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SENATE

S. No. 209

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**EXPLANATORY NOTE**

The dangers posed to our people's health and environment by the loose management of medical waste is a real and ever present threat. Infectious waste can spread serious diseases which include hepatitis and HIV. Toxic chemicals such as mercury can cause permanent damage to the general public, and the burning of plastics, particularly PVC, can release pollutants into the atmosphere to contaminate the environment for decades to come<sup>1</sup>.

The Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology; protect and promote the right to health of the people, and instill health consciousness among them. Subsequent to the clamor for environmentally-responsible health care, hospitals, medical universities, local environment and natural resources office and national medical association all pledged to support environmental health campaigns in hospitals and health care system in the country<sup>2</sup>.

Although environmental awareness in the country has relatively increased in the past few years, the dangers posed by medical wastes should be given the extensive attention it rightfully deserves.

This bill seeks to regulate medical wastes by empowering the Secretary of Health to establish acceptable standards for its management and disposal. It likewise strengthens the ability of the Department of Health in dealing with the issue of medical waste management, and imposes stiff penalties for the mindless disposal of dangerous medical waste.

In view of the foregoing, urgent approval of this bill is earnestly requested.

  
ANTONIO "SONNY" F. TRILLANES IV  
Senator

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<sup>1</sup> *Hubli-Dharwad Sustainable Healthcare Waste Management Project*. Data retrieved at [http://www.noharm.org/lib/downloads/waste/Hubli-Dharwad\\_Waste\\_Mgmt\\_Project.pdf](http://www.noharm.org/lib/downloads/waste/Hubli-Dharwad_Waste_Mgmt_Project.pdf) on 05 October 2009.

<sup>2</sup> *Philippines: Hospitals, Medical Universities Gear Up Towards Environmental Health Care*. Data retrieved at <http://www.gefmedwaste.org/article.php> on 05 October 2009.

10 JUL -6 10:59

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AN ACT  
PROVIDING FOR THE REGULATION AND DISPOSAL OF BIO-MEDICAL WASTES,  
DECLARING CERTAIN ACTS UNLAWFUL, PRESCRIBING PENALTIES THERETO,  
AND FOR OTHER PURPOSES

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

1        **SECTION I. *Short Title.*** - This Act shall be known and referred to as the "*Bio-Medical*  
2        *Waste Control Act.*"

3  
4        **SEC. 2. *Declaration of Policy.*** - It is hereby declared the policy of the State, in  
5        accordance with the mandate of the Constitution, to protect and advance the right of the people  
6        to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and to  
7        promote the right to health of the people To this end, the State shall provide for a comprehensive  
8        program for the management, collection, and disposal of bio-medical waste.

9  
10       **SEC. 3. *Definition of Terms.*** - For purposes of this Act:

11       a) "Medical waste" - shall refer to any solid waste which is generated in the diagnosis  
12       and treatment of human beings or animals, in research pertaining thereto, or in the  
13       production or testing of biologicals. The term shall include, but shall not be limited  
14       to, each of the following types of solid waste:

- 1 i) Cultures and stocks of infectious agents and associated biologicals,  
2 including cultures from medical and pathological laboratories, cultures and  
3 stocks of infectious agents from research and industrial laboratories, wastes  
4 from the production of biologicals, discarded live and attenuated vaccines,  
5 and culture dishes and devices used to transfer, inoculate, and mix cultures;
- 6 ii) Pathological wastes, including tissues, organs, and body parts that are  
7 removed during surgery or autopsy;
- 8 iii) Waste human blood and products of blood, including, serum, plasma, and  
9 other blood components;
- 10 iv) Sharps that have been used in patient care or in medical, research, or  
11 industrial laboratories, including hypodermic needles, syringes, Pasteur  
12 pipettes, broken glass, and scalpel blades;
- 13 v) Contaminated animal carcasses, body parts, and bedding of animals that  
14 were exposed to infectious agents, during research, production of  
15 biologicals, or testing of pharmaceuticals;
- 16 vi) Wastes from surgery or autopsy that were in contact with infectious agents,  
17 including soiled dressings, sponges, drapes, lavage tubes, drainage sets,  
18 ender pads, and surgical gloves;
- 19 vii) Dialysis wastes that were in contact with the blood of patients undergoing  
20 hemodialysis, including contaminated disposable equipment and supplies  
21 such as tubing, filters, disposable sheets, towels, gloves, aprons and  
22 laboratory coats;
- 23 viii) Discarded medical equipment and parts that were in contact with infectious  
24 agents;
- 25 ix) Laboratory wastes from medical, pathological, pharmaceutical, or other  
26 research, commercial or industrial laboratories that were in contact with

1 infectious agents, including slides and cover slips, disposable gloves,  
2 laboratory coats, and aprons;

3 x) Biological waste and discarded materials contaminated with blood,  
4 excretion, exudates or secretion from human beings or animals which are  
5 isolated to protect others from communicable diseases; and

6 xi) Such other waste materials that results from the administration of medical  
7 care to a patient by a health care provider and is found by the Department  
8 to pose a threat to human health or the environment.

