

1 DTI-DOH-FDA-BIR JOINT ADMINISTRATIVE ORDER NO. \_\_\_\_  
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4 **IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11900,**  
5 **OTHERWISE KNOWN AS THE VAPORIZED NICOTINE AND NON-NICOTINE**  
6 **PRODUCTS REGULATION ACT”**  
7  
8

9 Pursuant to Section 24 of Republic Act No. 11900 (RA11900), or the “Vaporized Nicotine  
10 and Non-Nicotine Products Regulation Act”, the following Implementing Rules and  
11 Regulations (IRR) are hereby promulgated and adopted for the guidance, information,  
12 and compliance of all concerned:  
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15 **RULE I**  
16 **GENERAL PROVISIONS**  
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18 **Section 1. Title.** This Joint Administrative Order (JAO) shall be referred to as “The  
19 Implementing Rules and Regulations of Republic Act No. 11900”.  
20

21 **Section 2. Scope.** This IRR shall apply to any person of legal age that is engaged in the  
22 importation, assembly, manufacture, sale, packaging, distribution, advertisement,  
23 promotion, and sponsorship of Vaporized Nicotine and Non-Nicotine Products, and their  
24 devices, and Novel Tobacco Products, whether locally manufactured or imported, in an  
25 online or offline platform, or purchase or use the same.  
26

27 **Section 3. Coverage.** This IRR shall cover the following products:  
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- 29 a. Vapor Products or Vapor Products Refills;
- 30 b. Vapor Product Device;
- 31 c. HTP Consumable;
- 32 d. HTP Device; and
- 33 e. Novel Tobacco Products.  
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35 **Section 4. Exemptions.** All forms of combustible tobacco are exempted from the  
36 coverage of RA11900 and this IRR.  
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39 **RULE II**  
40 **DEFINITION OF TERMS**  
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42 For purposes of this IRR, the following terms are defined:  
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- 44 a. **Advertisement.** Any visual and/or audible message disseminated to the public  
45 about or on a particular product that promotes and gives publicity by words, designs,  
46 images, or any other means through broadcast, electronic, print, or whatever form

1 of mass media, including outdoor advertisements, such as but not limited to signs  
2 and billboards.

3  
4 b. **Advertiser.** A person or entity on whose account or for whom an advertisement is  
5 prepared and disseminated by the advertising agency, which is a service established  
6 and operated for the purpose of counseling or creating and producing, and/or  
7 implementing advertising programs in various forms of media.

8  
9 c. **Advertising.** The business of conceptualizing, presenting, making available, and  
10 communicating to the public, through any form of mass media, any fact, data, or  
11 information about the attributes, features, quality, or availability of consumer  
12 products, services, or credit. For the purpose of this IRR, advertising shall be  
13 understood as advertising for Vaporized Nicotine and Non-Nicotine Products, and  
14 their devices, and Novel Tobacco Products and shall not include non-promotional  
15 communication intended for informational purposes only.

16  
17 d. **Advertising Agency or Agent.** A service organization or enterprise creating,  
18 conducting, producing, implementing, or giving counsel on promotional campaigns  
19 or programs through any medium for and on behalf of any advertiser.

20  
21 e. **Buffer Zone.** A ventilated area between the door of a Designated Vaping Area  
22 (DVA) not located in an open space and the non-DVA area.

23  
24 f. **Celebrity.** Any natural person who, by his or her accomplishments or fame, or by  
25 reason of his or her profession or calling, gives the public a legitimate interest in his  
26 or her doings, affairs, and character. The term includes anyone who has arrived at  
27 a position where public attention is focused upon him or her as a person, such as,  
28 but not limited to, actors, athletes, and other sports personalities, war heroes,  
29 famous inventors, social media influencers, and explorers among others. The term  
30 shall also mean virtual person with a virtual persona created through artificial  
31 intelligence.

32  
33 g. **Child-Resistant Containers or Packaging.** The types of containers that can be  
34 opened only by operating, puncturing, or removing one of its functional and  
35 necessary parts using a tool that is not supplied with the container and comply with  
36 the existing standards on child-resistant packaging.

37  
38 h. **Designated Vaping Area (DVA).** An assigned indoor or outdoor area where the use  
39 of Vaporized Nicotine and Non-Nicotine Products shall be allowed.

40  
41 i. **Direct Delivery.** A delivery arrangement whereby the goods are picked up and sent  
42 to the buyer's location directly.

43  
44 j. **Distributor.** Any entity to whom Vaporized Nicotine and Non-Nicotine Products, or  
45 their devices, or Novel Tobacco Products are delivered or sold for purposes of

1 distribution in commerce, except that such term does not include a manufacturer,  
2 retailer, or common carrier of such product.  
3

4 k. **Drug.** (1) articles recognized in official pharmacopeias and formularies, including  
5 official homeopathic pharmacopeias, or any documentary supplement to any of  
6 them, which are recognized and adopted by the FDA; (2) articles intended for use in  
7 the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other  
8 animals; (3) articles (other than food) intended to affect the structure of any function  
9 of the body of humans or animals; or (4) articles intended for use as a component of  
10 any articles specified in clauses (1), (2), or (3) but do not include devices or their  
11 components, parts or accessories.  
12

13 l. **E-Commerce platform.** A natural or juridical person that solicits or facilitates the  
14 purchase, procurement, or use of goods and services, with presence and use of  
15 monetary transactions, including using, developing, creating, or promoting digital  
16 content through digital platforms, websites, and marketplaces, with functions to  
17 connect and encourage consumers, online merchants, sellers, and retailers to enter  
18 into commercial transactions.  
19

20 m. **E-marketplace.** An online intermediary that allows participating merchants to  
21 exchange information about products and services to enter into an electronic  
22 commerce transaction, which may or may not provide information/services about  
23 payments and logistics.  
24

25 n. **E-retailer.** An organization selling products or services directly to customers online.  
26

27 o. **Floor Price.** The minimum retail price to be set by the Bureau of Internal Revenue  
28 (BIR) at which Vaporized Nicotine and Non-Nicotine Products, or their devices, or  
29 Novel Tobacco Products may be sold, taking into account the sum of their excise  
30 tax, value-added tax, and a reasonable production cost.  
31

32 p. **Graphic Health Warning.** The photographic image printed on the packaging of  
33 Vaporized Nicotine and Non-Nicotine Products, and their devices, and Novel  
34 Tobacco Products which accurately depicts the hazards of such use and is  
35 accompanied by a textual warning related to the picture prescribed by the  
36 Department of Health (DOH) pursuant to Republic Act No. 10643 (RA10643), or “An  
37 Act to Effectively Instill Health Consciousness Through Graphic Health Warnings on  
38 Tobacco Products”.  
39

40 q. **Health Products.** Food, drugs, cosmetics, devices, biologicals, vaccines, in-vitro  
41 diagnostic reagents and household/urban hazardous substances and/or a  
42 combination of and/or a derivative thereof. It shall also refer to products that may  
43 have an effect on health which require regulations as determined by the FDA.  
44

45 r. **Heated Tobacco Products (HTPs) or Heated Tobacco Product (HTP)**  
46 **Consumables or Heat-Not-Burn Product Consumables.** Tobacco products that

1 are intended to be consumed through heating tobacco, either electronically or  
2 through other means, sufficient to release an aerosol that can be inhaled, without  
3 combustion of the tobacco. HTP Consumables or Heat-Not-Burn Product  
4 Consumables may also include liquid solutions and gels that are part of the product  
5 and are heated to generate an aerosol. HTPs may or may not operate by means of  
6 an HTP Device.  
7

