

10 JUL 21 05:47

SENATE
S. No. 1837

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article XV, Section 3, paragraph 2 provides that the State shall defend:

"The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development."

Baby abandonment is an issue that affects and is affected by teenagers, parents, teachers, schools, churches, community organizations, and all of the social services that exist to protect parents and children, including health care, child welfare, mental health care, and welfare.

Not only is there a lack of information on the number of babies abandoned across the country, but experts also lack information on the characteristics and motivations of parents who abandon their babies. While individual cases involving newborn babies abandoned by their mothers in public places, receives press attention, no one knows how frequently such events occur.

This bill seeks to establish a task force within the Department of Social Welfare and Development (DSWD) to gather information about, study, and report to the congress regarding incidents of abandonment of infant children. The Constitution, Article 2, Section 15 provides:

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

It is absolutely imperative that consumers be made aware of the effects of pharmaceutical products, prescribed or bought over the counter. With greater importance are pharmaceutical products that cause impairment of certain cognitive functions of those who take them and affect their abilities to perform certain activities.

This bill seeks to require pharmaceutical companies to properly label drugs that cause impairment of certain cognitive functions.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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AN ACT

1
2 PRESCRIBING THE PROPER LABELING OF PHARMACEUTICAL PRODUCTS
3 WHICH ACT ON THE BRAIN AND CENTRAL NERVOUS SYSTEM SO AS TO
4 IMPAIR DANGEROUSLY THE CONSUMER'S ABILITY TO CARRY OUT CERTAIN
5 ACTIVITIES AND PROVIDING PENALTIES FOR VIOLATION THEREFOR

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

6 SECTION 1. *Short Title.* - This Act shall be known as the "Pharmaceutical Labeling
7 (Warning of Cognitive Function Impairment) Act".

8 SECTION 2. *Definition of Terms.* - In this Act, the term

9 (1) "consumer" means a person who takes a psychoactive pharmaceutical whether in the
10 recommended or prescribed dose or otherwise;

11 (2) "over the counter" means available without prescription from a pharmacy or other
12 retail outlet;

13 (3) "packaging" means such of the external packaging as is clearly on view on purchase
14 or receipt of the product;

15 (4) "prescription only" means available only by a prescription from a registered medical
16 practitioner;

17 (5) "psychoactive pharmaceutical" means a pharmaceutical product which has a clinical
18 effect on the brain and central nervous system, and it is immaterial whether the psychoactive
19 pharmaceutical is available through prescription only or over the counter;

20 (6) "specified psychoactive pharmaceutical" means a psychoactive pharmaceutical
21 specified by the Secretary of Health by order under Section 3;

22 (7) "warning symbol" means a prominent symbol the size, color and design of which
23 shall be prescribed by the Secretary of Health by regulation.

1 SECTION 3. *Pharmaceuticals with psychoactive side effects.* - The Secretary of Health
2 shall make a determination of which psychoactive pharmaceuticals can lead to impairment of the
3 consumer's ability to drive a motor vehicle or operate machinery such that the consumer is a
4 danger to himself or others. The Secretary of Health shall promulgate this order within 12
5 months from the effectivity of this Act.

6 SECTION 4. *Regulations.* -Not later than 12 months from the effectivity of this Act, the
7 Secretary of Health shall promulgate final regulations to carry out the provisions of this
8 Act.

9 SECTION 5. *Warning label.* - Drugs containing specified psychoactive pharmaceuticals,
10 as determined by the Secretary of Health, shall include on their packaging a warning stating the
11 following:

12 “Warning: This drug may cause cognitive function impairment”

13 SECTION 6. *Penalty Clause.* - Any person who shall violate the provisions of this Act
14 shall, upon conviction, be subject to a fine of not less than Ten Thousand Pesos (Php 10,000.00)
15 but not more than One Hundred Thousand Pesos (Php 100,000.00), or imprisonment of not less
16 than two months but not more than one year, or both upon the discretion of the Court. If the
17 offender is an alien, he shall be deported after service of sentence and payment of fine without
18 need for further deportation proceedings.

19 SECTION 7. *Separability Clause.* - If any portion or provision of this Act is declared
20 unconstitutional, the same shall not affect the validity and effectivity of the other provisions not
21 affected thereby.

22 SECTION 8. *Repealing Clause.* - All laws, decrees, executive orders, rules and
23 regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby
24 repealed, amended, or modified accordingly.

25 SECTION 9. *Effectivity. Clause-* This Act shall take effect fifteen (15) days following its
26 publication in two (2) national newspapers of genkral circulation.

27 Approved,