



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 5099

Introduced by Representative Sharon S. Garin

EXPLANATORY NOTE

Every six seconds, somewhere around the globe, a person dies from a smoking-related disease. Similarly, in the Philippines, 10 lives are lost every hour due to complications attributed to smoking. This has led the World Health Organization (WHO) to identify tobacco use as "a major preventable cause of premature death and disease." Should the trend continue to rise, the number of deaths is seen to increase to a billion by the end of the century.

Despite the grim forecast on tobacco-related mortality, measures are being enforced to prevent it from worsening. Aside from the enactment of the Sin Tax Reform Law, safer alternatives to tobacco are currently being introduced in the Philippines. In addition to this, the concept of 'harm reduction' has gained support from Filipino advocates over the years. Harm reduction refers to policies, regulations, and actions focused on reducing health risks, usually by providing safer forms of hazardous products. Proponents of harm reduction argue that people smoke for the nicotine but die from the tar and gases.

To address this epidemic, the harm reduction movement has pushed for the use of safer nicotine products (SNP) such as Electronic Nicotine Delivery Systems/Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS), Heat-Not-Burn (HNB) devices, and electronic cigarettes (e-cigarettes) that presents less risk in nicotine

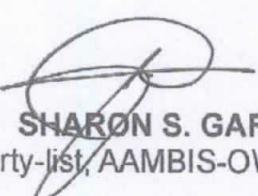
consumption compared to the traditional, highly toxic combustion of cigarettes. E-cigarettes, as declared by the health group Knowledge-Action-Change, are estimated to be 95% safer than smoking cigarettes.

However, this representation maintains that while there is a need to introduce safer alternatives to smoking tobacco, it must also be regulated to protect all the stakeholders involved. Aside from the rising public health concerns, regulation is imperative to balance factors such as revenue generation; trade and commerce; job creation; the protection of minors and non-smokers; public safety against sub-standard/malfunctioning products; the interest of tobacco farmers; and the interests of the industry.

In light with the aforementioned details, this bill aims to create a regulatory framework for ENDS, ENNDS and HTPs that takes into consideration and balances the interests of the general public, along with the stakeholders most interested in their use and sale.

The bill highlights the proposed product standards, assessment parameters and product registration rules prior to market placement. It also includes provisions on adequate warnings and packaging specifications as applicable. As to use, this Bill proposes specific places where public ENDS, ENNDS and HTP use may not be allowed.

In view of the foregoing, the urgent passage of this measure is earnestly sought.



SHARON S. GARIN
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AN ACT REGULATING THE TRADE OF ELECTRONIC NICOTINE AND NON-NICOTINE DELIVERY SYSTEMS (ENDS/ ENNDS) AND HEATED TOBACCO PRODUCTS (HTPs), PARTICULARLY, THE MANUFACTURING, USE, SALE, PACKAGING, DISTRIBUTION, AND COMMUNICATIONS THEREOF AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Electronic Nicotine Delivery System, Electronic Non-Nicotine Delivery System (“ENDS/ENNDS”) and Heated Tobacco Products (“HTPs”) Regulation Act of 2019.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them.

It is further declared the policy of the State to promote harm reduction measures, particularly in the fight against smoking, as a public health strategy by ensuring that non-combustible alternatives to combustible cigarettes are properly regulated and readily made available to smokers who cannot quit smoking

It is also the declared policy of the State to protect the interests of the consumers and implement measures on the provision of information and education to facilitate sound choice and the proper exercise of rights by the consumer.

SEC. 3. *Definition of Terms.* As used in this Act, the following terms shall mean –

- (a) **Combustion** – means the act or process of burning or igniting a cigarette or any article, usually for the purpose of causing the components of the said article to smolder or produce smoke for oral inhalation.
- (b) **Combustible Cigarette Product** – means any article, with or without tobacco, which has any of its contents or components meant to be burned or ignited in order to produce smoke, for purposes of oral inhalation.
- (c) **E-commerce** – means the activity of buying and selling products by electronic means, such as but not limited to mobile applications and the Internet. It refers to both online retail as well as other electronic transactions.
- (d) **E-liquid** – means a solution, blend or gel, which may or may not contain nicotine, designed to be used in conjunction with an electronic delivery device to be heated and inhaled.
- (e) **Electronic Nicotine and Non-Nicotine Delivery System** – means any liquid solution or gel, with or without tobacco, that may or may not generate a nicotine-containing aerosol, without combustion, through the employment of a mechanical heating element, battery or circuit that can be used to heat such solution or gel, and includes but is not limited to a cartridge, a tank, and the device without a cartridge or tank. It is commonly known as “e-liquids” for “vapes.” It also includes combinations of non-tobacco containing e-liquids or refills which contain up to sixty-five milligrams per milliliter (65mg/ml) of

