many leading health organizations generally agree on the need for further scientific study in order to assess unproven safety claims about e-cigarettes, and to determine the overall public health impact of e-cigarette use. Potentially harmful constituents have been documented in some e-cigarette cartridges, including diethylene glycol, genotoxins, and animal carcinogen;

WHEREAS, considering the best interest and welfare of the City's children, this Ordinance seeks to amend Ordinance No. SP-681, S-1998 in prohibiting the sale of e-cigarettes to minors and providing stricter penalties.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. Section 1 of Ordinance No. SP-681, S-1998 is hereby amended to read as follows:

"SECTION 1. Prohibited Acts. It is hereby prohibited to sell cigarettes, cigars, tobacco, similar tobacco products, electronic cigarettes and similar devices to minors by all persons, natural or juridical and all establishments located in Quezon City."

SECTION 2. A new Section 2 and a new headnote "Definition of Terms" are hereby added to Ordinance No. SP-681, S-1998, which shall read as follows:

"SECTION 2. Definition of Terms. For the purpose of this ordinance, the following terms are hereby understood to mean as follows: ✓









ELECTRONIC CIGARETTES or E-CIGARETTES mouthpiece, heating element, battery and electronic circuits that provide a vapor of liquid nicotine and/or other substances mixed with propylene glycol to the user as he or she simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

MINOR – are those natural persons who are below eighteen (18) years of age. The age of majority being defined by Republic Act No. 6809.

PERSON – refers to an individual, partnership, corporation or any other business or legal entity.

TOBACCO PRODUCTS – products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing such as but not limited to cigars, cigarettes, and cigarillos.”

SECTION 3. Section 2 of Ordinance No. SP-681, S-1998 shall be renumbered as Section 3, and the subsequent sections shall also be renumbered accordingly.

SECTION 4. Section 2 of Ordinance No. SP-681, S-1998 is hereby amended to read as follows:

“SECTION 3. Penalties. Any violation of this Ordinance shall be penalized as follows:

Any person or any business entity or establishment selling to, distributing or purchasing a cigarette, e-cigarette or any other tobacco products for a minor shall be fined the amount of not less than five thousand pesos (PhP5,000.00) or an imprisonment of not more than thirty (30) days, upon the discretion of the court. For succeeding offenses, X

both penalties shall apply in addition to the revocation of the business licenses or permits in the case of a business entity or establishment.

The penalty herein provided shall be imposed upon the proprietor, for individual proprietorships; upon all partners for partnerships and the general partner/s for limited partnerships; the brand manager of the particular brand or the manager and the chief operating officer for incorporated businesses; and all such persons, not falling within any of the descriptions/titles above-mentioned, being in-charge of the particular offending business establishment and failing to follow the prohibitions herein defined."

SECTION 5. A new Section 4 and a new headnote "Implementing Body" are hereby added to Ordinance No. SP-681, S-1998, which shall read as follows:

"SECTION 4. Implementing Body. The Business Permits and Licensing Office (BPLO) shall implement, monitor and enforce this Ordinance."

SECTION 6. Section 3 of Ordinance No. SP-681, S-1998 is hereby amended to read as follows:

"SECTION 5. Separability Clause. If for any reason or reasons, any part or provision/s of this Ordinance shall be declared invalid or unconstitutional, other parts and provision/s hereof which are not affected thereby shall continue to be in full force and effect."


SECTION 7. Section 4 of Ordinance No. SP-681, S-1998 is hereby amended to read as follows:)




"SECTION 6. Repealing Clause. All other ordinances, executive orders, and administrative regulations or part or parts thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly."

SECTION 8. Effectivity Clause. This Ordinance shall take effect thirty (30) days after its complete publication in a newspaper of general circulation in Quezon City.


ENACTED: August 18, 2014.


MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

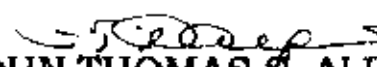

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 22 OCT 2014


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on August 18, 2014 and was PASSED on Third/Final Reading on August 26, 2014.


Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III 