

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1973



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The 1987 Constitution provides that, "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, and shall protect and promote the right to health of the people, and instill health consciousness among the public." Environmental awareness in the Philippines has increased in the past few years. However, awareness on the dangers posed by medical waste has not been given the attention it deserves.

The facts on medical waste are chilling. About 40 tons of medical waste is generated per day in Metro Manila. 92% of the 64 government and private hospitals surveyed by the Presidential Task Force on Waste Management dispose of their general wastes through the city or municipal refuse disposal system. Only 9.4% of the hospitals surveyed incinerate pathological wastes and only 7.8% incinerate infectious waste. Radioactive wastes are stored and allowed to decay by most of the hospitals surveyed. Chemical wastes are disposed of into sinks or water closets or through hospital septic tanks and sewer lines.

The dangers posed to our people's health and environment by the unregulated management of medical waste is a real and ever-present threat. Hospital incinerators can emit more dioxin and other hazardous pollutants than any other type of incinerator because of the type of waste they treat. Landfills, garbage dumps, and open pits attract scavengers, and medical wastes like syringes carelessly dumped therein can prick anyone of those scavengers. This could easily hasten the spread of the much-dreaded AIDS disease, as well as other communicable diseases.

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.


MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List

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

1 **SECTION 1. Short Title.**- This Act shall be known and referred to as the "Bio-
2 Medical 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
6 people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,
7 and to promote the right to health of the people To this end, the State shall provide for a
8 comprehensive program for the management, collection, and disposal of bio-medical waste.
9

10 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following terms shall
11 have the following definitions:
12

13 A) "Medical waste" - shall refer to any solid waste which is generated in the diagnosis
14 and treatment of human beings or animals in research pertaining thereto, or in the
15 production or testing of biological. The term shall include, but shall not be limited to,
16 each of the following types of solid waste:
17

- 18 1) Cultures and stocks of infectious agents and associated biologicals, including
19 cultures from medical and pathological laboratories, cultures and stocks of
20 infectious agents from research and industrial laboratories, wastes from the
21 production of biologicals, discarded live and attenuated vaccines, and culture
22 dishes and devices used to transfer, inoculate, and mix cultures;
23
24 2) Pathological wastes, including tissues, organs, and body parts chat are
25 removed during surgery or autopsy;
26
27 3) Waste human blood and products of blood, including, serum, plasma, and
28 other blood components;

- 4) Sharps that have been used in patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass, and scalpel blades;
- 5) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
- 6) Wastes from surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, ender pads, and surgical gloves;
- 7) Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons and laboratory coats;
- 8) Discarded medical equipment and parts that were in contact with infectious agents;
- 9) Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons;
- 10) Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from human beings or animals which are isolated to protect others from communicable diseases; and
- 11) Such other waste materials that results from the administration of medical care to a patient by a health care provider and is found by the Department to pose a threat to human health or the environment.

B) "Department" - shall refer to the Department of Health;

C) "Generator" - shall refer to the hospital, clinic or other facility which produces medical waste; and

D) "Secretary" - shall refer to the Secretary of the Department of Health and/or his duly authorized representatives.

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

- 1) Formulate and develop a comprehensive program for the management, collection and disposal of bio-medical waste which all local government limits have to comply with. The program shall include the establishment of standards regulating the generation and disposal of bio-medical waste which, in the judgment of the Secretary, is necessary to protect public health and welfare. In

1 formulating the program, the secretary shall give emphasis to
2 environmentally-sound, ecologically-safe, and cost-efficient methods;
3

- 4 2) Establish regional bio-medical waste treatment and disposal facilities or if it is
5 more practicable, to develop a network of shared bio-medical waste treatment
6 facilities and gradually phase out unsafe on-site disposal facilities in hospital
7 grounds;
8
- 9 3) Conduct a comprehensive Bio-Medical Waste Management (BMWM) study
10 of all hospitals nationwide to properly appraise actual needs and problems, and
11 to determine specific areas for improvement or technical assistance;
12
- 13 4) Develop a waste audit or assessment protocol for hospitals and other health
14 facilities;
15
- 16 5) Require the implementation of an approved BMWM program as a condition
17 for licensing of hospitals and other health facilities. For this purpose, the
18 Department's hospital performance evaluation system shall include an
19 assessment of the BMWM program;
20
- 21 6) Formulate, revise, and from time to time update, a manual on biomedical
22 waste management and distribute copies to all government and private
23 hospitals, clinics, laboratories, research offices, pharmacies, funeral parlors
24 and other institutions;
25
- 26 7) Monitor the disposal and transport of bio-medical wastes;
27
- 28 8) Exercise visitorial and enforcement powers to ensure strict compliance with
29 this Act;
30
- 31 9) Issue rules and regulations to effectively implement the provisions of this Act;
32 and
33
- 34 10) Perform such other powers and functions necessary to achieve the objectives
35 of this Act.
36

37 **SEC. 5. Role of Local Government Units.** - All local government units shall,
38 pursuant to national policies, the relevant provisions of the Local Government Code and
39 subject to the review of the Department, enforce the provisions of this Act.
40

41 The local government units shall design and submit to the Department their own
42 BMWM plans that impose limitations and/or criteria on existing or potential generators
43 within their jurisdiction boundaries.
44

45 If the Department finds the local government unit procedures adequate, it shall
46 recommend implementation of the plan: *Provided*, That the Department shall maintain its
47 authority to independently inspect the enforcement procedure adopted: *Provided, further*,
48 That the Department shall have the power to take over all parts of a local government
49 program, if the local government unit concerned lacks the capability to carry out their plans,
50 or if it fails to meet or fairly enforce the standards set by the Department.

