

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

OFFICE OF THE CLERK

19 JUL 13 1929

SENATE
S.B. No. 1398

RECEIVED JUL 13 1929

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to ensure that proper medical attention and consideration is provided to every patient undergoing cosmetic procedure, particularly female patients who might be aware or unaware that they are pregnant.

According to the Department of Health, the Philippines has earned an estimated \$200 million from medical tourists in the year 2006. This is a manifestation that our medical tourism holds potentials and is fast keeping up with our western counterparts.

As the said industry is still developing, our safety standards should always be kept on a high level to ensure its growth in the global market. It is in this sense that this proposed measure is presented to guarantee the safety of the patrons of our medical services, particularly women, foreign and local, alike.

The bill ensures the conduct of mandatory pregnancy testing and further, the mandatory disclosure of potential risks of cosmetic procedures. The penalties for the violation of the same are also in place in order to put teeth into the measure.


Moreover, this proposed legislation is in line with the State policy, as enshrined in our 1987 Constitution, that the State shall equally protect the life of the mother and the life of the unborn from conception. (*Article 11, Section 12*).

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


LOREN LEGARDA
Senator

RECEIVED
JUL 15 1979

SENATE
S.B. No. 1398

RECEIVED BY 

Introduced by Senator Loren Legarda

AN ACT
PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL
WOMEN OF CHILDBEARING AGE WHO WILL UNDERGO COSMETIC
PROCEDURES THAT ARE HARMFUL TO PREGNANT WOMEN AND
UNBORN CHILDREN, AND DISCLOSURE OF THE POTENTIAL RISKS OF
SUCH PROCEDURES AND FOR OTHER PURPOSES

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

1 **SECTION 1. Declaration of Policy.** - It is the declared policy of the State to
2 ensure the well being of patients, especially the protection of pregnant women and
3 the right to life beginning from conception against the potential risks of cosmetic
4 procedures. Towards this end, the State shall provide for the mandatory pregnancy
5 testing of all women of childbearing age who will undergo cosmetic procedures
6 and guarantee the safety of all patients from the harmful effects that may be caused
7 by cosmetic procedures through disclosure requirement of potential risks of such
8 procedures.

9
10 **SECTION 2. Definition of Terms.** - For the purpose of this Act, the following
11 terms shall mean as follows:

- 12
13 a) "Childbearing Age" shall refer to the age group during which period a female
14 is capable of procreation;
- 15 b) "Cosmetic procedure" shall refer to a subspecialty of medicine and surgery
16 that distinctly restricts itself to the enhancement of appearance through
17 surgical and medical techniques and is primarily concerned with maintaining
18 normal appearance, restoring it, or enhancing it beyond the average level
19 toward some aesthetic ideal. It is a multidisciplinary approach that is directed
20 to all areas of the head, neck and body;

- 1 c) "Cosmetic Provider" shall refer to any firm or corporation and any of its
2 medical associate or cosmetic surgeon offering expertise in a broad range of
3 cosmetic services duly certified by the Professional Regulatory Commission
4 as active in the practice of cosmetic surgery;
- 5 d) "Human Chorionic Gonadrophin" (HCG) shall refer to the hormone
6 produced during pregnancy which appears in the blood and urine of
7 pregnant women as early as ten (10) days after conception;
- 8 e) "Medical practitioner" shall refer to any physician, nurse or paramedical or
9 other supporting personnel duly certified by the Professional Regulatory
10 Commission as capable of administering accurate pregnancy testing;
- 11 f) "Pregnancy" shall refer to the period from conception to birth and begins
12 when the egg is fertilized by a sperm and then implanted in the lining of the
13 uterus, develops into the placenta and embryo and later on into a fetus;
- 14 g) "Pregnancy test" shall refer to the procedure in which the hormone called
15 Human Chorionic Gonadrophin (HCG) is measured;
- 16 h) "Unborn child" shall refer to an unborn offspring of human beings from the
17 moment of conception, through pregnancy, and until live birth including the
18 human conceptus, zygote, morula, blastocyst, embryo and fetus.