nicotine in the e-liquid or refill and an electronic delivery device to produce an aerosol, mist or vapor that adult users inhale by mimicking the act of smoking.

ENDS/ENNDS shall include nicotine salt/salt nicotine, and conventional “freebase” nicotine, and other similar products as may be determined by the Inter Agency Committee on ENDS/ ENNDS.

- (f) **“Freebase nicotine”** means e-liquid substances not falling under the definition of “salt nicotine” or “nicotine salt.”
- (g) **Harmful and Potentially Harmful Constituents (HPHCs)** – shall refer to chemical substances that pose potential health risks such as those identified by the World Health Organization, the United States Food and Drugs Administration, and Health Canada.
- (h) **Heated Tobacco Products** – refer to tobacco products that may be consumed through heating tobacco, either electrically or through other means sufficiently to release an aerosol that can be inhaled.
- (a) **“Ingredient”** shall refer to any substance that is added to the tobacco or nicotine mixture and present in the finished product.
- (i) **“Nicotine mixture”** means the nicotine-containing e-liquid, solid or other non-tobacco substance in the product.
- (j) **“Nicotine salt” or “Salt Nicotine”** means e-liquid substances compatible for use with low-wattage devices, with a lower alkalinity due to the addition of substances such as benzoic acid, or other similar substances.
- (k) **“Package”** shall refer to packs, boxes, cartons or containers of any kind in which any ENDS/ENNDS/HTPs device and e-liquids and refills are provided in and offered for sale to consumers.

- (l) "**Reduced exposure claim**" means a statement in the Principal display surface of a product label that the product or its vapor contains a reduced level of, or are free of HPHCs.
- (m) "**Reduced risk claim**" means a statement in the Principal display surface of a which represents explicitly or implicitly that the product presents a lower risk or is less harmful than combustible smoking.
- (n) "**Nicotine Receptacle**" shall refer to a pod, holder, vessel, bottles, boxes, cartons, or containers of any kind in which a nicotine-containing solution or non-burning tobacco or products that can be used for the consumption of a nicotine-containing vapors or Nicotine Mixtures or any related product is offered for sale to consumers for use with a Vaporized Nicotine Product system. "Point-of-sale" shall refer to any location, including e-commerce, at which an individual can purchase or otherwise obtain ENDS, ENNDS and HTPs devices and/or and/or e-liquids and/or refills .
- (o) "**Principal display surface**" shall refer to the panel of the secondary packaging of the nicotine receptacle that faces the consumer when displayed for sale. For HTPs, in the case of a package and carton that has at least two (2) equal sized sides or surfaces, other than the top and bottom, that may be displayed or visible under normal or customary conditions of sale or use, the areas of each of the two (2) largest surfaces;
- (p) "**Communications**" shall refer to conceptualizing, presenting, making available and communicating to the public, through any form of mass media, any fact, data, or information about the attributes, features, use, quality or availability of consumer products, services, or credit, sales support, after-sales support and product support or credit, such as, but not limited to advertising, promotion, and sponsorships. For the purpose of this Act, targeted communications shall be understood as Communications on ENDS, ENNDS and HTPs.

(q) “**Vapor**” shall refer to substances that are released when a product is consumed as intended, including the aerosol generated by ENDS, ENNDS and HTPs.

SEC. 4. *Device Packaging Content.* The device packaging of ENDS, ENNDS and HTPs shall contain the following:

- (a) The minimum labelling requirements for consumer products as required by the Consumer Act of the Philippines; and
- (b) A leaflet or insert containing instructions for handling, proper use, and maintenance. It shall also include warning against improper usage of ENDS, ENNDS and HTPs products.