1 **SEC. 6. *Visitorial powers of the Secretary or his Duly Authorized Representatives.*** -

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

10 **SEC. 7. *Enforcement Powers of the Secretary.***- The Secretary or his duly authorized
11 representative shall have the power to order and administer, after due notice and hearing,
12 compliance with the provisions of this Act and the implementing rules and regulations issued
13 pursuant thereto. The Secretary may likewise order the suspension of operations of any
14 generator when noncompliance with this Act or its implementing rules and regulations pose
15 grave and imminent danger to the health and safety of the public. Within twenty-four (24)
16 hours from the order of suspension, a hearing shall be conducted to determine whether the
17 order suspending the operations of the generator shall be lifted or made permanent.
18

19 **SEC. 8. *Monitoring the Transport of Bio-Medical Waste.*** - The comprehensive
20 program of the Department shall provide for the close monitoring of the transport of bio-
21 medical waste from the generator to the disposal facility, including a mechanism which will
22 provide the generator with assurance that the waste is actually received by said disposal
23 facility: *Provided*, That the bio-medical waste generated should be source-separated and
24 contained in appropriately labeled containers to ensure protection from exposure to waste
25 handlers and the public.
26

27 **SEC. 9. *Relationship with other Government Agencies and NGOs.***- In the
28 implementation of this Act, the secretary may, as the need arises, call on any government
29 agency for assistance in the form of personnel, facilities, and other resources. The Secretary
30 may likewise deputize any law enforcement officer to render assistance in the enforcement of
31 its directives or orders.
32

33 The secretary may also enjoin non-governmental organizations (NGOs), academic
34 institutions, and other private groups to actively participate in the implementation of this Act.
35

36 **SEC. 10. *Injunction Prohibited.*** - No inferior court or entity shall issue any
37 temporary or permanent injunction or restraining order or otherwise assume jurisdiction over
38 any case involving the enforcement orders issued by the Secretary in accordance with this
39 Act.
40

41 **SEC. 11. *Prohibited Acts.*** - The following Acts and omissions shall be considered
42 unlawful:
43

- 44 A) Any person who knowingly violates the requirements of or regulations issued
45 pursuant to this Act;
46
47 B) Any person who knowingly omits material information or makes any false
48 material statement or representation in any record, report, or other document filed,
49 maintained, or used for purposes of compliance with this Act or the implementing
50 rules and regulates issued pursuant thereto;

- 1 C) Any person who knowingly generates, stores, transports, disposes of, or otherwise
2 handles any biological waste in violation of the provisions of this Act and its
3 implementing rules and regulations;
4
5 D) Any person who knowingly destroys, alters, conceals, or fails to file any record,
6 report, or other document required to be maintained or filed for purposes of
7 compliance with this Act or the rules and regulations issued pursuant thereto; and
8
9 E) Any person who obstructs, impedes, delays or otherwise renders ineffective the
10 orders of the Secretary or his duly authorized representatives issued pursuant to
11 the authority granted under this Act.
12

13 **SEC. 12. *Penalty.*** - Any person who violates the provisions of this Act or its
14 implementing rules and regulations shall, upon conviction, be punished with a fine of not less
15 than Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand
16 pesos (P500,000.00) or imprisonment of not less than six (6) years but not more than ten (10)
17 years, or both, at the discretion of the Court.
18

19 If the offense is committed by a corporation, partnership, or other judicial entity duly
20 organized in accordance with law, the chief executive officer, president, general manager,
21 managing partner or such other officer-in-charge of the business operations shall be liable for
22 the commission of the offense penalized under this Act.
23

24 If the offender is an alien, he shall, after service of the sentence prescribed above, be
25 deported without further administrative proceedings.
26

27 **SEC. 13. *Damages.*** - Any person who violates any of these provisions, or fails to
28 comply with the provisions of this law or its implementing rules and regulations, or any order
29 or decision of the Secretary or his duly authorized representative promulgated pursuant to this
30 Act, thereby causing any harm, injury, illness or death to any person, and/or damage to
31 property shall, in addition to the penalties herein provided, be liable to pay the Government
32 and/or the person adversely affected actual or compensatory damages.
33

34 **SEC. 14. *Appropriation.*** - Such amount as may be necessary for the effective
35 implementation of this Act is hereby appropriated from the funds of the National Treasury
36 not otherwise appropriated. Thereafter, such amount as may be necessary for its continued
37 operation shall be included in the annual General Appropriation Act.
38

39 **SEC. 15. *Separability Clause.*** - If for any reason any provision of this Act is declared
40 unconstitutional or invalid, such parts or portions not affected thereby shall remain in full
41 force and effect.
42

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

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

Approved,