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SENATE
S. B. No. 1273

RECEIVED BY:

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 13 provides:

Section 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Our people are more concerned about illegal drug use and crimes associated with such use than any other current social problem.

Illegal drug use is harmful and wrong. Illegal drug use can kill the individuals involved or cause the individuals to hurt or kill others, and such use strips the individuals of their moral sense and with it, everything in life that is important and worthwhile.

The greatest threat presented by such use is to the youth, who are illegally using drugs. According to recently released national surveys, drug use among the youth remains at alarmingly high levels.

National leadership is critical to conveying to the youth the message that drug use is dangerous and wrong. While government's efforts to punish drug pushers are commendable, the problem cannot be addressed fully if the government will not undertake effort to reduce drug use, by mobilizing every sector of the community to support the implementation of comprehensive, sustainable, and effective programs to reduce drug abuse.

This bill seeks to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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**AN ACT
PROVIDING FOR PROGRAMS TO FACILITATE A SIGNIFICANT
REDUCTION IN THE INCIDENCE AND PREVALENCE OF SUBSTANCE
ABUSE THROUGH REDUCING THE DEMAND FOR ILLEGAL DRUGS AND
THE INAPPROPRIATE USE OF LEGAL DRUGS**

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 "Drug Demand Reduction Act".

TITLE I--TARGETED SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

Subtitle A--National Youth Anti-Drug Media Campaign

SECTION 2. *Requirement to conduct national media campaign* -

(a) **IN GENERAL**- The Director of the Dangerous Drugs Board (in this subtitle referred to as the 'Director'), in cooperation with the Department of Education, Culture and Sports (DECS), the National Youth Commission (NYC) and the Philippine Information Agency (PIA), shall conduct a national media campaign in accordance with this subtitle for the purpose of reducing and preventing drug abuse among young people in the Philippines.

(b) **LOCAL TARGET REQUIREMENT**- The Director shall, to the maximum extent feasible, use amounts made available to carry out this subtitle for media that focuses on, or includes specific information on, prevention or treatment resources for consumers within specific local areas.

SECTION 3. *Use of funds* -

(a) **AUTHORIZED USES**-

(1) **IN GENERAL**- Amounts made available to carry out this subtitle for the

support of the national media campaign may only be used for--

- (A) the purchase of media time and space;
- (B) talent reuse payments;
- (C) out-of-pocket advertising production costs;
- (D) testing and evaluation of advertising;
- (E) evaluation of the effectiveness of the media campaign;
- (F) the negotiated fees for the winning bidder on request for proposals issued by

the Office of National Drug Control Policy;

(G) partnerships with community, civic, and professional groups, and government organizations related to the media campaign; and

(H) entertainment industry collaborations to fashion antidrug messages in motion pictures, television programming, popular music, interactive (Internet and new) media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(2) ADVERTISING- In carrying out this subtitle, the Director shall devote sufficient funds to the advertising portion of the national media campaign to meet the stated reach and frequency goals of the campaign.

(b) PROHIBITIONS- None of the amounts made available under this subsection may be obligated or expended--

(1) to supplant current antidrug community based coalitions;

(2) to supplant current pro bono public service time donated by national and local broadcasting networks;

(3) for partisan political purposes; or

(4) to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet level officials and other agency officials.

SECTION 4. *Reports to congress* - The Director shall--

(1) submit to Congress on an annual basis a report on the activities for which amounts made available under this subtitle have been obligated during the preceding year, including information for each quarter of such year, and on the specific parameters of the national media campaign; and

(2) not later than 1 year after the date of enactment of this Act, submit to Congress a report on the effectiveness of the national media campaign based on measurable outcomes provided to Congress previously.

SECTION 5. *Authorization of appropriations* - There is authorized to be appropriated to the Dangerous Drugs Board to carry out this subtitle P10,000,000 for each of fiscal years 1999 through 2002.

Subtitle B--Drug-Free Prisons and Jails

SECTION 6. *Purpose* - The purpose of this subtitle is to provide for the establishment of model programs for comprehensive treatment of substance-involved offenders in the criminal justice system to reduce drug abuse and drug-related crime, and reduce the costs of the criminal justice system, that can be successfully replicated by the local units of government through a comprehensive evaluation.

SECTION 7. *Program authorization* -

(a) ESTABLISHMENT- The Director of the Bureau of Prison and Jail Management shall establish a model substance abuse treatment program for substance-involved offenders by--

(1) providing financial assistance to grant recipients selected in accordance with section 8(b); and

(2) evaluating the success of programs conducted pursuant to this subtitle.

