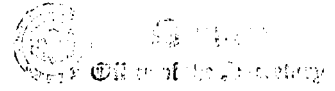


**SEVENTEENTH CONGRESS OF THE REPUBLIC** )  
**OF THE PHILIPPINES** )  
Third Regular Session )



**SENATE**  
**S.B. NO. 1851**

'18 JUN 13 AIO :28

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Introduced by Senator Maria Lourdes Nancy S. Binay

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**AN ACT REGULATING THE USE OF PLASTIC BAGS, AND FOR OTHER PURPOSES**

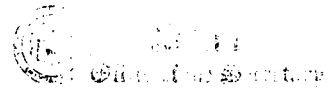
**EXPLANATORY NOTE**

Recent research data from around the globe cites the Philippines as one of the top contributors of plastic wastes in the world's oceans. According to Ocean Conservancy, a non-profit organization based in the United States of America, the Philippines produces an average of 2.7 million metric tons of plastic wastes every year. It was also noted that bulk of plastic wastes in the country comes from local plastic consumption.

The bill seeks to address the growing threats of plastic pollution to the environment and wildlife. Regulating the use of plastic bags, and providing alternatives will surely help reduce tons of plastic wastes in the country.

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

  
MARIA LOURDES NANCY S. BINAY  
Senator



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Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT REGULATING THE USE OF PLASTIC BAGS, AND FOR OTHER PURPOSES**

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

1 SECTION 1. State Policy - The State shall advance the right of the people to a  
2 balanced and healthful ecology, Towards this end, it is necessary to reduce the  
3 environmental, public health, economic, and societal costs resulting from the  
4 production, use, and discard of single-use plastic carryout bags thereby  
5 minimizing land-based sources of pollution, and increasing efforts to protect  
6 water quality.

7

8 SECTION 2. Definitions - For purposes of this Act, the following definitions shall  
9 apply:

10 (a) "Department" means the Department of Environment and Natural  
11 Resources,

12 (b) "Recycled paper bag" means a paper carryout bag provided by a store  
13 to a customer at the point of sale that meets all of the following  
14 requirements:

15 (1) Contains a minimum of 40 percent postconsumer recycled  
16 content;

17 (2) Accepted for recycling in curbside programs in a majority of  
18 households that have access to curbside recycling programs;

19 (3) Capable of composting.

1 (4) Printed on the bag the name of the manufacturer, the location  
2 where the bag was manufactured, and the percentage of  
3 postconsumer content.

4 (c) (1) Until a standard is established and enforceable by the Department,  
5 "reusable, biodegradable bag" means a bag that meets both of the  
6 following requirements:

7 (A) Designed and manufactured for at least 100 uses.

8 (B) Made of a washable material that does not contain lead or  
9 any other heavy metal in a toxic amount. as determined by the  
10 Department.

11 (2) By January 1, 2014, the Department shall establish  
12 standards in regulations that define "reusable, biodegradable bag,"  
13 using the standards specified in paragraph (1), and any additional  
14 durability, material content, or labeling requirements. Labeling  
15 requirements shall, at a minimum, require reusable, biodegradable  
16 bags to be imprinted, in a manner sufficient to be identifiable and  
17 readable, with both of the following:

18 (A) The name of the reusable, biodegradable bag producer;

19 (B) The reusable, biodegradable bag seal or logo, as  
20 determined by the Department, showing compliance with the  
21 minimum standards.

22 (d) "Reusable, Biodegradable bag producer" means either of the  
23 following:

24 (1) A person or entity that manufactures a reusable,  
25 biodegradable bag;

26 (2) A person or entity that initially sells or offers for sale or  
27 distribution a reusable, biodegradable bag.

28 (e) (1) "Single-use carryout bag" means a bag made of plastic, paper, or  
29 other material, that is provided by a store to a customer at the point of

1 sale and that is not a reusable, biodegradable bag, as defined in  
2 subdivision (c).

3 (2) A single-use carryout bag does not include either of the following:

4 (A) A bag provided by a pharmacy to a customer purchasing  
5 prescription medication.

6 (B) A nonhandled bag used to protect a purchased item from  
7 damaging or contaminating other purchased items when placed in  
8 a recycled paper , bag or reusable, biodegradable bag. .

9 (f) "Store" means a retail establishment that meets any of the following  
10 requirements: (1) Supermarkets and grocery stores; (2) A retail space  
11 over 100 square meters that generates sales of retail goods; (3) A  
12 convenience food store, food mart, sari-sari store or other entity engaged  
13 in the retail sale of a limited line of goods that generally includes milk,  
14 bread, soda, and snack foods.

15  
16 SECTION 3. Carryout Bag Regulation –

17 ( a) (1) On and after April 1, 2014, a store, as defined in paragraph 1 or 2 of  
18 subdivision (f) of Section 2, shall not provide a single-use carryout bag to  
19 a customer at the point of sale.

20 (2) On and after July 1, 2014, a store, as defined in paragraph 1 or 2 of  
21 subdivision (I) of Section 2, shall only provide reusable, biodegradable  
22 bags, as defined by subdivision (c) of Section 2, that meet the  
23 requirements of this chapter and standards established by the  
24 Department.