SEC. 5. *Health Warnings.* - The packaging of ENDS, ENNDS and HTPs shall bear textual health warnings with the following specifications:

- (a) The Principal Display Surface of a package, carton, nicotine receptacles, e-liquid pods and bottles shall carry the following health warning: “This product contains nicotine which is a highly addictive substance.”
- (b) The health warning frame shall occupy 20% of the lower part of the principal display surface of the unit packet and any receptacle. The health warning shall occupy a total area of not less than fifty percent (50%) of the total warning frame.
- (c) Nothing shall be printed or applied on a location where it is likely to obscure or cover, in part or in whole, the health warning.
- (d) No part of the warning may be destroyed, obscured, folded, severed or become unreadable when the nicotine receptacle is opened or closed or when a wrapper on the receptacle is removed.

- (e) No other printed warnings, except the textual health warning in Section 5 (a) shall be placed on ENDS, ENNDS or HTPs packages.

ENDS, ENNDS and HTPs shall not be covered by Republic Act No. 10643 or the Graphic Health Warnings and its implementing rules and regulations.

SEC. 6. *Minimum Age for Sales, Distribution and Purchase.* – The following acts shall be prohibited:

- (a) The sale, distribution, or transfer of ENDS, ENNDS or HTPs by any person to minors, defined as anyone below eighteen (18) years old.
- (b) Purchasing, or otherwise receiving ENDS, ENNDS or HTPs from a minor.
- (c) The sale, purchase, distribution, transfer, or use of ENDS, ENNDS and HTPs by minors, or on behalf of a minor.

It shall not be a defense for the person selling or distributing that he/she did not know or was not aware of the real age of the minor. Neither shall it be a defense that he/she did not know nor had any reason to believe that the of ENDS, ENNDS and HTPs were for the consumption of the minor to whom it was sold.

SEC. 7. *Point-of-Sale Signage.* – Point-of-sale establishments offering, distributing, or selling ENDS, ENNDS or HTPs shall post the following statement in a clear and conspicuous manner: “SALE/DISTRIBUTION TO OR PURCHASE BY MINORS OF ELECTRONIC NICOTINE DELIVERY SYSTEMS, ELECTRONIC NON-NICOTINE DELIVERY SYSTEMS, OR HEATED TOBACCO PRODUCTS IS UNLAWFUL” or “IT IS UNLAWFUL FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS, ELECTRONIC NON-NICOTINE DELIVERY SYSTEMS, AND HEATED TOBACCO PRODUCTS TO BE SOLD/DISTRIBUTED TO OR PURCHASED BY PERSONS UNDER 18 YEARS OF AGE.”

SEC. 8. *Proof of Age Verification.* – Retailers shall ascertain that no individual purchasing an ENDS, ENNDS or HTPs is below eighteen (18) years of age. In case of

doubt, retailers shall verify the age of the buyer through any valid identification document containing the buyer's photograph and age or date of birth.

At all times, retailers shall verify the age of the buyer by requiring the presentation of a valid identification card exhibiting the buyer's photograph and age or date of birth.

In case of direct Communications conducted through digital media, the internet, social media or social messaging applications or other similar forms, age-verification may be conducted by self-declaration by the consumer subject to confirmation by the seller upon delivery of the product(s) either directly to the consumer's or through the consumer's authorized agent.

SEC. 9. *Online Trade.* – The sale or distribution of ENDS, ENNDS or HTPs s through internet websites or via e-commerce and/or other similar mediums, shall be allowed; provided that, the seller or distributor shall adopt measures to ensure that access to the internet website or via e-commerce and/or other similar mediums shall be restricted to persons eighteen (18) years of age or older and that the internet website shall bear the signage required under Section 5 of this Act. An internet website or via e-commerce and/or other similar mediums is deemed restricted if a person cannot obtain access beyond the first page of the website, unless the person has self-declared or otherwise established that he or she is at least eighteen (18) years of age.

SEC. 10. *Requirements and Restrictions on Communications on Electronic Nicotine and Non-Nicotine Delivery Systems and Heated Tobacco Products.* – Communications regarding ENDS, ENNDS or HTPs shall be subject to the following requirements and/or restrictions:

- (a) Communication shall be permitted in Points-of-sale or other places where use of ENDS, ENNDS or HTPs allowed.
- (b) Communication shall be allowed in print media; provided that, the publication is not intended for or directed towards minors, and generally has seventy-five (75%) adult readership or adult subscriber base.

