

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2392



Introduced by HON. GWENDOLYN F. GARCIA

EXPLANATORY NOTE

This bill seeks to regulate the packaging, sale and advertisement of hormonal contraceptives to protect Filipino women from their adverse side effects and prohibit their sale to minors to safeguard the morals of the youth.

Hormonal contraception refers to birth control methods that act on the hormonal system. At present, all hormonal contraceptives are designed for use by women rather than men. They may be introduced into the woman's body orally, vaginally, transdermally or through injections or implants.

Hormonal contraception may act in one or more ways to prevent pregnancy. It may cause ovulation to cease preventing the possibility of fertilization; it may thicken the woman's cervical mucus making penetration of the uterus by sperm more difficult; or it may alter and thin the endometrium so that a fertilized egg has difficulty implanting.

Studies, however, prove that the use of hormonal contraceptive poses some health risks, ranging from mild to severe, as each method and product carries its own risk factors. Moreover, some women may be at greater risk of experiencing complications than the others depending on their medical history as well as the product being used.

Some of the side effects that are otherwise commonly experienced as a result of estrogen and progesterone birth control use include:

- Nausea, vomiting, constipation or bloating;
- Irregular menstruation and spotting;
- Breast swelling or tenderness;
- Weight gain or loss of appetite;
- Mood swings, anxiety, nervousness or depression;
- Changes in vaginal discharge and vaginal infections;
- Headaches, dizziness and fatigue;
- High blood pressure and cholesterol;
- Acne or permanent discoloration of the face;
- Fluid retention;
- Bone density loss;

- Hair loss or changes in hair growth; and
- Enlarged ovarian follicles

There are also several long-term and more serious complications associated with the use of hormonal contraceptives. These include the following:

- Eye problems or vision impairment;
- Gallbladder disease and gallstones;
- Embolism;
- Resistance to insulin;
- Immune system suppression;
- Heart attack;
- Stroke;
- Breast and liver tumors;
- Ectopic pregnancies;
- Links with certain cancers such as cervical cancer;
- Blood clots in legs, lungs, heart and brain
- Jaundice

Recent researches further prove that there is a mixed effect of combined hormonal contraceptives on the rates of various cancers, with the International Agency for Research on Cancers (IARC), a division of the World Health Organization, concluding that "combined oral contraceptives are carcinogenic to humans..."

It is along these premises that this bill is filed to promote awareness on the adverse effects of hormonal contraceptives and protect Filipino women from the health hazards associated with hormonal contraceptive use. Secondly, it is the bill's objective to safeguard the morals of the youth by prohibiting the sale and distribution of hormonal contraceptives to minors.

In view of the urgency of this measure, its prompt approval is earnestly sought.


HON. GWENDOLYN F. GARCIA

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AN ACT
REGULATING THE PACKAGING, SALE, DISTRIBUTION AND ADVERTISEMENT
OF HORMONAL CONTRACEPTIVES AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. – This Act shall be known as the Hormonal Contraceptives Regulation Act of 2011.

SECTION 2. Policy. – It is the policy of the State to protect the health and well being of Filipino women. It is also the policy of the State, consistent with the Constitutional mandate to promote the general welfare, to safeguard and protect the morals of the youth.

SECTION 3. Purposes. – It is the main objective of this Act to:

- a. Protect the health of Filipino women by informing them of the health risks associated with the use of hormonal contraceptives;
- b. Safeguard the health and morals of Filipino youth by prohibiting the sale of hormonal contraceptives to minors; and
- c. Regulate the packaging and advertisement of hormonal contraceptives.

SECTION 4. Definition of Terms. – As used in this Act:

- a. Advertisement – refers to any visual and/or audible message disseminated to the public about or on a particular product that promote and give publicity by words, designs or images or any other means through broadcast, electronic, print, or whatever form of mass media, including outdoor advertisements, such as but not limited to signs and billboards. For the purpose of this Act, advertisement shall be understood as hormonal contraceptive advertisement.
- b. Hormonal Contraceptives – refer to birth control methods that act on the hormonal system. They may cause ovulation to cease preventing the possibility of fertilization; thicken the woman's cervical mucus making penetration of the uterus by sperm more difficult; or alter and thin the endometrium so that a fertilized egg has difficulty implanting.
- c. Minor – Any person below eighteen (18) years of age.

- d. Package – refers to packs or containers of any kind in which any hormonal contraceptive is offered for sale or distribution to the public.

