

**DEPARTMENT ADMINISTRATIVE ORDER NO. 24-08  
SERIES OF 2024**

**Subject : AMENDMENTS TO THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 11900 (RA11900), OR THE VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS REGULATION ACT**

**WHEREAS**, Section 18 of Republic Act No. 11900 (RA11900), or the Vaporized Nicotine and Non-Nicotine Products Regulations Act, provides that the Department of Trade and Industry (DTI), in consultation with the Food and Drug Administration (FDA), shall set technical standards for safety, consistency, and quality of products requiring registration under Section 19 of RA11900 based on international standards; *Provided*, that no vapor product with a nicotine content above sixty-five milligrams per milliliter (65mg/ml) shall be allowed to be sold in the market. The compliance with these product standards shall be mandatory;

**WHEREAS**, Section 3 of Republic Act No. 4109, or An Act to Convert the Division of Standards Under the Bureau of Commerce into a Bureau of Standards, to Provide for the Standardization and/or Inspection of Products and Imports of the Philippines and for Other Purposes, provides that the Bureau of Standards, now Bureau of Philippine Standards (BPS), shall have charge of the establishment of standards for, and inspection of, all agricultural, forest, mineral, fish, industrial and all other products of the Philippines for which no standards have as yet been fixed by law, executive order, rules and regulations; and the inspection and certification of the quality of commodities imported into the Philippines, to determine the country of origin of the articles which are the growth, raw materials, manufacture, process, or produce, and to determine if they satisfy the buyer's or importer's requirements or specifications for domestic consumption; and to prohibit the discharge and/or release of any article which are the growth, raw materials, manufacture, process, or produce of countries without trade relations with the Philippine government;

**WHEREAS**, Article II, Section 3 of Executive Order No. 913 (1983), or Strengthening the Rule-Making and Adjudicatory Powers of the Minister (now Secretary) of Trade and Industry in order to Further Protect Consumers, provides that emergency rules as determined by the Secretary shall take effect on a date fixed by the Secretary;

**WHEREAS**, DTI Department Administrative Order 22-06 (DAO22-06) (2022), or The New Technical Regulation Concerning the Mandatory Certification of Vaporized Nicotine and Non-Nicotine Products, provides the technical regulations on the mandatory certification of the BPS of Vapor Product Systems, Vapor Product Devices, and Heated Tobacco Product Systems (HTP) under specific Philippine National Standards (PNS);

**OFFICE OF THE SECRETARY**

**WHEREAS**, Rule X of DTI Department Administrative Order No. 22-16 (DAO22-16) (2022), or the Implementing Rules and Regulations (IRR) of RA11900, provides that the BPS, in consultation with the FDA, shall set technical standards for safety, consistency, and quality of products requiring registration under Rule I, Section 3 of the IRR of RA11900;

**WHEREAS**, Section 8 of RA11900 provides 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 similar media platforms shall only be made by online sellers or distributors registered with the DTI or the Securities and Exchange Commission (SEC), and the products being sold and advertised online shall be compliant with the health warning requirements, as well as other requirements of the Bureau of Internal Revenue (BIR) including tax stamp, minimum or floor price or other fiscal marks;

**WHEREAS**, Rule V, Section 3(a) of the IRR of RA11900 provides that e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications, and/or other similar selling platforms shall only allow DTI and BIR duly-registered distributors, merchants, or retailers of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products to sell in their website or platform pursuant to Section 19 of RA11900;

**WHEREAS**, Section 21 of RA11900 provides that the DTI shall have exclusive jurisdiction over any and all issues, requirements, and subject matters related to Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products;

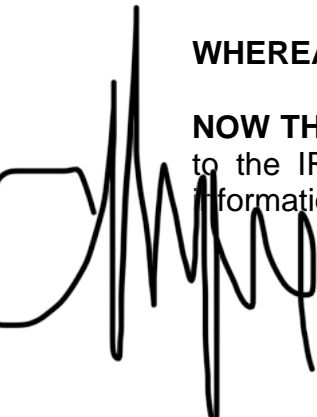
**WHEREAS**, Section 24 of RA11900 provides that the DTI shall issue the implementing rules and regulations of the law;

**WHEREAS**, DTI Department Administrative Order No. 24-02 (DAO24-02) (2024), or the Supplemental Technical Regulations for DAO 22-06, Series of 2022, on the Mandatory Product Certification of Vaporized Nicotine and Non-Nicotine Products, was issued to supplement DTI DAO22-06 (2022) to include under mandatory certification Vapor Products or Vapor Product Refills, HTP Consumables, and HTP Devices;