- 8 s. **Heated Tobacco Product Device or HTP Device.** The component or combination  
9 of components of an HTP System intended to be used in combination with HTP  
10 Consumables that generate an aerosol without combustion.  
11
- 12 t. **Heated Tobacco Product System or HTP System.** An HTP Consumable and HTP  
13 Device that are intended to be used together as a system.  
14
- 15 u. **Importer.** Any person or entity that is engaged in the importation of products covered  
16 by RA11900 and this IRR.  
17
- 18 v. **International Standard.** A standard developed under the World Trade Organization  
19 (WTO) principles for international standards development such as those developed  
20 by international bodies like the World Health Organization (WHO), International  
21 Organization for Standardization (ISO), International Electrotechnical Commission  
22 (IEC), International Telecommunication Union (ITU) and those developed by foreign  
23 standards bodies under these principles.  
24
- 25 w. **Manufacturer.** An establishment engaged in any and all operations involved in the  
26 production of the products covered by RA11900 and this IRR, including preparatory  
27 processing, compounding, formulating, filling, refilling, packaging, repackaging,  
28 altering, ornamenting, finishing, and labeling for the purpose of its storage, sale, or  
29 distribution.  
30
- 31 x. **Mass Media.** Any medium of communication designed to reach a mass of people.  
32 For this purpose, mass media includes print media such as, but not limited to,  
33 newspapers, magazines, and publications; broadcast media such as, but not limited  
34 to radio, television, cable television, and cinema; electronic media such as but not  
35 limited to the internet.  
36
- 37 y. **Medicinal or Therapeutic Claims.** explicit statements made on any product  
38 presented as having properties for directly treating, curing, alleviating, or preventing  
39 diseases or disorders in persons.  
40
- 41 z. **Minor.** Any person below eighteen (18) years old.  
42
- 43 aa. **Nicotine.** nicotinic alkaloids, including any salt or complex of nicotine, whether  
44 derived from tobacco or synthetically produced.  
45

- 1 bb. **Nicotine Mixture.** The nicotine-containing liquid, solid, or other non-tobacco  
2 substance in the product.  
3
- 4 cc. **Nicotine Shots.** Nicotine in liquid or any other form or substance that is added to or  
5 mixed with Vapor Product Refills or cartridges that have the effect of increasing the  
6 dosage or nicotine concentration in a refill or cartridge.  
7
- 8 dd. **Novel Tobacco Products.** All non-combusted substances in solid or liquid form,  
9 and innovations, either made partly of tobacco leaf as raw material or containing  
10 nicotine from tobacco, intended to be used as a substitute for cigarettes or other  
11 combusted tobacco products.  
12
- 13 ee. **Online Seller or Merchant.** An organization or retailer selling products or services  
14 to customers through an e-marketplace.  
15
- 16 ff. **Package.** Packs, boxes, cartons, or containers of any kind in which the products  
17 covered by RA11900 and this IRR are contained when offered for sale to consumers.  
18
- 19 gg. **Person.** An individual, partnership, corporation, or any other business or legal entity.  
20
- 21 hh. **Philippine National Standards (PNS).** The Standards promulgated by the Bureau  
22 of Philippine Standards (BPS).  
23
- 24 ii. **Point-of-Sale.** Any location, physical or online, where an individual can purchase  
25 any product covered by RA11900 or this IRR, which may include a product testing  
26 area.  
27
- 28 jj. **Principal Display Surface.** The panel of the package that faces the consumer when  
29 displayed for sale.  
30
- 31 kk. **Product Certification.** The provision of assessment and impartial BPS attestation  
32 that fulfillment of specified requirements has been demonstrated.  
33
- 34 ll. **Product Demonstration.** The testing of the products covered by RA11900 or this  
35 IRR conducted by a trained product expert who shall explain the characteristics,  
36 operation, and maintenance of the product for the purpose of informing and  
37 familiarizing a prospective buyer, who is of legal age.  
38
- 39 mm. **Product Registration.** The Certification of Registration issued by the BPS in  
40 accordance with Technical Regulations.  
41
- 42 nn. **Product Statement.** An explicit communication to consumers in the product label  
43 or marketing which pertains to product performance attributes or an objective  
44 description of the contents of the product, the quantity of chemicals produced, or  
45 how a product works or operates.  
46

- 1 oo. **Promotion.** An event or activity organized by or on behalf of a manufacturer,  
2 importer, distributor, or retailer of any product covered by RA11900 or this IRR with  
3 the aim of promoting a brand of such product, which event or activity would not occur  
4 if not for the support given to it by or on behalf of such manufacturer, importer,  
5 distributor, or retailer. This includes the paid use of any product covered by RA11900  
6 or this IRR bearing the brand names, trademarks, logos, and the like by performers  
7 in movies, television, and other forms of entertainment as well as in other live  
8 promotional events such as fairs, trade shows, concerts, and similar events. For the  
9 purpose RA11900 or this IRR, promotion shall be understood as Vaporized Nicotine  
10 and Non-Nicotine Product or Novel Tobacco Product promotion.  
11
- 12 pp. **Promotional.** The act of publicizing a product to an individual, group, or the general  
13 public, or promoting awareness of the product brands, for the sole purpose of  
14 increasing sales.  
15
- 16 qq. **Public Conveyances.** The modes of transportation servicing the general  
17 population, such as, but not limited to, elevators, airplanes, buses, taxicabs, ships,  
18 jeepneys, light rail transits, tricycles, and similar vehicles.  
19
- 20 rr. **Reduced Risk Statement.** An explicit communication to consumers in the product  
21 label or marketing materials which states that the product presents less risk of harm  
22 to the user's health or is less harmful to the user's health than continued smoking of  
23 combustible cigarettes.  
24
- 25 ss. **Refill.** A container for holding electronic liquid or nicotine mixture.  
26
- 27 tt. **Registration.** The process of approval of an application to register health products  
28 prior to engaging in the manufacture, importation, exportation, sale, offer for sale,  
29 distribution, transfer, and where applicable, the use, testing, promotion,  
30 advertisement, and/or sponsorship of health products.  
31
- 32 uu. **Retailer.** Any establishment which sells or offers to sell any product covered by  
33 RA11900 or this IRR directly to an individual, group, or the general public.  
34
- 35 vv. **Sponsorship.** Any public or private contribution, whether in cash or in kind, from a  
36 third party, in relation to an event, team, or activity made with the aim of promoting  
37 a brand of any product covered by RA11900 or this IRR which event, team or activity  
38 would still exist or occur without such contribution. For the purpose of RA11900 or  
39 this IRR, sponsorship shall be understood as sponsorship for Vaporized Nicotine  
40 and Non-Nicotine Products, or their devices, or Novel Tobacco Products.  
41
- 42 ww. **Standard.** A document approved by a recognized body that provides, for common  
43 and repeated use, rules, guidelines, or characteristics for products or related  
44 processes and production methods, with which compliance is not mandatory.  
45

- 1 xx. **Tamper-resistant.** A type of package constructed such that it has one or more  
2 indicators or barriers to entry which, if breached or missing, can reasonably be  
3 expected to provide visible evidence that the product or its packaging has been  
4 opened, or otherwise comply with standards on tamper-resistant packaging.  
5
- 6 yy. **Technical Regulation.** A document that lays down product characteristics or their  
7 related processes and production methods, including the applicable administrative  
8 provisions, with which compliance is mandatory.  
9
- 10 zz. **Tobacco.** The agricultural components derived from the tobacco plant, which are  
11 processed for use in the manufacturing of cigarettes and other tobacco products.  
12
- 13 aaa. **Vapor Products or Vapor Product Refills.** The liquid, solid, gel, or any combination  
14 thereof, which may or may not contain nicotine, that is transformed into an aerosol  
15 without combustion by a vapor product device.  
16
- 17 bbb. **Vapor Product Device.** A device or a combination of devices used to heat a vapor  
18 product, to produce an aerosol, mist, or vapor that users inhale. These may include  
19 combinations of a liquid solution or gel that are heated and transformed into an  
20 aerosol without combustion through the employment of a mechanical or electronic  
21 heating element, battery, or circuit, and includes, but are not limited to, a cartridge,  
22 a tank, or a device without a cartridge or tank.  
23
- 24 ccc. **Vapor Product System or Electronic Nicotine or Non-Nicotine Delivery**  
25 **Systems.** The specific combination consisting of the vapor product refill and vapor  
26 product device which, based on the information made available to the consumer by  
27 the provider, are intended to be used together.  
28
- 29 ddd. **Vaporized Nicotine or Non-Nicotine Products.** Refers to both Heated Tobacco  
30 Products and Vapor Products, as defined herein, which are novel consumer goods  
31 that generate a nicotine-containing or non-nicotine-containing aerosol without  
32 combustion.  
33  
34

35 **RULE III**  
36 **PACKAGING, MARKING, AND LABELING OF VAPORIZED NICOTINE AND NON-**  
37 **NICOTINE PRODUCTS AND OTHER NOVEL TOBACCO PRODUCTS**  
38

39 **Section 1.** All Vapor Product Refills, HTP Consumables, Novel Tobacco Products, and  
40 Devices shall comply with the following requirements on packaging, marking, and  
41 labeling:  
42

43 **a. Product Packaging**  
44

1 1. The unit packaging or any outside consumer packaging of Vapor Product Refills, HTP  
2 Consumables, or Novel Tobacco Products, and that of their devices if bundled with  
3 the foregoing products, shall bear the following health warnings:

4  
5 a. A highly visible, full-color graphic health warning prescribed under RA10643,  
6 consistent with the textual health warning required herein, which shall be printed  
7 on fifty percent (50%) of the principal display surfaces, and shall occupy fifty  
8 percent (50%) of the front and fifty percent (50%) of the back panel of the  
9 packaging.