SECTION 8. *Grant application* -

(a) CONTENTS- An application submitted by a unit of local government for a grant award under this subtitle shall include each of the following:

(1) STRATEGY- A strategy to coordinate programs and services for substance-involved offenders provided by the unit of local government develop in consultation with representatives from all components of the criminal justice system within the jurisdiction, including judges, law enforcement personnel, prosecutors, corrections personnel, probation personnel, parole personnel, substance abuse treatment personnel, and substance abuse prevention personnel.

(2) CERTIFICATION- A certification that--

(A) funds made available under this subtitle will not be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of funds, be made available for law enforcement activities; and

(B) the programs developed pursuant to this subtitle meet all requirements of this subtitle.

(b) REVIEW AND APPROVAL- Subject to section 7(b), the Director shall approve applications and make grant awards to units of local governments that show the most promise for accomplishing the purposes of this subtitle consistent with the provisions of section 9.

SECTION 9. *Uses of funds* - A unit of local government that receives a grant award under this subtitle shall use such funds to provide comprehensive treatment programs to inmates in prisons or jails, including not less than 3 of the following:

(1) Tailored treatment programs to meet the special needs of different types of substance-involved offenders.

(2) Random and frequent drug testing, including a system of sanctions.

(3) Training and assistance for corrections officers and personnel to assist substance-involved offenders in correctional facilities.

(4) Clinical assessment of incoming substance-involved offenders.

(5) Availability of religious and spiritual activity and counseling to provide an environment that encourages recovery from substance involvement in correctional facilities.

(6) Education and vocational training.

(7) A substance-free correctional facility policy.

SECTION 10. *Evaluation and recommendation report to congress* -

(a) Evaluation-

(1) IN GENERAL- The Director shall enter into a contract, with an evaluating agency that has demonstrated experience in the evaluation of substance abuse treatment, to conduct an evaluation that incorporates the criteria described in paragraph (2).

(2) EVALUATION CRITERIA- The Director, in consultation with the Directors of

the appropriate Department of Health, shall establish minimum criteria for evaluating each program. Such criteria shall include--

- (A) reducing substance abuse among participants;
- (B) reducing recidivism among participants;
- (C) cost effectiveness of providing services to participants; and
- (D) a data collection system that will produce data

(b) REPORT- The Director shall submit to the appropriate committees, at the same time as the President's budget for fiscal year 2001 is submitted, a report that--

- (1) describes the activities funded by grant awards under this subtitle;
- (2) includes the evaluation submitted pursuant to subsection (a); and
- (3) makes recommendations regarding revisions to the authorization of the program, including extension, expansion, application requirements, reduction, and termination.

SECTION 11. *Definitions* - In this subtitle:

(1) APPROPRIATE COMMITTEES- The term 'appropriate committees' means the Committees on Appropriations of the House of Representatives and the Senate.

(2) SUBSTANCE-INVOLVED OFFENDER- The term 'substance-involved offender' means an individual under the supervision of a government or local criminal justice system, awaiting trial or serving a sentence imposed by the criminal justice system, who--

- (A) violated or has been arrested for violating a drug or alcohol law;
- (B) was under the influence of alcohol or an illegal drug at the time the crime was committed;
- (C) stole property to buy illegal drugs, or
- (D) has a history of substance abuse and addiction.

(4) UNIT OF LOCAL GOVERNMENT- The term 'unit of local government' means city or province.

SECTION 12. *Authorization of appropriations* -

(a) IN GENERAL- There are authorized to be appropriated to carry out this subtitle

- (1) for fiscal year 1999, P20,000,000; and

(2) for fiscal year 2000, P20,000,000.

(b) RESERVATION- The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 10.

TITLE II--PROTECTING OUR NEIGHBORHOODS AND SCHOOLS FROM DRUGS

Subtitle A--Drug-Free Teen Drivers

SECTION 13. *Demonstration program* - The Land Transportation Office shall establish a demonstration program to provide voluntary drug testing for all teenager applicants (or other first time applicants for a driver's license regardless of age) for a driver's license. Information respecting an applicant's choice not to take the drug test or the result of the drug test on the applicant shall be made available to the applicant's automobile insurance company. If an applicant tests positive in the drug test, the LTO in which the program is established will not issue a license to the applicant and will require the applicant to complete a drug treatment program and to not test positive in a drug test before reapplying for a license.

Subtitle B--Drug-Free Schools

SECTION 14. *Authorization of appropriations* - There is authorized to be appropriated such sums as may be necessary to carry out this chapter.

