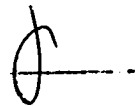


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

21 MAR -4 P2 :47

SENATE  
S. B. No. 2087

RECORDED



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INTRODUCED BY SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO

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**AN ACT  
INSTITUTING A POLICY ON BLOODBORNE VIRAL HEPATITIS TESTING AND  
SCREENING**

**EXPLANATORY NOTE**

The Constitution, Article 2, Section 15 states that: "The State shall protect and promote the right to health of the people and instill health consciousness among them."

Hepatitis B and C infections are some of the most significant health problems in the country. They are both blood-borne pathogen that attack the liver which sometimes cause serious liver damage that leads to chronic liver disease or even liver cancer.

According to the Department of Health (DOH), an estimate of 10-16% of Filipino adults suffer from chronic Hepatitis B infection which counts for more than two thirds of all cases of liver cancer, which is the second leading cause of cancer deaths in the Philippines.

Globally, an estimated 57% of liver cirrhosis cases are attributed to Hepatitis B and C. Moreover, around 240 million people are chronically infected with Hepatitis B, and more than 680,000 people die every year from complication because of the disease.

Since there is no known absolute cure for both infections, the State is expected to fulfill its mandate and expend efforts to prevent the infection of this deadly disease, and protect the rights of people living with these diseases who suffer from stigma and discrimination through the promotion of voluntary and confidential testing of blood borne viral hepatitis and the prohibition of mandatory and routine screening of the same.

This bill seeks to promote the health and well-being of the population through prevention, early detection and treatment of bloodborne viral hepatitis. The proposed measure also encourages voluntary hepatitis testing to prevent and detect infection and to provide treatment to infected patients. The bill also prohibits discriminatory acts and practices against infected patients.

Hence, the passage of this bill is earnestly sought.

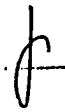
A handwritten signature in black ink, appearing to be 'Bong T. Go', written over a diagonal line that extends from the top right towards the center of the page.

**SENATOR CHRISTOPHER LAWRENCE "BONG" T. GO**

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**AN ACT**  
**INSTITUTING A POLICY ON BLOODBORNE VIRAL HEPATITIS TESTING AND SCREENING**

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

1           **Section 1. *Short Title.*** - This Act shall be known as the "Bloodborne Viral Hepatitis  
2 Testing Act of 2021".

3           **Section 2. *Declaration of Policies.*** - It is hereby declared that the policy of the  
4 State is to promote health and well-being of the population through prevention, early  
5 detection and treatment of diseases like bloodborne viral hepatitis, as well as, to protect  
6 the rights of people living with these diseases who suffer from stigma and discrimination  
7 through the promotion of voluntary and confidential testing of blood borne viral hepatitis  
8 and the prohibition of mandatory and routine screening of the same.

9           **Section 3. *Definitions.*** For the purposes of this Act, the following definitions shall  
10 apply:

11           **(a) *Bloodborne Viral Hepatitis*** refers to the disease caused by both Hepatitis B and  
12 Hepatitis C virus which can be transmitted by exposure to infected blood and  
13 other body fluids, producing, among others, jaundice and chronic inflammation  
14 of the liver.

1 (b) *Hepatitis B Virus (HBV) and Hepatitis C Virus (HCV)*, refers to the virus that  
2 causes Hepatitis B and Hepatitis C respectively. A safe and effective vaccine is  
3 available for Hepatitis B while there is none for Hepatitis C. Treatment  
4 modalities are available to effectively manage the symptoms and to prevent  
5 complications caused by these diseases.

6 (c) *Hepatitis Testing or Screening* refers to any facility-based or mobile medical  
7 procedure that is conducted to determine the presence or absence of Hepatitis  
8 B or C or the circulating viral burden in a person's body.

9 (d) *Workplace* refers to the office, premises or worksite, whether in the private or  
10 the public sector, including government agencies, their subdivisions,  
11 instrumentalities, and government-owned and controlled corporations, where  
12 a worker is temporarily or habitually assigned. Where there is a no fixed or  
13 definite workplace, the term shall include the place where a worker performs  
14 regular work, or where a worker regularly reports to render service or to take  
15 an assignment

16 (e) *Universal Precautions* refers to the practice of avoiding contact with bodily  
17 fluids, assuming it to be infected, by means of non-porous articles or other  
18 personal protective equipment.

19 (f) *Exposure-prone Procedures (EPP)* refers to invasive procedures where there is  
20 a risk that injury to the worker may result in the exposure of the patient's open  
21 tissues to the blood of the worker, including procedures where the worker's  
22 gloved hands may be in contact with sharp instruments, needle tips or sharp  
23 tissues (e.g. spicules of bone or teeth) inside.

