

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



15 JUN -8 P4:19

SENATE
S. No. 2812

RECEIVED BY: *J.*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REGULATING THE SALE OR DISTRIBUTION OF MERCURY THERMOMETERS

EXPLANATORY NOTE

The Constitution, Article 2, Section 15 provides:

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.¹

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.²

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.³

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
77

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

² *Id.*

³ This bill was originally filed in the Fourteenth Congress, First Regular Session.

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



15 JUN -8 P4 :19

SENATE
S. No. 2812

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

AN ACT
REGULATING THE SALE OR DISTRIBUTION OF MERCURY THERMOMETERS

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Mercury Thermometer
2 Regulation Act.”

3 SECTION 2. *Declaration of Policy.* – It is the declared policy of the State to
4 protect and promote the right to health of the people and instill health consciousness
5 among them. For this reason, the state aims to regulate the sale of mercury thermometers
6 to prevent unnecessary exposure of the people to mercury.

7 SECTION 3. *Definition of Mercury Thermometer.* – For the purposes of this Act,
8 “mercury thermometer” shall mean any thermometer used to measure human or animal
9 body temperature, which contains mercury or a mercury compound. Such term shall not
10 include an electronic thermometer with a battery containing mercury.

11 SECTION 4. *Prohibition.* – No person shall sell, offer to sell or expose for sale
12 any mercury thermometer without authority from the Department of Health. Likewise, no
13 person shall buy a mercury thermometer without a prescription from a duly licensed
14 medical doctor, acting within the lawful scope of his or her practice, and pursuant to the
15 rules and regulations of the Secretary of Health; or a veterinarian acting within the lawful

1 scope of his or her practice, and pursuant to the rules and regulations of the Secretary of
2 Agriculture.

3 SECTION 5. *Penalties.* – Any person who violates the provisions of this Act shall
4 be subject to a penalty of not less than One Thousand Pesos (₱1,000) nor more than Five
5 Thousand Pesos (₱5,000).

6 SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or
7 unconstitutional, the same shall not affect the validity and effectivity of the other
8 provisions hereof.

9 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
10 portions thereof, which are inconsistent with the provisions of this Act, are hereby
11 repealed, amended or modified accordingly.

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

Approved,

/rapt4June2015