

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
H.B. No. 2005

INTRODUCED BY THE HONORABLE ANGELO B. PALMONES

**AN ACT PROVIDING FOR FREE PULMONARY FUNCTION TESTS AND
TREATMENT FOR SMOKE-RELATED DISEASES IN ALL GOVERNMENT
HOSPITALS AND CLINICS AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

There are established studies and evidence to show that cigarette smoking and smoke from cigarettes inhaled by non-smokers or second-hand and third-hand smoke can cause upper respiratory/pulmonary diseases such as chronic bronchitis, emphysema, bronchiolitis, not to mention bronchogenic carcinoma or lung cancer. Smoke is irritating to many individuals especially those who are allergic to it and can trigger asthma attack. Laryngitis can also be caused by exposure to heavy tobacco/cigarette smoke. Respiratory/pulmonary diseases are debilitating enough to cause absences from work thus affecting the productivity at the work place. It is estimated that productivity losses due to absences because of smoking associated respiratory/pulmonary diseases can amount to millions daily. It is for this reason that Republic Act No. 8749 prohibits smoking in government offices, buildings and in public establishments especially in confined places.

To reduce the economic impacts of smoke-caused diseases requires that government provide free access to respiratory/pulmonary function tests and treatment in government hospitals and clinics.


ANGELO B. PALMONES

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**AN ACT PROVIDING FOR FREE PULMONARY FUNCTION TESTS TREATMENT
FOR SMOKE-RELATED DISEASES IN ALL GOVERNMENT HOSPITALS AND
CLINICS, AND FOR OTHER PURPOSES**

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

SECTION 1. *Title* - This Act shall be known as the Free Pulmonary Function Tests and Treatment for Smoke Related Diseases Act of 2010.

SECTION 2. *Statement of Policy and Objectives* – It is the policy of the State to protect and promote the right to health of the people and shall instill health consciousness among them. It is the purpose of this Act to provide facilities that will enhance the people's ability to access health services, in particular services for pulmonary function tests.

SECTION 3. *Provision of free pulmonary functions tests* – All government hospitals and clinics shall provide free consultative services to patients suffering from diseases related to or caused by smoking or smoke generated from cigarettes and/or tobacco.

SECTION 4. *Establishment of treatment facilities* – This Act mandates all government hospitals and clinics to establish facilities for the treatment of smoke-related diseases.

SECTION 5. *Free treatment for second-hand smokers* – Passive victims of second or third-hand smoke, especially children shall be treated free in government hospitals and clinics. Active smokers are not entitled to this free treatment. The Department of Health (DOH) shall develop/specify criteria or indicators of passive victims of second or third-hand smoke.

SECTION 6. *Funds for the payment of treatment of passive victims of smoke* - Funds for the payment of treatment provided to passive victims of smoke shall come from a percentage of all sales of tobacco and cigarettes. Five (5%) of all taxes, value added tax included, from sales of tobacco and cigarettes shall be collected by government and shall be allocated to defray the free treatment of passive victims of tobacco and cigarette smoke.

The funds shall be deposited in a trust fund to be administered by the DOH. The DOH shall devise the procedures on how the hospitals and clinics providing treatment to passive victims of smoke shall be paid from the trust fund.

SECTION 7. *Implementing Rules and Regulations* – The DOH shall promulgate the implementing rules and regulations (IRR) of this Act within a period of 180 days from its approval.

SECTION 8. *Separability clause* – If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SECTION 9. *Repealing Clause* – All laws, decrees, executive orders, rules and regulations or parts thereof which are in conflict with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. *Effectivity* – This Act shall take effect thirty (30) days following its full publication in the Official Gazette or two (2) major daily newspaper of general circulation.

Approved