**WHEREAS**, DTI Department Order No. 24-154 (DO24-154) (2024) created the Office for the Special Mandate on Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products (OSMV) to ensure a focused and specialized effort in implementing RA11900 for the proper collection of taxes, effective regulation of the online and brick-and-mortar advertisement and sale of vaporized nicotine and non-nicotine products, their devices, and novel tobacco products that are compliant with internationally accepted product standards;

**WHEREAS**, there is a need to amend the IRR of RA11900;

**NOW THEREFORE**, pursuant to Section 24 of RA11900, the following amendments to the IRR of RA11900 are hereby promulgated and adopted for the guidance, information, and regulation of all concerned:



**Section 1.** Rule III (22) of the IRR of RA11900 is hereby amended to read as follows:

“22. **Product Registration** – the Certificate issued by the DTI Office for the Special Mandate on Vaporized Nicotine and Non-Nicotine Products, their Devices, and Novel Tobacco Products (OSMV), in accordance with Technical Regulations.”

**Section 2.** Rule V, Section 3(a) of the IRR of RA11900 is hereby amended to read as follows:

“a. **Online Trade.** E-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications, and/or other similar platforms shall only allow DTI and BIR duly-registered distributors, merchants, or retailers of vaporized nicotine or non-nicotine products, their devices, or novel tobacco products to sell in their websites or platforms pursuant to Section 19 of RA11900, *Provided*, that the foregoing registrations as distributors, merchants, or retailers of vaporized nicotine or non-nicotine products, their devices, or novel tobacco products shall be separate from the BIR taxpayer registration, local government unit registration, and the DTI business name registration, registration with the Securities and Exchange Commission, or registration with the Cooperative Development Authority (CDA).

“The distributors, merchants, and retailers of products with reduced risk statements, medicinal or therapeutic claims shall also present the approval from the Food and Drug Administration (FDA) to the e-marketplaces, e-commerce platforms, selling facilities embedded in social media websites/applications, and/or similar platforms before posting of such products pursuant to RA11900 and this IRR.

“Duly-registered distributors, merchants, and retailers of vaporized nicotine or non-nicotine products, their devices, and novel tobacco products selling on their own websites and/or platforms, or through the websites and/or platforms of others shall conspicuously post the required government certificates and approvals at the landing page of their websites and/or platforms, or on their seller pages, including thumbmarks or the like, if through the websites and/or platforms of others.”

**Section 3.** Rule V, Section 5 of the IRR of RA11900 is hereby amended to read as follows:

**Section 5. Sales 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. For this purpose, one hundred (100) meters shall be

measured in actual accessible or walkable distance without the assistance of any transporting machine.

**Section 4.** Rule VI, Section 3(g) of the IRR of RA11900 is hereby amended to read as follows:

“g. Such other restrictions on the product sponsorship as determined by the OSMV consistent with the provisions of RA11900 and this IRR; and”

**Section 5.** Rule IX of the IRR of RA11900 is hereby amended, and a new Section 2 is added to the same Rule IX, to read as follows:

**“Section 1. Designated Vaping Area (DVA) Standards.** The Designated Vaping Areas (DVA) shall comply with the following standards:

“1. xxx

“12. xxx

“*Provided, xxx*

**“Section 2. OSMV Approval of Indoor DVAs.** All persons, natural or juridical, putting in place indoor DVAs in their buildings and/or establishments must first secure the approval the OSMV prior to the use of the DVAs.”

**Section 6.** Rule X of the IRR of RA11900 is hereby amended to read as follows:

**“PRODUCT AND WAREHOUSE REGISTRATION**

“The OSMV, in consultation with the FDA, shall set the product standards for the set the product standards for the safety, consistency, and quality of the covered products requiring registration under Rule I, Section 3, of this IRR, *Provided*, that vapor products with nicotine content shall not exceed sixty-five milligrams per milliliter (65 mg/ml) of nicotine. Compliance with product standards shall be mandatory.

“The OSMV shall issue, and amend as necessary, technical regulations for covered products.

“For this purpose, all functions of the BPS under DTI DAO 22-06 (2022), as supplemented by DTI DAO 24-02 (2024), shall be implemented by the OSMV as applicable.”

**Section 7.** Rule XI of the IRR of RA11900 is hereby amended to read as follows:

“All manufacturers and importers of the covered products shall apply for product registration and certification with the OSMV by submitting

information demonstrating conformity with the applicable technical registrations.

Only OSMV registered and certified Vaporized Nicotine or Non-Nicotine Products, their devices, or Novel Tobacco Products with the applicable graphic health warning may be sold.”