- (c) Communication shall be allowed in electronic media, such as but not limited to digital media, telecommunications, internet websites, social media, social messaging applications and other similar forms to the foregoing; provided that for Communication conducted through internet websites, the internet website must be restricted to persons eighteen (18) years of age or older; and provided, further, that this limitation shall not prevent the use of company internet websites or social media or social media messaging applications or other similar applications or medium to provide information regarding a company, its products and their use, services, sales support, after-sales support and other product-related information. For avoidance of doubt, an internet website or electronic media is deemed restricted if a person cannot obtain access beyond the first page of the website or before actual Communication is made to the user, unless the person has self-declared or otherwise established that he or she is at least eighteen (18) years of age in accordance with Section 6 of this Act.
- (d) Communication shall not appear in television, radio and billboards. However, for cinema screenings which restrict and verify the age of its audience to at least 18 years old, Communications on ENDS, ENNDS or HTPs may be allowed.
- (e) They shall not be aimed at or particularly appeal to persons under eighteen (18) years of age.
- (f) They shall not contain cartoon characters or subject that depict humans or animals with comically exaggerated features or that attribute human or unnatural characteristics to animals, plants or other objects.
- (g) Communication by adult influencers, key-opinion leaders, experts, celebrities or other similar individuals shall be allowed but Communication shall only depict persons who are or who appear to be above twenty-five (25) years of age.
- (h) They shall not show, portray or depict the act of using or puffing ENDS, ENNDS or HTPs.

- (e) They should not undermine quit-smoking messages and encourage non-tobacco and Non-nicotine users to use the product.
- (f) They do not contain any information or element that is untrue or not scientifically substantiated, in particular with regard to product characteristics or health effects.
- (g) They shall allow for adult consumers to learn about the availability of ENDS, ENNDS or HTPs, receive information about how to use them or product demonstration/information and to receive samples, try them before purchasing them, subject to proof of age and certification of smoker or usage status, and receive pre-sale and after-sales support.
- (i) All Communications material for receptacles shall contain the health warning: "This product contains nicotine, which is a highly addictive substance." The health warning shall occupy ten percent of the bottom area of the communication.
- (k) Communications on ENDS, ENNDS or HTPs. shall be permitted in print media provided that, the publication is not intended for or directed towards minors, and generally has seventy-five (75%) adult readership or adult subscriber base.

SEC. 11. *Public Place Use.* – The use of ENDS, ENNDS or HTPs indoors, in places of worship, hospitals or other healthcare centers, public conveyances (unless in designated use areas), and educational or recreational facilities exclusively intended for minors shall be prohibited.

The use of ENDS, ENNDS or HTPs indoors, in all other enclosed places that are open to the general public, private workplaces, and those places not covered in the preceding enumeration shall be allowed, provided that the owner, proprietor, operator, possessor, manager or administrator of such places shall post the following statement in a clear and conspicuous manner or administrator of such places shall post the following statement in a clear and conspicuous manner at every ingress point of such places: "USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS, ELECTRONIC

NON-NICOTINE DELIVERY SYSTEMS AND HEATED TOBACCO PRODUCTS IS ALLOWED INSIDE."

SEC. 12. *Product Standards and Assessment.* – ENDS, ENNDS or HTPs must comply with the following:

- (a) ENDS, ENNDS and HTPs shall operate in such a way that no combustion occurs during the entire process of consumption when used as intended.
- (b) All products must be manufactured in accordance with an appropriate quality management system. The quality management system must ensure batch-to-batch reproducibility of the products through quality control of both incoming materials and finished products; and prevention of mix-ups.
- (c) The substances listed below may not be added in ENDS, ENNDS or HTPs:
 - i. Additives that have carcinogenic, mutagenic or reprotoxic properties in unburnt form;
 - ii. Vitamins or other additives that create the impression that the product has a health benefit or presents reduced health risks;
 - iii. Caffeine, taurine, or other additives and stimulant compounds that are associated with energy and vitality;
 - iv. Additives having coloring properties for emissions;
 - v. Ethylene glycol;
 - vi. Diethylene glycol;
 - vii. Diacetyl; and
 - viii. 2, 3-pentanedione
- (d) Manufacturers of electrical devices intended to be used in combination with an ENDS, ENNDS and HTPs shall ensure that such devices comply with applicable electrical safety standards, as determined by the Department of Trade and Industry (DTI).