10  
11 The content, format, and specifications of the graphic health warning shall be  
12 designated by the DOH;

13  
14 b. A textual health warning which states: (1) For products that contain nicotine: “This  
15 product is harmful and contains nicotine which is a highly addictive substance. It  
16 is not recommended for use by nonsmokers.”; and (2) For products that do not  
17 contain nicotine: “This product may contain a substance that is harmful. It is not  
18 recommended for use by nonsmokers.”

19  
20 The textual warning shall use no more than twenty percent (20%) of the entire area  
21 of the graphic health warning and shall appear in clearly legible type and in contrast  
22 by typography, layout, and color, without the use of any border, frame or any other  
23 design that will effectively lessen the size of the textual warning;

24  
25 2. Nothing shall be printed or applied on a location where the health warning is likely to  
26 be obscured or covered, in part or in whole; and

27  
28 3. No part of the warning may be obliterated, obscured, folded, severed, or become  
29 unreadable when the package is opened or closed or when a wrapper on the package  
30 is removed.

31  
32 The DOH shall issue the template, as well as the guidelines with respect to the specific  
33 picture, design, or content of the information relating to the graphic health warning that  
34 must appear on the product packaging.

35  
36 **b. Product Markings**

37  
38 1. Marking and labelling requirements in accordance with Technical Regulations issued  
39 by the BPS.

40  
41 2. The internal revenue fiscal marking requirements under Republic Act No. 8424  
42 (RA8424), or the “National Internal Revenue Code of 1997”, as amended, and other  
43 related regulations, whenever applicable, shall be complied with:

44  
45 a. Vapor Product Refills, HTP Consumables, or Novel Tobacco Products  
46 manufactured or produced in the Philippines for domestic sales or consumption



- 1 shall only be in such packages and bear such marks or brands as prescribed by  
 2 the BIR;  
 3  
 4 b. Goods of similar character imported into the Philippines shall likewise be packed  
 5 and marked in such manner as may be required by the BIR.  
 6  
 7 c. Any other packaging markings that the BIR may prescribe for Vaporized Nicotine  
 8 and Non-Nicotine Products, or their devices, and Novel Tobacco Products  
 9 produced or manufactured in the Philippines intended or offered for export to  
 10 comply with the laws, rules, regulations, and issuances of the country where such  
 11 products will be ultimately sold, *Provided*, that such products shall not be sold in  
 12 the Philippines.  
 13

14 **c. Product Label**  
 15

<b>HTP Consumables, Vapor Product Refills, and Novel Tobacco Products</b>	<b>Devices</b>
<b>1. Primary Label</b>	
<ul style="list-style-type: none"> <li>a. its correct and registered trade name or brand name;</li> <li>b. its duly registered trademark;</li> <li>c. Summarized instructions for use;</li> <li>d. its duly registered business name;</li> <li>e. Batch Number;</li> <li>f. Manufacturing date;</li> <li>g. Expiry date;</li> <li>h. information on relevant constituents and/or by-products, other than nicotine, that are known to be hazardous to health as defined under the technical standards set by the BPS, the FDA, and other regulatory agencies;</li> <li>i. Hazard and precautionary statements;</li> <li>j. Emergency numbers;</li> <li>k. the address of the manufacturer, importer, and repacker in the Philippines;</li> <li>l. its general make or active ingredients;</li> <li>m. the net quality of contents, in terms of weight, measure, or numerical count rounded to at least the nearest tenths in the metric system;</li> <li>n. country of manufacture, if imported;</li> <li>o. if manufactured, refilled, or repacked under license from a principal, the label shall so state the fact; and</li> </ul>	<ul style="list-style-type: none"> <li>a. its correct and registered trade name or brand name;</li> <li>b. its duly registered trademark;</li> <li>c. model name/number (for devices);</li> <li>d. Summarized instructions for use;</li> <li>e. its duly registered business name;</li> <li>f. Serial or Batch Number;</li> <li>g. Hazard and precautionary statements;</li> <li>h. Emergency numbers;</li> <li>i. the address of the manufacturer, importer, and repacker in the Philippines;</li> <li>j. its general make or active ingredients;</li> <li>k. the net quality of contents, in terms of weight, measure, or numerical count rounded to at least the nearest tenths in the metric system;</li> <li>l. country of manufacture, if imported;</li> <li>m. if manufactured, refilled, or repacked under license from a principal, the label shall so state the fact;</li> <li>n. PS or ICC Mark, as applicable (for devices); and</li> <li>o. Registration Number.</li> </ul>

p. Registration Number.	
<b>2. Leaflet</b>	
<ul style="list-style-type: none"> <li>a. Qualitative information on product content including the source of nicotine (synthetic or naturally extracted);</li> <li>b. Additional information on the relevant constituents and/or by-products on the label, that are known to be hazardous to health as defined under the technical standards set by the BPS;</li> <li>c. Contraindications/Special precautions;</li> <li>d. Detailed instructions for use;</li> <li>e. Safe handling of the product;</li> <li>f. Potential adverse reaction;</li> <li>g. First-aid measures;</li> <li>h. Storage instructions;</li> <li>i. Shelf life;</li> <li>j. Warranty;</li> <li>k. Return Policy;</li> <li>l. Proper disposal; and</li> <li>m. Other relevant information.</li> </ul>	<ul style="list-style-type: none"> <li>a. Qualitative information on product content (for consumables/refills);</li> <li>b. Material composition (for devices);</li> <li>c. Detailed diagram of the device showing all parts;</li> <li>d. Detailed instructions for use;</li> <li>e. Safe handling of the product;</li> <li>f. Potential adverse reaction;</li> <li>g. First-aid measures;</li> <li>h. Storage instructions;</li> <li>i. Shelf life;</li> <li>j. Warranty;</li> <li>k. Return Policy;</li> <li>l. Proper disposal; and</li> <li>m. Other relevant information.</li> </ul>
<b>3. Product Markings</b>	
N/A	Embossed /engraved/printed on the device: <ul style="list-style-type: none"> <li>a. Model name</li> <li>b. Brand Name or Trade Name</li> <li>c. 3. Serial or Batch Number</li> </ul>

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4. Information placed on labels and leaflets of products shall not contain claims on health benefits or shall not state or imply that the product is safer or less harmful than other brands/products unless approved by the FDA. The use of modified risk descriptors (e.g., “light,” “low,” and “mild”) and health claims (e.g., healthy, low harm, less harmful, helpful to quit smoking, more effective than other smoking cessation products/tools, etc.), including markings or statements which may be interpreted as health benefits from the use of the product on advertising/promotional materials shall be prohibited, unless approved by the FDA.
  5. Product labels shall not contain any information that is false, or not scientifically substantiated, particularly with regard to product statements, characteristics, health effects, risks, or emissions, unless approved by the FDA.
  6. The print of the label shall be easily read and understood without the danger of being erased or altered under the customary conditions of distribution, transportation, storage, sale, and use.