SECTION 15. *Authorization for report cards on schools* -

(a) IN GENERAL- The Secretary of Education shall develop, establish, or conduct innovative programs for implementation of public schools and state colleges and universities to improve unsafe elementary schools or secondary schools.

(b) PRIORITY- The Secretary shall give priority to establishing--

(1) programs that provide parent and teacher notification about incidents of physical violence, weapon possession, or drug activity on school grounds as soon after the incident as practicable;

(2) programs that provide to parents and teachers an annual report regarding--

(A) the total number of incidents of physical violence, weapon possession, and drug activity on school grounds;

(B) the percentage of students missing 10 or fewer days of school; and

(C) a comparison, if available, to previous annual reports under this paragraph, which comparison shall not involve a comparison of more than 5 such previous annual reports; and

(3) programs to enhance school security measures that may include--

(A) equipping schools with fences, closed circuit cameras, and other physical security measures;

(B) providing increased police patrols in and around elementary schools and secondary schools, including canine patrols; and

(C) mailings to parents at the beginning of the school year stating that the possession of a gun or other weapon, or the sale of drugs in school, will not be tolerated by school authorities.

SECTION 16. *Parental consent drug testing* -

(a) **IN GENERAL-** The Secretary, **IN COOPERATION WITH THE** Dangerous Drugs Board and the National Youth Commission shall develop, establish, or conduct programs for testing students for illegal drug use with prior parental consent.

(b) **GUIDELINES-** The Secretary shall adapt the following guidelines in implementing the program:

(1) Students will only be tested with their parent's consent. If the program also requires the consent of the student, the parent will be informed of any refusal by the student to give consent.

(2) The program may involve random testing or testing of all students within certain grade or age parameters at a participating school.

(3) Students who test positive for illegal drugs will not be penalized, except that the privilege of participating in optional courses or extra-curricula activities in which drug impairment might pose a safety risk (such as athletic teams, drivers education, or industrial arts) may be restricted.

(4) The parent of a student who tests positive for illegal drugs shall be notified of the results in a discrete manner by a health care professional, a counselor, or other appropriate person. Parents shall be advised of resources that may be available in the

local area to treat drug dependency.

(5) The procedures used in the demonstration project shall be designed to ensure fairness and accuracy. The procedures shall also require personnel administering the drug testing program to treat individual test results confidentially, and not to provide individual test results to law enforcement officials. Statistical information which does not reveal individual identifying information should be provided to law enforcement officials.

(c) SUBPOENAS AND DISCOVERY- Test results for tests conducted shall not be subject to subpoena or discovery in any court or administrative forum, without the consent of the individual's parent, unless the individual is no longer a minor, in which case the individual's consent is required.

Subtitle C--Drug-Free Workplaces

SECTION 17. *Purposes* - The purposes of this subtitle are to--

- (1) educate small business concerns about the advantages of a drug-free workplace;
- (2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and
- (3) assist working parents in keeping their children drug-free.

SECTION 18. *Sense of congress* - It is the sense of Congress that--

- (1) businesses should adopt drug-free workplace programs; and
- (2) States should consider financial incentives, such as reductions in workers' compensation premiums, to encourage businesses to adopt drug-free workplace programs.

Section 19. *Drug-free workplace demonstration program* -

(a) ESTABLISHMENT- There is established a drug-free workplace demonstration program, under which the Dangerous Drugs Board in coordination with corporations and companies shall start a drug-free workplace program.

(b) REQUIREMENTS FOR PROGRAM- Any drug-free workplace program established as a result of this section shall include--

- (1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of

violating such expectations and prohibitions;

(2) training for at least 60 minutes for employees and supervisors;

(3) additional training for supervisors and employees who are parents;

(4) employee drug testing; and

(5) employee access to an employee assistance program, including assessment, referral, and short-term problem resolution.

TITLE III--NATIONAL DRUG CONTROL STRATEGY

SECTION 20. *Development, submission, implementation, and assessment of National drug control strategy -*

(a) TIMING, CONTENTS, AND PROCESS FOR DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY-

(1) TIMING-

(A) IN GENERAL- Not later than two months after the promulgation of this act, the President shall submit to Congress a National Drug Control Strategy, which shall set forth a comprehensive 4-year plan for reducing drug abuse and the consequences of drug use in the Philippines, by limiting the availability of and reducing the demand for illegal drugs and shall include quantifiable 4-year performance objectives, targets, and measures for each National Drug Control Strategy goal and objective.