24 **Section 4. *Voluntary Hepatitis Testing.*** - As a matter of policy, the State shall  
25 encourage voluntary hepatitis testing to prevent and detect infection and to provide  
26 treatment to infected patients. The conduct of hepatitis testing as a pre-requisite for  
27 hiring, employment, renewal of employment or continued employment, or as part of a  
28 routine health check-up without clinical indication or medical justification, or as a pre-  
29 requisite for admission to, basis for expulsion from or any disciplinary action in

1 educational institutions, shall be prohibited. be counseled and considered for treatment  
2 when indicated

3 **Section 5. Confidentiality of Hepatitis Testing.** - In all cases, access to all  
4 information related to a person's HBV or HCV status including the results of hepatitis  
5 testing shall be kept strictly confidential except when disclosed with the written consent  
6 of the individual or the parent or legal guardian of the minor or legally incapacitated  
7 whose HBV or HCV status is involved, unless otherwise required by law.

8 **Section 6. Counselling and Referral for Further Management.** - All hepatitis testing  
9 shall include counselling which should be able to provide the individual who took the test  
10 information on measures to prevent transmission and if necessary a referral to a health  
11 practitioner for further evaluation and management.

12 **Section 7. Exceptions to Voluntary Hepatitis Screening and Testing.** - Compulsory  
13 testing for blood borne viral hepatitis shall be allowed only in the following instances:

14 (a) When it is necessary to test a person, who is charged with any of the offenses  
15 punishable under Article 264, 266, 335 and 338 of the Revised Penal Code, as  
16 amended by Republic Act No. 8353, otherwise known as the Anti-Rape Law of  
17 1997;

18 (b) As a prerequisite in the donation of blood in compliance with the provisions of  
19 Republic Act No. 7170, otherwise known as the Organ Donation Act, and  
20 Republic Act No. 7719, otherwise known as the National Blood Services Act;

21 (c) As part of surveillance and management of blood borne hepatitis among health  
22 care workers involved in exposure prone procedures. Provided that, it shall not  
23 be a pre-requisite for admission to or a basis for expulsion or any disciplinary  
24 action in an educational institution for health care workers or for employment  
25 or re-employment in a health care facility; Provided further that, positive results  
26 of such testing shall not be used as justification for the termination of a health  
27 care worker employed in a health facility.

1           **Section 8. *Testing for Organ Donation.*** - Lawful consent to HBV and HCV testing  
2 of a donated human body, organ, tissue, or blood shall be considered as having been  
3 given when:

4           (a) A person volunteers or freely agrees to donate one's blood, organ, or tissue for  
5           transfusion, transplantation, or research; and

6           (b) A legacy and a donation are executed in accordance with Sections 3 and 4  
7           respectively, of Republic Act No. 7170 otherwise known as the Organ Donation  
8           Act of 1991.

9           **Section 9. *Hepatitis Testing Among Individuals with Clinical Justification for***  
10 ***Testing.*** - Hepatitis testing shall be highly encouraged among individuals who, based on  
11 a reasonable assessment of a physician, shall benefit from the conduct of said testing.  
12 Provided that, voluntary consent must be obtained prior to such testing, adequate  
13 counselling must be provided, and that any individual who refuses to undergo such testing  
14 shall not be subjected to discriminatory acts as defined in Section 12.

15           **Section 10. *Prevention, Detection, and Management of Blood Borne Hepatitis in***  
16 ***Workplace Settings with High-Risk of Transmission.*** — In institutions or workplace  
17 settings with high-risk of transmission like hospitals, health facilities, diagnostic clinics,  
18 blood donation centers, among others, measures to interrupt transmission of blood borne  
19 viral hepatitis from health provider to patient and vice versa shall be adopted, including  
20 but not limited to:

21           (a) Routine surveillance of personnel performing exposure prone procedures  
22           and provision of support and access to treatment for those with positive  
23           results;

24           (b) Hepatitis B vaccination for all personnel if they have no documented  
25           evidence of pre-existing immunity;

26           (c) Strict adherence and practice of universal precautions and provision of  
27           personal protective equipment for workers whose work entails exposure to  
28           blood and other body fluids;

1 (d) Provision and maintenance of adequate hygiene facilities and mechanisms  
2 to ensure proper disposal of infectious and potentially contaminated materials;

3 (e) Development of protocols for the management of health workers exposed  
4 to agents contaminated with blood borne infectious diseases in all health care  
5 and health care-related institutions and facilities;

6 (f) Education and training on the prevention transmission of blood borne  
7 hepatitis and other infectious diseases in the workplace;

8 (g) Development of a protocol for the confidential management of restrictions  
9 on the conduct of EPPs and reasonable reassignment of personnel with  
10 restrictions to conduct EPP to other work assignments based on the person's  
11 clinical status and based on best available scientific evidence.

