



'18 JUL -5 A10 :24

SENATE

S. B. No. 1866

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INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS BARAQUEL

AN ACT PROHIBITING THE USE OF PLASTIC STRAWS AND STIRRERS IN RESTAURANTS AND OTHER ESTABLISHMENTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

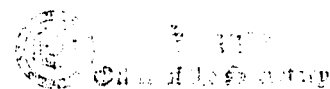
Since the 1950s, world production of plastic has outrun that of almost any other manufactured material. Much of the plastic we produce are intended to be of single-use, and its staggering number has overwhelmed our ability to cope with its disposal that they end up in landfills, oceans and in our general environment. Almost all plastics are not biodegradable, and are instead broken down into smaller particles called microplastics that take tens, and many times, hundreds of years to decompose.

In a recent waste audit, the Philippines was found to be the third biggest contributor of plastic wastes in the world's oceans, ranking only behind China and Indonesia. Much of the plastic we consume find their way into the ocean. These trash is of a magnitude that it has created six garbage patches in our oceans, with the Great Pacific Garbage Patch as the largest. It contains at least 79,000 tons of plastic debris that spans 1.6 million square kilometers, twice the size of France. Among the most common plastic products that are found in our oceans are beverage straws and stirrers.

While Section 15 of R.A. 9003 also known as the Ecological Solid Waste Management Act, in its framework mandates "Recycling programs for the (sic) recyclable materials, such as but not limited to glass, paper, plastic and metal", there has to be a more determined approach in addressing the enormity of our plastic problem. Plastic straws and stirrers may appear small in size, and deemed the least among plastic products that contribute to this plastic crisis, they may however be considered unnecessary items in our everyday lives. To those who are not willing to give up the use of straws and stirrers, reusable alternatives are already available in the market. As this bill encourages the use of reusable straws and stirrers, it not only seeks to complement R.A. 9003 by way of eliminating certain plastic goods thereby facilitating waste reduction, but also envisions a mind-shift among the public in their ways of consumption that puts important regard for the environment.

The passage of this bill is earnestly sought.

ANA THERESIA "RISA" HONTIVEROS BARAQUEL
Senator



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

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Plastic Straw and Stirrer Ban of*
2 *2018*”.

3
4 **SEC. 2. Declaration of Policy.** – Section 16 of the Philippine Constitution states that, “The
5 State shall protect and advance the right of the people to a balanced and healthful
6 ecology in accord with the rhythm and harmony of nature”.

7
8 **SEC. 3. Definition of Terms.** –

9
10 As used in this Act:

11
12 (a) *Beverage straw* refers to a tube used for transferring beverage from its container to
13 the mouth of a consumer.

14
15 (b) *Beverage stirrer* is an object used for stirring beverage.

16
17 (c) *Biodegradable* means the ability of a material to breakdown within one year through
18 the action of naturally occurring microorganisms such as bacteria, fungi, and algae, into
19 natural materials in the natural environment without causing harm.

20
21 (d) *Disability* means a physical, intellectual or sensory impairment that substantially
22 limits one or more major life activities.

23
24 (e) *Food service establishments* refer to any place where food and beverage is provided
25 directly or indirectly to the consumer, whether food and beverage are consumed on or
26 off the premises. This includes, but not limited to, restaurants, catering services, school
27 and office cafeterias, *carinderia*, bakeries, coffee shops, food stalls, food trucks, bars,
28 and hotels.

1 (f) *Other service establishments and providers that serve beverages* refer to *sari-sari*
2 stores, and other enterprises that serve beverages such as sidewalk stalls.

3
4 (g) *Medical condition* means any illness, disease, disorder or injury that requires medical
5 treatment.

6
7 (h) *Plastic* refers to a synthetic material made from organic polymers, including, but not
8 limited to, polypropylene and polystyrene, that can be molded into shape while soft,
9 and then set into a rigid or slightly elastic form.

10
11 (i) *Single-use* means a product that is designed and intended to be used only once for
12 drinking and stirring, and is generally recognized by the public as an item that is to be
13 discarded after one use.

14
15 **SEC. 4. Prohibition.** – No food service establishment or other service establishments that
16 serve beverages shall offer to consumers any single-use beverage straw and stirrer
17 made of plastic or any other non-biodegradable material.

18
19 **SEC. 5. Exemption.** – Food service establishments may provide suitable beverage straws,
20 including those prohibited by this Act, to a person that requires a straw due to a
21 disability or medical condition as defined therein.

22
23 **SEC 6.** Food service establishments and other service providers occupying fixed spaces,
24 such as *sari-sari* stores are directed to prominently display signs informing the
25 customers of its “no plastic straw and stirrer” policy.

26
27 **SEC. 7. Penalties.** – Food establishments caught providing plastic straws and stirrers shall
28 be penalized as follows:

29
30 First offense: A fine of fifty thousand pesos (P50,000.00)
31 Second offense: A fine of eighty thousand pesos (P80,000.00)
32 Third offense: A fine of one hundred fifty thousand pesos (P150,000) and the
33 suspension of their Business Permit for a period of one (1)
34 year.

35
36 The penalties herein provided shall be imposed:

- 37
38 (a) upon the owner, manager, administrator, or proprietor, for individual
39 proprietorships;
40 (b) upon all partners for general partnerships and the general partner/s for
41 limited partnerships;
42 (c) upon the Branch Manager of a particular offending food establishment;
43 (d) solidarily upon the President, Vice President, corporate officers as well as the
44 Chief Operating Officer for incorporated businesses, and
45 (e) upon all such persons, not falling within any of the descriptions/titles
46 abovementioned, being in-charge of the particular offending food
47 establishments, and failing to show prohibition herein defined. This is without
48 prejudice to the right of the person paying the appropriate fine to seek

1 reimbursement of the amount paid from the owner of the enterprise or
2 establishment.

3
4 **SEC. 8.** The Local Government, through their local Solid Waste Management Board and
5 local Environment and Natural Resources Officer is hereby deputized to implement the
6 provisions of this Act in food establishments and other service providers in their
7 respective jurisdictions.

8
9 **SEC. 9.** All fines collected as a result of the implementation of this Act shall
10 automatically be allocated to the ocean and other water system-rehabilitation programs
11 of the Department of Environment and Natural Resources.

12
13 **SEC. 10.** The Department of Environment and Natural Resources is hereby tasked to
14 promote the use of straws and stirrers made of metal, bamboo, or any other reusable
15 material.

16
17 **SEC. 11. *Implementing Rules and Regulations.*** – The Department of Environment and
18 Natural Resources, in consultation with the Department of the Interior and Local
19 Government (DILG), and the Department of Trade and Industry, after consultations with
20 consumer groups, plastic producers and other affected groups shall promulgate the
21 *Implementing Rules and Regulations (IRR)* of this Act within six (6) months from its
22 approval.

23
24 **SEC. 12. *Separability Clause.*** – If any section or provision of this Act is held
25 unconstitutional or invalid, the other sections or provisions shall not be affected.

26
27 **SEC. 13. *Repealing Clause.*** – All laws, presidential decrees, executive orders and rules
28 and regulations or parts thereof inconsistent with the provisions of this Act are hereby
29 repealed or modified accordingly.

30
31 **SEC. 14. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
32 publication in the *Official Gazette* or in a newspaper of general circulation.

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35
36
37 *Approved,*