1 7. The language in the label shall either be in English or Filipino or a combination thereof.  
2 In case the printed label is in a different foreign language, it shall have an English or  
3 Filipino translation or combination thereof.  
4

5 8. No person, establishment, or organization shall use the FDA, DTI logo, the words  
6 "Food and Drug Administration", "Philippine FDA" or, "Department of Trade and  
7 Industry", the initials "FDA", "DTI", or any imitation of such words, initials, or logo in  
8 print and other forms of broadcast media, including the internet, in connection with  
9 any product covered by RA11900 or this IRR, impersonation, solicitation, or  
10 commercial activity in a manner that conveys that such use is an approval,  
11 endorsement, or authorization by the FDA and DTI (e.g., "FDA/DTI-approved" or "This  
12 product is approved by the FDA/DTI"), unless approved by the FDA or the DTI.  
13

14 **d. Tamper-Resistant and Child-Resistant Design.** The receptacles of Vapor Product  
15 Refills shall be child-resistant and tamper-resistant and shall be protected against  
16 breakage and leakage. Non-refillable receptacles shall not be tampered with and  
17 refilled.  
18

19 **Section 2. Mandatory Compliance with Health Warnings and Packaging, Labelling,**  
20 **and Marking Requirements.** Only Vaporized Nicotine and Non-Nicotine Products, or  
21 their devices, or Novel Tobacco Products with the prescribed health warnings, packaging,  
22 labeling, and marking requirements approved by the FDA shall be sold, advertised, or  
23 distributed through whatever means. No Vaporized Nicotine and Non-Nicotine Product or  
24 Novel Tobacco Product shall have explicit reduced risk statements or  
25 medicinal/therapeutic claim, unless approved by the FDA.  
26  
27

28 **RULE IV**  
29 **PRODUCT STANDARD REQUIREMENTS AND PRODUCT CERTIFICATION**  
30

31 **Section 1. Mandatory Compliance with the BPS and FDA Technical Regulations.** To  
32 ensure the safety, consistency, and quality of the products covered by RA11900 and this  
33 IRR prior to their release in the market, the BPS shall set the technical standards on the  
34 non-health aspects of Vaporized Nicotine and Non-Nicotine Products, and their devices,  
35 and Novel Tobacco Products, while the FDA shall set the technical standards on the  
36 health aspects. Only products certified under the technical regulations issued by the BPS  
37 and the FDA shall be allowed to be sold in the market.  
38

39 The technical regulations issued by the BPS and FDA shall be separate issuances.  
40

41 **Section 2. Application for Product Certification or Registration.** All manufacturers  
42 and importers of products covered by RA11900 or this IRR shall directly apply for  
43 registration with the BPS, *Provided*, that products containing tobacco, and synthetic or  
44 natural nicotine must first secure approval from the FDA prior to registration with the BPS,  
45 *Provided finally*, that products that have therapeutic, medicinal, or reduced risk claims

1 shall only be required to register with the FDA, and these products cannot be sold outside  
2 a licensed pharmacy or by other than a licensed and authorized physician or pharmacist.

3  
4 **Section 3. Product Certification or Registration for Novel Tobacco Products.**

5 Considering the nature and variety of Novel Tobacco Products, the same may be applied  
6 for product for registration, as long as there is an applicable technical regulation. In case  
7 there is none, the BPS may issue a Certificate of Product Exemption for purposes of  
8 importation.

9  
10 **Section 4. Registration with the FDA.** Products containing tobacco, and synthetic or

11 natural nicotine must first secure approval from the FDA prior to registration with the BPS,  
12 *Provided*, that in case of products with therapeutic, medicinal, or reduced risk claims, the  
13 Certificate of Product Exemption provided in the next preceding paragraph of shall be  
14 issued by the FDA, *Provided finally*, that unless exempted by the FDA, products with  
15 therapeutic, medicinal, or reduced risk claims cannot be sold outside licensed drug  
16 retailers such as drugstores and retail outlets for non-prescription drugs.

17  
18 **Section 5. Authorization on the Use of Statement on the Medicinal, Therapeutic, or**  
19 **Reduced Risk Claims of Covered Products.** All medicinal, therapeutic, or reduced risk  
20 claims must be approved, certified, allowed by, and registered with the FDA.

21  
22  
23 **RULE V**

24 **SALE OF VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS,**  
25 **THEIR DEVICES, AND NOVEL TOBACCO PRODUCTS**

26  
27 **Section 1. Rules for Brick-and-Mortar Stores**

- 28  
29 a. **Location.** No establishment offering, selling, or distributing Vaporized Nicotine and  
30 Non-Nicotine Products, or their devices, or Novel Tobacco Products shall be located  
31 within one hundred (100) meters from any point of the perimeter of a school,  
32 playground or other facility frequented particularly by minors. In case of a mall or  
33 commercial complex, the establishment shall not be located near, alongside, or  
34 directly across toy stores, amusement centers, family entertainment centers, and  
35 other specialty stores for children.
- 36  
37 b. **Point-of-Sale Signage.** Point-of-sale establishments offering, selling, or distributing  
38 Vaporized Nicotine and Non-Nicotine Products, or their devices, or Novel Tobacco  
39 Products shall post the following statement in a clear and conspicuous manner:

40  
41 “The sale or distribution of Vaporized Nicotine and Non-Nicotine Products  
42 to or by persons below eighteen (18) years of age is illegal. These products  
43 are harmful and contain nicotine which is a highly addictive substance. It is  
44 not recommended for use by nonsmokers.”

45  
46 or

1  
2 “Ang pagbenta at pagbili ng Vaporized Nicotine at Non-Nicotine Products  
3 sa at ng mga taong wala pang labingwalong (18) taong gulang ay  
4 pinagbabawal. Ang mga produktong ito ay nakakasama sa kalusugan at  
5 mayroong nicotine, isang nakakalulong na kemikal. Hindi ito  
6 inirerekomenda na gamitin ng mga hindi naninigarilyo.”  
7

8 c. **Proof-of-Age Verification.** Sellers shall not allow any individual below eighteen (18)  
9 years of age to purchase Vaporized Nicotine and Non-Nicotine Products, their  
10 devices, or Novel Tobacco Products. They shall cause the verification of age of  
11 buyers. Any of the following government-issued IDs or documents may be presented  
12 by the buyer to ascertain age:  
13

- 14 • Passport;
- 15 • Driver’s License;
- 16 • Professional Regulation Commission (PRC) ID;
- 17 • National Bureau of Investigation (NBI) Clearance;
- 18 • Police Clearance;
- 19 • Philippine Identification System ID (PhilSys ID);
- 20 • Postal ID;
- 21 • Voter’s ID;
- 22 • Barangay ID;
- 23 • Unified Multi-Purpose ID (UMID ID);
- 24 • Government Service Insurance System (GSIS) e-Card;
- 25 • Social Security System (SSS) Card;
- 26 • Senior Citizen ID;
- 27 • Person’s With Disability (PWD) ID;
- 28 • Solo Parent ID;
- 29 • BIR (TIN);
- 30 • Pag-IBIG ID;
- 31 • Overseas Workers Welfare Administration (OWWA) ID;
- 32 • OFW ID;
- 33 • Seaman’s Book;
- 34 • Alien Certification of Registration/Immigrant Certificate of Registration;
- 35 • Government Office and GOCC ID;
- 36 • Integrated Bar of the Philippines (IBP) ID; or
- 37 • Any government-issued ID bearing the name and birthdate of the bearer.  
38

39 It shall not be a defense for the person selling or distributing that he or she did not  
40 know or was not aware of the real age of the purchaser. Neither shall it be a defense  
41 that he or she did not know nor had any reason to believe that the product was for the  
42 consumption of a person below eighteen (18) years of age.  
43