(2) CONTENTS-

(A) IN GENERAL- The National Drug Control Strategy submitted under paragraph (1) shall include--

(i) comprehensive, research-based, long-range, quantifiable, goals for reducing drug abuse and the consequences of drug abuse in the Philippines;

(ii) short-term measurable objectives to accomplish long-term quantifiable goals that the Director of the Dangerous Drugs Board determines may be realistically achieved during the 4-year period beginning on the date on which the strategy is submitted;

(iii) 5-year projections for program and budget priorities; and

(iv) a review of governmental and private sector drug control activities to ensure that the Philippines pursues well-coordinated and effective drug control at all levels of government.

(B) CLASSIFIED INFORMATION- Any contents of the National Drug Control Strategy that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the Strategy.

(3) PROCESS FOR DEVELOPMENT AND SUBMISSION-

(A) CONSULTATION- In developing and effectively implementing the National Drug Control Strategy, the Director shall consult with Congress, provincial and local officials, private citizens and organizations with experience and expertise in demand reduction and private citizens and organizations with experience and expertise in supply reduction.

(B) MODIFICATION AND RESUBMITTAL- Notwithstanding any other provision of law, the Director may modify a National Drug Control Strategy submitted under paragraph (1) at any time.

(c) ANNUAL STRATEGY REPORT-

(1) IN GENERAL- Every February 1 of each year, the President shall submit to Congress a report on the progress in implementing the Strategy under subsection (a), which shall include--

(A) an assessment of the effectiveness in achieving the Strategy goals and objectives using the performance measurement system described in subsection (c), including--

(i) an assessment of drug use and availability in the Philippines; and
(ii) an estimate of the effectiveness of interdiction, treatment, prevention, law enforcement, and international programs under the National Drug Control Strategy in effect during the preceding year, or in effect as of the date on which the report is submitted;

(B) any modifications of the Strategy or the performance measurement system described in subsection (c);

(C) an assessment of current drug use (including inhalants) and availability, impact of drug use, and treatment availability, which assessment shall include--

(i) estimates of drug prevalence and frequency of use as measured by national, and local surveys of illicit drug use and by other special studies of--

(I) casual and chronic drug use;

(II) high-risk populations, including school dropouts, the homeless and transient, arrestees, parolees, probationers, and juvenile delinquents; and

(III) drug use in the workplace and the productivity lost by such use;

(ii) an assessment of the reduction of drug availability against an ascertained baseline, as measured by--

(I) the quantities of cocaine, marijuana, methamphetamine, and other drugs available, including recreational drugs such as ecstasy for consumption in the Philippines;

(II) the amount of marijuana, cocaine, and heroin entering the Philippines;

(III) the number of hectares of marijuana, poppy, and coca cultivated and destroyed;

(IV) the number of metric tons of marijuana, heroin, and cocaine seized;

(V) the number of cocaine and methamphetamine processing laboratories destroyed;

(VI) changes in the price and purity of shabu and cocaine;

(VII) the amount and type of controlled substances diverted from legitimate retail and wholesale sources; and

(VIII) the effectiveness of technology programs at improving drug detection capabilities in interdiction, and at Philippines ports of entry;

(iii) an assessment of the reduction of the consequences of drug use and availability, which shall include estimation of--

(I) the burden drug users placed on hospital emergency departments in the Philippines, such as the quantity of drug-related services provided;

(II) the annual national health care costs of drug use, including costs associated with people becoming infected with the human immunodeficiency virus and other infectious diseases as a result of drug use;

(III) the extent of drug-related crime and criminal activity; and

(IV) the contribution of drugs to the underground economy, as measured by the retail value of drugs sold in the Philippines;

(iv) a determination of the status of drug treatment in the Philippines, by assessing--

(I) public and private treatment capacity within each region, including information on the treatment capacity available in relation to the capacity actually used;

(II) the extent, within each region, to which treatment is available;

(III) the number of drug users the Director estimates could benefit from treatment; and

(IV) the specific factors that restrict the availability of treatment services to those seeking it and proposed administrative or legislative remedies to make treatment available to those individuals; and

(F) an assessment of private sector initiatives and cooperative efforts between the Federal Government and region and local governments for drug control.

(2) SUBMISSION OF REVISED STRATEGY- The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section--

(A) at any time, upon a determination by the President and the Director that the National Drug Control Strategy in effect is not sufficiently effective; and

(B) if a new President or Director takes office.

SECTION 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.

SECTION 22. *Repealing Clause* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provision of this Act is hereby repealed, modified or amended accordingly.

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

Approved.

EPC
17 December 1998