

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)




Senate
Office of the Secretary

16 AUG 16 P6:29

SENATE

S. B. NO. 1030

RECEIVED BY: 

Introduced by Senator JOEL "TESDAMAN" VILLANUEVA

AN ACT REGULATING THE SALE OF TOLUENE-BASED PRODUCTS

EXPLANATORY NOTE

This bill proposes the regulation of the sale of Toluene-based products which pose a threat of addiction among the youth and less marginalized groups across the country. The bill seeks to protect in particular the welfare of children and adolescents – the future of our nation – whose demographics are reported to be the common abusers of products, which contain the chemical Toluene.

Toluene is an aromatic and addictive chemical that has been known to induce 'high' sensation, as well as being able to temporarily abate feelings of hunger. Yet it also has harmful side effects. It causes rapid damage to brain cells, induces headaches, shaking, a loss of senses and clinical depression.

The U.S. National Toxicology Program has also found that Toluene can cause cancerous tumours in the liver and ovaries. As a result, it has been listed in Table II of the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Toluene is banned in glue and spray paint at concentrations above 0.1 % in products for the general public according to 1976 Directive 76/769/EEC.

Drug abusers who are unable to afford the higher-class drugs such as Marijuana, Cocaine and Shabu have tended to substitute their vices for the more affordable Toluene-based products. Such products include household lubricants, adhesives, solvents and spray paints. The fact that these products sell at retail prices and are easily available from local stores has caused it to become a popular and mainstream drug widely abused by those in poorer communities.

It is in this respect that the sale of Toluene-based products must be regulated by ensuring that access to them are restricted to legitimate users and only licensed dealers would be able to sell them. The privilege to sell Toluene-based products would be given only to licensed stores to ensure that these are not made easily-available to drug abusers. Furthermore, such products will only be available for purchase by adults. Those found guilty of distributing or re-selling such products to minors shall be prosecuted.

This would not be the first regulation of Toluene. In 2007, a Board Regulation issued by the Dangerous Drugs Board decreed that all Toluene-based contact cements must contain at least 5% of mustard oil to deter drug abusers from inhalation. Those contact cements that do not comply with these standards have been consequently enlisted as a dangerous drug, and strictly prohibited from sale. However, such regulations are only imposed on contact-cements and not other Toluene-based products, which are still used by drug abusers.

This bill seeks to readdress this issue, regulating all Toluene-based products and by doing so, protecting the health of our citizens and in particular, our children from the drugs harmful effects.

Furthermore, there have been studies abroad which pointed out that toluene exposure could cause attention, concentration, and performance deficits among workers who are employed in industries that utilize adhesive, printing, painting and petroleum. Another study suggested that toluene exacerbates hearing loss in a noisy environment. In this regard, the regulation of toluene-based products is imperative to safeguard workers who work with solvents and prevent adverse impacts on their health.

In view of the foregoing, the passage of this bill is earnestly sought.

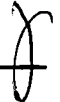

SENATOR JOEL VILLANUEVA

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

1 **SEC. 1. Short Title.** – This Act shall be known as the “Toluene Regulatory Act of
2 2016.”
3

4 **SEC. 2. Declaration of Policy.** – It is the policy of the State to protect the health and
5 welfare of its citizens, especially the youth and children. In pursuit of this, the State
6 shall employ all means necessary to curb dependence and addiction to drugs and
7 chemicals, including toluene.
8

9 **SEC. 3. Definition of Terms.** –
10

11 a) **Toluene** - a colourless, flammable, toxic liquid hydrocarbon aromatic compound
12 with a chemical formula of C₆H₅CH₃ which is the methyl derivative of benzene,
13 and is included in Table II of the 1988 U.N Convention Against Illicit Traffic in
14 Narcotic Drugs and Psychotropic Substances;
15

16 b) **Toluene-based products** - are all products which contain Toluene.
17

18 **SEC. 4. Prohibitions.** –
19

20 a) No person, natural or juridical, shall sell any toluene-based product without
21 obtaining the proper license to sell such products from the city or municipal

1 government exercising jurisdiction over the area where the products are to be
2 sold;

3
4 b) No license to sell toluene-based products shall be issued to individual retailers,
5 hawkers, street peddlers, local convenience or "sari-sari" stores and retail, small
6 or micro-hardware stores;

7
8 c) No licensed seller of toluene-based products shall sell or turn-over possession of
9 such products to minors;

10
11 d) No licensed seller of toluene-based products shall sell or turn-over possession of
12 such products to any person of age who fails or refuses to show any valid
13 identification card or document and proof that he or she is above eighteen (18)
14 years of age.

15
16 **SEC. 5. Registry of Sales of Toluene-Based Products.** – All licensed sellers or
17 distributors of toluene-based products shall keep a registry book of all transactions
18 involving the said products, which shall include the name of the buyers, or person/s
19 to whom the said products were delivered or transferred to and the reason for the
20 purchase or acquisition of the said products.

21
22 The registry book shall be made immediately accessible for inspection upon request
23 during reasonable hours by any authorized personnel or deputized agent of the
24 Philippine Drug Enforcement Agency, the Department of Trade and Industry, the
25 Department of Labor and Employment or the local government unit, which issued the
26 license to sell toluene-based products.

27
28 **SEC. 6. Penalties for Violations –**

29
30 a) Any person who shall, for the first time, violate the prohibitions and prescriptions
31 provided either under sections 4(a), 4(c), 4(d), and 5 of this Act shall be fined
32 Fifty Thousand Pesos (P50,000.00) plus five times the value of the toluene-based
33 product illegally sold or not registered;

34
35 b) Any subsequent offense involving a violation of either sections 4(a), 4(c), 4(d)
36 and 5 of this Act shall make the violator liable with a fine of Two Hundred
37 Thousand Pesos (P200,000.00) plus ten times the value of the toluene-based
38 product illegally sold or not registered AND imprisonment for not less than one
39 year but not more than three years AND closure of the business establishment or
40 entity which illegally sold or did not register the sale of toluene-based products;

41
42 c) Any public officer or employee found to be in violation of section 4(b) shall be
43 administratively penalized with one (1) month suspension. A second violation
44 shall be administratively penalized with suspension for six (6) months. A third

1 offense shall merit dismissal from service with permanent disqualification from
2 public service and forfeiture of all benefits AND criminal liability punishable with at
3 least one (1) year but not more than three (3) years of imprisonment.
4

5 d) Any license to sell toluene-based products issued in violation of any provision of
6 this Act shall be immediately cancelled by administrative proceedings.

7 **SEC. 7. *Implementing Rules and Regulations.*** – The Department of Trade and
8 Industry (DTI), Department of Interior and Local Government (DILG), Department of
9 Labor and Employment (DOLE), and the Philippine Drug Enforcement Agency
10 (PDEA) shall jointly promulgate the implementing rules and regulations of this Act
11 within thirty days from the effectivity of this Act. The prohibitions under section 4 and
12 the mandatory registry provided under section 5 shall be immediately effected even
13 in the absence of the implementing rules and regulations to be formulated and
14 promulgated by the DTI, DILG, DOLE and PDEA;
15

16 **SEC. 8. *Not a Bar to Other Criminal, Civil and Administrative Actions.*** – Nothing in
17 this Act shall bar the prosecution or bringing of civil and administrative suit or action
18 against any person violating any provisions of this Act based on other laws or
19 statutes;
20

21 **SEC. 9. *Effectivity.*** - This Act shall take effect fifteen (15) days from its publications
22 in at least two newspapers of national circulation;
23

24 Approved,