- 1 d. **Display of Products.** Vaporized Nicotine and Non-Nicotine Products, and their  
2 devices, and Novel Tobacco Products shall not be displayed immediately next to  
3 products of particular interest to minors.  
4
- 5 e. **Floor Price.** No retailer shall sell Vaporized Nicotine and Non-Nicotine Products, or  
6 their devices, and Novel Tobacco Products at a price below the floor price set by the  
7 BIR.  
8
- 9 f. **Business Registration.** Sellers of Vaporized Nicotine and Non-Nicotine Products,  
10 their devices, and Novel Tobacco Products must have business name registration  
11 from the DTI, or registered with the SEC, or in case of cooperatives, with the  
12 Cooperative Development Authority (CDA), and other business permits.  
13

## 14 **Section 2. Rules for Online Sale**

- 15
- 16 a. **Access Restriction Mechanism.** E-Commerce platforms, online marketplaces, and  
17 e-retailers shall establish an access restriction mechanism approved by the DTI to  
18 ensure that persons below eighteen (18) years of age are denied access to Vaporized  
19 Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products.  
20
- 21 b. **Signage.** E-Commerce platforms, online marketplaces and e-retailers selling, offering  
22 for sale, or advertising Vaporized Nicotine and Non-Nicotine Products, or their  
23 devices, or Novel Tobacco Products shall post the following statement in their website,  
24 webpage, media platforms, as applicable, in a clear and readable manner:  
25

26 “The sale or distribution of Vaporized Nicotine and Non-Nicotine Products  
27 to or by persons below eighteen (18) years of age is illegal. These products  
28 are harmful and contain nicotine which is a highly addictive substance. It is  
29 not recommended for use by nonsmokers.”  
30

31 or  
32

33 “Ang pagbenta at pagbili ng Vaporized Nicotine at Non-Nicotine Products  
34 sa at ng mga taong wala pang labingwalong (18) taong gulang ay  
35 pinagbabawal. Ang mga produktong ito ay nakakasama sa kalusugan at  
36 mayroong nicotine, isang nakakalulong na kemikal. Hindi ito  
37 inirerekomenda na gamitin ng mga hindi naninigarilyo.”  
38

- 39 c. **Direct Delivery.** E-Commerce platform, online marketplaces and e-retailers shall  
40 ensure direct delivery only to the buyer or to an authorized representative who must  
41 also be at least eighteen (18) years of age verified through presentment of a valid  
42 government-issued ID.  
43

44 Sellers may redeliver the product at the expense of the buyer in case the authorized  
45 representative is not of legal age.  
46

1 It shall not be a defense for the e-Commerce platforms, online marketplaces, and e-  
2 retailers selling or distributing that the buyer self-declared his/her age or that she did  
3 not know or was not aware of the real age of the purchaser. Neither shall it be a  
4 defense that he or she did not know nor had any reason to believe that the product  
5 was for the consumption of a person below eighteen (18) years of age with both the  
6 buyer and the representative showing proof of age.  
7

8 d. **Floor Price.** No online seller shall sell Vaporized Nicotine and Non-Nicotine Products,  
9 their devices, and Novel Tobacco Products at a price below the floor price set by the  
10 BIR.

11  
12 e. **Registration with the DTI or the Securities and Exchange Commission (SEC).**  
13 No online seller may sell Vaporized Nicotine and Non-Nicotine Products, their devices,  
14 and Novel Tobacco Products without securing business name registration from the  
15 DTI or the SEC or in case of cooperatives, with the Cooperative Development  
16 Authority (CDA).  
17

18 **Section 3. Sale through Vending Machines and Other Self-Service Facilities.** The  
19 sale of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco  
20 Products through vending machines and other self-service facilities may be allowed at  
21 point-of-sale establishments and adult-only facilities provided that it shall strictly comply  
22 with the age verification requirement through acceptable means or mechanisms such as,  
23 but not limited to, any valid government issued ID, or any face recognition application and  
24 the like. The retailer shall also ensure that the displays, advertising, and other items  
25 located in the point-of-sale establishments and self-service facilities shall comply with the  
26 requirements of RA No. 11900 and this IRR.  
27

28 **Section 4. Sale through Phone Call/SMS.** Sale of Vaporized Nicotine and Non-Nicotine  
29 Products, their devices, and Novel Tobacco Products through phone call, SMS or any  
30 other electronic means shall not be allowed. The seller shall refer the buyer to visit the  
31 onsite or online store for proper age verification.  
32

33 **Section 5. Prohibition on the Sale of Nicotine Shots.** The sale of nicotine shots and/or  
34 concentrates in the market is strictly prohibited.  
35

36 **Section 6. Prohibition on Vapor with a Nicotine Content Above 65 mg/ml.** The sale  
37 of Vapor Products with a nicotine content above sixty five milligrams per milliliter (65  
38 mg/ml) is strictly prohibited.  
39

40 **Section 7. Sale of Export Products.** In no case shall Vapor Product Refills and/or HTP  
41 Consumables intended or offered for export shall be distributed in the local market.  
42  
43

44 **RULE VI**  
45 **ADVERTISEMENT, SALES PROMOTION, AND SPONSORSHIP OF**  
46 **VAPORIZED NICOTINE AND NON-NICOTINE PRODUCTS, THEIR DEVICES,**

**AND NOVEL TOBACCO PRODUCTS**

**Section 1. Advertisements and Other Forms of Consumer Communication.** The following guidelines shall apply in the advertisement and other forms of consumer communication for Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products in the points-of-sale, whether through brick-and-mortar stores or online:

- a. These shall not be targeted to or particularly appeal to persons under eighteen (18) years of age. Markings or characters that are likely to appeal to the youth such as the use of cartoons, anime, manga, animated characters, youth influencers, personalities, and the like are prohibited;
- b. All product communications shall contain the following health warning: “Government Warning: This product is harmful and contains nicotine which is a highly addictive substance. This is for use only by adults and is not recommended for use by nonsmokers”;
- c. These shall not feature a minor and/or a celebrity or contain an endorsement, implied or express, by a celebrity. Manufacturers, importers, and sellers in their product advertisements are prohibited from contracting celebrities or health professionals to promote or encourage the use of Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products;
- d. Any posts, messages, or images by manufacturers, importers, retailers, and distributors depicting vaping or the use of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products as a lifestyle that is particularly attractive to minors, or promoting or encouraging vaping or the use of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products for nonsmokers or minors, or the purchase or use of Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products, trademarks, brand names, design, and manufacturer’s names as a lifestyle targeted at minors shall be prohibited;
- e. These should not undermine quit-smoking messages and should not encourage non-tobacco or non-nicotine users to use Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products;
- f. These shall not contain any information that is false, or not scientifically substantiated, particularly with regard to product statements, characteristics, health effects, risks, or emissions consistent with Section 18 of RA11900;
- g. Product testing and/or demonstration shall be allowed in authorized points-of-sale of Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco Products;



- 1 h. Online advertisements shall only be visible after the appropriate age verification  
2 measures is approved by the DTI provided under Rule V, Section 2(a) of this IRR;  
3
- 4 i. No advertisements of Vaporized Nicotine and Non-Nicotine Products, their devices,  
5 or Novel Tobacco Products may be placed on objects or places outside the premises  
6 of authorized points-of-sale. This prohibition shall include, but are not limited to,  
7 vehicles of any kind, billboards, posters, and streamers;  
8
- 9 j. The sale of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco  
10 Products that are packaged, labeled, presented, or marketed with flavor descriptors  
11 that are proven to be unduly appealing, particularly to minors shall be prohibited. A  
12 flavor descriptor is presumed to unduly appeal to minors if it includes a reference to  
13 fruit, candy brand, dessert, or cartoon character;  
14
- 15 k. Advertisements shall only depict persons who are or who appear to be above twenty-  
16 five (25) years of age.  
17
- 18 l. Advertisements shall not show, portray or depict scenes where the actual use of, or  
19 the act of using the product is presented to the public.  
20
- 21 m. Advertisements are prohibited in connection with the showing of any motion picture  
22 where persons below eighteen (18) years old are permitted admission.  
23
- 24 n. Advertisements shall not be broadcast on television, cable television, and radio.  
25
- 26 o. No electronic advertisements shall be incorporated within any electronic data storage  
27 medium or app such as video, videogame, optical device, USB flash drive, and other  
28 similar product unless access to the item is restricted to persons eighteen (18) years  
29 of age or older.  
30
- 31 p. These restrictions apply to commercial communications only and shall not prevent a  
32 company from providing information regarding its company, its products, and other  
33 non-promotional information on Vaporized Nicotine and Non-Nicotine Products, their  
34 devices, or Novel Tobacco Products.  
35