SECTION 5. *Warning on Hormonal Contraceptive Packages.* – Under this Act, all packages of hormonal contraceptives shall contain the following health warning: **“HORMONAL CONTRACEPTIVES ARE DANGEROUS TO WOMEN’S HEALTH.”**

The above warning shall be located on the most visible side of the package and shall occupy not less than fifty percent (50%) of that side of the package, including any border or frame. The text of the warning shall appear in clearly legible type in black text on a light background and in contrast by typography, layout or color to the other printed matters on the package. The warning shall not be hidden or obscured by other printed information or images, or printed in a location where other printed matters are located.

In addition to the health warning, all packages of hormonal contraceptives shall likewise contain the following statement in a clear, legible and conspicuous manner: **“NOT FOR SALE/DISTRIBUTION TO MINORS.”** The statement shall be printed just below the health warning and shall occupy an area of not less than ten percent (10%) of such side of the package.

SECTION 6. *Minimum Age Sales.* – Under this Act, it shall be unlawful for any distributor or retailer of hormonal contraceptives to sell or distribute artificial contraceptives to any minor. In case of doubt as to the age of the buyer, distributors or retailers shall verify the age of the buyer by requiring any valid form of photographic identification containing the date of birth of the bearer.

SECTION 7. *Warnings in Advertising.* – Under this Act:

- a. All materials advertising hormonal contraceptives in mass media shall contain, either in English or Filipino, the following health warning: **“HORMONAL CONTRACEPTIVES ARE DANGEROUS TO WOMEN’S HEALTH.”** The warning against sale or distribution to minors shall likewise be set forth in clear and unequivocal terms.
- b. For print and outdoor advertisements, the health warning frame shall occupy an area not less than twenty percent (20%) of such advertisement with another twenty percent (20%) of the space for the warning against sale and distribution to minors. The text of the warnings shall be clearly visible and legible, printed in a prominent color and shall appear in contrast by color, typography or layout with all other printed materials on the advertisement. The warnings shall not be hidden or obscured by other printed information or images in the advertisement.
- c. For television and cinema advertisements, the warnings shall be clearly shown, clearly visible and legible in black text on white background or in white text on black background. The warning frame or frames shall occupy a total area of not less than forty percent (40%) of the television or cinema

screen and no other images except the warnings shall be included in the warning frame/s.

- d. For radio advertisements, the warnings are to be stated after the advertisement and shall be clearly and audibly voiced over in the last five (5) seconds of the advertisement, regardless of its duration.

SECTION 8. Penalties. – a.) Violations of Section 6 of this Act shall be penalized by:

On the first offense, by imprisonment of not less than one (1) month but not more than six (6) months or a fine of not less than one thousand pesos (P1,000.00) but not more than five thousand pesos (P5,000.00), or both such fine and imprisonment at the discretion of the court;

On the second offense, by imprisonment of not less than six (6) months but not more than twelve (12) months or a fine of not less than five thousand pesos (P5,000.00) but not more than ten thousand pesos (P10,000.00), or both such fine and imprisonment at the discretion of the court;

On the third offense, by imprisonment of not less than twelve (12) months but not more than eighteen (18) months or a fine of not less than ten thousand pesos (P10,000) but not more than twenty-thousand pesos (P20,000.00) plus revocation/cancellation of the business permits and licenses to operate.

b.) Violations of Sections 5 and 7 of this Act shall be penalized by:

On the first offense, by imprisonment or not less than one (1) month but not more than six (6) months or a fine of not less than five thousand pesos (P5,000.00) but not more than ten thousand pesos (P10,000.00) or both such fine and imprisonment at the discretion of the court;

On the second offense, by imprisonment of not less than six (6) months but not more than twelve (12) months or a fine of not less than ten thousand pesos (P10,000.00) but not more than thirty thousand pesos (P30,000.00) or both such fine and imprisonment at the discretion of the court;

On the third offense, by imprisonment of not less than twelve (12) months but not more than eighteen (18) months or a fine of not less than thirty thousand pesos (P30,000.00) but not more than fifty thousand pesos (P50,000.00) plus revocation/cancellation of the business permits and licenses to operate.

If the violation is committed by an establishment or business entity, the owner, president, manager, or the most senior officer thereof shall be held liable for the offense.

If the guilty officer is an alien, he shall summarily be deported and shall forever be banned from re-entering the Philippines.

SECTION 9. *Implementing Rules and Regulations.* – The Secretary of Health shall issue such rules and regulations as may be necessary for the effective implementation of this Act within sixty (60) days from approval hereof

SECTION 10. *Repealing Clause.* – All laws, executive orders, rules and regulations or any part thereof inconsistent with the provisions of this Act are hereby deemed repealed, modified or amended accordingly.

SECTION 11. *Separability Clause.* - In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 12. *Effectivity.* – This Act shall take effect after its publication in two (2) national newspapers of general circulation.

Approved.