

SENATE

S. No. 811

'19 JUL 29 P5:36

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INTRODUCED BY SENATOR RISA HONTIVEROS

AN ACT

PROHIBITING THE USE OF PLASTIC STRAWS AND STIRRERS IN
RESTAURANTS AND OTHER ESTABLISHMENTS, AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

Since the 1950s, world production of plastic has outrun that of almost any other manufactured material. Much of the plastic we produce are intended to be of single-use, and its staggering number has overwhelmed our ability to cope with its disposal that they end up in landfills, oceans and in our general environment. Almost all plastics are not biodegradable and are instead broken down into smaller particles called microplastics that take tens, and many times, hundreds of years to decompose.

In a recent waste audit, the Philippines was found to be the third biggest contributor of plastic wastes in the world's oceans, ranking only behind China and Indonesia. Much of the plastic we consume find their way into the ocean. This trash is of a magnitude that it has created six garbage patches in our oceans, with the Great Pacific Garbage Patch as the largest. It contains at least 79,000 tons of plastic debris that spans 1.6 million square kilometers, twice the size of France, Among the most common plastic products that are found in our oceans are beverage straws and stirrers.

While Section 15 of R.A. 9003 also known as the Ecological Solid Waste Management Act, in its framework mandates U Recycling programs for the (sic) recyclable materials, such as but not limited to glass, paper, plastic and metal", there has to be a more determined approach in addressing the enormity of our plastic problem. Plastic straws and stirrers may appear small in size and deemed the least among plastic products that contribute to this plastic crisis, they may however be considered unnecessary items in our everyday lives. To those who are not willing to give

up the use of straws and stirrers, reusable alternatives are already available in the market. As this bill encourages the use of reusable straws and stirrers, it not only seeks to complement R.A. 9003 by way of eliminating certain plastic goods thereby facilitating waste reduction, but also envisions a mind-shift among the public in their ways of consumption that puts important regard for the environment.

The passage of this bill is earnestly sought.


RISA HONTIVEROS

Senator

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

1 Section 1. *Short Title.* — This Act shall be known as the "Plastic Straw and
2 Stirrer Ban of 2019".

3 Sec. 2. *Declaration of Policy.* — Section 16 of the Philippine Constitution states
4 that, "The State shall protect and advance the right of the people to a balanced and
5 healthful ecology in accord with the rhythm and harmony of nature".

6 Sec. 3. *Definitions of Terms* – As used in this Act:

- 7 a) Beverage straw refers to a tube used for transferring beverage from
8 its container to the mouth of a consumer.
- 9 b) Beverage stirrer is an object used for stirring beverage.
- 10 c) Biodegradable means the ability of a material to breakdown within
11 one year through the action of naturally occurring microorganisms
12 such as bacteria, fungi, and algae, into natural materials in the
13 natural environment without causing harm.
- 14 d) Disability means a physical, intellectual or sensory impairment that
15 substantially limits one or more major life activities.
- 16 e) Food service establishments refer to any place where food and
17 beverage is provided directly or indirectly to the consumer, whether
18 food and beverage are consumed on or off the premises. This
19 includes, but not limited to, restaurants, catering services, school and
20 office cafeterias, carinderia, bakeries, coffee shops, food stalls, food
21 trucks, bars, and hotels.

- 1 f) Other service establishments and providers that serve beverages refer
2 to sari-sari stores, and other enterprises that serve beverages such as
3 sidewalk stalls.
- 4 g) Medical condition means any illness, disease, disorder or injury that
5 requires medical treatment.
- 6 h) Plastic refers to a synthetic material made from organic polymers,
7 including, but not limited to, polypropylene and polystyrene, that can
8 be molded into shape while soft, and then set into a rigid or slightly
9 elastic form.
- 10 i) Single-use means a product that is designed and intended to be used
11 only once for drinking and stirring, and is generally recognized by the
12 public as an item that is to be discarded after one use.

13 Sec. 4. *Prohibition.* — No food service establishment or other service
14 establishments that serve beverages shall offer to consumers any single-use
15 beverage straw and stirrer made of plastic or any other non-biodegradable material.

16 Sec. 5. *Exemption.* — Food service establishments may provide suitable
17 beverage straws, including those prohibited by this Act, to a person that requires a
18 straw due to a disability or medical condition as defined therein.

19 Sec. 6. Food service establishments and other service providers occupying
20 fixed spaces, such as sari-sari stores are directed to prominently display signs
21 informing the customers of its "no plastic straw and stirrer" policy.

22 Sec. 7. *Penalties.* — Food establishments caught providing plastic straws and
23 stirrers shall be penalized as follows:

- 24 First offense: A fine of fifty thousand pesos (P50,000.00)
25 Second offense: A fine of eighty thousand pesos (P80,000.00)
26 Third offense: A fine of one hundred fifty thousand pesos (P150,000) and the
27 suspension of their Business Permit for a period of one (1) year.

28 The penalties herein provided shall be imposed:

- 29 a) upon the owner, manager, administrator, or proprietor, for individual
30 proprietorships;
31 b) upon all partners for general partnerships and the general partner/s
32 for limited partnerships;
33 c) upon the Branch Manager of a particular offending food
34 establishment

1 d) solidarily upon the President, Vice President, corporate officers as
2 well as the Chief Operating Officer for incorporated businesses, and
3 e) upon all such persons, not falling within any of the descriptions/titles
4 abovementioned, being in-charge of the particular offending food
5 establishments and failing to show prohibition herein defined. This is
6 without prejudice to the right of the person paying the appropriate
7 fine to seek reimbursement of the amount paid from the owner of the
8 enterprise or establishment.

9 Sec. 8 The Local Government, through their local Solid Waste Management
10 Board and local Environment and Natural Resources Officer is hereby deputized to
11 implement the provisions of this Act in food establishments and other service
12 providers in their respective jurisdictions.

13 Sec. 9. All fines collected as a result of the implementation of this Act shall
14 automatically be allocated to the ocean and other water system-rehabilitation
15 programs of the Department of Environment and Natural Resources.

16 Sec. 10. The Department of Environment and Natural Resources is hereby
17 tasked to promote the use of straws and stirrers made of metal, bamboo, or any
18 other reusable material.

19 Sec. 11. *Implementing Rules and Regulations.* — The Department of
20 Environment and Natural Resources, in consultation with the Department of the
21 Interior and Local Government (DILG), and the Department of Trade and Industry,
22 after consultations with consumer groups, plastic producers and other affected
23 groups shall promulgate the Implementing Rules and Regulations (IRR) of this Act
24 within six (6) months from its approval.

25 Sec. 12. *Separability Clause.* — If any section or provision of this Act is held
26 unconstitutional or invalid, the other sections or provisions shall not be affected.

27 Sec. 13. *Repealing Clause.* — All laws, presidential decrees, executive orders
28 and rules and regulations or parts thereof inconsistent with the provisions of this Act
29 are hereby repealed or modified accordingly.

30 Sec. 3. *Effectivity.* — This Act shall take effect fifteen (15) days after its
31 publication in the Official Gazette or in a newspaper of general circulation.

Approved,