36 **Section 2. Promotional Activity.** The following restrictions shall apply to any  
37 promotional activity related to Vaporized Nicotine and Non-Nicotine Products, their  
38 devices, or Novel Tobacco Products:  
39

- 40 a. Promotional events and activities, such as, but not limited to, product sampling or  
41 product offers, shall only be conducted by trained product experts and must be  
42 directed only for persons at least eighteen (18) years of age. No person below  
43 eighteen (18) years of age shall be allowed to participate in such promotions. The  
44 participants in such promotions shall be required to provide proof of their age,  
45 *Provided*, that the invitation to these promotional events and activities shall contain  
46 the appropriate health warnings;

- 1 b. Communications to consumers about promotional events for Vaporized Nicotine and  
2 Non-Nicotine Products, their devices, or Novel Tobacco Products shall comply with  
3 the provisions of RA11900 and this IRR on product advertising. In addition to the  
4 required health warning, the age requirement of at least eighteen (18) years of age for  
5 participation in any promotional activity must be clearly marked on the program  
6 materials distributed to consumers;  
7
- 8 c. All stalls, booths, and other displays concerning Vaporized Nicotine and Non-Nicotine  
9 Product or Novel Tobacco Product promotions must be limited to authorized points-  
10 of-sale locations or adult-only facilities;  
11
- 12 d. Telecommunications concerning promotional offers, programs, or events must include  
13 recorded health warning messages in English or Filipino, consistent with the warnings  
14 specified in RA11900 and this IRR;  
15
- 16 e. No product promotional placement or advertisement shall be made by any  
17 manufacturer, importer, distributor, or retailer of any Vaporized Nicotine and Non-  
18 Nicotine Product, their devices or Novel Tobacco Product package, including the use  
19 of the product, in any manner, in a video game or in any television program or motion  
20 picture authorized by regulatory agencies concerned for viewing by the general public;  
21
- 22 f. No promotional merchandise such as, but not limited to, t-shirts, caps, sweatshirts,  
23 visors, backpacks, sunglasses, writing implements, and umbrellas, may be  
24 distributed, sold, or offered, directly or indirectly, with the name, logo, or other indicia  
25 of a brand of a Vaporized Nicotine and Non-Nicotine Product, their devices, or Novel  
26 Tobacco Product displayed so as to be visible to others when worn or used;  
27
- 28 g. No name, logo, or other indicia of a Vaporized Nicotine and Non-Nicotine Product, or  
29 their devices, or Novel Tobacco Product brand may appear on any promotional  
30 merchandise or element of a brand-related marketing activity that is marketed to or  
31 likely to be used by minors such as, but not limited to, sports equipment, toys, dolls,  
32 video games, and food. The manufacturer or company must take all available  
33 measures to prevent third parties from using the company's brand names, logos, or  
34 other proprietary symbols on products that are directed toward minors; and  
35
- 36 h. No Vaporized Nicotine and Non-Nicotine Product or Novel Tobacco Product  
37 advertisements may be placed on shopping bags.  
38

39 **Section 3. Sponsorship.** The following restrictions shall apply to all promotional  
40 sponsorships of Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel  
41 Tobacco Products:  
42

- 43 a. Sponsorships shall be absolutely prohibited in any sport, concert, cultural, or art event;  
44
- 45 b. No person below eighteen (18) years of age may participate in sponsored events. The  
46 participants in the sponsored event shall be required to provide proof of age.

1 Invitations to these events shall contain the appropriate health warnings and the age  
2 requirement of at least eighteen (18) years of age;

- 3
- 4 c. Communications to consumers about Vaporized Nicotine and Non-Nicotine Products,  
5 their devices, or Novel Tobacco Product sponsored events shall comply with the  
6 advertising provisions of RA11900 and this IRR. In addition to the mandatory health  
7 warning, the age requirement of at least eighteen (18) years of age for participation in  
8 any sponsored event must be clearly marked on the program materials distributed to  
9 consumers;
  - 10
  - 11 d. All display materials concerning Vaporized Nicotine and Non-Nicotine Product, their  
12 products, or Novel Tobacco Product sponsored events must be limited to authorized  
13 point-of-sale locations or adult-only facilities;
  - 14
  - 15 e. Telecommunications concerning sponsored events must include a recorded health  
16 warning message in English or Filipino consistent with the warnings specified in  
17 RA11900 and this IRR;
  - 18
  - 19 f. No merchandise such as, but not limited to, t-shirts, caps, sweatshirts, visors,  
20 backpacks, sunglasses, writing implements, school notebooks, umbrellas, and other  
21 accessories with the name, logo or other indicia of a Vaporized Nicotine and Non-  
22 Nicotine Product, or their devices, or Novel Tobacco Product brand, may be  
23 distributed, sold, or offered, directly or indirectly, during the sponsored event; and  
24
  - 25 g. These restrictions shall only apply to commercial sponsorships and shall not prevent  
26 a company from conducting corporate social responsibility-related activities and  
27 programs, *Provided*, that such activities shall not bear the brand name and logo  
28 Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel Tobacco  
29 Products.

30  
31 **Section 4. Naming Rights.**

- 32
- 33 a. No manufacturer, importer, distributor or seller of Vaporized Nicotine and Non-  
34 Nicotine Products, their devices, and Novel Tobacco Products may enter into any  
35 agreement with any sports league, or any team involved in any such league where the  
36 name of such manufacturer, importer, distributor or seller of Vaporized Nicotine and  
37 Non-Nicotine Products, their devices, and Novel Tobacco Products, or their brands,  
38 shall be used and displayed by the sports league and team.
  - 39
  - 40 b. No manufacturer, importer, distributor or seller of Vaporized Nicotine and Non-  
41 Nicotine Products, their devices, and Novel Tobacco Products may enter into any  
42 agreement for the naming rights of any stadium, arena, coliseum, park, field or any  
43 other area where sporting events are held. These places shall not be prohibited to  
44 bear or carry the name of any manufacturer, importer, distributor or seller of Vaporized  
45 Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco Products, or  
46 the brand of such products.

1  
2 **Section 5. Restrictions on Sampling.** The distribution of samples of Vaporized Nicotine  
3 and Non-Nicotine Product, their devices, or Novel Tobacco Product to persons below  
4 eighteen (18) years old is strictly prohibited.

5  
6 **Section 6. Separate Guidelines.** Whenever necessary, the DTI may issue separate  
7 guidelines on the advertising, promotions, sponsorships of Vaporized Nicotine and Non-  
8 Nicotine Product, their devices, or Novel Tobacco Product consistent with RA11900.

9  
10  
11 **RULE VII**  
12 **PURCHASE AND USE OF VAPORIZED NICOTINE AND NON-NICOTINE**  
13 **PRODUCTS, THEIR DEVICES, AND NOVEL TOBACCO PRODUCTS**  
14

15 **Section 1. Purchase of Covered Products.** Consumers of Vaporized Nicotine and Non-  
16 Nicotine Products, their devices, or Novel Tobacco Products shall ensure that they only  
17 purchase or buy the product from reputable and legitimate sellers, and that the product  
18 has an authentic product certification/registration. Consumers shall report to DTI sellers  
19 that are found to be non-compliant with the business requirements to operate and sell  
20 products that have no product or fake certification.

21  
22 Consumers shall always present their non-expired government-issued ID to the seller  
23 upon purchase of Vaporized Nicotine and Non-Nicotine Products, and their devices, or  
24 Novel Tobacco Products for proper verification of their identity and age. No consumer  
25 below eighteen (18) years old shall purchase, accept, or use Vaporized Nicotine and Non-  
26 Nicotine Product or Novel Tobacco Product.

27  
28 Consumers, regardless of age, shall not purchase, accept, or use nicotine shots.

