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OF THE PHILIPPINES)
First Regular Session)

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SENATE
S. No. 1745

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Using cell phones near hospital beds or important equipment is dangerous and could switch off ventilators or disrupt pacemakers.

The University of Amsterdam researchers recorded nearly 50 incidents of electromagnetic interference from cell phone use in hospitals and classified 75 percent of them as significant or hazardous.

Because of this cell phones should come no closer than one meter to hospital beds and equipment, said the researchers who published their study in BioMed Central's online open access journal *Critical Care*.

"Critical care equipment is vulnerable to electromagnetic interference by new-generation wireless telecommunication technologies with median distances of about 3 centimeters," they wrote.

The study contradicts a study earlier this year from researchers at the Mayo Clinic who found that 300 tests over a five-month period turned up no noticeable interference with important hospital equipment due to regular cell phone use.

The Dutch team -- which tested 61 different medical devices -- found that most of the incidents stemmed from the latest General Packet Radio Service (GPRS) signal, a new-generation technology that allows things such as wireless Internet access.

Other malfunctions they attributed to electromagnetic interference included complete stops with no alarms in syringe pumps and incorrect pulsing by an external pacemaker. Cellphones cause radio frequency interference not only with pacemakers but also other medical devices such as ventilators, patient monitors, neonatal infant warmers, motorized wheelchairs,

and anesthesia delivery equipment: Because of the possible RF interference of cellphones with the proper operation of medical devices and the consequent injury to the patients who rely on these, this bill seeks to prohibit the use of cellular or mobile telephones in certain public areas of hospitals, medical centers, or any other treatment center.³


MIRIAM DEFENSOR SANTIAGO
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¹ Reuters: *Cell Phone Use In Hospitals Poses Danger: Study*, 7 September 2007,
<http://www.canada.com/topics/technology/news/gizmos/story.html?id=81b0766b-70ee-4b27-9d0aad16d2822372&k=45833>

¹ http://www.cellbusters.com/emit_emi.html

³This bill was originally filed during the 14th Congress 1st Regular Session

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1 AN ACT
2 PROHIBITING THE USE OF CELLULAR OR MOBILE TELEPHONES
3 IN CERTAIN PUBLIC AREAS OF HOSPITALS, MEDICAL CENTERS,
4 OR ANY OTHER TREATMENT CENTER

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

5 SECTION 1. *Short Title.* - This Act shall be known as "Anti-Disruptive Cellphone Use
6 Act."

7 SECTION 2. *Declaration of Policy.* - It is the policy of the State to promote the general
8 welfare of the people. Pursuant to this policy, this Act seeks to ensure that the use of cellular or
9 mobile phones is prohibited in certain public places such as hospitals and residential health care
10 facilities where, for health reasons or as required by certain circumstances, such use would be
11 detrimental to the patients or the health care workers therein.

12 SECTION 3. *Definition of Terms.* -For the purposes of this Act, the term:

13 (A)"Hospital" means a facility or institution engaged principally in providing services by
14 or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a
15 dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or
16 physical condition, including, but not limited to, a general hospital, public health center,
17 diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other
18 than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital,
19 chronic disease hospital, maternity hospital, lying-in-asylum, outpatient department, out-patient
20 lodge, dispensary and a laboratory or central service facility serving one or more such
21 institutions, but the term hospital shall not include an institution, sanitarium or other facility
22 engaged principally in providing services for the prevention, diagnosis or treatment of mental
23 disability and which is subject to the powers of visitation, examination, inspection and

1 investigation of the department of mental hygiene except for those distinct parts of such a facility
2 which provide hospital service.

3 The term shall not apply to a facility or institution engaged principally in providing services by
4 or under the supervision of the bona fide members and adherents of a recognized religious
5 organization whose teachings include reliance on spiritual means through prayer alone for
6 healing in the practice of the religion of such organization and where services are provided in
7 accordance with those teachings.

8 (B) "Residential health care facility" means a facility providing therein nursing care to
9 sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health-
10 related service, or any combination of the foregoing, and in addition thereto, providing nursing
11 care and health-related service, or either, of them, to, persons who are not occupants of the
12 facility.

13 The term likewise means a facility providing health-related service.

14 (C) "Mobile telephone" means a cellular, analog, wireless, digital or other similar
15 telephone or communications device, which can be used to access two-way real time voice
16 telecommunications service that is interconnected to a public switched telephone network and is
17 provided by a commercial mobile radio service;

18 (D) "Use" shall mean to receive a mobile telephone call signaled by an audible sound, dial
19 a mobile telephone, talk or listen on a mobile telephone; and

20 (E) "Public indoor areas" shall include, but not be limited to, waiting areas, hallways, and
21 treatment rooms.

22 SECTION 4. *Mobile Telephone Use Restrictions.* - Mobile telephone use shall be
23 prohibited in certain designated public indoor areas of the following:

24 (A) Hospitals as defined in this Act;

25 (B) Residential health care facilities as defined in this Act, and other licensed health care
26 facilities in which persons reside; Provided, however, that the provisions of this section shall not
27 prohibit cellular or mobile telephone use by patients in separate enclosed rooms of hospitals,
28 residential health care facilities, adult care facilities, community mental health residences, or

1 facilities where day treatment programs are provided, which are not designated as cellular and
2 mobile telephone free zones for patients of such facilities or programs.

3 SECTION 5. *Posting of Signs.* - "No mobile telephone use" or signs with the
4 international "no mobile telephone use" symbol, which consists of a pictorial representation of a
5 telephone enclosed in a circle with a bar across it, shall be prominently posted and properly
6 maintained, where the public use of mobile telephones is prohibited by this Act, by the person or
7 persons having control over such public indoor area.

8 SECTION 6. *General Provisions.* - (A) Nothing in this Act shall be construed to deny the
9 facility covered by this Act the right to further regulate the use of such mobile telephones by its
10 employees.

11 (B) Nothing herein shall be construed to restrict the power of any municipality, city, or
12 province to adopt and enforce additional local law, ordinances, or regulations which comply with
13 at least the minimum applicable standards set forth in this Act.

14 SECTION 7. *Disruptive Use of a Mobile Telephone.* - A person is guilty of disruptive use
15 of a mobile telephone, when he or she knowingly uses a mobile telephone in a public place
16 where such telephone usage is prohibited and such prohibition is clearly posted.

17 SECTION 8. *Violations and Penalties.* -Every person convicted for disruptive use of a
18 mobile phone under the preceding section shall, for a first conviction thereof, be punished by a
19 fine of not less than Five Hundred Pesos (P500.00) nor more than One Thousand Pesos
20 (P1,000.00); and for a conviction of a second violation, both of which were committed within the
21 same calendar year, such person shall be punished by a fine of not less than One Thousand Pesos
22 (P1,000.00) nor more than Two Thousand Pesos (P2,000.00).

23 SECTION 9. *Separability Clause.* - If any provision or part hereof, is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
25 valid and subsisting.

26 SECTION 10. *Repealing Clause.* - Any law, presidential decree or issuance, executive
27 order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent
28 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

1 SECTION 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation.

3 Approved,