- (e) Nicotine salt products shall have a maximum of two milliliter (2 ml) tank with a maximum of sixty-five milligrams per milliliter (65mg/ml) of nicotine.
- (f) Freebase products shall have a maximum of five milliliter (5 ml) tank with a maximum of one hundred milliliters (100ml) refill package, and a maximum of sixty-five milligrams per milliliter (65 mg/ml) of nicotine
- (g) Batteries must comply with applicable industry requirements as defined by DTI.

SEC. 13. *Tamper-proof and Child-proof Designs.* – All nicotine receptacles containing nicotine mixtures must be child-resistant, tamper-resistant and protected against breakage and leakage.

SEC. 14. *Market Placing.* - All Manufacturers, distributors and importers must comply with the following:

- (a) Three (3) months prior to placing an ENDS, ENNDS and HTPs in the market, all manufacturers and distributors must notify the Department of Trade and Industry (DTI), together with a submission of information demonstrating compliance with product standards and assessment requirements.

All manufacturers, distributors, and importers shall provide the DTI with written notice of any modifications, improvements, adjustments, or redesigns of registered Vaporized Nicotine Products or Nicotine Receptacles prior to placing such modified, improved, adjusted, or redesigned Vaporized Nicotine Product or Nicotine Receptacle in the market.

- (b) Prior to the presentation of any information about reduced exposure or reduced risk claims, the Inter-Agency Committee on Electronic Nicotine Delivery System, Electronic Non-Nicotine Delivery System and Heated Tobacco Products (IAC-E) may require manufacturers or importers to submit scientific evidence supporting such health claims. Manufacturers and importers can also submit a regulatory approval or authorization that was issued by a public health regulator of another country and the same may be

used by the IAC-E for allowing the use of a reduced- exposure or reduced risk claims for a specific product.

- (c) For ENDS, ENNDS and HTPs that are already in-market, all manufacturers, distributors or importers shall be given six (6) months from the effectivity of this Act to notify as well as submit information demonstrating compliance with product standards and assessment requirements in accordance with Sections 12 of this Act to the Department of Trade and Industry (DTI).

SEC. 15. *Reduced Exposure or Reduced Risk Claims.* – There are two claims that ENDS, ENNDS and HTPs may make: a reduced exposure claim and a reduced risk claim. The Department of Health (DOH) shall be the responsible authority with respect to claims of reduced exposure or reduced risk.

- (a) A reduced exposure claim may be made only if:

- i. The manufacturer characterized the levels of nicotine uptake from ENDS, ENNDS and HTPs compared to cigarette smoking based on clinical trials;
- ii. The manufacturer can support the claim with evidence from clinical trials conducted over a period of at least seven days demonstrating that, compared to continued cigarette smoking, users who switch completely to the product show a significant reduction in exposure to one or more HPHCs based on validated, scientifically-accepted biomarkers of exposure and that the reductions in exposure are significant enough that a reasonable scientific or medical expert would anticipate a reduction in risk of disease in smokers who switched to the product.
- iii. The manufacturer demonstrates that the average user of a tobacco product, who is reasonably well-informed and reasonably observant, correctly comprehends the claim.

iv. Clinical studies must be performed in accordance with ethical principles that have their origin in the Declaration of Helsinki and be consistent with reasonable internationally accepted standards.

(b) A reduced risk claim may only be made if:

- i. The manufacturer meets the requirements stipulated for reduced exposure claims; and
- ii. The manufacturer can support the claim with clinical studies;

(c) To characterize risk reduction in the absence of epidemiological evidence, a manufacturer may instead demonstrate favorable biological and physiological changes in chosen clinical risk endpoints as compared to continued cigarette smoking. These endpoints need to be effected by smoking, linked to smoking related disease and reversible after cigarette smoking cessation. The majority of the assessed clinical risk endpoints must shift in the direction of cigarette smoking cessation.