29  
30 **Section 2. Use of Vaporized Nicotine and Non-Nicotine Products.** Consumers shall  
31 not use Vaporized Nicotine and Non-Nicotine Products in all indoor public places,  
32 including but not limited to mall kiosks, except in DVAs, or in authorized point-of-sale  
33 establishments other than in mall kiosks for purposes of conducting product  
34 demonstrations.

35  
36 The use of Vaporized Nicotine and Non-Nicotine Products whether stationary or in  
37 motion, shall be absolutely prohibited in the following public places:

- 38  
39 a. Centers of youth activity such as play schools, preparatory schools, elementary  
40 schools, high schools, colleges and universities, youth hostels, and recreational  
41 facilities for persons under eighteen (18) years old;  
42  
43 b. Elevators and stairwells;  
44  
45 c. Locations in which fire hazards are present, including gas stations and storage areas  
46 for flammable liquids, gas, explosives, or combustible materials;

- 1
- 2 d. Within the buildings and premises of public and private hospitals, medical, dental, and
- 3 optical clinics, health centers, nursing homes, dispensaries, and laboratories;
- 4
- 5 e. Public conveyances, public waiting areas, and public facilities including airport and
- 6 ship terminals and train and bus stations, restaurants, and conference halls, except
- 7 for DVAs;
- 8
- 9 f. Food preparation areas;
- 10
- 11 g. Churches and other similar places where people congregate for worship; and
- 12
- 13 h. Within the building and premises of government offices, except for DVAs.
- 14

15 **Section 3. Use of Novel Tobacco Products.** Novel Tobacco Products may be used in  
16 public places as long as they have no emissions, *Provided*, that the provisions of the next  
17 preceding paragraph shall apply Novel Tobacco Products that have emissions.

18  
19 **Section 4. Proper Disposal.** Proper disposal of Vaporized Nicotine and Non-Nicotine  
20 Products, their devices, or Novel Tobacco Products shall be strictly enforced.

21  
22  
23 **RULE VIII**  
24 **STANDARDS FOR DESIGNATED VAPING AREAS**  
25

26 **Section 1. DVAs in Buildings and Establishments.** Owners of buildings and  
27 establishments, whether for private use or open to the public, that allow the use of  
28 Vaporized Nicotine and Non-Nicotine Products shall comply with the following standards  
29 for the Designated Vaping Areas (DVAs):

- 30
- 31 a. Persons below eighteen (18) years of age or minors shall not be allowed inside the
- 32 DVA and the buffer zone;
- 33
- 34 b. Every DVA shall have the following signages highly visible and prominently displayed:
- 35
- 36 1. "Vaping Area" signage;
- 37 2. Prohibition on entry of persons below eighteen (18) years of age and pregnant
- 38 women; and
- 39 3. Graphic Health Warning.
- 40
- 41 c. Smoking shall not be allowed in DVAs;
- 42
- 43 d. The number of persons allowed inside shall be controlled by the establishment owner,
- 44 taking into consideration the size of the DVA and its location;
- 45

- 1 e. The DVA shall be in an open space in an outdoor area, or in a separate indoor area  
2 with proper ventilation;  
3
- 4 f. If the DVA is located indoors, there shall be no opening that will allow air to escape  
5 from the DVA to the smoke or vape-free area of the building or conveyance, except  
6 for a single door equipped with an automatic door closer;  
7
- 8 g. The DVA and its ventilation outlets shall not be located in or within ten (10) meters  
9 from entrances, exits, or any place where people pass or congregate, or in front of air  
10 intake ducts;  
11
- 12 h. The combined area of the DVA and the buffer zone shall not be larger than twenty  
13 percent (20%) of the total floor area of the building or conveyance, *Provided*, that in  
14 no case shall such area be less than ten (10) square meters:  
15
- 16 i. No building or conveyance shall have more than one (1) DVA;  
17
- 18 j. The ventilation system for the DVA, other than in open space and for the buffer zone,  
19 shall be independent of all ventilation systems for the rest of the building or  
20 conveyance; and  
21
- 22 k. There shall be no selling, serving, or offering of food and beverages in the DVA and  
23 its buffer zone unless the DVA is located at the point of sale.  
24

25 **Section 2. Stringent Measures.** Nothing in RA11900 and this IRR shall compel persons  
26 in charge of buildings and establishments from establishing DVAs with nor prevent them  
27 from instituting more stringent measures in their buildings and establishments to better  
28 ensure a vape-free environment in their premises.  
29

30  
31 **RULE IX**  
32 **SMOKING AND VAPING RESTRICTION AWARENESS CAMPAIGN**  
33

34 Subject to the provisions of RA11900 and this IRR, the DOH, in coordination with other  
35 concerned agencies, may undertake smoking and vaping restriction awareness  
36 campaigns on the harmful effects of smoking and vaping, which may include information  
37 drives and posting of warning signs and images in public.  
38

39 As part of the whole-of-society approach for a genuine smoke- and vape-free  
40 environment, the private sector shall also be encouraged to undertake restriction  
41 awareness campaigns on smoking and vaping, including, but not limited to, censoring  
42 and not supporting advertisements promoting smoking and vaping.  
43  
44  
45  
46

1 **RULE X**  
2 **MONITORING, ENFORCEMENT AND COMPLAINTS HANDLING**  
3

4 To ensure the effective and efficient implementation and enforcement of RA11900 and  
5 this IRR and to address the issues and concerns that may arise, the following shall be the  
6 delineation of the duties and responsibilities of the implementing agencies:  
7

8 **Section 1. Department of Health (DOH).** The DOH shall have exclusive jurisdiction on  
9 the enforcement of the Graphic Health Warning Law (RA10643).  
10

11 **Section 2. Food and Drug Administration (FDA).** The FDA shall have jurisdiction on  
12 the following:  
13

- 14 a. Health aspects of tobacco and nicotine, either natural or synthetic;  
15  
16 b. Primary registration of products containing tobacco, and synthetic or natural nicotine;  
17 and  
18  
19 c. Exclusive jurisdiction over products with therapeutic, medicinal, or reduced risk claims,  
20 except in cases of deceptive, unfair and unconscionable sales practices.  
21

22 **Section 3. Bureau of Internal Revenue (BIR).** The BIR shall have exclusive jurisdiction  
23 on the following:  
24

- 25 a. Taxpayer registration;  
26  
27 b. Ensure that revenue stamps affixed on Vaporized Nicotine and Non-Nicotine products,  
28 their devices, and Novel Tobacco Products are not affixed on non-compliant packages  
29 and certify under oath that products are taxed and compliant with the Graphic Health  
30 Warning Law (RA10643) prior to release by the Bureau of Customs (BOC) or a local  
31 manufacturer's warehouse;  
32  
33 c. Floor price setting for Vaporized Nicotine and Non-Nicotine Products, their devices,  
34 and Novel Tobacco Products; and  
35  
36 d. Formulate, draft and publish revenue regulations covering Vaporized Nicotine and  
37 Non-Nicotine Products, their devices, and Novel Tobacco Products.  
38

39 **Section 4. Department of Trade and Industry (DTI).** The DTI shall have exclusive  
40 jurisdiction over any and all issues, requirements, and subject matters related to  
41 Vaporized Nicotine and Non-Nicotine Products, their devices, and Novel Tobacco  
42 Products provided in RA11900 and this IRR, and not otherwise under the jurisdiction or  
43 responsibility of the DOH, FDA and the BIR.  
44

45 **Section 5. Assistance of Agencies.** The implementing agencies of RA11900 and this  
46 IRR shall cooperate and assist in the effective implementation of RA11900 and this IRR.

