



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. **5383**



Introduced by Representative Florencio Gabriel "Bem" G. Noel

EXPLANATORY NOTE

Section 16, Article II of the 1987 Constitution provides:

"The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Non-biodegradable waste and materials pose a continuous threat to the nation's environment and is particularly harmful to the oceans and marine wildlife. Single-use plastics were revolutionary inventions, however, its indestructible nature makes it nearly impossible to decompose using natural means, leaving many single-use plastics to remain in the oceans for years on end. The state of the nation's waters deteriorated to such an extreme extent that the government inevitably had to resort to shutting down locations such as Boracay and Manila Bay in order to commence clean-ups and a rehabilitation of such areas.

To this end, this bill seeks to address plastic pollution by regulating the use, recovery, collection, and disposal of plastic drinking straws in commercial establishments.

Fortunately, this is a preventable problem and in order to address this issue in the swiftest manner, the immediate passage of this bill is respectfully requested.

FLORENCIO GABRIEL "BEM" NOEL



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**AN ACT REGULATING THE USE, RECOVERY, COLLECTION, AND DISPOSAL
OF PLASTIC DRINKING STRAWS IN COMMERCIAL ESTABLISHMENTS AND
IN PRE-PACKED BEVERAGES**

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

Section 1. **Short Title.** — This Act shall be known as the "Straw Regulation Act."

Sec. 2. **Declaration of Policy.** — It is the policy of the State to protect and promote the right of to a balanced and healthful ecology and the right to health. Towards this end, the State shall institute a program that will materialize to further develop the protection of the environment, particularly Philippine waters, through the regulation of plastic drinking straws.

Sec. 3. **Regulation of Plastic Drinking Straws in Commercial Establishments.** — All commercial establishments engaged in the sale of food and beverages, including sari-sari stores, department stores, pharmacies, and drug stores, shall charge and collect a Plastic Straw Fee amounting to Two Pesos (P2.00) per plastic drinking straw regardless of size: Provided, That plastic drinking straws or tubes used for medical purposes and those used by senior citizens and persons with disabilities (PWD), and individuals who have limited mobility caused by stroke, arthritis, and other medical conditions whether or not these individuals have a Senior Citizen or PWD card, shall be exempt from the Plastic Straw Fee: Provided, further, That the imposition of the same shall be implemented six (6) months after the effectivity of this Act for the information campaign initiated by the Department of Environment and Natural Resources (DENR). A record that specifies amount of Straw Fee collected and pieces of plastic drinking straws provided shall be kept in the place of business of these commercial establishments that can be accessed during operating business hours.

Sec. 4. ***Offer-First Policy.*** — All commercial establishments shall implement an offer-first policy where customers shall only be provided plastic drinking straws upon request: Provided, That this policy shall not apply to senior citizens and persons with disability. All food establishments are required to post infographics in conspicuous places within and outside the store and in areas near the counter to appraise all customers of the offer-first policy.

Sec. 5. ***Straw Disposal and Collection in Commercial Establishments.*** — The DENR is hereby directed to formulate guidelines, rules, and regulations for the creation or establishment of straw disposal and collection facilities in commercial establishments in accordance with Republic Act No. 9003 or the Ecological Solid Waste Management Act and other applicable laws as specified under the implementing rules and regulations of this Act. There shall be a random check as to the compliance with the duly set protocols set for the disposal and collection of the same.

There shall be at least one (1) Central Straw Disposal Unit created per province for the proper recovery of plastic straw and other similar items administered by the DENR and the concerned provincial government unit in coordination with local chambers of commerce and other civic organizations.

Sec. 6. ***Regulation of Plastic Drinking Straws on Pre-Packed Beverages.*** — Plastic drinking straws on pre-packed beverages shall be separated from the same and shall only be provided at the point-of-sale of the commercial establishment engaged in the sale of food and beverages upon payment of the Plastic Straw Fee amounting to Two Pesos (p2.00) per plastic drinking straw six (6) months upon the effectivity of this Act.

DENR, in cooperation with the Department of Trade and Industry (DTI), is hereby directed to conduct random checks on all commercial establishments engaged in the sale of pre-packed beverages to inspect compliance as specified under the implementing rules and regulations of this Act.

Sec. 7. ***Environmentally Sustainable Pre-Packed Beverages.*** — DENR, DTI, the Department of Science and Technology (DOST), the Department of Health (DOH), and the Food and Drug Administration (FDA) shall formulate designs for commercially sold pre-packed beverages that would allow consumption without using plastic drinking straws and recommend the same to beverage manufacturers.

Preliminary designs for environmentally sustainable pre-packed beverages shall be created within six (6) months upon effectivity of this Act with proper consultation of beverage manufacturers, consumer groups, and other concerned stakeholders as determined by the involved government agencies. The final designs shall be created within six (6) months after the release of preliminary designs.

Sec. 8. ***Straw-Free Seal Program.*** — To encourage commercial establishments and manufacturers of pre-packed beverages to lessen the use of plastic drinking straws, a Straw-Free Seal Program shall be created by the DENR. This program shall be a guide used by consumers in selecting commercial establishments and pre-packed beverages that are environmentally sustainable.

A Straw-Free Seal shall be displayed on commercial establishments that are in compliance with the provisions of this Act. Further, beverages packaged following the designs approved by DENR, DTI, and DOST shall bear the same seal, such that the criteria of this Section shall be specified under the implementing rules and regulations of this Act.

Sec. 9. ***Penalties.*** — Commercial establishments that violate Sections 3 and 5 of this Act shall be penalized with a fine not exceeding P10,000.00 for first offense, a fine not exceeding P20,000.00 for the second offense, and a fine not exceeding P50,000.00 and cancellation of business permit. The DENR shall be responsible as to the imposition of fines: Provided, That the same agency shall be in coordination with the DTI as to the cancellation of business permit of erring commercial establishments

Sec. 10. ***Disposition of Proceeds.*** — The proceeds of the Straw Fee and fines paid from penalties shall be appropriated for the environmental programs focused on the protection and clean-up of Philippine waters, rivers, seas, and oceans that shall include information and awareness campaign on the effect of plastic drinking straws to aquatic animals and marine ecosystems, and technical assistance programs, such as trainings, workshops, and other capacity building initiatives for micro, small, and medium enterprises (MSME) and social enterprises that create sustainable products.

Sec. 11. ***Appropriations.*** — The amount necessary to cover the implementation of this Act shall be included in the budgets of DENR, DOST, DTI, DOH, and FDA in the annual General Appropriations Act (GAA).

Sec. 12. ***Implementing Rules and Regulations.*** — Within ninety (90) days from the approval of this Act, the DENR, in consultation with DOST, DTI, DOH, and FDA shall formulate the implementing rules and regulations of this Act.

Sec. 13. ***Separability Clause.*** — If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

Sec. 14. ***Repealing Clause.*** — All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations, or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 15. ***Effectivity.*** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,