SEC. 16. *Penalties for Non-compliance.* – The following penalties shall individually apply to manufacturers, importers, distributors, sellers and buyers found to be in violation of this Act, as well as to their agents/representatives, as may be applicable:

- (a) On the first offense, a fine of not more than One Hundred Thousand Pesos (P100,000.00);
- (b) On the second offense, a fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00); and
- (c) On the third offense, a fine of not less than Five Hundred Thousand Pesos (P500,000.00) but not more than One Million Pesos (P1,000,000.00) imprisonment of not more than five (5) years, or both, at the discretion of the court: Provided, that the business permits and licenses, in the case of a business entity or establishment shall be revoked or cancelled.

(d) Violations of the provisions of this Act committed by minors shall be dealt with accordingly by existing applicable laws without prejudice to any administrative proceedings or sanctions that may be conducted or meted out by schools where the said minors may be students of.

Non-compliant ENDS, ENNDS and HTPs products found in the market for sale or distribution shall be subject to confiscation by the Philippine National Police.

If the guilty officer is a foreign national, he shall be deported after service of sentence and/or payment of applicable fines without need of further deportation proceedings and shall be permanently barred from re-entering the Philippines.

SEC. 17. *Inter-Agency Committee.* - An Inter-Agency Committee on Electronic Nicotine Delivery Systems, Electronic Non-Nicotine Delivery Systems, and Heated Tobacco Products (IAC-E), which shall have the exclusive power, jurisdiction and function to administer and implement the provisions of this Act, is hereby created. The IAC-ENDS/ENNDS/HTPS shall be co-chaired by the Secretary of the Department of Trade and Industry (DTI), in consultation with the Secretary of the Department of Health (DOH). The IAC-ENDS/ENNDS/HTPS shall have the following members:

- (a) Secretary of the Department of Health
- (b) Secretary of the Department of Agriculture
- (c) Secretary of the Department of Justice
- (d) Secretary of the Department of Finance (DOF);
- (e) Secretary of the Department of Science and Technology (DOST);
- (f) Secretary of the Department of Education (DepEd);
- (g) Administrator of the National Tobacco Administration
- (h) A representative from the ENDS/ENNDS/HTPS industry to be nominated by the legitimate and recognized associations of the industry; and
- (i) A representative from a nongovernment organization (NGO) involved in public health promotion nominated by DOH in consultation with the concerned NGO's;

The Department Secretaries may designate their Undersecretaries as their authorized representatives to the IAC.

SEC. 18. *Creation of a Congressional Oversight Committee (COC).* – A Congressional Oversight Committee Co-chaired by the Senate Committee on Trade and the House Committee on Trade shall be constituted to monitor and review the implementation of this Act. The oversight committee shall be comprised of one representative from each of the following bodies:

(a) Senate

- i. Committee on Health and Demography –
- ii. Committee on Economic Affairs
- iii. Committee on Science and Technology
- iv. Committee on Ways and Means
- v. Committee on Agriculture

(b) House of Representatives

- i. Committee on Health –
- ii. Committee on Economic Affairs
- iii. Committee on Science and Technology
- iv. Committee on Ways and Means
- v. Committee on Agriculture

SEC. 19. *Implementing Rules and Regulations.* – Within six (6) months from the date of effectivity of this Act, the DTI, in consultation with the IAC-E, shall issue the implementing rules and regulations (IRR) of this Act. The non-issuance of the IRR will not suspend the effectivity of this Act nor the introduction of New Electronic Nicotine and Non-Nicotine Delivery Systems and Heated Tobacco Products in the market. Manufacturers, importers and distributors of the products shall be given Eighteen (18) months after the effectivity of the IRR to fully comply with the provisions of this Act as well as its IRR.

SEC. 20. *Jurisdiction.* – The DOH shall have jurisdiction over Section 15 of this Act. All other Sections of this Act shall be under the general jurisdiction of the DTI.

SEC. 21. *Separability Clause.* – If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 22. *Repealing Clause.* – The words “or heated” under Section 4 (d) of tobacco of Republic Act No. 9211, Section 1.6 of Rule III of the Implementing Rules and Regulations of Republic Act No. 9211, FDA Advisory No. 2013-008, and Department of Health Administrative Order No. 0008-14 are hereby repealed.

Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

The provisions of RA 10643 or the Graphic Health Warnings Law shall not be applicable to ENDS/ENNDS/HTPS

SEC. 23. *Effectivity Clause.*- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.