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Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao

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Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
Office of the Member of Parliament
KADIL M. SINOLINDING JR., MD, DPBO
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RELEASED

By: Saida Mangalen Date: 02/17/23
Signature: [Signature] Time: 9:55

Second Parliament
First Regular Session

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED

Name: ADELAH DIPATUN Signature: [Signature]
Date: FEB 17 2023 Time: 10:57 AM

Proposed Resolution No. 183

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“A RESOLUTION URGING THE MINISTRY OF HEALTH (MOH) AND MINISTRY OF TRADE, INDUSTRY, AND TOURISM (MTIT) TO STRICTLY REGULATE THE ACCESS AND USE OF NICOTINE-BASED CIGARETTES, TOBACCO (CIGARS), AND ALL ELECTRONIC NICOTINE VAPORIZING PRODUCTS AMONG INDIVIDUALS BELOW 18 YEARS OLD”

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

WHEREAS, Section 3, Article V of Republic Act (RA) No. 11054 states in *General Welfare*, that “The Bangsamoro Government shall exercise the power expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance and those which are essential to the promotion of general welfare”. Within its territorial jurisdiction, the Bangsamoro Government shall ensure and support, among other things, the preservation and enrichment of culture, *promote health and safety* x x x”;

WHEREAS, Section 3 (e), RA No. 9211 otherwise known as the “Tobacco Regulation Act of 2003” states that “to protect the youth from being initiated to cigarette smoking and tobacco use by prohibiting the sale of tobacco products to minors;

WHEREAS, RA No. 11900 provides regulation of the importation, manufacture, sale, packaging, distribution, use, and communication of Vaporized Nicotine and Non-Nicotine Products and Novel Tobacco Products. Section 7 of the said law states that retailers shall ensure *no individual below eighteen (18) years of age* is allowed to purchase the said products and it shall be the responsibility of all retailers to verify the age of the buyers;

WHEREAS, RA No. 10643 or the “Graphic Health Warnings Law” requires the application of Graphic Health Warnings on product packages to protect the right to health of the people and instill health consciousness among them;

WHEREAS, in 2017, President Rodrigo Roa Duterte signed Executive Order (EO) NO. 26 to prohibit smoking in certain public areas, provides for the establishment of designated smoking areas, restricts access to tobacco products, especially by minors, and impose requirements and limitations on the advertising and promotion thereof;

WHEREAS, “Cigarette smoking is dangerous to your health” is a common word of caution seen in cigarette ads and labels. Smoking entails many adverse effects that can damage the lungs and other parts of the body, including the heart, throat, eyes, nose, and mouth;

WHEREAS, World Health Organization (WHO) issued in August 2016 a report on Electronic Nicotine and Non-Nicotine Delivery Systems (ENDS/ENNDS), which noted that the use of adulterated and even unadulterated ENDS/ENNDS produces an aerosol that ordinarily includes toxic substances which trigger a range of significant pathological changes. Further ENDS/ENNDS are unlikely to be harmless, such that long-term use is expected to increase the risk of chronic obstructive pulmonary disease, lung cancer, possible cardiovascular disease, as well as some other diseases associated with smoking;

WHEREAS, the Global State of Tobacco Harm Reduction (GSTHR) published 2021 a report which provides a worldwide estimate of around 82 million vape users, a 17% increase from 2020. The Philippines posted 2.7 million vape users which is about 3% of the global population. While these numbers continue to increase, so do the number of cases of vape-related diseases.

WHEREAS, around 87,600 Filipinos die every year because of tobacco use. According to the American Centers for Disease Control & Prevention (CDC), the risk for the following diseases increases with continued tobacco use: Coronary Heart Disease (CHD) (2-4 times), Stroke (2-4 times), and Developing lung cancer;

WHEREAS, Nicotine-based cigarettes, tobacco products, and e-cigarettes are more alarming as they are easily sold to the youth community. Many e-cigarette juices are made with various flavors, such as fruit or candy, which are more attractive to the younger generation. In 2021, National Youth Tobacco Survey (NYTS) found out that around 85% of young e-cigarette users use flavored products, such as fruit, candy, menthol, and mint.

WHEREAS, below eighteen (18) years old is the stage wherein young individuals need advice and guidance. They are susceptible to many vices such as drugs, smoking, gambling, and other known abusive acts because of their innate adventurous nature;

WHEREAS, in order to address the serious and irreversible threat to youth, there is a need to implement and monitor the regulation of access and use of nicotine-based cigarettes, tobacco, and electronic nicotine vaporizing products through the Ministry of Trade, Industry and Tourism and Ministry of Health;

WHEREAS, further, there is an urgent need for business owners, distributors, and retailers to hang a set of graphic health warnings for the various types of packaging used for cigarettes, electronic vaporizing products, and heated tobacco products as presented in Annexes A and B of this Resolution.

WHEREAS, in 2010, the Supreme Council of Darul Ifta of the Philippines led by Sheik Omar Pasigan then issued a fatwa declaring that Smoking cigarettes is Haram or forbidden. Thus, Muslims in general are not allowed to manufacture, buy, sell, trade, or promote tobacco since doing so is "aiding someone in committing a sin;

Allah (SWT) said, “Do not make your own hand, to cause your own destruction” - (Surahtul Baqarah:195), and Prophet Mohammad (SAW) said, “There should be neither harming, nor reciprocating harm.” (Authentic Hadeeth reported in Saheeh Al-Jaam, #7517)

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Bangsamoro Transition Authority in urging the Ministry of Health (MOH) and Ministry of Trade, Industry, and Tourism (MTIT) to strictly regulate the access and use of nicotine-based cigarettes, tobacco (cigars), and all electronic nicotine vaporizing products among individuals below 18 years old.

Adopted,

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