

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

Senate
Office of the Secretary

12 MAR -5 P 3:29

SENATE
S. No. **3143**

RECEIVED BY: *Rw*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

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.

Flavored malt drinks that have caffeine as well as alcohol are fast becoming popular. This permits its consumers to keep drinking longer and later than they would normally be able to in their inebriated states. Young drinkers in particular like these drinks, and over recent months, several of them have ended up in emergency rooms with high levels of alcohol poisoning.

Officials in the state of Washington have banned the drink, which contains 12% alcohol and are packaged in cans similar to those of energy drinks. The drinks were banned in Washington after nine students from the Central Washington University had to be hospitalized after consuming such drinks, with one of the nine students almost dying.

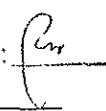
The Executive Director of Campus Health Services at UNC-Chapel Hill, Mary Covington, while talking about the beverage stated that the mixing of caffeine and alcohol can result in an increased dehydrating effect, which can be extremely dangerous for the health. While talking about the negative effect of caffeine in the drink, Covington stated that the caffeine gave a sedative effect to the situation. So, as people did not realize, how much they were drinking, they ended up drinking more than they could handle.

This bill prohibits a caffeinated malt beverage from being imported, produced, manufactured, distributed, or sold at any retail outlet.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
over

Office of the Secretary
12 MAR -5 12:30

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S. No. **3143**

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1 AN ACT
2 PROHIBITING THE PRODUCTION, IMPORTATION,
3 OR SALE OF CAFFEINATED MALT BEVERAGES

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 “Caffeinated Malt Beverages
5 Act.”

6 SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect and promote
7 the right to health of the people and instil health consciousness among them.

8 It is also the policy of the State to promote and protect the physical, moral, spiritual,
9 intellectual and social well-being of the youth recognizing their vital role in nation-building.

10 SECTION 3. *Definitions.* As used in this Act, the following terms shall mean –

11 (a) A “caffeinated malt beverage” is a drink that is either:

12 (1) a beverage that contains at least one half percent alcohol by volume
13 produced by a brewer which is infused with caffeine or other stimulants, including, but
14 not limited to, guarana, ginseng, and taurine; or

15 (2) a beverage that contains at least one half percent alcohol by volume that is
16 treated by processing, filtration, or another method of manufacture that is not generally
17 recognized as a traditional process in the production of beer to which is added a flavor or
18 other ingredient containing alcohol, except for a hop extract and is infused with caffeine
19 or other stimulants, including, but not limited to, guarana, ginseng, and taurine.

1 SECTION 4. *Ban on Caffeinated Malt Beverages.* – No caffeinated malt beverage shall
2 be imported, produced, manufactured, distributed, or sold at any retail outlet.

3 SECTION 5. *Lead Agency for the Enforcement of this Act.* – The Bureau of Food and
4 Drugs (BFAD) of the Department of Health shall administer and enforce the provisions of this
5 section and shall promulgate the rules and regulations necessary to ensure effective
6 administration and enforcement.

7 SECTION 6. *Penalties.* – Any person or business entity that violates any provision of this
8 Act shall be guilty of an infraction and, upon a finding of such violation by the BFAD, shall be
9 subject to the revocation of their license and the administrative assessment of civil penalties.

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

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

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

Approved,