


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



'15 AUG 18 P3:46

SENATE  
S. No. 2905

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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

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.

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 caffeinated malt beverage from being imported, produced, manufactured, distributed, or sold at any retail outlet.<sup>1</sup>

  
MIRIAM DEFENSOR SANTIAGO  
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<sup>1</sup> This bill was originally filed during the Fifteenth Congress, Second Regular Session.




Senate  
Office of the Secretary

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PROHIBITING THE PRODUCTION, IMPORTATION,  
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*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:*

1 SECTION 1. *Short Title.* – This Act shall be known as the “Caffeinated Malt  
2 Beverages Act.”

3 SECTION 2. *Declaration of Policy.* – It is the policy of the State to protect and  
4 promote the right to health of the people and instill health consciousness among them. It  
5 is also the policy of the State to promote and protect the physical, moral, spiritual,  
6 intellectual and social well-being of the youth recognizing their vital role in nation-  
7 building.

8 SECTION 3. *Definitions.* – As used in this Act, the term "caffeinated malt  
9 beverage" means a drink that is either:

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

13 (2) a beverage that contains at least one half percent alcohol by volume that is  
14 treated by processing, filtration, or another method of manufacture that is not generally  
15 recognized as a traditional process in the production of beer to which is added a flavor or

1 other ingredient containing alcohol, except for a hop extract and is infused with caffeine  
2 or other stimulants, including, but not limited to, guarana, ginseng, and taurine.

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

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

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

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

16 SECTION 8. *Repealing Clause.* – All laws, decrees, orders, and issuances, or  
17 portions thereof, which are inconsistent with the provisions of this Act, are hereby  
18 repealed, amended or modified accordingly.

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

Approved,