9 b) "Department" - shall refer to the Department of Health;

10 c) "Generator" - shall refer tot he hospital, clinic or other facility which produces  
11 medical waste;

12 d) "Secretary" - shall refer tot he Secretary of Health and/or his duly authorized  
13 representatives.

14  
15 **SEC. 4. *Lead Agency.*** - The Department shall be responsible for the implementation and  
16 enforcement of the provisions of this Act. To this end, the Department, through the Secretary,  
17 shall have the following powers and functions:

18 a) Formulate and develop a comprehensive program for the management, collection ad  
19 disposal of bio-medical waste which all local government units have to comply with.  
20 The program shall include the establishment of standards regulating the generation  
21 and disposal of bio-medical waste which, in the judgment of the Secretary, is  
22 necessary to protect public health and welfare. In formulating the program, the  
23 secretary shall give emphasis to environmentally-sound, ecologically-safe, and cost-  
24 efficient methods;

25 b) Establish regional bio-medical waste treatment and disposal facilities or if it is more  
26 practicable, to develop a network of shared bio-medical waste treatment facilities  
27 and gradually phase out unsafe on-site disposal facilities in hospital grounds;

- 1 c) Conduct a comprehensive Bio-Medical Waste Management (BMWM) study of all  
2 hospitals nationwide to properly appraise actual needs and problems, and to  
3 determine specific areas for improvement or technical assistance;
- 4 d) Develop a waste audit or assessment protocol for hospitals and other health facilities;
- 5 e) Require the implementation of an approved BMWM program as a condition for  
6 licensing of hospitals and other health facilities. For this purpose, the Department's  
7 hospital performance evaluation system shall include an assessment of the BMWM  
8 program;
- 9 f) Formulate, revise, and from time to time update, a Manual on biomedical waste  
10 management and distribute copies to all government and private hospital's, clinics,  
11 laboratories, research offices, pharmacies, funeral parlors and other institutions;
- 12 g) Monitor the disposal and transport of bio-medical wastes;
- 13 h) Exercise visitorial and enforcement powers to ensure strict compliance with this Act;
- 14 i) Issue rules and regulations to effectively implement the provisions of this Act; and
- 15 j) Perform such other powers and functions necessary to achieve the objectives of this  
16 Act.

17

18 **SEC. 5. Role of Local Government Units.** - All local government units shall, pursuant to  
19 national policies, the relevant provisions of the Local Government Code and subject to the  
20 review of the Department, enforce the provisions of this Act.

21 The local government units shall design and submit to the Department their own BMWM  
22 plans that impose limitations and/or criteria on existing or potential generators within their  
23 jurisdiction boundaries.

24 If the Department finds the local government unit procedures adequate, it shall  
25 recommend implementation of the plan: *Provided*, That the Department shall maintain its  
26 authority to independently inspect the enforcement procedure adopted: *Provided, further*, That  
27 the Department shall have the power to take over all parts of a local government program, if the

1 local government unit concerned lacks the capability to carry out their plans, or if it fails to meet  
2 or fairly enforce the standards set by the Department.

3

4 **SEC. 6. *Visitorial Powers of the Secretary or his Duly Authorized Representatives.*** -

5 The Secretary or his duly authorized representative shall have access to, and the right to copy  
6 therefrom, the records required to be maintained pursuant to the provisions of this Act. The  
7 Secretary or his duly authorized representative shall likewise have the right to enter the premises  
8 of any bio-medical waste generator, transporter, incinerator or such other disposal facility at any  
9 time of the day or night to question any employee or investigate any fact, condition or matter  
10 which may be necessary to determine any violation or which may aid in the effective  
11 enforcement of this Act and its implementing rules and regulations.

12

13 **SEC. 7. *Enforcement Powers of the Secretary.*** - The Secretary or his duly authorized

14 representative shall have the power to order and administer, after due notice and hearing,  
15 compliance with the provisions of this Act and the implementing rules and regulations issued  
16 pursuant thereto. The Secretary may likewise order the suspension of operations of any generator  
17 when noncompliance with this Act or its implementing rules and regulations poses grave and  
18 imminent danger to the health and safety of the public. Within twenty-four (24) hours from the  
19 order of suspension, a hearing shall be conducted to determine whether the order suspending the  
20 operations of the generator shall be lifted or made permanent.

