

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

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SENATE  
S. No. 1564

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides that:

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Mercury is an element which is highly toxic to the human nervous system and can cause permanent impairment of speech, hearing, movement and vision even when exposure occurs at very low levels. A very common use of mercury has been fever thermometers. Mercury fever thermometers are easily broken and the result is exposure to mercury. A home fever thermometer contains 1.59 grams of mercury.<sup>1</sup>

Some hospitals in the United States such as Beth Israel Medical Center in NYC and Strong Memorial have instituted mercury-free policies, replacing various sources of mercury with alternatives. There are a number of alternatives to mercury fever thermometers, including electronic battery operated and infrared aural thermometers.<sup>1</sup>

To prevent instances of unnecessary exposure to mercury caused by broken mercury fever thermometers, this bills aims to regulate the sale and purchase of mercury thermometers.<sup>3</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO  
*acc.*

<sup>1</sup> <http://assembly.state.ny.us/?bn=A01563>

<sup>2</sup> *Ibid*

<sup>3</sup> This bill was originally filed during the 14<sup>th</sup> Congress 1<sup>st</sup> Regular Session

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1 AN ACT  
2 TO REGULATE THE SALE OR DISTRIBUTION OF MERCURY THERMOMETERS

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Mercury Thermometer  
6 Regulation Act."

7 SECTION 2. *Declaration of Policy.* - It is the declared policy of the state to protect and  
8 promote the right to health of the people and instill health consciousness among them. For this  
9 reason, the state aims to regulate the sale of mercury thermometers to prevent unnecessary  
10 exposure of the people to mercury.

11 SECTION 3. *Definition of Mercury Thermometer.* - For the purposes of this act, "mercury  
12 thermometer" shall mean any thermometer used to measure human or animal body temperature,  
13 which contains mercury or a mercury compound. Such term shall not include an electronic  
14 thermometer with a battery containing mercury.

15 SECTION 4. *Prohibition.* - No person shall sell, offer to sell or expose for sale any  
16 mercury thermometer without authority from the Department of Health. Likewise, no person  
17 shall buy a mercury thermometer without a prescription from a duly licensed medical doctor,  
18 acting within the lawful scope of his or her practice, and pursuant to the rules and regulations of  
19 the Secretary of Health; or a veterinarian acting within the lawful scope of his or her practice,  
20 and pursuant to the rules and regulations of the Secretary of 21 Agriculture.

1           SECTION 5. *Penalties.* - I Any person who violates the provisions of this Act shall be  
2 subject to a penalty of not less than One Thousand Pesos (Php 1,000.00) nor more than Five  
3 Thousand Pesos (Php 5,000.00).

4           SECTION 6. *Separability Clause.* - If any provision or part of this Act is held invalid, the  
5 remainder of this Act shall not be affected thereby.

6           SECTION 7. *Repealing Clause.* - All laws, decrees, executive order or rules and  
7 regulations inconsistent with this Act are hereby repealed or modified accordingly.

8           SECTION 8. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
9 publication in the Official Gazette or two (2) newspapers of general circulation.

10           Approved.