

SENATE
S. No. 1489

10 JUL 15 P 3:12

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Executive Order No. 292, also known as The Administrative Code, Book IV, Title XV, Section 1, provides that "The Senate is committed to the maintenance and expansion of viable, efficient, fast, safe, and dependable transportation and communications systems as effective instruments for national recovery and economic progress."

Accordingly, traffic accidents involving public utility vehicles must be prevented.

Studies show that a person under the influence of prohibited or regulated drug or alcohol suffers from certain psychological and mental defects including paranoia, hallucinations, drowsiness and loss of consciousness. These defects make the person unfit to drive a public utility vehicle.

In the interest of public welfare and safety, there is a need to test drivers of public utility vehicles for alcohol or drug use.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
ack

* This bill was re-filed during the Thirteenth Congress, First Regular Session.

SENATE
S. No. 1489

JUL 15 2012

Introduced by Senator Miriam Defensor Santiago

RECEIVED BY

1 AN ACT
2 PROVIDING FOR DRUG AND ALCOHOL TESTING FOR DRIVERS OF
3 PUBLIC UTILITY VEHICLES

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

4 SECTION 1. *Short Title.* – This Act shall be known as the “Drugs and Alcohol Testing
5 for Drivers Act.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote and maintain
7 safety in highways and roads and to prevent accidents involving drivers under the influence of
8 alcohol or prohibited or regulated drug.

9 SECTION 3. *Definition of Terms.* – As used in this Act, the term:

10 (A) “Drugs” mean any of the prohibited or regulated drugs as defined in Republic Act
11 No. 6425, as amended, also known as the Dangerous Drugs Act.

12 (B) “Alcohol” shall refer to ethyl alcohol, ethanol or spirits of wine, including all
13 dilutions, purifications and mixtures thereof, from whatever source by whatever
14 process produced and shall include whisky, brandy, rum, gin, tequila, and vodka, and
15 other similar products or mixtures.

16 (C) “Public utility vehicle” means any vehicle used in the business of carrying or
17 transporting passengers or goods or both, over land.

18 (D) “Secretary” refers to the Secretary of Transportation and Communication.

19 (E) “Operators of public utility vehicles” refer to the owners of vehicles engaged in the
20 business of carrying or transporting passengers or goods or both over land.

1 SECTION 4. *Duty of the Secretary of Transportation and Communication.* – In the
2 interest of safety, the Secretary shall prescribe regulations and issue orders to establish a program
3 requiring—

4 (A) Owners of public utility vehicles to conduct pre-employment, reasonable suspicion,
5 random and post accident testing of all their drivers for the use of alcohol or prohibited or
6 regulated drug; and

7 (B) Suspension or dismissal of any driver found:

8 (1) To have used or been impaired by alcohol when on duty; or

9 (2) To have used a regulated or prohibited drug, whether or not on duty, except as
10 allowed for medical purposes by law or regulation or order.

11 (C) When the Secretary of Transportation considers it appropriate in the interest of safety,
12 the Secretary may prescribe regulations and issue orders requiring operators of public utility
13 vehicles to conduct periodic testing of their drivers for the use of alcohol or prohibited or
14 regulated drug.

15 SECTION 5. *Testing and Laboratory Requirements.* – In carrying out this Act, the
16 Secretary of Transportation shall develop requirements that shall:

17 (A) Promote, to the maximum extent practicable, individual privacy in the collection of
18 specimens.

19 (B) For laboratories and testing procedures for regulated or prohibited drugs in
20 consultation with the Department of Health:

21 (1) Comprehensive standards for every aspect of laboratory controlled substances
22 testing and laboratory procedures to be applied in carrying out this section, including
23 standards requiring the use of the best available technology to ensure the complete
24 reliability and accuracy of controlled substances tests and strict procedures governing the
25 chain of custody of specimens collected for drug testing;

26 (2) The minimum list of regulated and prohibited drug for which individuals may
27 be tested; and

1 (3) Appropriate standards and procedures for periodic review of laboratories and
2 criteria for certification and revocation of certification of laboratories to perform
3 controlled substances testing in carrying out this Act;

4 (C) Require that a laboratory involved in drug testing under this Act have the capability
5 and facility at the laboratory, of performing screening and confirmation tests;

6 (D) Provide that all tests indicating the use of alcohol or drugs be confirmed by a
7 scientifically recognized method of testing capable of providing quantitative information about
8 alcohol or regulated and prohibited drugs;

9 (E) Provide that each specimen be subdivided, secured, and labeled in the presence of the
10 tested individual and that a part of the specimen be retained in a secure manner to prevent the
11 possibility of tampering.

12 (F) Ensure appropriate safeguards for testing to detect and quantify alcohol in breath and
13 body fluid samples, including urine and blood, through the development of regulations that may
14 be necessary and in consultation with the Secretary of Health.

15 (G) Provide for the confidentiality of test results and medical information, other than
16 information about alcohol or a drug, of employees, except that this clause does not prevent the
17 use of test results for the orderly imposition of appropriate sanctions; and

18 (H) Ensure that employees are selected to undergo tests by nondiscriminatory and
19 impartial methods, so that no employee is harassed by being treated differently from other
20 employees in similar circumstances.

21 SECTION 6. *Penalty for Violation.* – Any operator of a public utility vehicle who
22 violates the provisions of this Act and its implementing rules shall be penalized with suspension
23 of their franchise and Certificate of Public Convenience and Necessity (CPCN) for the first
24 violation. Upon second and subsequent violations, their franchise and CPCN shall be cancelled.

25 SECTION 7. *Separability Clause.* – If any provision or part hereof, is held invalid or
26 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
27 valid and subsisting.

1 SECTION 8. *Repealing Clause.* — Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
3 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

4 SECTION 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

Approved.