**Section 8.** Rule XIII, Section 1 of the IRR of RA11900 is hereby amended to read as follows:

**“Section 1. Recall, Ban, or Seizure by the DTI.** The OSMV, upon due process and subject to governing laws, may order the immediate recall, ban or seizure from public sale or distribution of vaporized nicotine and non-nicotine products, their devices, or Novel Tobacco Products for failure to comply with the provisions of RA11900, IRR, technical regulations, or their amendments.

“Only duly registered vaporized nicotine and non-nicotine products, their devices, or Novel Tobacco Products with the applicable graphic health warnings are allowed to be sold, advertised, or distributed through whatever means.

“For online sales, the OSMV, upon the due process and subject to governing laws, rules, or regulations, shall have the power to issue an order directing a noncompliant website, webpage, online application, social media account, or other similar platform to be taken down preventing online sellers, which are noncompliant with the registration requirements provided under RA11900 or this IRR, from selling online. The OSMV shall order the immediate recall, ban or seizure of noncompliant Vaporized Nicotine or Non-Nicotine Products, their devices, or Novel Tobacco Products as provided under this section.”

**Section 9.** Rule XIII, Section 3 of the IRR of RA11900 is hereby amended to read as follows:

**“Section 3. Online List of Brands.** The OSMV and the BIR shall maintain a monthly updated online list of brands of Vaporized Nicotine or Non-Nicotine Products, their devices, or Novel Tobacco Products registered with the DTI and the BIR that are eligible to be sold online.”

**Section 10.** Rule XIII, Section 4 of the IRR of RA11900 is hereby amended to read as follows:

**“Section 4. Registration Prior to Marketing and Sale.** Pursuant to Rule V, Section 3(a) of this IRR, internet websites and/or e-commerce and/or other similar media selling platform providers shall only allow DTI and BIR registered online sellers or retailers of registered vaporized nicotine or non-nicotine products, their devices, or novel tobacco products in their websites or platforms.

The OSMV and the BIR, in consultation with relevant stakeholders, shall design, promulgate, and utilize new and emerging innovative tools and technologies to ensure that only registered vaporized nicotine or non-nicotine products, their devices, or novel tobacco products are made available in the market.”

**Section 11.** Rule XIV, Section 5 of the IRR of RA11900 is hereby amended to read as follows:

“**Section 5.** Online sellers and distributors of vaporized nicotine or non-nicotine products, their devices, or novel tobacco products, or internet websites and/or e-commerce and/or other similar media selling platform providers that are noncompliant with Section 8 of RA11900 or Rule V, Section 3 of this IRR shall be ordered by the OSMV to immediately suspend trading of such products, and shall be liable for the fines and penalties imposed under RA11900 and this Rule. The suspension shall continue until the manufacturer, seller, distributor, or internet website and/or e-commerce and/or other similar media selling platform provider has complied with the requirements provided under Section 8 of RA11900 or Rule V, Section 3 of this IRR.”

**Section 12.** Rule XV, Section 1(d) of the IRR of RA11900 is hereby amended to read as follows:

“d. To be honest, truthful, and transparent in communication with targeted consumers by providing complete and accurate information about the product such as, but not limited to, product statements, characteristics, health effects, risks, or emissions consistent with the Technical Standards set by the OSMV.”

**Section 13.** Rule XV, Section 4(a) of the IRR of RA11900 is hereby amended to read as follows:

“a. The DTI, through the OSMV, shall have exclusive jurisdiction over any and all issues, requirements, and subject matters related to vaporized nicotine or non-nicotine products, their devices, or novel tobacco products provided in RA11900.”

**Section 14.** Rule XV, Section 4(d) of the IRR of RA11900 is hereby amended to read as follows:

“d. The BIR shall have jurisdiction on the following:”

**Section 15. Separability.** If any provision or any part of this Order is held invalid or unconstitutional, the remainder of this Order or the provisions not otherwise affected shall remain valid and subsisting.

**Section 16. Effectivity.** This Order shall take effect immediately upon its publication in at least two (2) newspapers of general circulation.

Issued this 13th day of September 2024 in Makati City, Philippines.



APPROVED BY:

**MA. CRISTINA ALDEGUER-ROQUE**  
Acting Secretary

RECOMMENDED BY:



**ATTY. M. MARCUS N. VALDEZ II**  
Supervising Head  
Office for the Special Mandate on  
Vaporized Nicotine and Non-Nicotine Products,  
their Devices, and Novel Tobacco Products