25 (b) A store shall make reusable, biodegradable bags available for purchase by a  
26 customer. A store, as defined in paragraph 1 or 2 of subdivision (f) of  
27 Section 2, may provide reusable, biodegradable bags to customers at no  
28 cost.

1 (c) Notwithstanding the requirements of subdivision a, a store shall make  
2 available for sale to a consumer at the point of sale a recycled paper bag  
3 at a reasonable cost.

4 (d) Beginning July 1, 2014, a store as defined in paragraph 3 of subdivision (f) of  
5 Section 2 shall comply with the provisions of this article.  
6

7 SECTION 4. Certification-

8 (a) On or after January 1, 2015, and on or before January 1 every two years  
9 thereafter, a reusable, biodegradable bag producer that sells, distributes, or  
10 makes a reusable, biodegradable bag available to a store shall submit a  
11 certification to the Department that each reusable, biodegradable bag meets the  
12 requirements of subdivision (c) of Section 2 and associated standards issued by  
13 the Department.

14 (b) A reusable, biodegradable bag producer shall submit a fee to the Department  
15 with each certification pursuant to Section 2.

16 (c) The Department shall provide a system to submit certifications online.

17 (d) The Department shall publish a list on its Internet Web site that includes: (1)  
18 The name, location, and appropriate contact information of a reusable,  
19 biodegradable bag producer in compliance with this section. (2) The reusable,  
20 biodegradable bag product or products in compliance with this section.  
21

22 SECTION 5. Certification Fees –

23 (a) The fee for the initial certification by a reusable, biodegradable bag producer,  
24 as defined in subdivision (d) of Section 2, shall be as determined by the  
25 Department. In establishing the initial fee, consideration by the Department shall  
26 include, but not be limited to, if provided by a reusable, biodegradable bag  
27 producer, the annual sales revenue of a participating reusable, biodegradable  
28 bag producer, the number of its employees, and the number of reusable,  
29 biodegradable bag products to be submitted for certification by the such  
30 participating producer.

1 (b) The fee for biennial certification thereafter shall be determined by the  
2 Department which shall include inspection and re-certification. The Department  
3 may adjust the biennial certification fee, if the Department determines that  
4 additional fees are necessary to support implementation of this section,  
5 Notification of any fee increases shall be provided to certified producers and  
6 posted on the department's Internet Web site 60 days in advance of the fee  
7 increase.

8 (c) The fees in this section shall not exceed the amount necessary to cover the  
9 Department's reasonable costs associated with the implementation of this  
10 chapter.

11

#### 12 SECTION 6. Inspection-

13 (a) The Department may inspect and audit any entity subject to this chapter.

14 (b) On or after July 1, 2014, the Department may test any reusable,  
15 biodegradable bag manufactured by a reusable, biodegradable bag producer and  
16 provided to a store for sale or distribution for compliance with this chapter and  
17 associated regulations.

18 (c) The Department may enter into an agreement with other government  
19 agencies that conduct inspections to provide necessary enforcement of this  
20 chapter.

21

#### 22 SECTION 7. Violations-

23 (a) Any violation of Section 3 shall be subject to an administrative penalty of a  
24 fine as assessed by the Department in an amount not less than five thousand  
25 pesos (P5,000.00) for the first violation. Subsequent violations may be increased  
26 by up to ten thousand pesos (P 10,000.00) per violation, but not to exceed one  
27 hundred thousand pesos (P100,000.00) per violation.

28 (b) Any violation of Section 4, or any submission of false or misleading  
29 information to the Department, shall be subject to an administrative penalty of a  
30 fine assessed by the department of up to fifty thousand pesos (P50,000.00) per

1 violation, not to exceed an annual total of one hundred fifty thousand pesos  
2 (P150,000.00).

3 (c) The Department shall publish a list on its Internet Web site of any fines or  
4 penalties that have been levied against a violator of this section for failure to  
5 comply with the requirements of this chapter.

6

7 SECTION 8. Reusable, Biodegradable Bag Account-

8 (a) The Department shall deposit all certification fees paid pursuant to this article  
9 into the Reusable, Biodegradable Bag Account, which is hereby created in the  
10 Department. The moneys deposited in the Reusable, Biodegradable Bag Account  
11 shall be expended by the Department, upon appropriation by the Congress, to  
12 assist the Department with its costs of implementing this Act.

13 (b) The Department shall deposit all penalties and fines collected pursuant to this  
14 article into the Penalty Subaccount, which is hereby created in the Reusable,  
15 Biodegradable Bag Account, and shall be expended by the Department, upon  
16 appropriation by the Congress, to assist the Department with its costs of  
17 implementing this Act.

18

19 SECTION 9. Rules and Regulations. - The Department shall adopt rules and  
20 regulations necessary to implement the provisions of this Act within ninety (90)  
21 days from the effectivity thereof.

22

23 SECTION 10. Repealing Clause - All laws, executive orders, executive issuances,  
24 rules and regulations or part thereof inconsistent or contrary to the provisions of  
25 this Act, are hereby repealed or amended accordingly.

26

27 SECTION 11. Separability Clause - In case any provision of this Act is declared  
28 unconstitutional or invalid, the other provisions hereof which are not affected  
29 thereby shall continue in full force and effect.

1 SECTION 12. Effectivity - This Act shall take effect thirty (30) days after its  
2 publication in two (2) national newspapers of general circulation.

Approved,