Opp. 1. The Secretary

FOURTEENTH CONGRESS OF THE REPUBLIC )
OF THE PHILIPPINES.
First Regular Session
)

8 MAY -7 P3:3

SENATE S. No. **2259** 

NECEIVED BY: \_\_\_\_

## Introduced by Senator Miriam Defensor Santiago

## **EXPLANATORY NOTE**

The Constitution, Article 2, Section 15 provides that:

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.

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.<sup>2</sup>

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.

MIRIAM DEFENSOR SANTIAGE

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http://assembly.state.ny.us/leg/?bn=A01563

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SENATE

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	S. No. 2259 NECEIVED BY:
	Introduced by Senator Miriam Defensor Santiago
1 2	AN ACT TO REGULATE THE SALE OR DISTRIBUTION OF MERCURY THERMOMETERS
3 4	Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:
5	SECTION 1. Short Title This Act shall be known as the "Mercury
6	Thermometer Regulation Act of 2008."
7	SECTION 2. Declaration of Policy It is the declared policy of the state to
8	protect and promote the right to health of the people and instill health consciousness
9	among them. For this reason, the state aims to regulate the sale of mercury thermometers
10	to prevent unnecessary exposure of the people to mercury.
11	SECTION 3. Definition of Mercury Thermometer For the purposes of this act,
12	"mercury thermometer"" shall mean any thermometer used to measure human or animal
13	body temperature, which contains mercury or a mercury compound. Such term shall not
14	include an electronic thermometer with a battery containing mercury.
15	SECTION 4. Prohibition No person shall sell, offer to sell or expose for sale
16	any mercury thermometer without authority from the Department of Health. Likewise, no
17	person shall buy a mercury thermometer without a prescription from a duly licensed
18	medical doctor, acting within the lawful scope of his or her practice, and pursuant to the
19	rules and regulations of the Secretary of Health; or a veterinarian acting within the lawful
20	scope of his or her practice, and pursuant to the rules and regulations of the Secretary of
21	Agriculture.

- 1 SECTION 5. Penalties. I Any person who violates the provisions of this Act
- 2 shall be subject to a penalty of not less than One Thousand Pesos (Php 1,000.00) nor
- 3 more than Five Thousand Pesos (Php 5,000.00).
- 4 SECTION 6. Separability Clause. If any provision or part of this Act is held
- 5 invalid, the remainder of this Act shall not be affected thereby.
- 6 SECTION 7. Repealing Clause. All laws, decrees, executive order or rules and
- 7 regulations inconsistent with this Act are hereby repealed or modified accordingly.
- 8 SECTION 8. Effectivity Clause. This Act shall take effect fifteen (15) days
- 9 after its publication in the Official Gazette or two (2) newspapers of general circulation.
- 10 Approved.

/jps