12 **Section 11. Regulation of Hepatitis Testing Services.** - To ensure access to  
13 voluntary and confidential hepatitis testing, the DOH shall:

14 (a) Regulate public and private facilities that conduct hepatitis testing services.  
15 *Provided*, that only DOH-accredited hepatitis testing facilities shall be allowed  
16 to conduct such testing;

17 (b) Develop the guidelines for voluntary and confidential hepatitis testing including  
18 protocols for counselling and referral to health providers for further evaluation  
19 and management;

20 **Section 12. Discriminatory Acts.** -The following discriminatory acts and practices  
21 shall be prohibited:

22 (a) Discrimination in any form, from pre-employment to post-employment,  
23 including hiring, assignment, promotion, based on the actual or perceived HBV  
24 or HCV status of an individual, non-disclosure of one's own or another person's  
25 HBV and HCV status, or refusal to undergo hepatitis testing;

26 (b) Termination from work on the sole basis of actual, perceived, or suspected HBV  
27 or HCV, non-disclosure of one's own or another person's HBV and HCV status,

1 or refusal to undergo hepatitis testing;

2 (c) Refusal of admission, expulsion, segregation, imposition of harsher disciplinary  
3 actions, or denial of benefits or services of a student or a prospective student  
4 solely or partially on the basis of actual, perceived or suspected HBV or HCV,  
5 non-disclosure of said status, or refusal to undergo hepatitis testing;

6 (d) Exclusion from health, accident, or life insurance, credit and loan services,  
7 including the extension of such loan or insurance facilities, of an individual  
8 solely or partially on the basis of actual, perceived, or suspected HBV and HCV  
9 status: *Provided*, that the person with positive HBV and HCV has not  
10 misrepresented the fact to the insurance company or loan or credit service  
11 provider upon application;

12 (e) Denial of or provision of subpar health services or being charged with a higher  
13 fee, on the basis of actual, perceived or suspected HBV or HCV status, non-  
14 disclosure of said status, or refusal to undergo hepatitis testing;

15 (f) Denial and deprivation of private health insurance under a Health Maintenance  
16 Organization (HMO) and private life insurance coverage under a life insurance  
17 company on the basis of the person's HBV and HCV status: *Provided, that the*  
18 *person with positive HBV and HCV has not misrepresented such fact to the*  
19 *Health Maintenance Organization (HMO) and private life insurance company*  
20 *upon application.*

21 (g) Other similar or analogous discriminatory acts.

22 **Section 13. *Protection of Workers with Blood Borne Viral Hepatitis.*** - Employers  
23 shall adopt all reasonable measures to accommodate workers who are HBV-positive, HCV-  
24 positive, or affected by a Hepatitis B or Hepatitis C -related illness who voluntary disclose  
25 their status to their employers, including but not limited to flexible leave arrangements,  
26 re-scheduling of work hours, and workforce re- integration assistance, and facilitation of  
27 access to treatment.

28 **Section 14. *Education on Blood Borne Viral Hepatitis.*** - The DOH together with  
29 other partners in the health sector shall strengthen the nationwide program on prevention



1 of blood borne viral hepatitis by raising awareness on the disease and disease prevention,  
2 promoting universal coverage of Hepatitis B vaccination, and advocating for voluntary  
3 hepatitis testing in the general population.

4 **Section 15. Penalties.** - Violations of any provision of this Act including, but not  
5 limited to, those related to the non-compulsory nature of Hepatitis B and C testing,  
6 discrimination in the workplace and confidentiality, shall be punished with imprisonment  
7 of not less than six (6) months but not greater than four (4) years, and a fine not  
8 exceeding Fifty Thousand pesos (P50,000.00). In addition, the licenses or permits of  
9 establishments, companies and other institutions found guilty of committing the  
10 discriminatory acts and policies described in this Act, shall be revoked.

11 **Section 16. Implementing Rules & Regulations.** - The DOH and DOLE, in  
12 coordination with other relevant government agencies and private organizations and non-  
13 governmental organizations shall issue the Implementing Rules & Regulations necessary  
14 for the effective implementation of this Act within ninety (90) days from the effectivity  
15 thereof.

16 **Section 17. Appropriations.** - The amounts necessary for the initial  
17 implementation of the provisions of this Act shall be charged against the current year's  
18 appropriations of the DOH. Thereafter, the expenses for its continued implementation  
19 shall be included in the General Appropriations Act from funds appropriated to the DOH.

20 **Section 18. Separability Clause.** - If any provision of this Act is declared  
21 unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions  
22 not affected thereby shall continue to be in full force and effect.

23 **Section 19. Repealing Clause.** - All laws, decrees, executive orders, department  
24 or memorandum orders and other administrative issuances, or parts thereof, which are  
25 inconsistent with the provisions of this Act are hereby modified, superseded or repealed  
26 accordingly.

1           **Section 20. *Effectivity.*** - This Act shall take effect fifteen (15) days after  
2 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,