1 Nevertheless, the assistance of the Local Government Units (LGUs) and other law  
2 enforcement agencies may be also requested for the efficient implementation of RA11900  
3 and this IRR.  
4

5 **Section 6. Conflict of Jurisdiction.** Any conflict in the jurisdiction of the implementing  
6 agencies of RA11900 or this IRR which may arise as a consequence of interpretation or  
7 execution of their provisions shall be resolved in favor of the plain and liberal interpretation  
8 of the provisions of RA11900 and this IRR, and related laws, rules and issuances.  
9

10  
11 **RULE XI**  
12 **IMMEDIATE RECALL, BAN, OR SEIZURE OF VAPORIZED NICOTINE AND NON-**  
13 **NICOTINE PRODUCTS, THEIR DEVICES, AND OTHER NOVEL TOBACCO**  
14 **PRODUCTS**  
15

16 **Section 1. For violation of Section 18 of RA11900.**  
17

- 18 a. The DTI, upon due process, may order the immediate recall, ban, or seizure from  
19 public sale or distribution of Vaporized Nicotine and Non-Nicotine Products, their  
20 devices, and Novel Tobacco Products for failure to comply with Section 18 of  
21 RA11900.  
22
- 23 b. For online sales, the Secretary of the DTI, upon due process, shall have the power to  
24 issue an order directing that a non-compliant website, webpage, online application,  
25 social media account, or other similar platform be taken down and preventing online  
26 sellers, which are non-compliant with the registration requirements provided under RA  
27 No. 11900, from selling online. The Secretary of the DTI shall order the immediate  
28 recall, ban, or seizure from public sale or distribution of noncompliant Vaporized  
29 Nicotine and Non-Nicotine Products or their devices and Novel Tobacco Products.  
30

31 **Section 2. For violation of Section 8 of RA No. 11900:**  
32

- 33 a. Manufacturers, importers, distributors and sellers that sell Vaporized Nicotine and  
34 Non-Nicotine Products, their devices, or Novel Tobacco Products online and are non-  
35 compliant with Section 8 of RA11900 shall be ordered by the DTI to immediately  
36 suspend trading of such products and shall be liable for the fines and penalties  
37 imposed under RA11900 and this IRR. The suspension shall continue until the  
38 manufacturer, importer, distributor, or seller, or online platform has complied with the  
39 requirements provided under Section 8 of RA11900.  
40
- 41 b. Online platforms with sellers that are non-compliant with Section 8 of RA11900 shall  
42 disclose to the DTI the business information and personal information of the owner.  
43 Further, online platforms shall establish procedures, mechanisms and features to  
44 prevent the operation of unregistered establishments and the sale of non-compliant  
45 products on their platform.  
46



- 1 c. The BIR shall order the immediate recall, ban, or seizure from public sale or  
2 distribution of Vaporized Nicotine and Non-Nicotine Products, their devices, or Novel  
3 Tobacco Products not registered with the BIR, including those sold online. This is  
4 without prejudice to the filing of the appropriate cases and collection of correct taxes  
5 and duties, including applicable fines and penalties under Republic Act No. 8424, or  
6 the Tax Reform Act of 1997, as amended, and Republic Act No. 10863, or the  
7 “Customs Modernization and Tariff Act (CMTA)”.

8  
9  
10 **RULE XII**  
11 **PENALTIES FOR NON-COMPLIANCE**  
12

13 **Section 1.** For any violation of Section 15 of RA11900, if the offender is a person; and  
14 Section 17 of RA11900, if the offender is a juridical person, the following shall be imposed:  
15

- 16 a. On the first offense, a fine of Five Thousand Pesos (PHP5,000.00);  
17  
18 b. On the second offense, a fine of Ten Thousand Pesos (PHP10,000.00); and  
19  
20 c. On the third offense, a fine of Twenty Thousand Pesos (PHP20,000.00), *Provided,*  
21 that the business permits and licenses, in the case of a business entity or  
22 establishment, shall be revoked or canceled.

23  
24 **Section 2.** For any violation of Sections 6, 7, 9, 10, 11, and 20 of RA No. 11900, if the  
25 offender is a retailer, the following shall be imposed:  
26

- 27 a. On the first offense, any person or any business entity or establishment selling,  
28 distributing, or purchasing Vaporized Nicotine and Non-Nicotine Products, their  
29 devices, and Novel Tobacco Products to, for, or from a minor shall be fined the amount  
30 of Ten Thousand Pesos (PHP10,000.00) or imprisoned for not more than thirty (30)  
31 days, upon the discretion of the court. For succeeding offenses, both penalties shall  
32 apply in addition to the revocation of the business licenses or permits in the case of a  
33 business entity or establishment;  
34  
35 b. If the violation is done by an establishment or business entity, the owner, president,  
36 manager, or the most senior officers thereof shall be held liable for the offense; and  
37  
38 c. If a minor is caught selling, buying, or using any Vaporized Nicotine and Non-Nicotine  
39 Products, their devices, and Novel Tobacco Products, the DOH and the Department  
40 of Social Welfare and Development (DSWD) shall implement appropriate intervention  
41 programs, including, but not limited to, counseling of the minor and the minor’s parent  
42 or guardian.

43  
44 **Section 3.** For any violation of Sections 8, 12, 13, 14, and 18 of RA11900, if the offender  
45 is a manufacturer, distributor, or retailer, the following shall be imposed:  
46

- 1 a. On the first offense, a fine of One Hundred Thousand Pesos (PHP100,000.00);  
2  
3 b. On the second offense, a fine of Two Hundred Thousand Pesos (PHP200,000.00);  
4 and  
5  
6 c. On the third offense, a fine of Four Hundred Thousand Pesos (PHP400,000.00) or  
7 imprisonment of not more than three (3) years, or both, at the discretion of the court,  
8 *Provided*, that the business permits and licenses, in the case of a business entity or  
9 establishment, shall be revoked or canceled.

10  
11 **Section 4.** For any violation of Sections 4 and 5 of RA11900, if the offender is a  
12 manufacturer, importer, distributor, or retailer, the following shall be imposed:  
13

- 14 a. On the first offense, a fine of Two Million Pesos (PHP2,000,000.00) and imprisonment  
15 of two (2) years;  
16  
17 b. (ii) On the second offense, a fine of Four Million Pesos (PHP4,000,000.00) and  
18 imprisonment of four (4) years; and  
19  
20 c. On the third offense, a fine of Five Million Pesos (PHP5,000,000.00) and imprisonment  
21 of six (6) years, *Provided*, that the business permits and licenses, in the case of a  
22 business entity or establishment, shall be revoked or canceled.  
23

24 **Section 5.** If the guilty offender is a foreign national, the offender shall be deported after  
25 service of sentence and/or payment of applicable fines without the need of further  
26 deportation proceedings and shall be permanently barred from re-entering the  
27 Philippines.  
28

29  
30 **RULE XIII**  
31 **USAGE OF LOCAL TOBACCO PRODUCTS**  
32

33 Manufacturers are encouraged to use local tobacco products for Vapor Products, HTPs,  
34 and Novel Tobacco Products sold in the Philippines.  
35

36 For the purpose of this issuance, “local tobacco products” shall pertain to tobacco used  
37 as raw material as defined under this IRR.  
38

39  
40 **RULE XIV**  
41 **MISCELLANEOUS PROVISIONS**  
42

43 **Section 1. Budget or Funding.** To ensure the efficient and effective implementation of  
44 RA No. 11900 and IRR, the implementing agencies shall propose budget allocation  
45 annually.  
46

1 **Section 2. Transitory Provision.** Manufacturers, distributors, importers, and retailers of  
2 Vaporized Nicotine and Non-Nicotine Products, or their devices, and Novel Tobacco  
3 Products shall be given an eighteen (18)-month transitory period from the issuance of this  
4 IRR to comply with the requirements herein.

5  
6 **Section 3. Separability Clause.** If any provision or any part of this IRR is held invalid or  
7 unconstitutional, the remainder of the law or the provisions not otherwise affected shall  
8 remain valid and subsisting.

9  
10 **Section 4. Effectivity.** This IRR shall take effect fifteen (15) days after its publication in  
11 the Official Gazette or in at least two (2) newspapers of general circulation.

12  
13 Issued on \_\_\_\_\_ .  
14  
15  
16  
17

18 **APPROVED:**  
19  
20  
21  
22

**ALFREDO E. PASCUAL**  
Secretary  
Department of Trade and Industry

**DR. MARIA ROSARIO S. VERGEIRE**  
Officer-In-Charge  
Department of Health

**LILIA C. GUILLERMO**  
Commissioner  
Bureau of Internal Revenue

**DR. SAMUEL A. ZACATE**  
Director General  
Food and Drug Administration

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