21

22 **SEC. 8. *Monitoring the Transport of Bio-Medical Waste.*** - The comprehensive program

23 of the Department shall provide for the close monitoring of the transport of bio-medical waste  
24 from the generator to the disposal facility, including a mechanism which will provide the  
25 generator with assurance that the waste is actually received by said disposal facility: *Provided,*  
26 That the bio-medical waste generated should be source-separated and contained in appropriately  
27 labeled containers to ensure protection from exposure to waste handlers and the public.

1           **SEC. 9. *Relationship with other Government Agencies and NGOs.*** - in the  
2 implementation of this Act, the secretary may, as the need arises, call on any government agency  
3 for assistance in the form of personnel, facilities, and other resources. The Secretary may  
4 likewise deputize any law enforcement officer to render assistance in the enforcement of its  
5 directives or orders.

6           The secretary may also enjoin non-governmental organizations (NGOs), academic  
7 institutions, and other private groups to actively participate in the implementation of this Act.

8

9           **SEC.10. *Injunction Prohibited.*** - No inferior court or entity shall issue any temporary or  
10 permanent injunction or restraining order or otherwise assume jurisdiction over any case  
11 involving the enforcement orders issued by the Secretary in accordance with this Act.

12

13           **SEC. 11. *Prohibited Acts.*** - The following Acts and omissions shall be considered  
14 unlawful:

- 15           a) Any person who knowingly violates the requirements of or regulations issued  
16           pursuant to this Act;
- 17           b) Any person who knowingly omits material information or makes any false  
18           material statement or representation in any record, report, or other document filed,  
19           maintained, or used for purposes of compliance with this Act or the implementing  
20           rules and regulations issued pursuant thereto;
- 21           c) Any person who knowingly generates, stores, transports, disposes of, or otherwise  
22           handles any biological waste in violation of the provisions of this Act and its  
23           implementing rules and regulations;
- 24           d) Any person who knowingly destroys, alters, conceals, or fails to file any record,  
25           report, or other document required to be maintained or filed for purposes of  
26           compliance with this Act or the rules and regulations issued pursuant thereto;

1 e) Any person who obstructs, impedes, delays or otherwise renders ineffective the  
2 orders of the Secretary or his duly authorized representatives issued pursuant to  
3 the authority granted under this Act.  
4

5 **SEC. 12. *Penalty.*** - Any person who violates the provisions of this Act or its  
6 implementing rules and regulations shall, upon conviction, be punished with a fine of not less  
7 than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand pesos  
8 (P500,000.00) or imprisonment of not less than six (6) years but not more than ten (10) years, or  
9 both, at the discretion of the Court.

10 If the offense is committed by a corporation, partnership, or other judicial entity duly  
11 organized in accordance with law, the chief executive officer, president, general manager,  
12 managing partner or such other officer-in-charge of the business operations shall be liable for the  
13 commission of the offense penalized under this Act.

14 If the offender is an alien, he shall, after service of the sentence prescribed above, be  
15 deported without further administrative proceedings.  
16

17 **SEC. 13. *Damages.*** - Any person who violates any of these provisions, or fails to comply  
18 with the provisions of this law or its implementing rules and regulations, or any order or decision  
19 of the Secretary or his duly authorized representative promulgated pursuant to this Act, thereby  
20 causing any harm, injury, illness or death to any person, and/or damage to property shall, in  
21 addition to the penalties herein provided, be liable to pay the Government and/or the person  
22 adversely affected actual or compensatory damages.  
23

24 **SEC. 14. *Appropriation.*** - Such amount as may be necessary for the effective  
25 implementation of this Act is hereby appropriated from the funds of the National Treasury not  
26 otherwise appropriated. Thereafter, such amount as may be necessary for its continued operation  
27 shall be included in the annual General Appropriation Act.



1           **SEC. 15. *Separability Clause.*** - If for any reason any provision of this Act is declared  
2 unconstitutional or invalid, such parts or portions not affected thereby shall remain in full force  
3 and effect.

4  
5           **SEC. 16. *Repealing Clause.*** - All laws, executive orders, presidential decrees, and rules  
6 and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed  
7 or modified accordingly.

8  
9           **SEC. 17. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in  
10 at least two (2) newspapers of general circulation.

Approved,