19

20 **SECTION 3. Mandatory Pregnancy Testing.** - The State shall, in the interest
21 of ensuring the well being of pregnant women and protecting the welfare of the
22 unborn children, require all Cosmetic Providers to subject women of childbearing
23 age who are to undergo cosmetic procedures that may be harmful to pregnant
24 women and unborn children, to a mandatory pregnancy testing. The test shall be
25 administered by the Cosmetic Provider or any of its accredited medical practitioner
26 who shall certify to the veracity or authenticity of the test: *Provided*, That those
27 women found to be infertile or incapable to reproduce based on objective criteria as
28 may be supported by a certified medical record, shall be exempt from the provisions
29 of this Act. Objective criteria for ruling out potential pregnancy include total
30 hysterectomy, bilateral tubal ligation or the passage of at least one (1) year without
31 menses or menopause. Mandatory pregnancy testing shall be routinely performed
32 before any cosmetic procedure that the Cosmetic Provider may consider harmful to
33 pregnant women and unborn children. Harmful cosmetic procedures include those
34 that require the administration of general anesthesia and other types of anesthesia
35 that the Cosmetic Provider may deem detrimental to the well being of the pregnant
36 women and unborn children.

1 **SECTION 4. *Conduct of Pregnancy Testing.*** - The test shall be administered,
2 primarily for the purpose of determining pregnancy, either by collecting a urine
3 sample or by extracting blood serum from the woman. Pregnancy testing may be
4 *Qualitative* in order to determine if HCG hormone is present and/or *Quantitative* in
5 order to measure how much HCG is present.

6
7 **SECTION 5. *Mandatory Disclosure of Potential Risks of Cosmetic***
8 ***Procedures.*** - It shall be the obligation of the Cosmetic Provider to make a reasonable
9 disclosure of available choices with respect to a cosmetic procedure and to inform
10 the patient of the precise and potential risks associated with specific cosmetic
11 procedure and the possible dangers of undergoing the same when a woman is
12 pregnant. The Cosmetic Provider shall explicitly give advise in lay terms or in a
13 manner that the patient can give an informed or intelligent consent to such
14 procedure.

15
16 **SECTION 6. *Prohibited Acts.*** - The following acts shall constitute an offense
17 punishable under this Act:

- 18
19 a) Failure to inform the patient of the potential risks of cosmetic procedures as
20 prescribed under Section 5 of this Act;
21 b) Performing cosmetic procedure to any woman of childbearing age that is
22 harmful to pregnant women and unborn children without the required
23 pregnancy test;
24 c) Performing cosmetic procedure of any woman who has been positively found
25 to be pregnant even when there is full disclosure or signed waiver of the right
26 to sue over a denied and undetected pregnancy on the part of the woman.

27
28 **SECTION 7. *Penalties.*** - Any Cosmetic Provider who violates any provision
29 of this Act shall be punished by *prision mayor* and the cancellation of the license to
30 practice cosmetic procedure and a fine ranging from Five Hundred Thousand Pesos
31 (P500,000.00) to One Million Pesos (P1,000,000.00) in the discretion of the Court
32 taking into consideration all attending circumstances.

33
34 If the offense is committed by a corporation, partnership, or other juridical
35 entity duly organized in accordance with law, the chief executive officer, president,
36 general manager, managing partner or such other officer-in-charge shall be liable for

1 the commission of the offense penalized under this Act and the cancellation of its
2 business permit and license to operate.

3
4 **SECTION 8. *Implementing Rules and Regulations.*** - The Department of
5 Health shall, within thirty (30) days after the effectivity of this Act, promulgate and
6 issue the necessary rules and regulations for the effective implementation of the
7 provisions of this Act.

8
9 **SECTION 9. *Repealing Clause.*** - All laws, decrees, executive orders, rules
10 and regulations or parts thereof inconsistent with the provisions of this Act are
11 hereby repealed or modified accordingly.

12
13 **SECTION 10. *Separability Clause.*** - If a part or provision of this Act is
14 declared unconstitutional or invalid, other provisions hereof not affected thereby
15 shall remain in full force and effect.

16
17 **SECTION 11. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
18 after its publication in two (2) newspapers of general circulation.

19
20 Approved,